City Update

For weeks ending: May 30 and June 6

City Council

Position 1: Deady
Attended Public Safety Meeting
May 28 – Attended SCA Dinner
Jun 3 – Attended Tri-City Council Meeting
Jun 5 – Attended Council Meeting

Position 2: Morgan
Jun 3 – Attended Tri-City Council Meeting
Jun 5 – Attended Council Meeting

Position 3: Edelman
May 28 – Attended SCA Dinner
Jun 3 – Attended Planning & Community Services Meeting; Tri-City Council Meeting
Jun 5 – Attended Council Meeting

Position 4: Benson
Jun 3 – Attended Tri-City Council Meeting
Jun 5 – Attended Council Meeting

Position 5: Taylor
Jun 3 – Attended Tri-City Council Meeting
Jun 5 – Attended Council Meeting

Mayor & City Administrator

Mayor's Activities
May 28 – Attended SCA Dinner
Jun 3 – Attended Tri-City Council Meeting
Jun 5 – Attended Council Meeting

City Administrator's Activities

Council Commissions, Boards & Committees

- Budget, Finance and Administration Committee. Meeting date: Next meeting: June 12. 2014 4:00 PM . Meeting time: 4:00 PM. Staff support: May Miller.
- Planning and Community Service Committee. Meeting date: June 3, 2014. (Meets the first Tuesday of the month.) Meeting time: 4:00. Staff support: Stacey Welsh.
- Cemetery and Parks Committee. Meeting date: January 9, 2014. Meeting time: 10:00 AM. Staff support: Aaron Nix.
- Public Works Committee. Meeting date: _____, 2014. Meeting time: _____. Staff support: Seth Boettcher.
- Public Safety Committee. Meeting date: _____, 2014. Meeting time: _____. Staff support: Chief Kiblinger.

Community Development Activities

- Performed 24 inspections
- Received applications for: 3 mechanical, 1 plumbing, 1 single family alteration, 2 public works permits for new single family connections.
- Issued 1 plumbing permit.
- Completed 4 permit reviews

Planning Commission:
- Next meeting 6-10-14.

	2014	2013
Pre-application Conferences Held	2	7
Preliminary Plats Approved	0	0
(Number of Residential Lots)	-	-
Multi-family units approved	0	0
New Single Family Residential Permits Issued	3	8
New Commercial Square Footage Approved	0	0
Tenant Improvement Permits Issued	1	3
Sign Permits Issued	1	2
Public Hearings Held	1	1

Status of Active Capital Improvement Projects

Springs Project: Administration, Public Works Committee, and Council @ CIP workshop agreed with the consultant's recommendation to tap the artesian spring on the north side of the Green River. Next steps:

- Preliminary design
- Negotiate scope and fee with RH2 ; Met With State Parks to determine requirements and process
- Review scope and fee with funding partners
- Call for funds to cover the next element of work
- Bring contract to the council for approval

Abrams Guard Rail: SEPA process complete; Coordination with Century Link; Project out to bid.

½ Mil Tank Painting: Phase 1 to take tank off line moving forward; Meeting to discuss decision information needed for possible deferral.

Old Sewer Lagoon Decommissioning. Soil samples taken from site where bio solids to be are in. preparing SEPA document. Started Nitrogen application rate for bio-solids application.

Downtown Water Main Project: Considering RFQ for engineer selection. Grant agreement expected in July.

Roberts Drive Reconstruction at Rock Creek Bridge: Legal says that we need to go through an updated consultant selection process.

Lawson Street Sidewalk Project: Project to bid next week, bid opening July 7th, bid award mid July, Notice to proceed early August

SR 169 / North Commercial Storm Pond In design

Morganville Sewer Pump Station Reconstruction The repaired pump station should be reliable till fall. The project will be scheduled for this fall.

Council Chambers Remodel: audience chairs are in.

- Sheet rock / brick wall covering planned for the last week in July and first week of August,
- Carpet In August,
- Council bench: RFP going out next week. Installation in September
- Audio visual: IT is recommending large flat panel with gateway access for presentations
- IF there is budget new council chairs will be purchased.

Summer asphalt patching: Bids are out, contract in July, work in August and or September.

Ginder Creek Trail/Regional Pond: Study completed by Landau Associates. Review by the Parks/Cemetery Committee will occur at their June 19th meeting.

General Administrative Activities

- Pet licenses issued: 6; 32 year-to-date; website updates 22; 159 year-to-date; passports processed 24; 436 year-to-date; business licenses issued: 3; 340 year-to-date.
- Received submittals from _____for _____ services.
- Other:

Events on the Horizon

- See City calendar at http://www.ci.blackdiamond.wa.us/calendar.html
- See Maple Valley Black Diamond Chamber of Commerce calendar at http://www.maplevalleychamber.org/schedule/calendar/maple-valley-featured-events
- See Enumclaw School District calendar at: www.enumclaw.wednet.edu
- See Black Diamond Historical Society calendar at http://www.blackdiamondmuseum.org/calendar.htm
- See Black Diamond Community Center calendar at http://www.blackdiamondcc.org/community/community.html

Adopted Council 2013 Priorities

W2 – Reservoir Painting & Maintenance
10-year plan for asbestos pipe replacement
D2 – North Commercial & State Route 169 Stormwater Pond Design
P2 – Ginder Creek Trail Restoration
F1 & F2 – Fire Engine Replacement
T6 – Rock Creek Bridge
L3 – Police Radio Replacement

CITY OF BLACK DIAMOND

June 19, 2014 Regular Business Meeting Agenda - REVISED

25510 Lawson St., Black Diamond, Washington

7:00 P.M. – CALL TO ORDER, FLAG SALUTE, ROLL CALL

PUBLIC COMMENTS: Persons wishing to address the City Council regarding items of new business are encouraged to do so at this time. When recognized by the Mayor, please come to the podium and clearly state your name and address. Please limit your comments to 3 minutes. If you desire a formal agenda placement, please contact the City Clerk at 360-886-5700. Thank you for attending.

PUBLIC HEARINGS:

1) AB14-061 – Proposed 2015-2020 Capital Improvement Plan — Ms. Miller

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS:

Presentation – Active Shooter - Chief Kiblinger

UNFINISHED BUSINESS: None

NEW BUSINESS:

2) AB14-062– Resolution Adopting 2015-2020 Six Year Transportation Program — Mr. Boettcher

3) AB14-063 – Resolution Authorizing Interlocal Agreement with King County — Mr. Boettcher

4) AB14-064 – Resolution Authorizing Lake Sawyer Community Club 4th of July Special Event — Ms. Welsh

8) AB14-065 – Ordinance Adopting Shoreline Master Program — Mr. Nix

DEPARTMENT REPORTS: None

MAYOR'S REPORT:

COUNCIL REPORTS:

A. Council Standing Committees and Regional Committees

- Councilmember Benson - Budget, Finance, Administration Committee; South County Area Transportation Board SCATBd); South East Area Transportation Solutions (SEATS) Coalition; Mental Illness and Drug Dependency Oversight Committee
- Councilmember Edelman - Planning and Community Service Committee; Public Issues Committee (PIC)
- Councilmember Deady - Cemetery and Parks Committee; Growth Management Planning Council (GMPC)
- Councilmember Taylor, Chair - Public Works Committee; Public Safety Committee
- Councilmember Morgan - Water Resource Inventory Area Committee (WRIA 9)

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

5) **Claim Checks –** June 19, 2014, No. 41007 through No. 41087 in the amount of $577,285.77
6) **Payroll Checks –** May 30, 2014 No.18326 through No. 18348 (18348 void) and ACH Pay in the amount of $272,115.99
7) **Minutes –** Council Minutes of June 5, 2014

EXECUTIVE SESSION:

To discuss with legal counsel two items of pending litigation pursuant to RCW 42.30.110(1)(i)

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION

SUBJECT:	**Agenda Date: June 19, 20154**	**AB14-061**
AB14-061	Mayor Dave Gordon	
	City Administrator	
	City Attorney Carol Morris	
Public Hearing for 2015-2020 Capital Improvement Plan	City Clerk – Brenda L. Martinez	
	Community Development – Stacey Welsh	
	Finance – May Miller	X
	Economic Development – Andy Williamson	
Cost Impact (see also Fiscal Note):	Parks/Natural Resources – Aaron Nix	
Fund Source: Various	Police – Chief Kiblinger	
Timeline: proposed adoption July 24, 2014	Public Works – Seth Boettcher	
	Court Administrator – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☐ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Proposed 2015-2020 Capital Improvement Plan

SUMMARY STATEMENT:
The 2015-2020 annual update of the city's Capital Improvement Plan began in March 2014. Departments have developed detailed project requests for projects such as: Water pipe replacement, Parks, Trails, Police and Fire Equipment and Facilities as well as wastewater and stormwater improvements. Each Project includes both Project costs and proposed Revenue sources. Most Federal, State or local grant applications require that eligible projects be listed in an approved Capital Improvement Plan. .

The Public Works Committee, Public Safety Committee and Budget, Finance and Administration Committees have all met to review their sections of the plan. Two workstudy meetings were also held on May 8 and June 19, 2014. One more workstudy is planned for July 19, 2014 with potential adoption scheduled for July 17 or 24, 2014 at a regular Council Meeting

The Public Hearing is scheduled to take public comments on the proposed 2015-2020 Capital Improvement Plan. There is no action planned at this meeting. Copies can be found at the City's web site at ci.blackdiamond.wa.us under Council Packets.

