



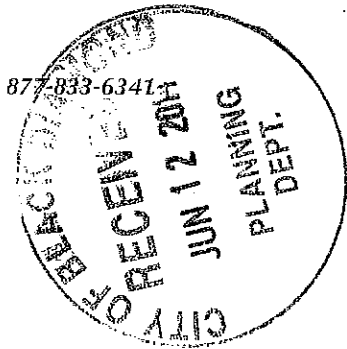
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 10, 2014

The Honorable Dave Gordon
City of Black Diamond
PO Box 599
Black Diamond, WA 98010



**Re: Final Ecology Approval of City of Black Diamond Shoreline Master Program
Comprehensive Update**

Dear Mayor Gordon:

The Department of Ecology (Ecology) is pleased to announce final approval of the City of Black Diamond's (City) Shoreline Master Program (SMP) update. Congratulations to you, your staff, and the Black Diamond community for completing this comprehensive update. We know this has been a long and challenging process. We appreciate your commitment to comprehensive land use planning for Washington's unique and valuable shorelines.

As you know, the following correspondence regarding the SMP update took place between Ecology and the City:

- October 9, 2012 – Ecology accepted the City's locally adopted SMP update as complete for purposes of review (adopted as Resolution No. 12-829).
- July 26, 2013 – Ecology conditionally approved the City's comprehensive SMP update with specific required and recommended changes.
- May 19, 2014 – The City sent a letter to Ecology agreeing to some of the changes, and proposed alternative language for Ecology's consideration for a number of the original required changes.

Upon review, Ecology finds the City's alternative provisions to be consistent with the purpose and intent of the changes originally proposed by Ecology and with the policy of RCW 90.58.020 and applicable rules.

Ecology therefore approves the City's SMP comprehensive update, together with the revisions specified above. This action represents Ecology's final decision and there shall be no further modifications to the City's proposal.

The effective date of the City's comprehensive SMP update is fourteen days from the date of this letter, Ecology's final approval letter. This fourteen day period was established by legislative action in 2011, and is intended to provide lead time for the City to prepare to implement the new SMP.

The Honorable Dave Gordon

June 10, 2014

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Ecology is required to promptly publish notice that the City's SMP has received final approval. The notice, in the form of a legal ad, will begin a 60-day appeal period. We will provide a copy of the legal notice to the City for its records.

Finally, please integrate the changes referenced in this correspondence into the City's SMP proposal. When this is complete, please forward one clean hard copy and one digital copy of the complete approved SMP to Ecology.

Thank you again for your significant work and leadership in completing this SMP update. If you have any questions, please contact our regional planner, Joe Burcar, at Joe.Burcar@ecy.wa.gov/(425) 649-7145.

Sincerely,

A handwritten signature in black ink that reads "Maia D. Bellon". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Maia D. Bellon
Director

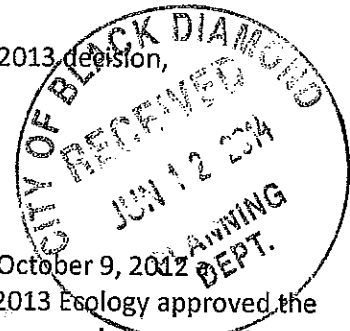
Enclosures

By Certified Mail [7012 1010 0003 3028 3478]

cc: Aaron Nix, City of Black Diamond
Joe Burcar, Ecology
Erik Stockdale, Ecology

ATTACHMENT A: FINDINGS AND CONCLUSIONS – ADDENDUM
COMPREHENSIVE UPDATE TO THE CITY OF BLACK DIAMOND SHORELINE MASTER PROGRAM

City of Black Diamond's May 19, 2014 response to Ecology's July 26, 2013 decision,
Resolution No. 14-946, adopted May 15, 2014
Prepared by Joe Burcar on June 3, 2014



Brief Description of Proposed Amendment:

The City of Black Diamond (City) submitted to Department of Ecology (Ecology) on October 9, 2012 a comprehensive amendment to their Shoreline Master Program (SMP). On July 26, 2013 Ecology approved the City's SMP, subject to the City's acceptance of 22 required and 11 recommended changes. In response to Ecology's conditional approval, the City adopted Resolution No. 14-946 on May 15, 2014 accepting all 22 of Ecology's required changes, 5 out of 11 of the recommended changes and proposing alternative language to the remaining 6 recommended changes. In accordance with WAC 123-26-120 (7) (b) (ii), Ecology reviewed the City's alternatives and find the amendment to be consistent with the Shoreline Management Act (SMA), the SMP-Guidelines and within the purpose and intent of Ecology's conditional approval dated July 26, 2013.

FINDINGS OF FACT

City Acceptance of Required Changes:

As provided within their response to Ecology and noted in attachment B-revised, the City accepted all of the required changes identified in Ecology's July 26, 2013 conditional approval. The City incorporated these changes into Resolution No. 14-946, that was adopted by the City on May 15, 2014.

City Acceptance/Request of Alternatives to Recommended Changes:

As provided in attachment C-revised, the City accepted 5 out of 11 of Ecology's original recommended changes and included alternatives to the remaining changes as follows:

Development Standards – setback standards: See item 5 in attachment C-revised. The City's response accepts most of Ecology's recommended changes, but requests the removal of a dual reference to a footnote in the SMP.

Development Standards – off-site mitigation: See item 6 in attachment C-revised. The City accepts Ecology's recommended change and requests that additional clarifying language to be included in the provision.

Development Standards – flexible setbacks: See item 8 in attachment C-revised. The City accepts the recommended change along with noting a non-substantive Scrivener's error in the numbering of the SMP provisions.

Development Standards – setback reduction mechanisms: See item 9 in attachment C-revised. The City's response accepts Ecology's change and requests that an additional setback reduction mechanism be added to the provision to allow for a 5-foot reduction when a property owner agrees to follow a vegetation management plan limiting the use of fertilizers, herbicides and pesticides to protect the water quality of Lake Sawyer.

Development Standards – alternative setback system: See item 10 in attachment C-revised. The City accepts the change and requests that the shallow lot criteria be revised to increase the maximum lot depth from 160 to 190 feet to accommodate a number of narrow (less than 50 feet) constrained lots.

SMP Administration – nonconforming standards: See item 11 in attachment C-revised. The City accepts the change and requests that the reference the main section of their "nonconforming lots of record" ordinance.

ATTACHMENT A: FINDINGS AND CONCLUSIONS – ADDENDUM
COMPREHENSIVE UPDATE TO THE CITY OF BLACK DIAMOND SHORELINE MASTER PROGRAM

CONCLUSIONS OF LAW

The City and Ecology are in agreement on required and recommended changes, including alternative language proposed by the City for six of the recommended changes as listed in attachment C-revised.

Based on the preceding, Ecology concludes that the City’s proposed alternative language to items: 5, 6, 8, 9, 10, and 11 as identified in attachment C-revised and Appendix A to Resolution No. 14-946, are consistent with the Shoreline Management Act and the purpose and intent of Ecology’s originally change provided to the City in Ecology’s July 26, 2013 conditional approval.

Therefore, the City of Black Diamond SMP can be approved by Ecology.

DECISION AND EFFECTIVE DATE

Ecology’s approval of the City’s proposed comprehensive SMP amendment together with acceptance of their alternative language is effective 14-days from the date of the Ecology Director’s letter, notifying the City of final SMP approval.

Attachments:

- SMP Review Router
- City of Black Diamond response letter dated May 19th, 2014
- City of Black Diamond Resolution No. 14-946
- Attachment B-revised
- Attachment C-revised

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION
1	Ch.1.E ¶ 3	Environment Designations	Black Diamond has designated its Lake Sawyer shorelines under four <u>five</u> shoreline environments: Aquatic, Natural Urban Conservancy, <u>Shoreline Residential Limited</u> and Shoreline Residential.	The City of Black Diamond City Council accepts this change.	WAC 173-26-211 requires the application of shoreline environment designations. The Black Diamond SMP contains five designations including Shoreline Residential Limited. <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
2	Ch. 3.B.5.c.3	Public Access	The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long term cost of the proposed development or other <u>Where</u> constitutional or legal limitations preclude public access.	The City of Black Diamond City Council accepts this change.	Exceptions to public access standards are limited to those found in WAC 173-26-221 (4) (d) (iii). <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
Vegetation Conservation					
3	Ch. 3.B.7.c Shoreline Vegetation Conservation Regulations	Vegetation Conservation Standards	3. Any normal and routine maintenance of existing trees shall not be subject to these clearing and grading regulations, provided; that said maintenance does not involve removal of <u>healthy</u> trees and is not detrimental to the health of any trees.	The City of Black Diamond City Council accepts this change.	The SMP allows the unmitigated removal of unhealthy non-hazardous trees. This is in conflict with WAC 173-26-221(5) (c), Shoreline vegetation conservation, WAC 173-26-201 (2) (e)), Environmental Impact Mitigation, and the provisions of WAC 173-26-186(8), as they relate to a finding of no net loss of shoreline ecological functions. The importance of vegetation in urban areas is addressed in the guidelines and the City's Inventory and Analysis. The Guidelines highlight the relative importance of vegetation in WAC 173-26-201(3)(d)(viii): While there may be less vegetation remaining in urbanized areas than in rural areas, the importance of this vegetation, in terms of the ecological functions it provides, is often as great or even greater than in rural areas due to its scarcity. Specific to Black Diamond, the City's Inventory and Characterization creates lists of recommendations for shoreline management. Chapter 7.1.2 states: "Conservation of existing native vegetation during land development and ongoing use is critical to maintaining the ecological processes and natural functions of shoreline areas" and "The removal of mature trees and native vegetation should be regulated in a manner that provides protection that is equal to or greater than current Sensitive Area Regulations." The Inventory and Characterization language above is supported by the concept of Mitigation Sequencing, WAC 173-26-201(2) (e), by first avoiding, then minimizing and mitigating for impacts. Further, the SMP itself contains policy language supporting the preservation of existing vegetation. Policy 5 states "Removal of non-hazardous mature trees and native vegetation within the required shoreline setback should be severely restricted regardless of lot size or use." Policy 1 supports the concept of mitigation sequencing. It reads: "Clearing and grading activities in