FISCAL NOTE (Finance Department): This is a Plan, not a budget. Each project proposes expected costs and potential revenue sources. The 2015 projects will be reviewed by staff, Council and at Public Hearings before they are added to the 2015 Budget Document.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: the Public Works Committee, Public Safety Committee and Budget, Finance and Administrative Committees have reviewed their sections of the 2015-2020 Capital Improvement Plan. Council has also held two workstudy meetings and the Public Hearing is scheduled for June 19, 2014.

RECOMMENDED ACTION: Public Hearing-No Action.

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
June 19, 2014		

City of Black Diamond



Capital Improvement Plan Draft

2015 – 2020

Revised 5/23/2014

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Overview of the Capital Improvement Plan

What is the Capital Improvement Plan?

The Capital Improvement Plan (CIP) is a document that lays out a six-year road map identifying present and future capital and infrastructure needs for the City. Generally speaking, capital improvements are expensive and some projects cover multiple years, so carefully planning and managing Black Diamond's capital projects together is an important part of city management. For citizens, it is an investment in the future of our community.

Because the CIP is a plan rather than a budget, actual authorization for capital project spending for the upcoming year occurs when City Council adopts the Annual Budget in December.

Having the long range capital plan completed before the annual operating budget is developed helps management better incorporate both short and long term planning.

This CIP document contains the major public facility improvements that will be implemented over the next six fiscal years. The projects are consistent with City Council priorities and address the needs for the acquisition, rehabilitation, and expansion of the City's infrastructure and capital assets. Identifying capital projects and their anticipated funding sources assists in the planning and scheduling of finances for projects and the manpower needed to plan, design and construct the projects.

Capital Projects are listed in the CIP by number, according to each major program area. For each project there is an estimated start and completion date that has been projected by the city department in charge of the improvement. The CIP also defines the total cost of the project and the amount allocated to the project for each year of the plan. Examples of projects in Black Diamond's six-year CIP include street rehabilitation, water projects, wastewater facilities, park improvements, a fire station and equipment, police capital needs, and public building construction and improvement. Land purchases are also included in CIP planning since land is considered a capital asset.

How are projects in the Capital Improvement Plan paid for?

The CIP process involves balancing desired capital improvements that compete for scarce financial resources. Generally, funding for capital improvements is provided through Real Estate Excise Tax revenue (REET), capital reserves, public trust fund loans, grants, impact fees and developer funding.

Real estate excise taxes (REET) are collected from property sales within the city limits and are earmarked specifically for capital projects. However in order to spend that money, a jurisdiction must have the project identified in a Capital Improvement Plan. So not only is the CIP a great overall planning tool for the City, it is also required in order to access REET monies.

Additionally, historical documentation of need is usually required when applying for grants. This need is documented in the CIP, as some projects get 'pushed out' from one year to the next due to lack of adequate funding.

Since 2007 property sales and prices have dropped in Black Diamond. This has reduced the REET funds available for capital improvements quite dramatically, causing more projects to be delayed in the plan.

Types of Capital Projects

Capital projects are essential to the delivery of many of Black Diamond's core services. The capital projects in each major department are described below.

- Transportation The road system in Black Diamond is a vital infrastructure to city residents, visitors and commuters. This infrastructure includes roads, bridges, bike lanes and sidewalks. The responsibility for the funding and construction of transportation infrastructure is usually shared with developers in the form of impact fees, as new development has need for additional transportation improvements. A good deal of funding for street improvement comes from Real Estate Excise Taxes.

- Parks and Recreation There are regional and local parks in Black Diamond as well as bike and hiking trails, a skate park and a BMX Course. Outdoor enthusiasts choose to live in Black Diamond for the natural beauty of the surroundings and sporting opportunities. Park improvements are primarily financed by real estate excise taxes, grants and developer contributions.

- Utilities The City provides water, sewer and stormwater utility services to residents and businesses. Capital Facilities include sewer treatment facilities, transmission systems and storm water detention facilities. Developers contribute to these projects, as growth requires infrastructure expansion. Capital reserves, grants, loans and Real Estate Excise Taxes also provide funding for utilities in Black Diamond.

- Public Safety Capital facilities and equipment are required to deliver core City services of Police and Fire. These facilities include the fire and police stations, vehicles and major equipment. Funding for these capital projects largely comes from Real Estate Excise Taxes and reserves.

- General Capital The City is responsible for funding the construction and maintenance of city buildings and facilities. Included are technological capital projects that provide better services and communication at the City. These capital costs are largely funded through Real Estate Excise Taxes.

Growth Management Act and Land Use Policies

Comprehensive planning is required in Washington State since the Growth Management Act (GMA) was adopted by the legislature in 1990. The objective of the Act is to limit sprawl, protect sensitive areas and promote efficient and effective delivery of public services by concentrating population, industry and public services in urban areas. The City is anticipating two development areas in Black Diamond, The Villages and Lawson Hills. These planned developments have a huge impact on the City's Capital Improvement Program, as up to 6,000 new homes may be built eventually in those new neighborhoods.

Level of Service

The number and type of capital facilities needed to serve Black Diamond is directly related to the level of public service provided. The level of service is established by City Council and the City's Comprehensive Plan.

Maintenance and Funding Constraints

Once completed and placed in service, capital facilities must be maintained. Funding for the maintenance of capital projects for City Utilities are funded with user fees in the respective operating budgets. Maintenance funding for projects are funded through current operations, not the capital budget. For that reason the availability of funding for future maintenance must be considered when preparing the capital budget.

Development and Approval Process

The Capital Improvement Plan is updated annually. Each year individual projects are submitted by department directors. They use a template provided by Finance staff. These requests include an update of current projects and projections on new projects and anticipated costs. Each project must have specific funding sources identified. The Mayor, Finance Director and management meet to balance projects to available funding. After several Council Committee meetings, workstudy sessions, a public hearing, the proposed plan is brought before Council for approval.

Council Priorities

The Black Diamond City Council will be establishing priorities for the 2015 – 2020 Capital Improvement Plan.

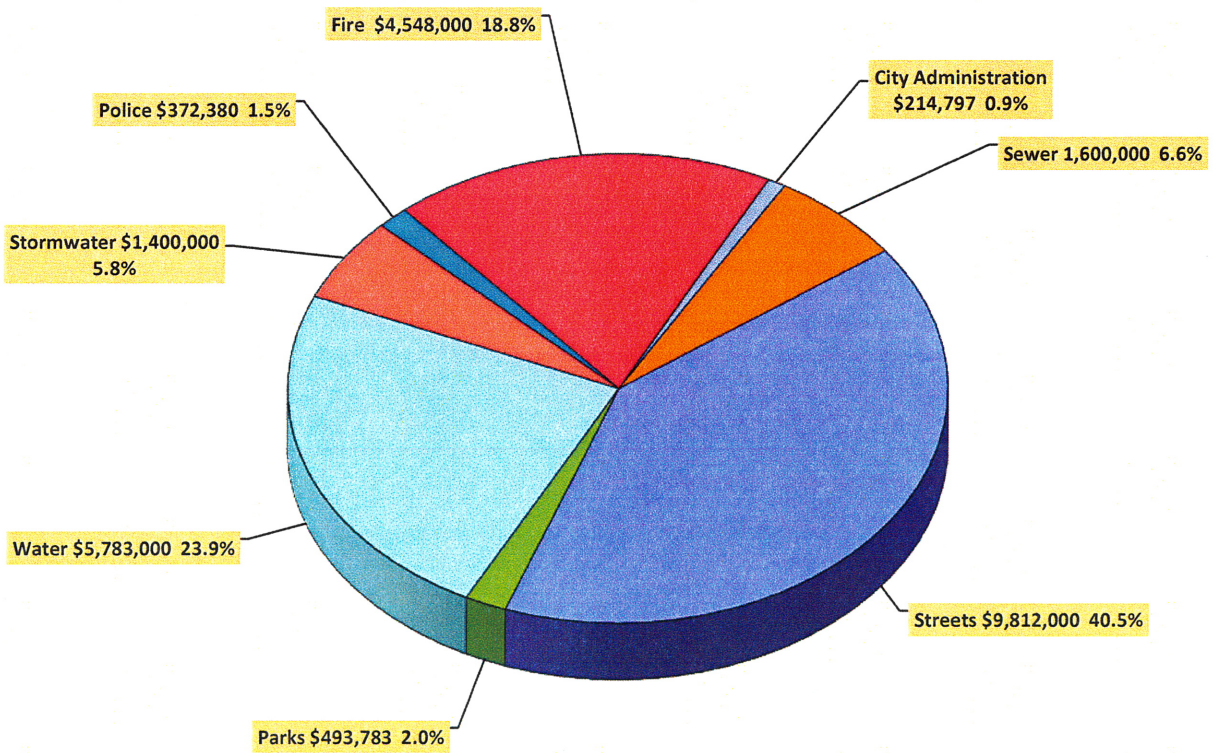
Capital Improvement Plan 2015 - 2020

Total Summary by Department (includes debt payments)

CAPITAL PROJECTS

Departments	Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
Street Department	9,812,000	517,000	1,420,000	209,000	366,000	2,150,000	5,150,000
Water Department	5,783,000	367,000	590,000	2,381,000	65,000	1,120,000	1,260,000
Sewer Department	1,600,000	35,000	35,000	70,000	330,000	555,000	575,000
Stormwater Department	1,400,000	10,000	160,000	1,110,000	10,000	50,000	60,000
Parks and Recreation	493,783	82,783	10,500	32,000	26,500	79,000	263,000
Police Department	372,380	36,290	37,041	73,551	67,018	77,339	81,141
Fire Department	4,548,000	423,000			125,000	4,000,000	
City Administration	214,797	33,909	30,068	31,418	60,959	29,184	29,259
TOTAL Project COSTS	**$24,223,960**	**$1,504,982**	**$2,282,608**	**$3,906,969**	**$1,050,478**	**$8,060,523**	**$7,418,400**