ATTACHMENT B-REVISED – DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CITY OF BLACK DIAMONDS COMPREHENSIVE SMP AMENDMENT

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION
					shoreline areas should be limited to the minimum necessary to accommodate shoreline development and should result in the enhancement of vegetation over time to provide a greater level of ecological functions, human safety, and property protection. Allowing the unmitigated removal of unhealthy non-hazardous trees cannot be supported based on the analysis provided. Mitigation is required on a project by project basis which will provide equal or greater functions. <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
4	Ch. 3.B.7.c.5 Shoreline Vegetation Conservation Regulations	Vegetation Conservation Standards	b. Pruning consistent with accepted arboricultural practices that does not involve the removal of healthy trees and is not detrimental to the health of any trees, maintenance of existing ornamental landscapes and other activities allowed pursuant to these regulations, provided that said modification is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife habitats.	The City of Black Diamond City Council accepts this change.	See rationale for required change #3 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
5	Ch. 3.B.7.c.13 Shoreline Vegetation Conservation Regulations	Maintenance and monitoring	b. If the proposed removal of native vegetation is intended for the development of non-native landscaping outside of the required setback area, ornamental species may be used for the revegetation, provided impacts are mitigated by planting native vegetation elsewhere on the property. The required setback area shall be a priority location for mitigation plantings and mitigation plantings shall be subject to Regulation 18-14 below.	The City of Black Diamond City Council accepts this change.	Pursuant to WAC 173-26-221(5)(c), vegetation conservation standards required. By referencing 'Regulation 18', which does not exist, this regulation would avoid maintenance and monitoring standards. This appears to be an oversight as previous drafts of the SMP were properly referenced. <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
6	Ch. 3.B.7.c Shoreline Vegetation Conservation Regulations	Hazardous tree removal	<u>15. Hazardous trees may be removed when determined by a member of the American Society of Consulting Arborists or similar professional organization in accordance with the International Society of Arboriculture method found in "2011 Tree Risk Assessment (part 9)," in its most recent or adopted form. If a hazardous tree is removed it shall be mitigated to result in no net loss of shoreline ecological functions.</u>	The City of Black Diamond City Council accepts this change.	The SMP doesn't allow tree removal within the shoreline setback except to mitigate hazard. To ensure consistency with WAC 173-26-201(2)(e), the application of hazardous tree standards must be defined. See also rationale for required change #2 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
7	Ch. 4.C.8.c.3 Residential Development	Vegetation Conservation Standards	c. Pruning consistent with accepted arboricultural practices shall be allowed within the open space tract to provide views of the water from and through the tract, but <u>non-hazardous healthy</u> native vegetation shall be retained consistent with Subsection b above.	The City of Black Diamond City Council accepts this change.	See rationale for required change #3 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
8	Ch. 7 Definitions	Significant Tree	<u>Significant Tree – Means any tree that is at least six inches diameter at breast height. A tree growing multiple stems shall be considered significant if at least one of the stems, as measured at a point six inches from where the stems digress from the main trunk, is at least four inches in diameter. Any tree planted that is planted to fulfill requirements of this chapter shall be considered significant, regardless of size.</u>	The City of Black Diamond City Council accepts this change.	WAC 173-26-221 (5) requires vegetation conservation standards in SMP's. This includes definitions. Although the term 'Significant Tree' is defined in BDMC, that section of code could change resulting in unaccounted impacts within Shoreline Jurisdiction. See also rationale for required change #3 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)					CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION	
Shoreline Setbacks										
9	Ch. 4.B.2 Basic Development Standards – Table II	Setback Standards	DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC	The City of Black Diamond City Council accepts this change.	Ecology has reviewed the City's Cumulative Impact Assessment (AHBL, September 2012), but did not find conclusions or technical references supporting the proposed buffers, and their ability to contain sediment, nitrogen, nitrate or phosphorus from 40-feet down to 25-feet from the lake's edge. Further, the City's Cumulative Impact Assessment provides the following conclusion related to the impact of new development: "Development of the 11 existing vacant lots, as well as new lots from subdivision, including associated construction of new overwater structures and shoreline armoring, has the potential to further degrade ecological function. As described in Chapter 2, impervious cover in Segment A is estimated at approximately 25-30%, and construction of new residences and expansion of existing homes could potentially increase this coverage up to the maximum allowed. (AHBL, 2012; 39)" Therefore, Ecology requires the noted change to limit development to a minimum of 50-feet upland of the OHWM to minimize potential impacts related to the decline in buffer effectiveness consistent with Environmental Impact Mitigation (WAC 173-26-201(2)(e)) and No Net Loss (WAC 173-26-186(8)) SMP-Guidelines requirements. <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
			Shoreline Setback (from OHWM) ² Please also see Regulation #2 related to non-conforming single family homes.	100 ft.	100 ft. (standard) may be reduced to 75 ft. (minimum) with enhancement ⁵	40 50 ft. (standard) may be reduced to 25ft. (minimum) with enhancement	50 ft. (standard) may be reduced to 25 ft. (minimum) with enhancement	N/A ³		
10	Ch. 4.B.3.1 Flexible Shoreline Setback Regulations	Setback Standards	a. The forty (40) <u>fifty (50)</u> foot standard setback in the Shoreline Residential and the fifty (50) foot Shoreline Residential Limited Environments may be reduced down to a minimum of twenty-five (25) feet when setback reduction impacts are mitigated using a combination of the voluntary mitigation options provided in Table III to achieve an equal or greater protection of lake ecological functions.					The City of Black Diamond City Council accepts this change.	See rationale for #9 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>	
11	Ch. 4.C.7.c Recreational Development - Regulations	Setback Standards	1. All structures associated with a recreational use, except water dependent structures, such as docks and boardwalks , and appurtenances that provide access to the water for that use, shall maintain a standard setback of fifty (50) feet in the Shoreline Residential Environment, forty (40) <u>fifty (50)</u> feet in the Shoreline Residential Limited Environment and one-hundred (100) feet in the Urban Conservancy Environment from the OHWM. This setback may be reduced down to 25feet in the Shoreline Residential, 30 feet in the Shoreline Residential Limited Environment and 75 feet in the Urban Conservancy Environment using setback reduction mechanisms in Table II in this Chapter. Existing structures may be replaced in their current location and configuration to the extent allowed by state and federal agencies with jurisdiction. Any further setback reduction shall require approval of a shoreline variance application.					The City of Black Diamond City Council accepts this change.	Pursuant to WAC 173-26-020, a boardwalk is not considered a water-dependent use. See also rationale for #9 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>	
12	Ch. 4.C.8.c.3 Residential Development	Setback Standards	f. <u>New primary residential structures shall not be located within 100 feet of the Ordinary High Water Mark (OHWM).</u>					The City of Black Diamond City Council accepts this change.	The Cumulative Impacts Analysis was performed under a development scenario where the minimum rear lot setback is 25 feet and an additional 75 foot public space running parallel to OHWM for large lot subdivision. Given that the 25 foot rear lot setback is only found in BDMC, and not within the SMP, it then becomes essential in terms of meeting no net loss, as required by WAC 173-26-186(8), to include a provision maintaining the setback provided in the	

ATTACHMENT B-REVISED – DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CITY OF BLACK DIAMONDS COMPREHENSIVE SMP AMENDMENT

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION												
					Cumulative Impacts Analysis. <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>												
Flexible Shoreline Setback Regulations																	
13	Ch. 4.B.2 Basic Development Standards – Table II	Setback Standards	<table border="1"> <thead> <tr> <th>DEVELOPMENT STANDARD</th> <th>NATURAL</th> <th>URBAN CONSERVANCY</th> <th>SHORELINE RESIDENTIAL</th> <th>SHORELINE RESIDENTIAL LIMITED</th> <th>AQUATIC</th> </tr> </thead> <tbody> <tr> <td>Shoreline Setback (from OHWM)² Please also see Regulation #2 related to non-conforming single family homes.</td> <td>100 ft.</td> <td>100 ft. (standard) may be reduced to 75 ft. (minimum) with enhancement⁵</td> <td>40 ft. (standard) may be reduced to 25 ft. (minimum) with enhancement</td> <td>50 ft. (standard) may be reduced to 25 ft. (minimum) with enhancement</td> <td>N/A³</td> </tr> </tbody> </table>	DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC	Shoreline Setback (from OHWM) ² Please also see Regulation #2 related to non-conforming single family homes.	100 ft.	100 ft. (standard) may be reduced to 75 ft. (minimum) with enhancement ⁵	40 ft. (standard) may be reduced to 25 ft. (minimum) with enhancement	50 ft. (standard) may be reduced to 25 ft. (minimum) with enhancement	N/A ³	The City of Black Diamond City Council accepts this change.	Pursuant to WAC 173-26-201(3)(d)(i) it must be shown that the minimum setback (with buffer enhancement) will adequately protect water quality, habitat, and other shoreline ecological functions. Ecology provided feedback to the City, citing concerns related to impacts and inadequate protection of shoreline ecological functions associated with the proposed flexible shoreline buffer/setbacks in an email send on 8/19/2011 and the Checklist. Ecology has reviewed the City's Final Shoreline Analysis Report (OTAK AHBL, 2010) and Final Cumulative Impacts Analysis (AHBL 2012), but did not find an analysis supporting small enhanced buffers. The impacts of future development under this scenario have not been shown to meet no net loss of shoreline ecological functions pursuant to WAC 173-26-201(2)(e). The following changes must be incorporated to ensure adequate protections under the required setbacks. <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
			DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC									
Shoreline Setback (from OHWM) ² Please also see Regulation #2 related to non-conforming single family homes.	100 ft.	100 ft. (standard) may be reduced to 75 ft. (minimum) with enhancement ⁵	40 ft. (standard) may be reduced to 25 ft. (minimum) with enhancement	50 ft. (standard) may be reduced to 25 ft. (minimum) with enhancement	N/A ³												
<p>...</p> <p>²The standard setback applies to all permanent and temporary primary and accessory structures unless specifically exempted below. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline. The setback may be reduced to the minimum setback indicated in Table II where the applicant agrees to implement voluntary enhancements as described in Sections B.3 and B.4 below, and the Shoreline Administrator determines the proposal is consistent with all other requirements of this SMP. Please see zoning regulations for interior lot setbacks and other requirements that apply to specific zones. Development associated with water dependent uses, shoreline access and ecological restoration such as overwater structures, shoreline stabilization, trails, stairs and similar appurtenances are not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the feasible operation of the use.</p>																	
14	Ch. 4.C.7.c Recreational Development - Regulations	Setback Standards	1. All structures associated with a recreational use, except water dependent structures, such as docks and appurtenances that provide access to the water for that use, shall maintain a standard setback of fifty (50) feet in the Shoreline Residential Environment, forty (40)-feet in the Shoreline Residential Limited Environment and one-hundred (100) feet in the Urban Conservancy Environment from the OHWM. This setback may be reduced down to 25 feet in the Shoreline Residential, 30 feet in the Shoreline Residential Limited Environment and 75 feet in the Urban Conservancy Environment using setback reduction mechanisms in Table II in this Chapter. Existing structures may be replaced in their current location and configuration to the extent allowed by state and federal agencies with jurisdiction. Any further setback reduction shall require approval of a shoreline variance application.	The City of Black Diamond City Council accepts this change.	See rationale for required change #13 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>												
15	Ch. 4.B.3 Flexible Shoreline Setback Regulations	Flexible setbacks	3. Flexible Shoreline Setback Regulations In addition to the specific requirements for particular uses, the following standards shall apply: 1. A standard setback shall be established from the ordinary high water mark for all lots within shoreline jurisdiction. The setback shall not apply to docks, piers, bridges and similar water dependent structures. a. The forty (40) foot standard setback in the Shoreline Residential and the fifty (50) foot Shoreline Residential Limited Environments may be reduced down to a minimum of twenty five (25) feet when setback reduction impacts are mitigated using a combination of the voluntary mitigation options	The City of Black Diamond City Council accepts this change.	See rationale for required change #13 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>												

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION				
			<p>provided in Table III to achieve an equal or greater protection of lake ecological functions.</p> <p>b. The one hundred (100) foot setback within the Urban Conservancy environment may be reduced to a minimum of seventy five (75) feet, when setback reduction impacts are mitigated using a combination of the mitigation options provided in Table III to achieve an equal or greater protection of lake ecological functions.</p> <p>c. No setback reduction is allowed in the Natural environment, where a one hundred (100) foot setback shall be required.</p> <p>d. At least one Water-Related Action or 25 feet of reduction allowance from selected Upland-Related reduction mechanisms in Table III must be undertaken in order to achieve the full setback reduction allowed.</p> <p>e. Alternative Setback Averaging – In instances of unique lot configurations, the Shoreline Administrator or his/her designee may allow modification either of the standard or mitigated shoreline setback, by allowing a partial reduced setback if a compensating increased setback for other portions of the development is provided. Modified setback averaging may only be allowed where a qualified professional demonstrates that all of the following conditions are met:</p> <ul style="list-style-type: none"> i. Alternative setback averaging will not reduce shoreline functions or functional performance; ii. The total area contained in the setback area after averaging is no less than that which would otherwise be required; and all increases in setback dimension for averaging are generally parallel to the shoreline edge; iii. The setback depth at its narrowest point is not reduced to less than twenty-five feet; iv. Under no circumstances shall a structure encroach more than five feet beyond either the standard or mitigated setback. <p>2. Please see provisions for Nonconforming Uses and Development in Chapter 6: Administration.</p> <p>3. All property owners who obtain approval for a reduction in the setback must record the final approved setback and corresponding conditions in a Notice on Title, and provide a copy of the Notice on Title to the Shoreline Administrator.</p> <p>4. Setback reductions shall not apply to enforcement actions, after the fact permits or similar actions.</p> <p>5. Mitigation of native vegetation as discussed below shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. Preparation of a revegetation plan shall be completed by a qualified professional and include a monitoring and maintenance program that shall, at a minimum, include the following:</p> <ul style="list-style-type: none"> a. The goals and objectives for the mitigation plan; b. The criteria for assessing the mitigation; c. A monitoring plan that includes annual progress reports submitted to the Shoreline Administrator and that lasts for a period sufficient to establish that performance standards have been met as determined by the Shoreline Administrator, but no less than five years; and d. A contingency plan. <p>5. Whenever the Shoreline Administrator determines that monitoring has identified a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the property owner shall be required to institute corrective action, which shall be subject to further monitoring as necessary to ensure the success of requirement mitigation measures.</p> <p>6. Please see Chapter 3, Section B.7.C (Vegetation Conservation regulations) for additional requirements, including maintenance, monitoring and criteria for mitigation success.</p>						
16	Ch. 4.B.4 Shoreline Setback Reduction Mechanisms – Table III	Flexible setbacks	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">REDUCTION MECHANISM</td> <td style="width: 50%; text-align: center;">REDUCTION ALLOWANCE</td> </tr> <tr> <td style="text-align: center;">Water-Related Actions</td> <td></td> </tr> </table>	REDUCTION MECHANISM	REDUCTION ALLOWANCE	Water-Related Actions		The City of Black Diamond City Council accepts this change.	<p>See rationale for required change #13</p> <p>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</p>
REDUCTION MECHANISM	REDUCTION ALLOWANCE								
Water-Related Actions									

ATTACHMENT B-REVISED -- DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CITY OF BLACK DIAMONDS COMPREHENSIVE SMP AMENDMENT

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)		CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE - ECY FINAL ACTION
			1	<p>Removal of existing bulkhead located at, below, or within 5 feet landward of the shoreline's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, beach/substrate composition and stabilization of disturbed soils with native vegetation.</p>	<p>Bulkhead Removal on 75% of shoreline: 15 feet 50% of shoreline: 10 feet 25% of shoreline: 5 feet</p>	
			2	<p>Restoration of natural shoreline conditions (e.g. no bulkhead or other unnatural shoreline features such as upland impervious surfaces or other structural alterations allowed) within 10 feet of the OHWM, including restoration of native vegetation. The reduction will only be granted if ecological functions would be improved relative to the existing condition.</p>	<p>10 feet</p>	
			3	<p>Existing hard structural stabilization at or near the ordinary high water mark is removed and new hard structural shoreline stabilization measures are setback from the OHWM between 2 ft. to 4 ft. based on feasibility and existing conditions and are sloped a maximum angle of 3 vertical: 1 horizontal to provide dissipation of wave energy and increase the quality or quantity of nearshore shallow water habitat.</p>	<p>5 feet</p>	
			4	<p>Soft structural shoreline stabilization measures are installed waterward of the OHWM on a site currently containing only hard stabilization. They shall include the use of gravels, cobbles, boulders and/or logs, as well as vegetation. The material shall be of a size and placed to remain stable and accommodate alteration from wind and boat-driven waves and shall be graded to a maximum slope of 1 vertical: 4 horizontal</p>	<p>5 feet</p>	
			5	<p>Contribution to a City restoration fund, or bank, for offsite shoreline restoration and implementation of measures contained in the setback reduction mechanisms of the Water Related Actions, items 1 through 4, of Table III above. Amount shall be determined by the Shoreline Administrator based upon the approximate cost that would be required to accomplish the applicant selected water related, shoreline enhancement at the on-site area of improvement. The City shall establish the fund or bank and more specific operational rules, to make this reduction mechanism available.</p>	<p>5-15 feet</p>	
			6	<p>Contribution to a City restoration fund, or bank, for offsite shoreline restoration in the City owned parks on Lake Sawyer. Amount shall be determined based upon the cost per frontage foot shown below times the number of frontage feet on the applicant's parcel as shown in the current King County property tax assessment database. The City shall establish the restoration cost per foot for the three setback reductions below to make this reduction mechanism available. Setback Reduction of 5 ft. = \$XXX per foot of frontage at the on-site location. Setback Reduction of 10 ft. = \$YYY per foot of frontage at the on-site location Setback Reduction of 15 ft. = \$ZZZ per foot of frontage at the on-site location.</p>	<p>5-15 feet</p>	
			Upland Related Actions			
			7	<p>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 75 percent of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25 percent of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas</p>	<p>10 feet</p>	

ATTACHMENT B-REVISED – DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CITY OF BLACK DIAMONDS COMPREHENSIVE SMP AMENDMENT