Total CIP: 24,223,960

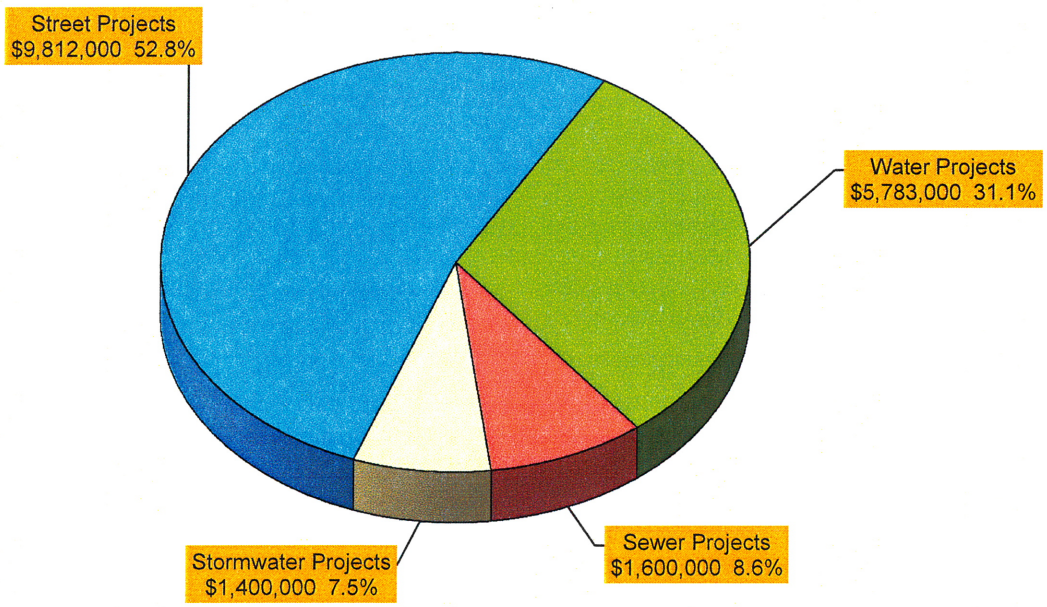


Public Works Fund Summary

Capital Improvement Plan 2015 - 2020

Funds	Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
Street Projects	9,812,000	517,000	1,420,000	209,000	366,000	2,150,000	5,150,000
Water Projects	5,783,000	367,000	590,000	2,381,000	65,000	1,120,000	1,260,000
Sewer Projects	1,600,000	35,000	35,000	70,000	330,000	555,000	575,000
Stormwater Projects	1,400,000	10,000	160,000	1,110,000	10,000	50,000	60,000
TOTAL Project COSTS	**$ 18,595,000**	**$929,000**	**$2,205,000**	**$3,770,000**	**$771,000**	**$3,875,000**	**$7,045,000**

Public Works CIP by Fund
Total: $18,595,000



CIP Public Works Summary
Capital Improvement Plan 2015 - 2020

		Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
	STREET PROJECTS							
T1	General Street Improvement	180,000	30,000	30,000	30,000	30,000	30,000	30,000
T2	Roberts Drive/State Rt 169 Roundabout	7,070,000				210,000	1,790,000	5,070,000
T3	Roberts Drive Rehabilitation	1,520,000	305,000	1,215,000				
T4	Grant Matching Fund	240,000	40,000	40,000	40,000	40,000	40,000	40,000
T5	Lawson Street Sidewalk Phase II	356,000				76,000	280,000	
T6	Jones Lake Road	122,000	122,000					
T7	228th & 224th & 216th Chip Seal	129,000			129,000			
T10	Sidewalk Safety	135,000	10,000	125,000				
(T)ER	Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
	STREET PROJECTS	**9,812,000**	**517,000**	**1,420,000**	**209,000**	**366,000**	**2,150,000**	**5,150,000**
	WATER PROJECTS							
W1	Springs & Transmission Reconstruction	2,916,000	120,000	480,000	2,316,000			
W3	Salmon Enhancement & Green Energy	1,415,000		45,000	55,000	55,000	210,000	1,050,000
W4	Fire Flow Loop - North Commercial Area	800,000					800,000	
W6	Water Comprehensive Plan Update	135,000	80,000	55,000				
W7	4.3 Mil Gal Tank Maintenance & Repairs	30,000					30,000	
W8	Asbestos Water Main Replacement Program	270,000					70,000	200,000
W9	0.5 MG Water Reservoir Recoat	157,000	157,000					
(W)ER	Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
	WATER PROJECTS	**5,783,000**	**367,000**	**590,000**	**2,381,000**	**65,000**	**1,120,000**	**1,260,000**
	SEWER PROJECTS							
S1	Infiltration and Inflow Reduction Program	150,000	25,000	25,000	25,000	25,000	25,000	25,000
S2	Public Works Facilities and Equipment	600,000					500,000	100,000
S3	Morganville Force Main Reroute	460,000					20,000	440,000
S4	Cedarbrook Sewer Main	330,000			35,000	295,000		
(S)ER	Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
	SEWER PROJECTS	**1,600,000**	**35,000**	**35,000**	**70,000**	**330,000**	**555,000**	**575,000**
	STORMWATER PROJECTS							
D1	Cov. Creek Culvert; Safety and Salmon Imp.	320,000		70,000	250,000			
D2	North Commercial and SR 169 Stormwater Treatment Pond	870,000		20,000	850,000			
D4	Ginder Creek Headwall	90,000					40,000	50,000
D6	Lawson Hills Estates Storm Pond	60,000		60,000				
(D)ER	Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
	STORMWATER PROJECTS	**1,400,000**	**10,000**	**160,000**	**1,110,000**	**10,000**	**50,000**	**60,000**
	TOTAL PUBLIC WORKS CAPITAL PROJECTS	**18,595,000**	**929,000**	**2,205,000**	**3,770,000**	**771,000**	**3,875,000**	**7,045,000**

CIP Public Works Summary
FUNDING SUMMARY

	Capital Improvement Plan 2015 - 2020	Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
	REET II Funding							
T1	General Street Improvement	180,000	30,000	30,000	30,000	30,000	30,000	30,000
T4	Grant Matching Fund	240,000	40,000	40,000	40,000	40,000	40,000	40,000
W9	0.5 MG Water Reservoir Recoat	10,000	10,000					
	Total REET II Funding	**430,000**	**80,000**	**70,000**	**70,000**	**70,000**	**70,000**	**70,000**
	Water Rates							
W6	Water Comprehensive Plan Update	80,000	80,000					
W7	4.3 Mil Gal Tank Maintenance & Repairs	30,000					30,000	
	Total Water Rates	**110,000**	**80,000**				**30,000**	
	Water Connection Fees							
W4	Fire Flow Loop - North Commercial Area	800,000					800,000	
	Total Water Connection Fees	**800,000**					**800,000**	
	Sewer Connection Fees/Reserves							
S1	Infiltration and Inflow Reduction Program	150,000	25,000	25,000	25,000	25,000	25,000	25,000
S3	Morganville Force Main Reroute	20,000					20,000	
	Total Sewer Connection Fees/Reserves	**170,000**	**25,000**	**25,000**	**25,000**	**25,000**	**45,000**	**25,000**
	Stormwater Funding							
D4	Lawson Hills Estates Storm Pond	60,000		60,000				
	Total Stormwater Funding	**60,000**		**60,000**				
	Developer, Impact Fees and/or SEPA							
T2	Roberts Drive/State Rt 169 Roundabout	3,535,000				210,000	1,060,000	2,265,000
T5	Lawson Street Sidewalk Phase II	41,000				21,000	20,000	
W6	Water Comprehensive Plan Update	55,000		55,000				
	Total Developer, Street Impact and/or SEPA Fees	**3,631,000**		**55,000**		**231,000**	**1,080,000**	**2,265,000**
	WSFFA							
W1	Springs & Transmission Reconstruction	2,916,000	120,000	480,000	2,316,000			
	Total WSFFA	**2,916,000**	**120,000**	**480,000**	**2,316,000**			
	Museum In-Kind Contribution							
T10	Sidewalk Safety	30,000		30,000				
	Total Museum In-Kind Contribution	**30,000**		**30,000**				