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION
			<p>may not be counted as part of the 25 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 75% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</p>		
			<p>8 Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 25 percent of the reduced setback area. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 25 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 25% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</p>	5 feet	
			<p>9 Installation of biofiltration/infiltration mechanisms such as rain gardens, bioswales, created and/or enhanced wetlands, infiltration facilities, ponds or other approved Low Impact Development techniques that treat the majority of surface water run off from a site and exceed adopted stormwater requirements. (Note: stormwater ponds serving more than one property should be located outside of shoreline jurisdiction if possible).</p>	5 feet	
			<p>10 Installation of a "green" roof in accordance with the standards of the LEED Green Building Rating System.</p>	5 feet	
			<p>11 Installation of pervious material for entire length of a driveway or infiltration systems that do not degrade ecological function.</p>	5 feet	
			<p>12 Limiting total impervious surface, e.g. pathways or patios for water access and enjoyment, in the reduced setback area to less than 10 percent, provided the applicant complies with all other development requirements</p>	5 feet	
			<p>13 Reduction of 5 feet for impervious surface 10 percent less than the SMP standard and 10 feet for impervious coverage 20 percent less than the SMP standard</p>	5-10 feet	
			<p>14 For preparation of, and agreement to adhere to, a written shoreline vegetation management plan that includes appropriate limitations on the use of fertilizers, herbicides and pesticides to protect water quality. This plan must be approved by the City prior to implementation of the plan.</p>	5 Feet	
			<p>15 Preserving or restoring at least 20 percent of the total lot area outside of the setback area as native vegetation.</p>	5 feet	
			<p>16 Contribution to a City mitigation fund, or bank, for offsite vegetation restoration and implementation of other measures contained in setback reduction mechanisms 6 and 7 of Table III above. Amount shall be determined by the Shoreline Administrator based upon what the approximate cost would be to accomplish the vegetation enhancement work in the on-site setback area. The City shall establish the fund or bank and more specific operational rules, to make this reduction mechanism available.</p>	5-10 feet	
			<p>17 Connection to the sanitary sewer system on a property that currently utilizes an onsite septic system.</p>	5 feet	

ATTACHMENT B-REVISED – DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CITY OF BLACK DIAMONDS COMPREHENSIVE SMP AMENDMENT

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION																																										
Environment Designations																																															
17	Figure 1 Shoreline Environment Designation Map	Environment Designations	The Environment designations of the areas depicted on the attached map shall be changed from 'Residential' to 'Urban Conservancy'.	The City of Black Diamond City Council accepts this change.	WAC 173-26-211 provides purpose, management policies, and environment designation criteria. The areas depicted on the attached map do not meet the designation criteria for the Residential environment (WAC 173-26-211(5)(f)(iii)), but rather fit the designation criteria for Urban Conservancy (WAC 173-26-211(5)(e)(iii)). Those areas identified shall be changed to the Urban Conservancy designation. Additional changes are needed throughout the SMP to ensure consistency with the purpose and management policies of WAC 173-26-211(5)(e). <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>																																										
18	Ch.2.D.3.c Designated Areas	Environment Designations	Urban Conservancy areas include shorelands within Lake Sawyer Boat Launch Park, portions of Lake Sawyer Regional Park that are not designated wetlands and large unplatted lots, as shown in Figure 1. This designation will preserve and enhance the ecological functions of publicly-owned properties and undeveloped portions of the shoreline, while retaining future options for passive and active shoreline recreation, <u>limited residential development</u> and public access. The publicly-owned Lake Sawyer Boat Launch and Lake Sawyer Regional Park offer potential for ecological restoration.	The City of Black Diamond City Council accepts this change.	See rationale for required change #17 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>																																										
19	Ch.3.B.7.c Shoreline Vegetation Conservation Regulations	Environment Designations	7. Native understory vegetation and trees within the Urban Conservancy and Natural Environment and within shoreline setback areas in all environments shall be retained, unless necessary to provide water access, to provide limited view corridors or to mitigate a hazard to life or property. Where limited removals are allowed pursuant to the conditions provided above, vegetation shall be replaced to assure no net loss is achieved.	The City of Black Diamond City Council accepts this change.	See rationale for required change #17 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>																																										
20	Ch.4.B.1 Table I	Environment Designations	<table border="1"> <thead> <tr> <th></th> <th>NATURAL</th> <th>URBAN CONSERVANCY</th> <th>SHORELINE RESIDENTIAL</th> <th>SHORELINE RESIDENTIAL LIMITED</th> <th>AQUATIC¹</th> </tr> </thead> <tbody> <tr> <td>SHORELINE USES</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Community Pier (Private Shared Use)</td> <td>X</td> <td>X-P</td> <td>P</td> <td>C³</td> <td>P</td> </tr> <tr> <td>....</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Single Family</td> <td>X</td> <td>X-P⁵</td> <td>P</td> <td>C</td> <td>X</td> </tr> <tr> <td>....</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>New Roads related to Permitted Shoreline Activities</td> <td>X</td> <td>X-C</td> <td>C</td> <td>X</td> <td>X</td> </tr> </tbody> </table> <p>⁵This use is subject to further zoning restrictions in the Black Diamond Municipal Code.</p>		NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC ¹	SHORELINE USES						Community Pier (Private Shared Use)	X	X-P	P	C ³	P						Single Family	X	X-P ⁵	P	C	X						New Roads related to Permitted Shoreline Activities	X	X-C	C	X	X	The City of Black Diamond City Council accepts this change.	See rationale for required change #17 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC ¹																																										
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New Roads related to Permitted Shoreline Activities	X	X-C	C	X	X																																										

¹ Please also see adjacent upland environment. Where a use would be located both in upland and overwater, the more restrictive standards apply.

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ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)						CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION
21	Ch.4.B.2 Table II	Environment Designations	DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC	The City of Black Diamond City Council accepts this change.	See rationale for required change #17 <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>
			Minimum lot width and water frontage	N/A	N/A 60 ft. ²	60 ft. ²	N/A	N/A ³		
			Minimum Lot Size	No further subdivision is allowed	No further subdivision is allowed 9,600 sq. ft. ^{6,7} Subdivision of unsewered properties is prohibited	9,600 sq. ft. ⁶ Subdivision of unsewered properties is prohibited.	No further subdivision is allowed.	N/A ³		
			⁷ Subdivision is subject to further zoning restrictions in the Black Diamond Municipal Code.							
22	Ch. 1.E ¶ 3	Environment Designations	Black Diamond has designated its Lake Sawyer shorelines under four four five shoreline environments: Aquatic, Natural, Urban Conservancy, <u>Shoreline Residential Limited</u> and Shoreline Residential.						The City of Black Diamond City Council accepts this change.	WAC 173-26-211 requires the application of shoreline environment designations. The Black Diamond SMP contains five designations including Shoreline Residential Limited. <i>Ecology Final Action: The Required Change has been accepted by the City; therefore the amended text will become part of approved SMP.</i>

References

Otak & AHBL 2010, Otak Inc. and AHBL. August 6, 2012. Shoreline Analysis Report Including Shoreline Inventory and Characterization for City of Black Diamond’s Shoreline: Lake Sawyer.

AHBL & Black Diamond 2012. City of Black Diamond Community Development Department and AHBL September 2012. Final Cumulative Impacts Analysis Component for City of Black Diamond Shoreline: Lake Sawyer.

Knutson, K. L., and V. L. Naef. 1997. Management recommendations for Washington’s priority habitats: riparian. Wash. Dept. Fish and Wildlife, Olympia, Washington. 181pp.

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Department of Ecology. 2011. Shoreline Master Program Handbook; Chapter 11, Vegetation Conservation, Buffers and Setbacks. Accessed at: <http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/Chapter11.pdf>

Bolton, Susan and Jeff Shellberg. 2001. White Paper - Ecological Issues in Floodplains and Riparian Corridors. Washington Department of Fish and Wildlife, Washington Department of Ecology, Washington Department of Transportation, Olympia, Washington.

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Brennan, J.S., and H. Culverwell. 2004. Marine Riparian: An Assessment of Riparian Functions in Marine Ecosystems. Published by Washington Sea Grant Program. Copyright 2005, UW Board of Regents. Seattle, Washington. 34 p.

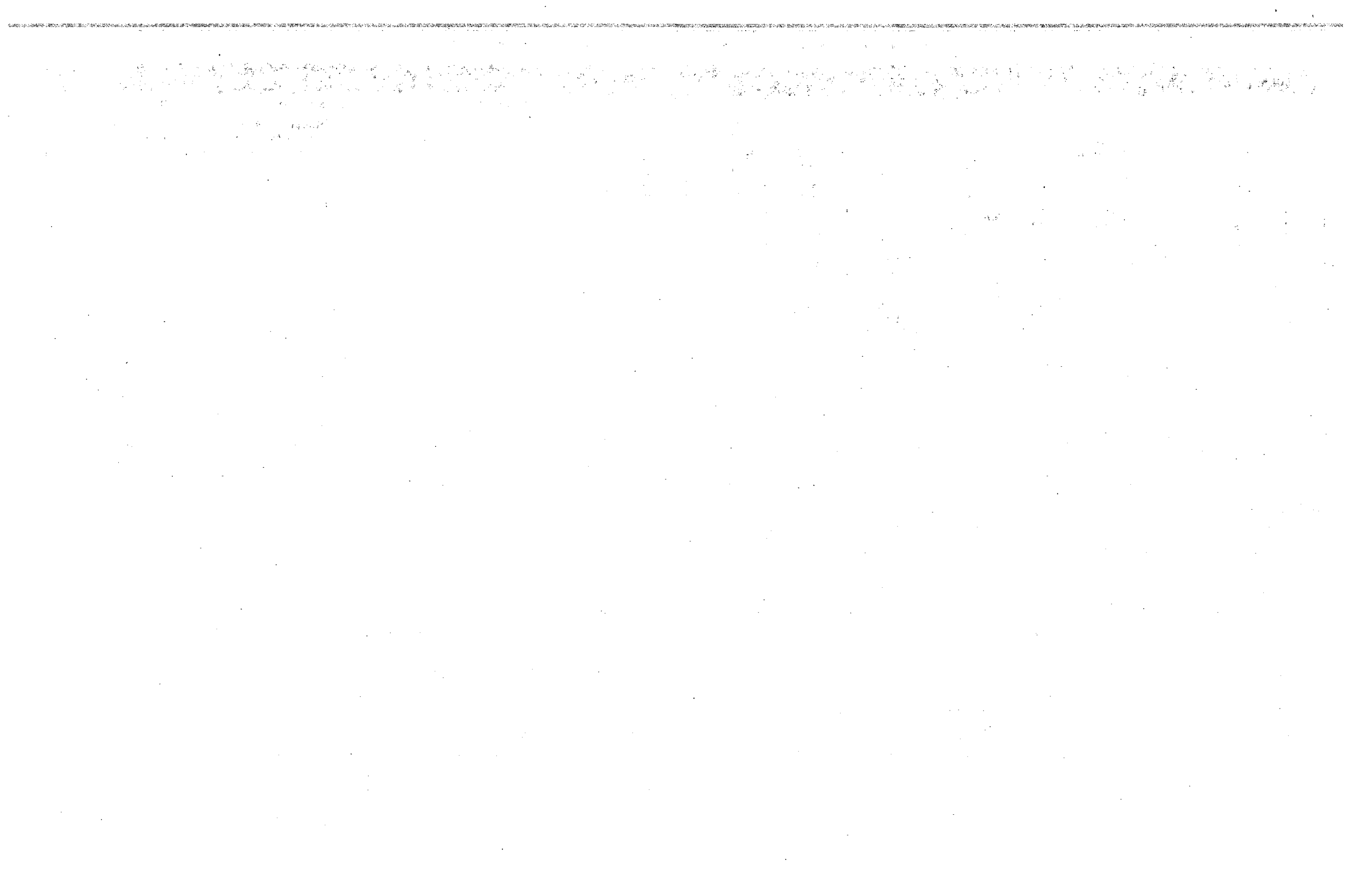
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Knutson, K.C. and V.L. Naef. 1997. Management Recommendations for Washington’s Priority Habitats: Riparian. Washington Department of Fish and Wildlife, Olympia, Washington

Granger, T., T. Hrubby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. April 2005. Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands. Washington State Department of Ecology. Publication #05-06-008. Olympia, WA.

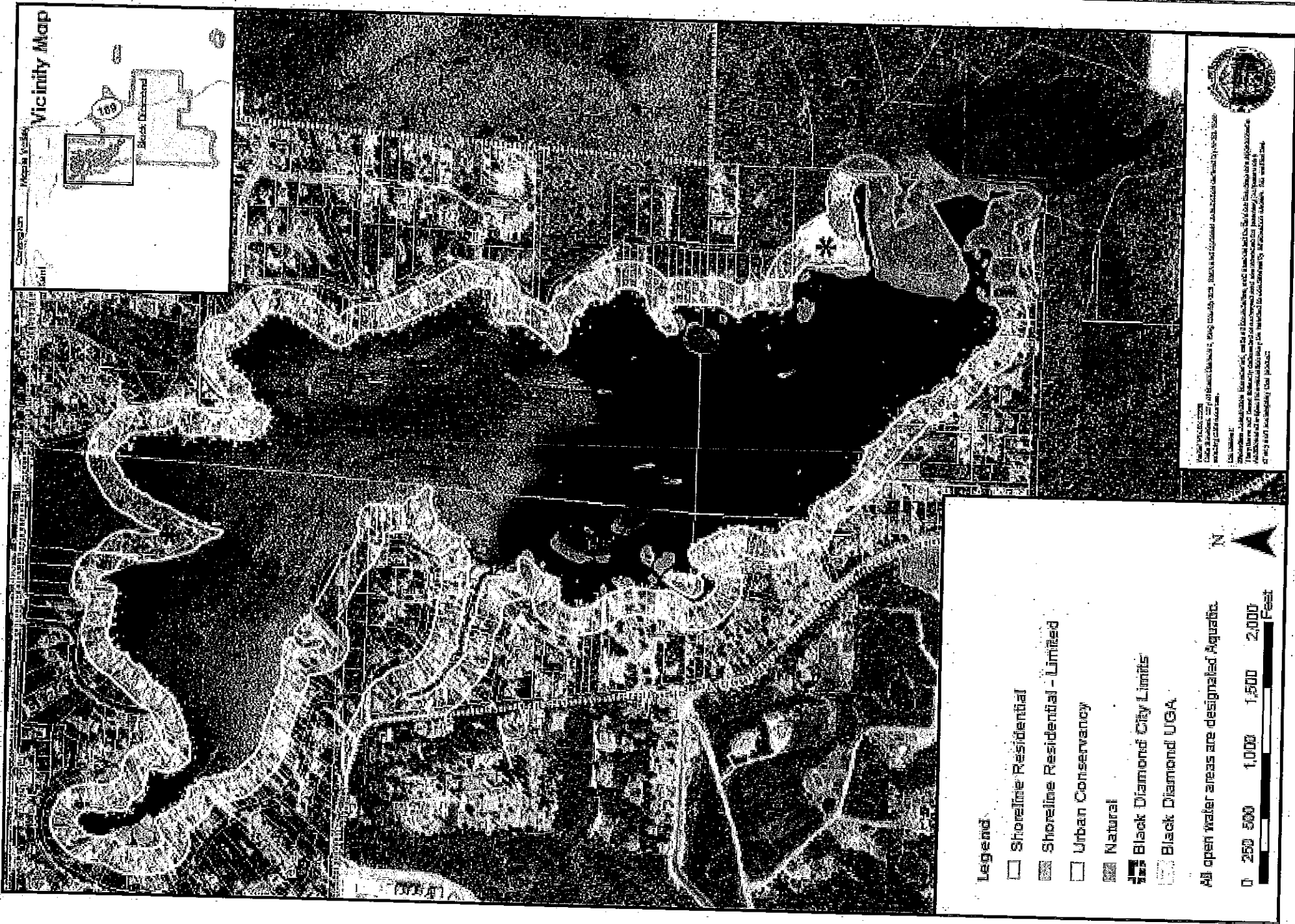
²Please see Residential Subdivision Standards in Chapter 4, Section C.8.c.



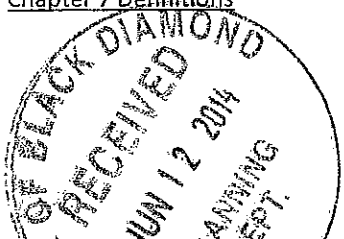
Required Change # 17
 Parcels noted with Red Asterisk shall be designated Urban Conservancy.

**City of Black Diamond
 Shoreline Master Program
 LAKE SAWYER**

**FIGURE 1
 Shoreline Environment Designations**



The following changes are recommended to ensure compliance with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION
1	Table of Contents	Referencing	<p><u>Chapter 7 Definitions</u></p> 	The City of Black Diamond City Council accepts this change.	<p>The Table of Contents references all chapters and sections in the SMP with the exception of Chapter 7. For ease of use, <i>Chapter 7 Definitions</i> should be added to the Table of Contents.</p> <p>Ecology Final Action: <i>The recommended change has been accepted by the City; therefore the amended text will become part of approved SMP.</i></p>
2	Ch. 2.D.2.a	Spelling	<p>The Shoreline Residential Limited environment designation recognizes the higher level of ecological function and sensitivity associated with specific islands located in Lake Sawyer, when compared to other shoreline areas that are developed or planned for residential development. This designation also recognizes the presence of existing residential and recreational uses in these areas and is designed to provide for development and/or redevelopment that is compatible with the protection of ecological functions at such time when appropriate facilities are provided, such as potable water, electricity and waste disposal that complies with King County and State Health Department regulations <u>regulations</u>.</p>	The City of Black Diamond City Council accepts this change.	<p>Spelling error.</p> <p>Ecology Final Action: <i>The recommended change has been accepted by the City; therefore the amended text will become part of approved SMP.</i></p>
3	Ch. 3.B.5.c.3	Subsection titles	<p>f. a. <u>a.</u> Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;</p> <p>g. b. <u>b.</u> Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;</p> <p>h. c. <u>c.</u> The cost of providing the access, easement, or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development or other constitutional or legal limitations preclude public access.</p> <p>i. d. <u>d.</u> Unacceptable environmental harm will result from the public access which cannot be mitigated; or</p> <p>j. e. <u>e.</u> Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.</p>	The City of Black Diamond City Council accepts this change.	<p>The section references appear out of order. For consistency and ease of use, consider labeling as indicated.</p> <p>Ecology Final Action: <i>The recommended change has been accepted by the City; therefore the amended text will become part of approved SMP.</i></p>
4	Ch. 4.C.11.b Utilities (Primary)	References	<p>1. New primary utilities should be located outside of the SMA <u>jurisdiction</u> unless no other feasible option exists. Where allowed, they should utilize existing transportation and utility sites, rights-of-way and corridors whenever possible, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.</p>	The City of Black Diamond City Council accepts this change.	<p>The section references appear out of order. For consistency and ease of use, consider labeling as indicated.</p> <p>Ecology Final Action: <i>The recommended change has been accepted by the City; therefore the amended text will become part of approved SMP.</i></p>