	FUNDING SUMMARY CONT.	Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
	Grants (TIB,CDBG,DOE, etc)							
T2	Roberts Drive/State Rt 169 Roundabout	3,535,000					730,000	2,805,000
T3	Roberts Drive Rehabilitation	1,314,800	229,225	1,085,575				
T5	Lawson Street Sidewalk Phase II	165,000				55,000	110,000	
T5	Lawson Street Sidewalk Phase II	150,000					150,000	
T6	Jones Lake Road	110,000	110,000					
T7	228th & 224th & 216th Chip Seal	116,000			116,000			
T10	Sidewalk Safety	5,000		5,000				
T10	Sidewalk Safety	80,000		80,000				
W3	Grant (Green Energy)	550,000				40,000		510,000
W3	Grant (Salmon mitigation)	540,000						540,000
D1	Cov. Creek Culvert; Safety and Salmon Imp.	320,000		70,000	250,000			
D2	North Commercial and SR 169 Stormwater Treatment Pond	850,000			850,000			
	Total Grants	**7,735,800**	**339,225**	**1,240,575**	**1,216,000**	**95,000**	**990,000**	**3,855,000**
	Grant Matching							
T3	Roberts Drive Rehabilitation	205,200	35,775	169,425				
T6	Jones Lake Road	12,000	12,000					
T7	228th & 224th & 216th Chip Seal	13,000			13,000			
T10	Sidewalk Safety	20,000	10,000	10,000				
D2	North Commercial and SR 169 Stormwater Treatment Pond	20,000		20,000				
D4	Ginder Creek Headwall	90,000					40,000	50,000
	Total Grant Matching	**360,200**	**57,775**	**199,425**	**13,000**		**40,000**	**50,000**
	Public Works Trust Fund Loans							
W3	Salmon Enhancement & Green Energy	325,000	40,000	5,000	55,000	15,000	210,000	
W8	Asbestos Water Main Replacement Program	270,000					70,000	200,000
W9	0.5 MG Water Reservoir Recoat	147,000	147,000					
S3	Morganville Force Main Reroute	440,000						440,000
S4	Cedarbrook Sewer Main	330,000			35,000	295,000		
	Total PWTF Loans	**1,512,000**	**187,000**	**5,000**	**90,000**	**310,000**	**280,000**	**640,000**
	Loans or Bonding Funding							
S2	Public Works Facilities and Equipment	600,000					500,000	100,000
	Total Loans or Bonding Funding	**600,000**					**500,000**	**100,000**
	Equipment Replacement Schedule							
(T)ER	Street	60,000	10,000	10,000	10,000	10,000	10,000	10,000
(W)ER	Water	60,000	10,000	10,000	10,000	10,000	10,000	10,000
(S)ER	Sewer	60,000	10,000	10,000	10,000	10,000	10,000	10,000
(D)ER	Stormwater	60,000	10,000	10,000	10,000	10,000	10,000	10,000
	Total Equipment Replacement Schedule Funding	**240,000**	**40,000**	**40,000**	**40,000**	**40,000**	**40,000**	**40,000**
Grand Total Public Works CIP Funding		**18,595,000**	**929,000**	**2,205,000**	**3,770,000**	**771,000**	**3,875,000**	**7,045,000**

REET II ANALYSIS SUMMARY (Fund 320)
Capital Improvement Plan 2015 - 2020

REET II - REVENUE	Total $ Project 2015 - 2020	Capital Improvement Plan 2015 - 2020					
		2015	2016	2017	2018	2019	2020
Beg Fund Balance 321	180,741	180,741	113,241	60,241	66,179	76,804	104,804
REET Revenue (annual)							
1/4 of 1% REET - Existing Property	450,938	59,500	63,000	68,438	75,000	90,000	95,000
1/4 of 1% REET - Other new homes	37,125	3,000	4,000	7,500	5,625	8,000	9,000
Subtotal REET II Revenue	488,063	62,500	67,000	75,938	80,625	98,000	104,000
TOTAL Avail. Balance for Gen Govt Projects	668,804	243,241	180,241	136,179	146,804	174,804	208,804

REET II - PROJECT EXPENDITURES	Total $ Project 2015 - 2020	Capital Improvement Plan 2015 - 2020					
		2015	2016	2017	2018	2019	2020
Street Projects							
T1 General Street Improvement	180,000	30,000	30,000	30,000	30,000	30,000	30,000
T4 Grant Matching Fund	240,000	40,000	40,000	40,000	40,000	40,000	40,000
W9 0.5 MG Water Reservoir Recoat	10,000	10,000					
Total REET II Projects	430,000	80,000	70,000	70,000	70,000	70,000	70,000
Total Transfer to Street Fund	100,000	50,000	50,000				
TOTAL REET II	530,000	130,000	120,000	70,000	70,000	70,000	70,000
REET II left for next year (Ending Balance)	138,804	113,241	60,241	66,179	76,804	104,804	138,804
REET based on Houses sold		2015	2016	2017	2018	2019	2020
Existing Property Sales (in 000's)		69 @$336	70 @$340	72 @$350	75 @$365	80 @$375	90 @400
Other new home sales (in 000's)		2 @$336	2 @$340	3 @$350	4 @$365	6 @$375	8 @$400

Capital Improvement Plan 2015 - 2020

PUBLIC WORKS EQUIPMENT REPLACEMENT SCHEDULE — PWERS

DESCRIPTION The City maintains an equipment replacement schedule for public works shared vehicles and equipment.

BACKGROUND Operations equipment is scheduled for replacement when maintenance costs exceed replacment cost or as safety dictates.

	Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
REVENUE							
Beginning Fund Balance	153,793	153,793	140,793	72,793	27,793	9,793	1,793
Cemetery & Parks REET I	42,000	7,000	7,000	7,000	7,000	7,000	7,000
Street Contribution	60,000	10,000	10,000	10,000	10,000	10,000	10,000
Water Contribution	60,000	10,000	10,000	10,000	10,000	10,000	10,000
Sewer Contribution	60,000	10,000	10,000	10,000	10,000	10,000	10,000
Stormwater Contribution	60,000	10,000	10,000	10,000	10,000	10,000	10,000
Revenue Total	282,000	47,000	47,000	47,000	47,000	47,000	47,000
Available Funding	**435,793**	**200,793**	**187,793**	**119,793**	**74,793**	**56,793**	**48,793**
EXPENDITURES							
Replace John Deere riding mower (zero turn)	15,000	15,000					
Replace back hoe with thumb and extend	80,000			80,000			
Replace Ferris zero turn/deck mower (x2)	12,000			12,000			
Sander and Snow Plow for Flatbed	20,000				20,000		
New 1/2 ton utility truck 4x4	45,000		45,000				
Sewer Jet Rodder	35,000		35,000				
*Road Grader engine repairs							
Road Grader							
Ford 2000 4 wheel drive (Jason)	45,000	45,000					
New Bobcat or mini excavator	30,000		30,000				
1998 White Ford Dump Truck	50,000					50,000	
Shoulder Mower (existing)							
Cemetery casket lowering device	5,000						5,000
3 point hitch tractor mower							
Sweeper							
Vacuum Trailer	45,000				45,000		
Husqvarna Riding Lawn Mower (cemetery)	5,000		5,000				
2000 Gray Chevy Silverado	30,000						30,000
2005 White Dodge 4x4 (Dan)							
2000 White Chevy 4x4 (Ken)							
2005 Chevy 4500 Flatbed Dump Truck							
2012 Big Tex Landscape Trailer	5,000					5,000	
Morganville Generator							
1983 C/R Utility Trailer							
Totals	422,000	60,000	115,000	92,000	65,000	55,000	35,000
Ending Fund Balance	**13,793**	**140,793**	**72,793**	**27,793**	**9,793**	**1,793**	**13,793**

Capital Improvement Plan 2015 - 2020

PUBLIC WORKS EQUIPMENT REPLACEMENT SCHEDULE

PWERS.1

DESCRIPTION The City maintains an equipment replacement schedule for public works shared vehicles and equipment.

BACKGROUND Operations equipment is scheduled for replacement when maintenance costs exceed replacment cost or as safety dictates.

Equipment Type		Cost	2015	2016	2017	2018	2019	2020
Replace John Deere riding mower (zero turn)		15,000	15,000					
Replace back hoe with thumb and extend		80,000			80,000			
Replace Ferris zero turn/deck mower (x2)		12,000			12,000			
Sander and Snow Plow for Flatbed		20,000				20,000		
New 1/2 ton utility truck 4x4		45,000		45,000				
Sewer Jet Rodder		35,000		35,000				
*Road Grader engine repairs								
Road Grader								
Ford 2000 4 wheel drive (Jason)		45,000	45,000					
New Bobcat or mini excavator		30,000		30,000				
1998 White Ford Dump Truck		50,000					50,000	
Shoulder Mower (existing)								
Cemetery casket lowering device		5,000						5,000
3 point hitch tractor mower								
Sweeper								
Vacuum Trailer		45,000				45,000		
Husqvarna Riding Lawn Mower (cemetery)		5,000		5,000				
2000 Gray Chevy Silverado		30,000						30,000
2005 White Dodge 4x4 (Dan)								
2000 White Chevy 4x4 (Ken)								
2005 Chevy 4500 Flatbed Dump Truck								
2012 Big Tex Landscape Trailer		5,000					5,000	
Morganville Generator								
1983 C/R Utility Trailer								
Totals		**$422,000**	**$60,000**	**$115,000**	**$92,000**	**$65,000**	**$55,000**	**$35,000**
COST DISTRIBUTION								
Street	30%	126,600	18,000	34,500	27,600	19,500	16,500	10,500
Water	22%	92,840	13,200	25,300	20,240	14,300	12,100	7,700
Sewer	22%	92,840	13,200	25,300	20,240	14,300	12,100	7,700
Stormwater	22%	92,840	13,200	25,300	20,240	14,300	12,100	7,700
Parks	3%	12,660	1,800	3,450	2,760	1,950	1,650	1,050
Cemetery	1%	4,220	600	1,150	920	650	550	350
TOTAL EXPENDITURE	**100%**	**$422,000**	**$60,000**	**$115,000**	**$92,000**	**$65,000**	**$55,000**	**$35,000**