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Flexible Shoreline Setbacks																							
5	Ch. 4.B.2 Basic Development Standards – Table II	Setback Standards	<table border="1"> <thead> <tr> <th>DEVELOPMENT STANDARD</th> <th>NATURAL</th> <th>URBAN CONSERVANCY</th> <th>SHORELINE RESIDENTIAL</th> <th>SHORELINE RESIDENTIAL LIMITED</th> <th>AQUATIC</th> </tr> </thead> <tbody> <tr> <td>Shoreline Setback (from OHWM)² Please also see Regulation #2 related to non-conforming single family homes.</td> <td>100 ft.</td> <td>100 ft. (standard) <u>may be reduced to 75 ft. (minimum) with enhancement⁽⁵⁾</u></td> <td>50 ft. (standard) <u>may be reduced to 30 ft. (minimum) with enhancement</u></td> <td>50 ft. (standard) <u>may be reduced to 25 ft. (minimum) with enhancement</u></td> <td>N/A³</td> </tr> <tr> <td>Maximum Impervious Surface Coverage⁴</td> <td>5%</td> <td>10%</td> <td>40%⁵</td> <td>30%</td> <td>N/A³</td> </tr> </tbody> </table> <p>... ²The standard setback applies to all permanent and temporary primary and accessory structures unless specifically exempted below. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline. <u>The setback may be reduced to the minimum setback indicated in Table II where the applicant agrees to implement voluntary enhancements as described in Sections B.3 and B.4 below, and the Shoreline Administrator determines the proposal is consistent with all other requirements of this SMP.</u> Please see zoning regulations for interior lot setbacks and other requirements that apply to specific zones. Development associated with water dependent uses, shoreline access and ecological restoration are not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the feasible operation of the use.</p>	DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC	Shoreline Setback (from OHWM) ² Please also see Regulation #2 related to non-conforming single family homes.	100 ft.	100 ft. (standard) <u>may be reduced to 75 ft. (minimum) with enhancement⁽⁵⁾</u>	50 ft. (standard) <u>may be reduced to 30 ft. (minimum) with enhancement</u>	50 ft. (standard) <u>may be reduced to 25 ft. (minimum) with enhancement</u>	N/A ³	Maximum Impervious Surface Coverage ⁴	5%	10%	40% ⁵	30%	N/A ³	The City of Black Diamond City Council accepts this change and asks that the footnote (#5) for Urban Conservancy/Shoreline setback box be removed as this reference does not correlate to this issue, rather, it is intended and already included within the Shoreline Residential/Maximum Impervious Surface Coverage box (40%).	<p>Beginning with early versions of the SMP there has been an incentive based setback reduction system integrated into the SMP. There appears to be strong community support for such a system. The city proposed system was not consistent with Environmental Impact Mitigation (WAC 173-26-201(2) (e)) and No Net Loss (WAC 173-26-186 (8)), and was required to be removed by required changes #12-15.</p> <p>This recommended change imbeds the principles of WAC 173-26-201(2) (e) while prioritizing enhancement consistent with the Final Cumulative Impacts Analysis (AHBL 2012) and Final Shoreline Analysis Report (OTAK AHBL, 2010). This recommended change is also consistent with RCW 90.58 and No Net Loss (WAC 173-26-186 (8)).</p> <p>Ecology Final Action: <i>The City's response accepts Ecology's recommended change, but also requests that the reference to footnote #5 in the Urban Conservancy setback standard be deleted. As noted by the City, footnote #5 addresses impervious surface calculations, which is more appropriately tied to standards in the next row of the table that specifically address "Maximum Impervious Surface Coverage".</i></p> <p><i>The requested alternative appears appropriate, as the City's request only involves the removal of a redundant reference to the impervious surface footnote. Therefore, the alternative should be included as part of the updated SMP.</i></p>
DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC																		
Shoreline Setback (from OHWM) ² Please also see Regulation #2 related to non-conforming single family homes.	100 ft.	100 ft. (standard) <u>may be reduced to 75 ft. (minimum) with enhancement⁽⁵⁾</u>	50 ft. (standard) <u>may be reduced to 30 ft. (minimum) with enhancement</u>	50 ft. (standard) <u>may be reduced to 25 ft. (minimum) with enhancement</u>	N/A ³																		
Maximum Impervious Surface Coverage ⁴	5%	10%	40% ⁵	30%	N/A ³																		
6	Ch. 4.B.3	Off-site mitigation	<p>56. Whenever the Shoreline Administrator determines that monitoring has identified a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the property owner shall be required to institute corrective action, which shall be subject to further monitoring as necessary to ensure the success of requirement mitigation measures.</p> <p>67. Please see Chapter 3, Section B.7.C (Vegetation Conservation regulations) for additional requirements, including maintenance, monitoring and criteria for mitigation success.</p> <p><u>8. Off-Site Mitigation. The City may provide a fund for off-site mitigation within other properties along Lake Sawyer. If such a fund is created, the Shoreline Administrator or designee shall assess charges to new development when impacts to shoreline ecological functions cannot be fully mitigated on site and in accordance with the mitigation sequencing requirements within WAC 173-26-201-2-e. Charges assessed shall be of sufficient value to ensure off-site mitigation results in no net loss of shoreline ecological functions over time. Expenditures from such a fund shall be in accordance with the Black Diamond Restoration Plan.</u></p>	The City of Black Diamond City Council accepts this change, but request the noted, wording changes, to provide additional clarity.	<p>There is both public and city interest in a mitigation fund. A version of a mitigation fund was included in the original submittal but was not kept due to conflicts with WAC 173-26-201(2) (e). Consistent with WAC 173-26-201 (2) (e) (i) (b), this recommended change has been incorporated.</p> <p>Numbering changes have been included to ensure consistent application.</p> <p>Ecology Final Action: <i>The City's alternative accepts Ecology's recommended change and provides additional clarifying language related to the intended scope (Lake Sawyer) and policy sideboards (consistent with mitigation sequencing) to guide future use of a off-site mitigation program. Therefore, the alternative should be included as part of the updated SMP.</i></p>																		

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION
7	Ch. 4.C.7.c Recreational Development - Regulations	Setback Standards	<p>1. All structures associated with a recreational use, except water dependent structures, such as docks and appurtenances that provide access to the water for that use, shall maintain a standard setback of fifty (50) feet in the Shoreline Residential Environment, forty (40)-feet in the Shoreline Residential Limited Environment and one-hundred (100) feet in the Urban Conservancy Environment from the OHWM. <u>This setback may be reduced down to 30 feet in the Shoreline Residential, 25 feet in the Shoreline Residential Limited Environment and 75 feet in the Urban Conservancy Environment using setback reduction mechanisms in Table II in this Chapter.</u> Existing structures may be replaced in their current location and configuration to the extent allowed by state and federal agencies with jurisdiction. <u>Any further setback reduction shall require approval of a shoreline variance application.</u></p>	<p>The City of Black Diamond City Council accepts this change.</p>	<p>See rational in #6 <i>Ecology Final Action: The recommended change has been accepted by the City; therefore the amended text will become part of approved SMP.</i></p>
8	Ch. 4.B.	Flexible Shoreline Setback Regulations	<p>3. Flexible Shoreline Setback Regulations In addition to the specific requirements for particular uses, the following standards shall apply:</p> <p>1. A standard setback shall be established from the ordinary high water mark for all lots within shoreline jurisdiction. The setback shall not apply to docks, piers, bridges and similar water dependent structures.</p> <p>a. <u>The fifty(50) foot standard setback in the Shoreline Residential and Shoreline Residential Limited Environments may be reduced down to a minimum of thirty (30) and twenty-five (25) feet respectively when setback reduction impacts are mitigated using a combination of the voluntary mitigation options provided in Table III to achieve an equal or greater protection of lake ecological functions.</u></p> <p>b. <u>The one-hundred (100) foot setback within the Urban Conservancy environment may be reduced to a minimum of seventy-five (75) feet, when setback reduction impacts are mitigated using a combination of the mitigation options provided in Table III to achieve an equal or greater protection of lake ecological functions.</u></p> <p>c. <u>No setback reduction is allowed in the Natural environment, where a one-hundred (100) foot setback shall be required.</u></p> <p>d. <u>Reductions are cumulative and must be utilized in the following priority order: 1 or 2, 3, 4, 5, or 6 if a bulkhead is present. After reductions 1-2 and 3-6, then reductions 7-10 may be utilized in any order.</u></p> <p>e. <u>Alternative Setback Averaging – In instances of unique lot configurations, the Shoreline Administrator Administrator or his/her designee may allow modification either of the standard or mitigated shoreline setback, by allowing a partial reduced setback if a compensating increased setback for other portions of the development is provided. Modified setback averaging may only be allowed where a qualified professional demonstrates that all of the following conditions are met:</u></p> <p>i. <u>Alternative setback averaging will not reduce shoreline functions or functional performance;</u></p> <p>ii. <u>The total area contained in the setback area after averaging is no less than that which would otherwise be required; and all increases in setback dimension for averaging are generally parallel parallel to the shoreline edge;</u></p> <p>iii. <u>The setback depth at its narrowest point is not reduced to less than twenty-five feet;</u></p> <p>iv. <u>Under no circumstances shall a structure encroach encroach more than five feet beyond either the standard or mitigated setback.</u></p> <p>2. Please see provisions for Nonconforming Uses and Development in Chapter 6: Administration.</p>	<p>The City of Black Diamond City Council accepts this change.</p> <p>Note: A Scribner's error is present as there are two paragraphs identified as #5. The new numbering should be 1-7, eliminating the two #5's, as shown in the language provided.</p>	<p>See rational in #6 <i>Ecology Final Action: The recommended change has been accepted by the City; therefore the amended text (including fixing the Scribner's error) will become part of approved SMP.</i></p> <p><i>The Scribner's error noted by the City is a non-substantive amendment that does not affect the underlying intent of the SMP provisions and therefore should be included as part of the approved SMP.</i></p>

ATTACHMENT C-REVISED – DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CITY OF BLACK DIAMONDS COMPREHENSIVE SMP AMENDMENT

ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION									
			<p>3. All property owners who obtain approval for a reduction in the setback must record the final approved setback and corresponding conditions in a Notice on Title, and provide a copy of the Notice on Title to the Shoreline Administrator.</p> <p>4. Setback reductions shall not apply to enforcement actions, after the fact permits or similar actions.</p> <p>5. Mitigation of native vegetation as discussed below shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. Preparation of a revegetation plan shall be completed by a qualified professional and include a monitoring and maintenance program that shall, at a minimum, include the following:</p> <ul style="list-style-type: none"> a. The goals and objectives for the mitigation plan; b. The criteria for assessing the mitigation; c. A monitoring plan that includes annual progress reports submitted to the Shoreline Administrator and that lasts for a period sufficient to establish that performance standards have been met as determined by the Shoreline Administrator, but no less than five years; and d. A contingency plan. <p>((5))6. Whenever the Shoreline Administrator determines that monitoring has identified a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the property owner shall be required to institute corrective action, which shall be subject to further monitoring as necessary to ensure the success of requirement mitigation measures.</p> <p>((6))7. Please see Chapter 3, Section B.7.C (Vegetation Conservation regulations) for additional requirements, including maintenance, monitoring and criteria for mitigation success.</p>											
9	Ch. 4.B.4 Shoreline Setback Reduction Mechanisms – Table III	Flexible setbacks	<table border="1"> <thead> <tr> <th data-bbox="481 1058 559 1239">REDUCTION MECHANISM</th> <th data-bbox="559 1058 1305 1239">REDUCTION ALLOWANCE</th> <th data-bbox="1305 1058 1445 1239"></th> </tr> </thead> <tbody> <tr> <td data-bbox="481 1239 559 1562">1</td> <td data-bbox="559 1239 1305 1562"> <u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 75 percent of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25 percent of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 75 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 75% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u> </td> <td data-bbox="1305 1239 1445 1562">10 feet</td> </tr> <tr> <td data-bbox="481 1562 559 1834">2</td> <td data-bbox="559 1562 1305 1834"> <u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 25 percent of the reduced setback area. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 25 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 25% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u> </td> <td data-bbox="1305 1562 1445 1834">5 feet</td> </tr> </tbody> </table>	REDUCTION MECHANISM	REDUCTION ALLOWANCE		1	<u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 75 percent of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25 percent of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 75 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 75% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u>	10 feet	2	<u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 25 percent of the reduced setback area. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 25 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 25% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u>	5 feet	<p>The City of Black Diamond City Council accepts these additions and asks the Department to consider the addition of one additional setback reduction mechanism that addresses water quality impairment, particular to Lake Sawyer (1991 TMDL for Phosphorus).</p> <p>Setback reduction #11 to be included within Ch. 4.B.4, Shoreline Setback Reduction Mechanisms – Table III. For a 5' reduction -</p> <p><u>The preparation of, and agreement to adhere to by the property owner, a written and City approved shoreline vegetation management plan that includes limitations on the use of fertilizer, herbicides, pesticides and the appropriate disposal of yard waste to help enhance and protect water quality. This setback reduction mechanism will only be considered in conjunction with setback reduction mechanisms 1, 2, 4 or 9 and if approved, the property owner is required to place a notice of this on the property title.</u></p>	<p>See rational in #6</p> <p>Ecology Final Action: <i>The City's alternative requests that an additional reduction mechanism be included in the SMP to provide a 5 foot setback reduction when a property owner agrees to follow a vegetation management plan limiting the use of fertilizers, herbicides and pesticides to protect water quality. Further, the proposed setback reduction can only be used in conjunction with reduction mechanisms #1 (riparian vegetation enhancement), #2 (riparian vegetation enhancement & preservation), #4 (riparian shoreline restoration), or #9 (parcel wide restoration).</i></p> <p><i>Based on the fact that other reduction mechanisms (requiring net improvements to shoreline ecological) will be required in conjunction with the proposed vegetation management plan, Ecology finds that the requested alternative is consistent with the scope and intent of the original recommended change to improve ecological functions in exchange for a reduction in shoreline setback. Therefore, the alternative should be allowed to be included as part of the updated SMP.</i></p>
REDUCTION MECHANISM	REDUCTION ALLOWANCE													
1	<u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 75 percent of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25 percent of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 75 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 75% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u>	10 feet												
2	<u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 25 percent of the reduced setback area. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 25 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 25% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u>	5 feet												

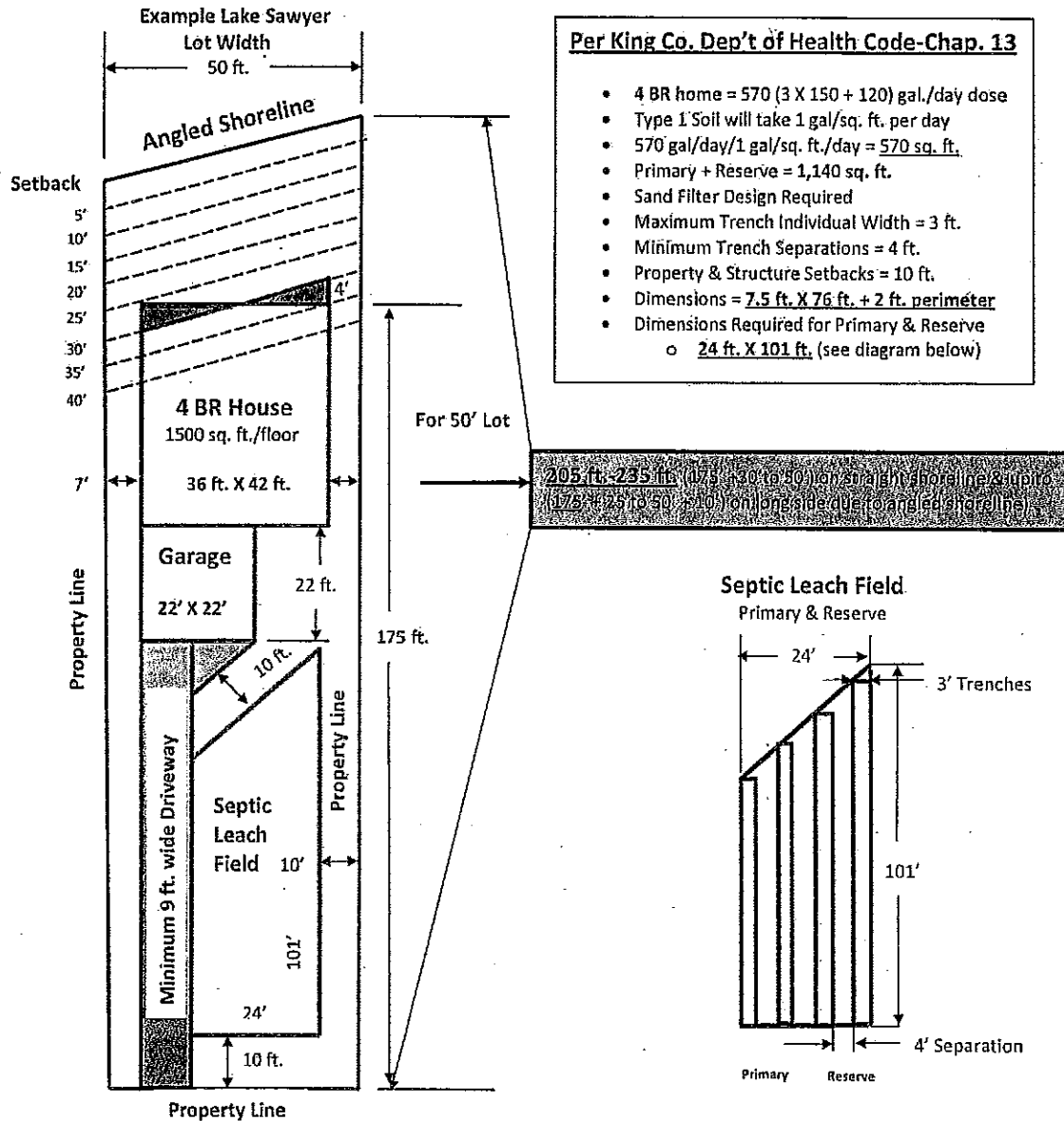
ITEM	DRAFT SMP PROVISION	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	CITY RESPONSE (Acceptance or Alternative)	ECY RATIONALE – ECY FINAL ACTION
			<p><u>3</u> Removal of existing bulkhead located at, below, or within 5 feet landward of the shoreline's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or semi-natural state, including restoration of topography, beach/substrate composition and stabilization of disturbed soils with native vegetation.</p> <p><u>4</u> Restoration of natural shoreline conditions (e.g. no bulkhead or other unnatural shoreline features such as upland impervious surfaces or other structural alterations allowed) within 10 feet of the OHWM, including restoration of native vegetation. The reduction will only be granted if ecological functions would be improved relative to the existing condition.</p> <p><u>5</u> Existing hard structural stabilization at or near the ordinary high water mark is removed and new soft structural shoreline stabilization measures are setback from the OHWM between 2 ft. to 4 ft. based on feasibility and existing conditions and are sloped a maximum angle of 3 vertical: 1 horizontal to provide dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat.</p> <p><u>6</u> Soft structural shoreline stabilization measures are installed waterward of the OHWM on a site currently containing only hard stabilization. They shall include the use of gravels, cobbles, boulders and/or logs, as well as vegetation. The material shall be of a size and placed to remain stable and accommodate alteration from wind and boat-driven waves and shall be graded to a maximum slope of 1 vertical: 4 horizontal</p> <p><u>7</u> Installation of a "green" roof in accordance with the standards of the LEED Green Building Rating System.</p> <p><u>8</u> Reduction of 5 feet for impervious surface 10 percent less than the SMP standard and 10 feet for impervious coverage 20 percent less than the SMP standard</p> <p><u>9</u> Preserving or restoring at least 20 percent of the total lot area outside of the setback area as native vegetation.</p> <p><u>10</u> Connection to the sanitary sewer system on a property that currently utilizes an onsite septic system.</p> <p><u>11</u> The preparation of, and agreement to adhere to by the property owner, a written and City approved shoreline vegetation management plan that includes limitations on the use of fertilizer, herbicides, pesticides and the appropriate disposal of yard waste to help enhance and protect water quality. This setback reduction mechanism will only be considered in conjunction with setback reduction mechanisms 1, 2, 4 or 9 and if approved, the property owner is required to place a notice of this on the property title.</p>	<p>Bulkhead Removal on 75% of shoreline: 15 feet</p> <p>50% of shoreline: 10 feet</p> <p>25% of shoreline: 5 feet</p> <p>10 feet</p> <p>10 feet</p> <p>5 feet</p> <p>5 feet</p> <p>5-10 feet</p> <p>5 feet</p> <p>5 feet</p>	
10	Ch. 4.B	Alternative Setback Systems	<p><u>5. Shallow lot exception.</u></p> <p><u>1. Where a lot has the following conditions, the setback requirements set forth in Table II shall not apply and the minimum setback between the closet point of building and structures from the ordinary high water line shall be 25 feet.</u></p> <p>a. The depth of the lot is less than ((160)) 190 feet; and</p> <p>b. The upland area of the lot is 9,600 square feet or less; and</p> <p>c. Sewer services are provided through an onsite sewer system and public sewer</p>	<p>The City of Black Diamond City Council accepts this change, but requests the consideration of extending the maximum lot length dimension from 160 feet to 190 feet based on the following rationale/ justification and consideration of the analysis provided in exhibit A. Lot sizes meeting the requested 190 foot limit are identified and are shown below in the table in exhibit A.</p> <p>Rationale:</p> <p>Analysis of Lake Sawyer parcels indicates that there are a few 50 foot wide lots</p>	<p>Given the number of small lots that lack access to the public sewer system, there is a need to have a streamlined approach to reduce the required setback. The proposed recommended language will allow those constrained lots the ability to develop, while also providing mitigation.</p> <p>Ecology Final Action: Upon review of the City's rational, justification and materials provided in exhibit A, Ecology</p>