Street Department (Transportation Projects)
CAPITAL PROJECT SUMMARY

Expenditure Summary by Project		Capital Plan 2015 - 2020					
STREET DEPARTMENT	Total $ Requested 2015-2020	2015	2016	2017	2018	2019	2020
T1 General Street Improvement	180,000	30,000	30,000	30,000	30,000	30,000	30,000
T2 Roberts Drive/State Rt 169 Roundabout	7,070,000				210,000	1,790,000	5,070,000
T3 Roberts Drive Rehabilitation	1,520,000	305,000	1,215,000				
T4 Grant Matching Fund	240,000	40,000	40,000	40,000	40,000	40,000	40,000
T5 Lawson Street Sidewalk Phase II	356,000				76,000	280,000	
T6 Jones Lake Road	122,000	122,000					
T7 228th & 224th & 216th Chip Seal	129,000			129,000			
T10 Sidewalk Safety	135,000	10,000	125,000				
(T)EF Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
STREET DEPT TOTAL PROJECTS	**9,812,000**	**517,000**	**1,420,000**	**209,000**	**366,000**	**2,150,000**	**5,150,000**
Funding Sources	Total $ Requested 2015-2020	Capital Plan 2015 - 2020					
		2015	2016	2017	2018	2019	2020
TIB, CDBG and Other Grants							
T2 Roberts Drive/State Rt 169 Roundabout	3,535,000					730,000	2,805,000
T3 Roberts Drive Rehabilitation	1,314,800	229,225	1,085,575				
T5 Lawson Street Sidewalk Phase II	165,000				55,000	110,000	
T5 Lawson Street Sidewalk Phase II	150,000					150,000	
T6 Jones Lake Road	110,000	110,000					
T7 228th & 224th & 216th Chip Seal	116,000			116,000			
T10 Sidewalk Safety	5,000		5,000				
T10 Sidewalk Safety	80,000		80,000				
Total Grants	**5,475,800**	**339,225**	**1,170,575**	**116,000**	**55,000**	**990,000**	**2,805,000**
Developer Funded/Impact Fees/SEPA							
T2 Roberts Drive/State Rt 169 Roundabout	3,535,000				210,000	1,060,000	2,265,000
T5 Lawson Street Sidewalk Phase II	41,000				21,000	20,000	
Total Developer/Impact/SEPA Funding	**3,576,000**				**231,000**	**1,080,000**	**2,265,000**
Real Estate Excise Tax II Funding							
T1 General Street Improvement	180,000	30,000	30,000	30,000	30,000	30,000	30,000
T4 Grant Matching Fund	240,000	40,000	40,000	40,000	40,000	40,000	40,000
Total REET II Funding	**420,000**	**70,000**	**70,000**	**70,000**	**70,000**	**70,000**	**70,000**
Museum In-Kind Contribution							
T10 Sidewalk Safety	30,000		30,000				
Total Museum In-Kind Contribution	**30,000**		**30,000**				
Grant Matching Fund							
T3 Roberts Drive Rehabilitation	205,200	35,775	169,425				
T6 Jones Lake Road	12,000	12,000					
T7 228th & 224th & 216th Chip Seal	13,000			13,000			
T10 Sidewalk Safety	20,000	10,000	10,000				
Total Grant Matching Fund	**250,200**	**57,775**	**179,425**	**13,000**			
Total Street Projects	**9,752,000**	**467,000**	**1,450,000**	**199,000**	**356,000**	**2,140,000**	**5,140,000**
(T)EF Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
Total Street Funding	**9,812,000**	**477,000**	**1,460,000**	**209,000**	**366,000**	**2,150,000**	**5,150,000**

Capital Plan 2015 - 2020

Project for the **Street Department** **T1**

PROJECT TITLE **General Street Improvement** **13.01**

DESCRIPTION

Annually the Public Works staff assesses the street system and selects key street preservation and improvement work. Typical activities under this project are chip sealing, crack sealing, patch work and addressing minor safety problems. Because of the declining revenue in the street fund the cost of striping, signs, and roadside materials have been shifted to REET funding and are included in this work item.

BACKGROUND

This project provides annual funding for minor street improvements that typically do not require engineering.

COMMENTS

As more routine maintenance costs are shifted to this street improvement category, overlay projects may not be possible.

		Capital Plan 2014 - 2019					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Construction Costs	180,000	30,000	30,000	30,000	30,000	30,000	30,000
TOTAL COSTS	**180,000**	**30,000**	**30,000**	**30,000**	**30,000**	**30,000**	**30,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET II	180,000	30,000	30,000	30,000	30,000	30,000	30,000
TOTAL SOURCES	**180,000**	**30,000**	**30,000**	**30,000**	**30,000**	**30,000**	**30,000**





Capital Plan 2015 - 2020

Project for the	Street Department	T2

PROJECT TITLE	Roberts Drive/State Rt 169 Roundabout	13.02

DESCRIPTION

This project is to change the intersection control from stop control to a roundabout and accommodate a future road connection to the east for the Lawson Hills Master Planned Development.

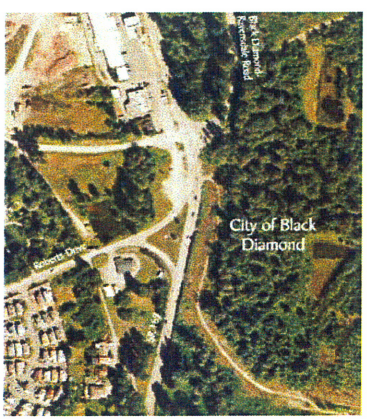
BACKGROUND

The existing intersection has a higher accident rate than the average along the corridor. Roberts Drive intersects SR 169 at an unconventional angle which makes it difficult for east bound motorists to turn left and west bound motorists on Ravensdale to turn left; This intersection has been identified as one of the first traffic mitigation projects that is required in the Master Planned Development FEIS.

COMMENTS

The developer's initial mitigation improvements for this intersection will be realignment and signal improvements. As traffic grows and the needs increase the chances of receiving grant funding will improve. Once the preliminary engineering is complete the City will be prepared to begin applying for grants.

		Capital Plan 2014 - 2019					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Land/Right of Way	200,000					200,000	
Preliminary Engineering	200,000				200,000		
Environ Engr & Permiting	300,000					300,000	
Construction Engineering	500,000						500,000
Bid Documents	50,000					50,000	
Design Engineering	600,000					600,000	
Construction Costs	4,665,000					350,000	4,315,000
Environ Mitigation	200,000					200,000	
Management / Administration	355,000				10,000	90,000	255,000
TOTAL COSTS	**7,070,000**	**-**	**-**	**-**	**210,000**	**1,790,000**	**5,070,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Developer	3,535,000				210,000	1,060,000	2,265,000
Grants	3,535,000					730,000	2,805,000
TOTAL SOURCES	**7,070,000**	**-**	**-**	**-**	**210,000**	**1,790,000**	**5,070,000**



Proposed Roundabout



Capital Plan 2015 - 2020

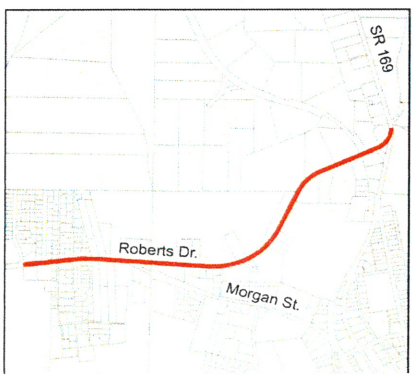
Project for the	Street Department	# T3
PROJECT TITLE	**Roberts Drive Rehabilitation**	**14.02**

DESCRIPTION Grind, Patch and Replace concrete panels; Seal joints and cracks; Pave the shoulders; Overlay the existing roadway

BACKGROUND The concrete roadway is about 100 years old but needs some major repair work. This project is to repair and preserve the existing road. At some point the city plans to upgrade the road to an urban standard with sidewalk, curb, gutters and street lights.

COMMENTS This budget was increased to address storm water treatment, asphalt shoulders, an overlay and the extra cost of a federally funded project. Whereas there are alternatives to looping and connecting water mains along this section of roadway, this project can move forward without full water system upgrades.

	Capital Plan 2015 - 2020						
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Prelim Engineering & Environmental	90,000	$90,000					
Design & bid docs	140,000	140,000					
Management & Admin	35,000	10,000	25,000				
Right of Way	50,000	50,000					
Construction	935,000		935,000				
Services during Construction	130,000		130,000				
Contingency	140,000	15,000	125,000				
TOTAL COSTS	**1,520,000**	**305,000**	**1,215,000**	**-**	**-**	**-**	**-**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Federal Pave. Preservation Grant	1,314,800	229,225	1,085,575				
TIB Federal Grant Matching	205,200	35,775	169,425				
TOTAL SOURCES	**1,520,000**	**265,000**	**1,255,000**				





Capital Plan 2015 - 2020

Project for the	Street Department	#	T4

PROJECT TITLE	Grant Matching Fund	13.03

DESCRIPTION

This project is used to accumulate funds for a match for grants for street and pedestrian projects now scheduled on the CIP.

BACKGROUND

The City has used this fund for professional technical assistance with grant applications and supplement funding if a grant is received for a project that needs to be moved up in the CIP schedule or if a larger match than anticipated is needed.

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Funding to Match Grants	240,000	40,000	40,000	40,000	40,000	40,000	40,000
TOTAL COSTS	**240,000**	**40,000**	**40,000**	**40,000**	**40,000**	**40,000**	**40,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Real Estate Excise Tax II	240,000	40,000	40,000	40,000	40,000	40,000	40,000
TOTAL SOURCES	**240,000**	**40,000**	**40,000**	**40,000**	**40,000**	**40,000**	**40,000**



What is a matching grant?

A matching grant is a contingent grant awarded only if the receiving entity is able to put up (or independently raise) a sum equal to the amount provided by the granting entity.



Capital Plan 2015 - 2020

Project for the	Street Department	# T5
PROJECT TITLE	**Lawson Street Sidewalk Phase II**	13.05

DESCRIPTION

Construct 1015 feet of new 5 foot concrete sidewalk on the north side of Lawson Street to from Sixth Avenue to the east boundary of Lawson Hill Estates. This project does not include curb gutter or street widening. Project cost $340,800.

BACKGROUND

Lawson Hill Estates and the surrounding area is within 1 mile of the elementary school on Baker Street. The City is partnering with the School District to seek Safe Routes to School grants for this project. It is anticipated that additional funding will be needed to cover the entire cost. Transportation Improvement Board Funding and or potentially MPD mitigation funding may also be available. The City and the School District are planning to cooperate and jointly apply for this grant in 2017 for funding in 2018 and 2019.

COMMENTS

The timing of this project may have to wait for the pedestrian mitigation assistance from the Lawson Hills developer for this project. Other grant funding may also be available to complete the total funding.

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Land/Right of Way	10,000				10,000		
Design Engineering	61,000				61,000		
Mngmt & Admin	15,000				5,000	10,000	
Construction Costs	270,000					270,000	
TOTAL COSTS	**356,000**	-	-	-	**76,000**	**280,000**	-
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Safe Route to School Grant	165,000				55,000	110,000	
TIB Pedestrian Grant	150,000					150,000	
Developer/Impact Fees/SEPA	41,000				21,000	20,000	
TOTAL SOURCES	**356,000**	-	-	-	**76,000**	**280,000**	-



Capital Plan 2015 - 2020

Project for the	Street Department	#	T6
PROJECT TITLE	Jones Lake Road		14.01

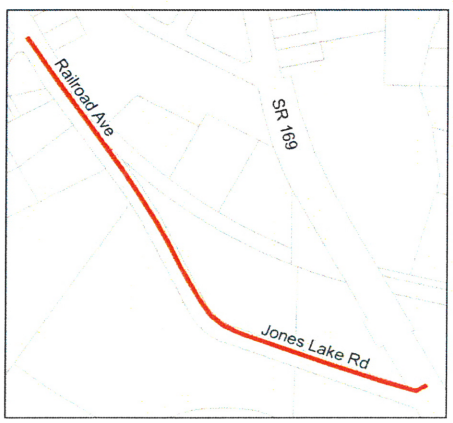
DESCRIPTION

Patch and overlay Jones Lake Road from SR 169 to the end of the overlay improvement on RR Ave.

BACKGROUND

The pavement condition is average to poor. The roadway width is a little too narrow with no shoulders. The engineering, bid process, inspections and project management will be provided by City staff.

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Engineering & bid docs	16,000	16,000					
Management & Administration	10,000	10,000					
Construction	96,000	96,000					
TOTAL COSTS	**122,000**	**122,000**	-	-	-	-	-
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
TIB pavement preservation	110,000	110,000					
Grant Matching	12,000	12,000					
TOTAL SOURCES	**122,000**	**122,000**	-	-	-	-	-





Capital Plan 2015 - 2020

Project for the	Street Department	#	T7
PROJECT TITLE	228th & 224th & 216th Chip Seal		14.03

DESCRIPTION

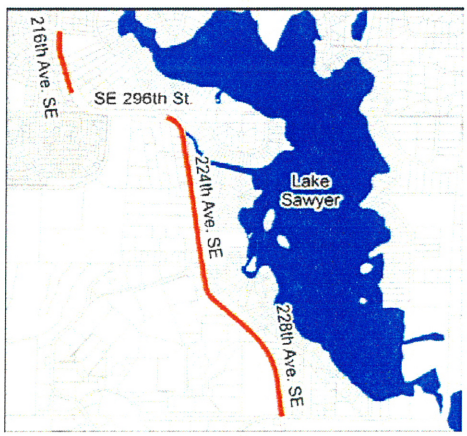
Patch and Chip Seal 228th, 224th, and 216th Ave SE from Sawyerwood Elementary to the Covington Sawyer Road except for the section infront of the Fire Station and past Kent Lake Highlands.

BACKGROUND

This long section of roadway can be preserved by 7 to 10 years at one third of the cost of an overlay. A chip seal will help stretch the grant funding and help the City get ahead of the curve with deteriorating streets.

COMMENTS

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Design Engineering	16,000			16,000			
Management and Administration	10,000			10,000			
Construction	103,000			103,000			
TOTAL COSTS	**129,000**	-	-	**129,000**	-	-	-
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
TIB Pavement Preservation	116,000			116,000			
Grant Matching	13,000			13,000			
TOTAL SOURCES	**129,000**	-	-	**129,000**	-	-	-





Capital Plan 2015 - 2020

Project for the	Street Department	# T10
PROJECT TITLE	**Sidewalk Safety**	13.05

DESCRIPTION

Construct 60 feet of new decorative 8 feet wide concrete plank sidewalk from the north end of the museum to Commission Street. Construct 150 feet of 5 foot concrete sidewalk, curb and gutter along the north side of Commission Ave from Morgan Street to the basement access of the Museum. Regrade and repave the first 100 feet of Commission Ave for a better approach slope to Morgan Street and better sight distance at the intersection. This project will collect and control storm water runoff from Morgan Street that is undermining museum improvements and stabilize the slope below the caboose.

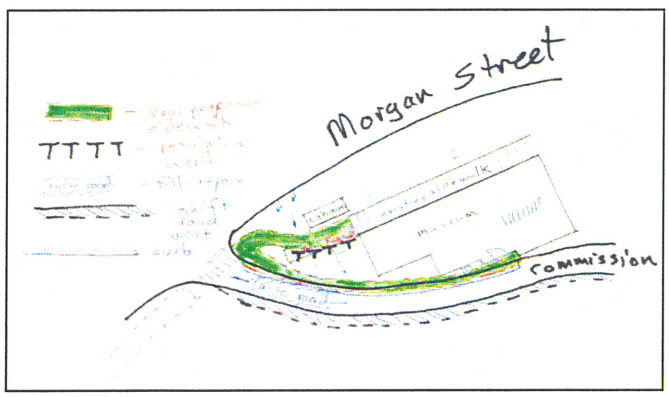
BACKGROUND

This project will connect a public sidewalk across the front of the musem so that a sidewalk will not be needed along the edge of Morgan Street. This project will improve the safety of the Morgan/Commission Ave Intersection.

COMMENTS

The leaders of the Museum approached the City staff with infrastructure problems and their need to provide ADA accessability to whole museum. The Museum would like to partner with this City on this project and has made the commitment to: 1) Take care the the demolition of the patio and the wood steps, moving the tool shed and bath house out of the way, removing and disposing of the creosote posts; 2) Reinstall the benches and railing; 3) Reinstall the tool shed to the new agreed on location after getting a building permit; 4) Install the decorative concrete sidewalk to Commission after the City storm, grading and retaining wall and roadway construction is complete.

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Preliminary Engineering	10,000	10,000					
Design Engineering	20,000		20,000				
	5,000		5,000				
Construction Costs	100,000		100,000				
TOTAL COSTS	**135,000**	**10,000**	**125,000**	-	-	-	-
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Grant Match	20,000	10,000	10,000				
Pedestrian Grant	5,000		5,000				
Museum in kind contribution	30,000		30,000				
KCDG ADA Accessibility Grant	80,000		80,000				
TOTAL SOURCES	**135,000**	**10,000**	**125,000**	-	-	-	-





Water Department
CAPITAL PROJECT SUMMARY

Funding Summary by Project

WATER DEPARTMENT		Capital Plan 2015 - 2020						
		Total $ Requested 2015-2020	2015	2016	2017	2018	2019	2020
W1	Springs & Transmission Reconstruction	2,916,000	120,000	480,000	2,316,000			
W3	Salmon Enhancement & Green Energy	1,415,000		45,000	55,000	55,000	210,000	1,050,000
W4	Fire Flow Loop - North Commercial Area	800,000					800,000	
W6	Water Comprehensive Plan Update	135,000	80,000	55,000				
W7	4.3 Mil Gal Tank Maintenance & Repairs	30,000					30,000	
W8	Asbestos Water Main Replacement Program	270,000					70,000	200,000
W9	0.5 MG Water Reservoir Recoat	157,000	157,000					
(W)ER	Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
WATER DEPARTMENT TOTAL PROJECTS		**5,783,000**	**367,000**	**590,000**	**2,381,000**	**65,000**	**1,120,000**	**1,260,000**

Funding Sources

		Capital Plan 2015 - 2020						
		Total $ Requested 2015-2020	2015	2016	2017	2018	2019	2020
REET II								
W9	0.5 MG Water Reservoir Recoat	10,000	10000					
	Total REET II	**10,000**	**10,000**					
Water Rates								
W6	Water Comprehensive Plan Update	80,000	80,000					
W7	4.3 Mil Gal Tank Maintenance & Repairs	30,000					30,000	
	Total Water Rates	**110,000**	**80,000**				**30,000**	
Water System & Facilities Funding Agmt (WSFFA)								
W1	Springs & Transmission Reconstruction	2,916,000	120,000	480,000	2,316,000			
	Total WSFFA Funds	**2,916,000**	**120,000**	**480,000**	**2,316,000**			
Grant Funding								
W3	Grant (Salmon mitigation)	540,000						540,000
W3	Grant (Green Energy)	550,000				40,000		510,000
	Total Grant Funding	**1,090,000**				**40,000**		**1,050,000**
Water Connection Charges								
W4	Fire Flow Loop - North Commercial Area	800,000					800,000	
	Total PWTF Loan	**800,000**					**800,000**	
PWTF Loan								
W3	Salmon Enhancement & Green Energy	325,000		45,000	55,000	15,000	210,000	
W8	Asbestos Water Main Replacement Program	270,000					70,000	200,000
W9	0.5 MG Water Reservoir Recoat	147,000	147,000					
	Total Other Undetermined Loan	**742,000**	**147,000**	**45,000**	**55,000**	**15,000**	**280,000**	
Developer Funding								
W6	Water Comprehensive Plan Update	55,000		55,000				
	Total Developer Funding	**55,000**		**55,000**				
	TOTAL FUNDING FOR WATER PROJECTS	**5,723,000**	**357,000**	**580,000**	**2,371,000**	**55,000**	**1,110,000**	**1,050,000**
EQUIPMENT REPLACEMENT-OPERATING COST		**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
(W)ER	Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
	TOTAL NON CAPITAL OPERATING	**60,000**	**10,000**	**10,000**	**10,000**	**10,000**	**10,000**	**10,000**
	TOTAL WATER DEPARTMENT FUNDING	**5,783,000**	**367,000**	**590,000**	**2,381,000**	**65,000**	**1,120,000**	**1,060,000**

Capital Plan 2015 - 2020

Project for the	Water Department	#	W1
PROJECT TITLE	**Springs & Transmission Reconstruction**		**13.06**

DESCRIPTION

The concept to rehabilitate the City's water source has shifted from **A**(trying to protect and rehabilitate the open springs, replacing pipes over the steep slope and reconstruct the river crossing) to **B** (tapping an artesion spring on the north side of the river, transferring the water right withdrawal point, upgrading the chlorine system) , replacing the transmission main back to Black Diamond and securing easement rights from State Parks.