ATTACHMENT C-REVISED – DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CITY OF BLACK DIAMONDS COMPREHENSIVE SMP AMENDMENT

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			<p>connections cannot be made within 300 feet of the subject property.</p> <p>2. For the purposes of this provision, the depth of the lot shall be determined by:</p> <p>a. <u>Measuring the distance of a horizontal line drawn midway between the side property lines between the ordinary high water line and the front lot line; and</u></p> <p>b. <u>If the lot is irregular in shape, or has fewer than two side lot lines, the midway will be determined in the most reasonable manner based on the lot lines that intersect the ordinary high water line.</u></p> <p>3. <u>Restoration of native vegetation shall be provided (and preservation of existing trees and native vegetation) in at least 50 percent of the reduced setback area. Native vegetation restoration shall be located immediately adjacent to the OHWM and may contain breaks for shoreline access.</u></p>	<p>that have between 160 and 190 feet of length and no public sewer available that would therefore require a Variance to be able to develop or redevelop their property. This proposed increase in allowed lot length for this exception will prevent the need for an expensive Variance process.</p> <p>Justification:</p> <p>Very few lots on Lake Sawyer are currently served by public sewers and therefore require an onsite septic system. Most of the soils surrounding Lake Sawyer are quite porous and are referred to as Type 1 soils for septic system design. According to the King County Board of Health this requires use of a sand filter design with associated design requirements found in King County Code Chapter 13. These design requirements have been used in the illustration on the next page to determine the required size of the septic system leach fields commensurate with King County setback requirements.</p> <p>The illustration on the next page is drawn for a typical Lake Sawyer lot width of 50 ft. The intent of this graphic is to illustrate the amount of space and lot length required for a 3 or 4 bedroom home with attached garage and driveway as well as for the space required to provide for an onsite sewer septic system. The septic leach field has been drawn according to King County Code with the required number of lineal feet of total trench length, and separation widths, for both the primary and reserve system. Note in the illustration that to meet the space requirements for a typical 4 bedroom home of 1,500 sq. ft. per floor, 175 feet of lot length would be required for the leach field, a small garage, and the two-story house. With full mitigation and a minimum 30 ft. setback from the shoreline that would require a lot length of 205 feet.</p> <p>If the garage shown in the illustration was incorporated into the house with a 484 sq. ft. reduction in living area, the required lot length could be reduced by 22 ft. to 183 feet. However, there are more than a handful of lots on Lake Sawyer of 45 ft. width and a few as narrow as 40 feet. A 45 ft. wide lot would require a lot length for this example of 193 feet and a 40 ft. wide lot would need to be about 202 feet long to accommodate this 2,516 sq. ft. home. For a 3 bedroom home with smaller septic system dimensions the minimum lot length requirement would vary from 171 ft. to 194 ft.</p> <p>The table on page 3 shows the number of lots on Lake Sawyer with less than 9,600 sq. ft. of area that are 50 feet or less in width plus a couple more that are greater than 50 ft. wide. Some of these properties might not be able to provide sufficient length and area to support even a 3 bedroom home with a new septic system. But, there are a handful of properties, highlighted in yellow, that are less than 9,600 sq. ft. in area that should be accommodated with a "shallow lot exception" having depth (length) greater than the 160 feet recommended by the DOE. An increase to 190 ft. is requested to help accommodate these properties so that an expensive Variance doesn't have to be sought and processed when these properties are developed or redeveloped.</p>	<p><i>finds that the alternative is consistent with the scope and intent of Ecology's original recommended change.</i></p> <p><i>The analysis provided by the City identifies additional development constraints applicable to existing legally established shoreline lots within the City. These constrained lots would not qualify for the "shallow lot exemption" at the 160 foot lot depth threshold, but would need additional accommodation to allow reasonable use, or residential development similar in scale to comparable (9,600 sq') shoreline lots in the City. As noted by the City, this inconsistency appears to be related to narrow 40 to 45 foot width of these lots, which translates to a need for a longer lot depth threshold to accommodate these narrow lots in a way that is consistent with similar sized lots (9,600 sq'). Therefore, the City's request to increase the lot depth threshold from 160 feet to 190 feet is consistent with the intent of Ecology's original recommended change, to accommodate small (less than 9,600 sq') constrained lots (without sewer hookup), to avoid requiring a shoreline variance.</i></p>
Administration					
11	Ch. 6.J.4 Nonconforming Lots	Nonconforming lot development criteria	a. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established prior to the effective date of the SMA or the SMP, but which does not conform to the present lot size standards, may be developed subject to the requirements of BDMC 18.68.060((A)) and so long as such development conforms to all other requirements of the SMP and the SMA.	The City of Black Diamond City Council accepts this change, but suggests that it should reference all of 18.68.060 Nonconforming lots of Record and not just 18.68.060 (A).	For ease of use and consistent application, consider the change indicated. Ecology Final Action: <i>The alternative requested by the City is consistent with Ecology's original recommended change by referencing the City's nonconforming standards.</i>

Exhibit A

Minimum Lot length Requirements for a 50 ft. Wide Lot with 4 BR Home Requiring Septic System (Example shown is for 30 ft. setback with "Alternative Setback Averaging")



**ATTACHMENT C-REVISED – DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE CITY OF BLACK DIAMONDS COMPREHENSIVE SMP
AMENDMENT**

Exhibit A

Properties with constrained lot width & depth for New Home with Septic System

	<u>Parcel No.</u>	<u>Width (ft)</u>	<u>Area (sq. ft.)</u>	<u>Description of Current Dwelling Unit</u>	<u>Ave. Lot Depth</u>
1	4067800340	50	7,900	Very small 940 sq. ft. home built in 1940	158 ft.
2	1021069020	50	9,075	Very small 1,030 sq. ft. home built 1923	183 ft.
3	4391600030	40	5,800	Small home built 1939	145 ft.
4	4391600035	45	7,020	Small home built 1934 & Renovated 1978	156 ft.
5	4392200140	50	9,415	House built 1947 & Renovated 1986	189 ft.
6	4392200165	49	6,567	Small 850 sq. ft. cabin built 1940	134 ft.
7	4391600015	45	8,036	Small 1,520 sq. ft. home built 1924 & Renovated 1992	179 ft.
8	4391600040	45	6,662	Very small 640 sq. ft. cabin built 1938	148 ft.
9	4391600045	45	6,542	Home built 1953 & Renovated 1981	145 ft.
10	4391600050	45	5,925	Small 1,020 sq. ft. home built 1924 & Renovated 1979	132 ft.
11	4391600060	40	5,381	Home built 1967	134 ft.
12	4391600065	45	6,862	Very small 520 sq. ft. home built 1924 & Renovated 1980	152 ft.
13	4391600070	45	6,755	Home built 1965 & Renovated 2005	150 ft.
14	4391600090	45	7,935	Small 1,730 sq. ft. home built 1965	176 ft.
15	4391600085	40	8,756	Small 1,400 sq. ft. home built 1961	218 ft.
16	321069032	46	9,149	Vacant Lot	199 ft.
Greater than 50 ft. width					
1	4392200095	57	8,939	Home built 1924 and Renovated in 1965	155 ft.
2	4392200090	56	8,473	Home built 1987	151 ft.

Shallow lot exception of more than 160 feet required