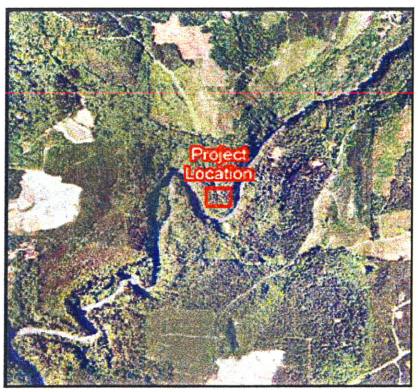
BACKGROUND

In late 2013 the City contracted with RH2 to study and compare two alternative concepts to improve and redevelop the springs to full water right capacity. The Springs Alternative Analysis Study recommended that the City pursue tapping an artesion spring on the north side of the river rather than reconstructing the more vulnerable more complicated spring collection system on the south side. The staff, Public Works Committee and Council at a CIP workshop agreed with this recommendation because of the lower maintenance, higher reliability, lower risks to employees, and a better protected water supply.

COMMENTS

This is a capacity and system reliability project funded by the Water Supply and Facilities Funding Agreement (WSFFA).

	Capital Plan 2015 - 2020						
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Preliminary Engineering	110,000	110,000					
Design Engineering	450,000		450,000				
Management / Administration	145,000	10,000	30,000	105,000			
Construction Costs	2,211,000			2,211,000			
TOTAL COSTS	**2,916,000**	**120,000**	**480,000**	**2,316,000**	**-**	**-**	**-**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Water Syst & Fac. Fndg Agrmt.	2,916,000	120,000	480,000	2,316,000			
TOTAL SOURCES	**2,916,000**	**120,000**	**480,000**	**2,316,000**	**-**	**-**	**-**





Pump & Chlorine building

Capital Plan 2015 - 2020

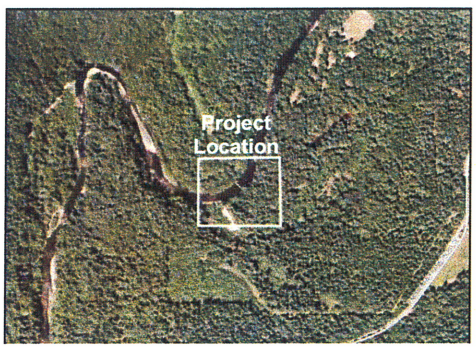
Project for the	Water Department	# W3
PROJECT TITLE	**Salmon Enhancement & Green Energy**	**14.09**

DESCRIPTION Replace the turbine, with a new larger turbine, electrical generator and connections to the power grid. The inlet pipe and spring overflow pipes needs to be replaced and upsized. The outlet discharge pipe needs to be replaced.

BACKGROUND This project will provide a source of green energy, prevent south bank erosion, reduce the risk of landslides into the Green River, reduce turbidity in the Green River and protect the stability of the spings collection sites. The City hopes to partner with an environmental group or a local tribe for the construction of a salmon spawning bed with the cool clean discharge water from the power generation.

COMMENTS The City is considering a simpler, easier to maintain water source on the north side of the Green River. See project W1. The transfer of the springs water right to an artesian spring on the north side of the river separates the need for the turbine pumping of south spring water across the river and therefore separates the obligation from the Water Supply and Facilities Funding Partners. However the benefit to the City of potentially generating revenue to keep water rates down and producting clean green power is still available to the City. The possibility of grant funding for the project looks very strong. Debt will be repaid by energy savings.

	Capital Plan 2015 - 2020						
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Initial study, grant applications							
Preliminary Engineering	90,000		40,000	50,000			
Permit and partnership development	50,000				50,000		
Engineering	200,000					200,000	
Project Management	75,000		5,000	5,000.00	5,000	10,000	50,000
Construction Costs	1,000,000						1,000,000
TOTAL COSTS	**1,415,000**	**-**	**45,000**	**55,000**	**55,000**	**210,000**	**1,050,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Grant Funding							
Grant (Salmon mitigation)	540,000						540,000
Grant (Green Energy)	550,000				40,000		510,000
Total Grant Funding	1,090,000	-	-	-	40,000	-	1,050,000
Public Works Trust Fund							
PWTF Loan	325,000		45,000	55,000	15,000	210,000	
TOTAL SOURCES	**1,415,000**	**-**	**45,000**	**55,000**	**55,000**	**210,000**	**1,050,000**





Capital Plan 2015 - 2020

Project for the	Water Department	#	W4
PROJECT TITLE	**Fire Flow Loop - North Commercial Area**		**13.08**

DESCRIPTION

Replace 200 feet of 4 inch asbestos concrete with 100 feet of 12 inch dutile iron water main across SR 169 at the power substation; Complete a 900 foot 12 inch ductile iron water main loop from Cedar Brook Mobile Home Park to the 6 inch asbestos water main behind Boots Tavern

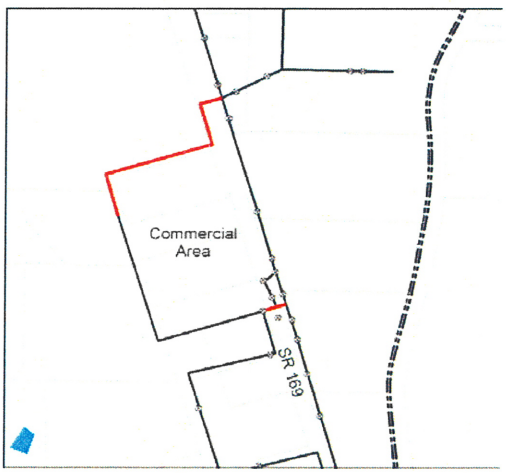
BACKGROUND

This is a capacity and system reliability project. Other commercial properties development along SR-169 may also be contributing or constructing portions of this project.

COMMENTS

This project does not describe what is needed to provide fire flow and redundant service to the north triangle but rather is the minimum to provide a looped system for the north part of the existing city system. Yarrow Bay commercial development in the North Triangle with required water line looping will make this project a lower priority. *It would take approximately 116 lots of infill development to cover the cost of this project.

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
management / administration	40,000					40,000	
	80,000					80,000	
Construction Costs	680,000					680,000	
TOTAL COSTS	**800,000**	-	-	-	-	**800,000**	-
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Water Connection charges *	800,000					800,000	
TOTAL SOURCES	**800,000**	-	-	-	-	800,000	-



Capital Plan 2015 - 2020

Project for the	Water Department	#	W6
PROJECT TITLE	**Water Comprehensive Plan Update**		14.12

DESCRIPTION

The Department of Health requires an update of the Water Comprehensive Plan every 6 years. The City is due to update the Water Comprensive Plan in 2015.

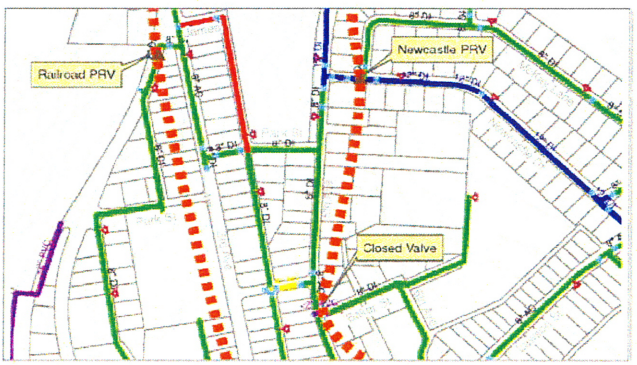
COMMENTS

The Public Works Department will update the Water Comprehensive Plan primarily with in house staff with assistance from an outside consultant for water system modeling and system mapping.

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Management / Administration	10,000	5,000	5,000				
Consultant Services	70,000	40,000	30,000				
in house engineering	55,000	35,000	20,000				
TOTAL COSTS	**135,000**	**80,000**	**55,000**	-	-	-	-
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Water Reserves and Rates	80,000	80,000					
Developer Funded	55,000		55,000				
TOTAL SOURCES	**135,000**	**80,000**	**55,000**	-	-	-	-

City of Black Diamond

Water System Comprehensive Plan



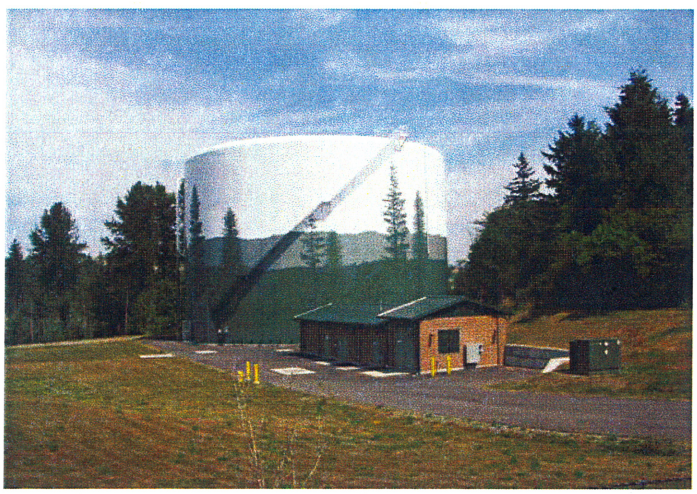
Capital Plan 2015 - 2020

Project for the	Water Department	#	W7
PROJECT TITLE	**4.3 Mil Gal Tank Maintenance & Repairs**		**14.11**

DESCRIPTION The 4.3 million gallon water tank will be 10 years old in 2016. The tank will need be drained and any and all spots of corrosion or paint damage will need to be spot treated to help preserve the over all inside and exterior coatings.

COMMENTS This project while it is a maintenance project does extend the life of the coating by about 5 to 10 years and therefore is included in this Capital Improvement Plan

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Water Tank Maintenance	30,000					30,000	
TOTAL COSTS	**30,000**	**-**	**-**	**-**	**-**	**30,000**	**-**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Water Rates	30,000					30,000	
TOTAL SOURCES	**30,000**	**-**	**-**	**-**	**-**	**30,000**	**-**



Project for the	Water Department	# W8
PROJECT TITLE	Asbestos Water Main Replacement Program	14.13

DESCRIPTION

Replace 228 feet of 4 inch and 854 feet of 6 inch asbestos water main on Morgan Drive from Roberts Drive to the north end of Morgan Drive.

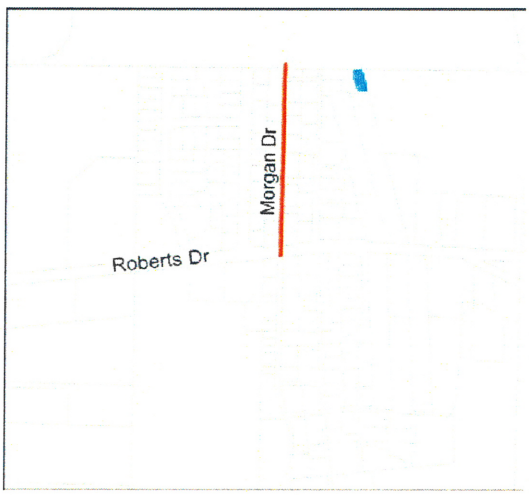
BACKGROUND

This project will improve fire flows to the Morganville area and replace substandard pipe that is nearing its useful performance life. This is a maintenance project funded by existing customers.

COMMENTS

Further future study of the extisting asbestos water mains may show that a different asbestos water main should be replaced than this particular water main. Leak history, street reconstruction projects, pavement condition, developer improvements and asbestos pipe strength tests may change the priority of the asbestos pipe to be replaced.

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Capital Plan 2015 - 2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Preliminary Engineering	15,000					15,000	
Engineering,design, bid docs	50,000					50,000	
Management / Administration	15,000					5,000	10,000
Construction	165,000						165,000
Contingency	25,000						25,000
TOTAL COSTS	**270,000**	**-**	**-**	**-**	**-**	**70,000**	**200,000**
REQUESTED FUNDING	**Capital Plan 2015 - 2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
UNFUNDED	270,000	-	-	-	-	70,000	200,000
TOTAL SOURCES	**270,000**	**-**	**-**	**-**	**-**	**70,000**	**200,000**



Capital Plan 2015 - 2020

Project for the **Water Department** **# W9**

PROJECT TITLE **0.5 MG Water Reservoir Recoat**

DESCRIPTION

Repaint the 0.5 MG reservoir inside and out.

BACKGROUND

This project while it is a maintenance project does extend the life of the coating by about 5 to 10 years and therefore is included in this Capital Improvement Plan

COMMENTS

The budget was increased from the 2013 budget because of the paint condition, need for an additional access port, tank mixing and staff costs. The preliminary engineering will start in 2013 as budgeted. Work will begin in 2014. Funded by a Public Works Trust Fund Loan for 10 years @ 2.5%.

		Capital Plan 2015 - 2020					
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Design Engineering & bid docs	15,000	15,000					
Specialty Inspection	4,000	4,000					
Tank Painting & Improvements	120,000	120,000					
Project Management	18,000	18,000					
TOTAL COSTS	**157,000**	**157,000**	**-**	**-**	**-**	**-**	**-**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
PWTF Loan or other	147,000	147,000					
Interfund Loan from Sewer	5,000	5,000					
Real Estate Excise Tax II	5,000	5,000					
TOTAL SOURCES	**157,000**	**157,000**	**-**	**-**	**-**	**-**	**-**



CAPITAL PROJECT SUMMARY

Expenditure Summary by Project

SEWER DEPARTMENT	Total $ Requested 2015-2020	Capital Plan 2015 - 2020					
		2015	2016	2017	2018	2019	2020
S1 Infiltration and Inflow Reduction Program	150,000	25,000	25,000	25,000	25,000	25,000	25,000
S2 Public Works Facilities and Equipment	600,000					500,000	100,000
S3 Morganville Force Main Reroute	460,000					20,000	440,000
S4 Cedarbrook Sewer Main	330,000			35,000	295,000		
(S)ER Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
SEWER DEPT TOTAL PROJECTS	**1,600,000**	**35,000**	**35,000**	**70,000**	**330,000**	**555,000**	**575,000**

Funding Sources

	Total $ Requested 2015-2020	Capital Plan 2015 - 2020					
		2015	2016	2017	2018	2019	2020
Loans or Bonding Funding							
S2 Public Works Facilities and Equipment	600,000					500,000	100,000
Total REET I	**600,000**					**500,000**	**100,000**
Sewer Reserves, New Customers & Conn. Fees							
S1 Infiltration and Inflow Reduction Program	150,000	25,000	25,000	25,000	25,000	25,000	25,000
S3 Morganville Force Main Reroute	20,000					20,000	
Total Sewer Reserves, New Customers & Conn. Fees	**170,000**	**25,000**	**25,000**	**25,000**	**25,000**	**45,000**	**25,000**
Public Works Trust Fund Loan							
S3 Morganville Force Main Reroute	440,000						440,000
S4 Cedarbrook Sewer Main	330,000			35,000	295,000		
Total Public Works Trust Fund Loans	**770,000**			**35,000**	**295,000**		**440,000**
TOTAL FUNDING FOR SEWER PROJECTS	**1,540,000**	**25,000**	**25,000**	**60,000**	**320,000**	**545,000**	**565,000**
Equipment Replacement - Operating Costs							
(S)ER Equipment Replacement	**60,000**	10,000	10,000	10,000	10,000	10,000	10,000
TOTAL FUNDING FOR SEWER PROJECTS	**1,600,000**	**35,000**	**35,000**	**70,000**	**330,000**	**555,000**	**575,000**

Capital Plan 2015 - 2020

Project for the	Sewer Department	#	S1
PROJECT TITLE	Infiltration and Inflow Reduction Program		13.10

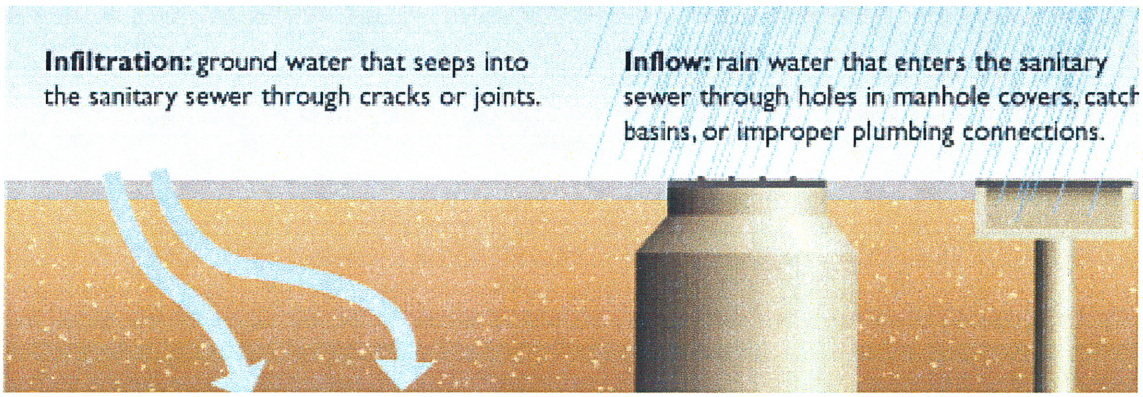
DESCRIPTION

This project funds any activities that reduce infiltration of groundwater or inflow of stormwater into the sewer system such as: TV inspections, smoke testing, flow monitoring, and then Repair Work such as: pipe rehabilitation, sealing, requiring private line replacement, manhole repair and sewer line replacement.

BACKGROUND

The City needs to reduce the infiltration and inflow as good stewardship and maintenance of the existing sewer system. The City also desires to preserve and recapture capacity in the wastewater system by reducing and controlling the peak flows. Recent maintenance acitivities, sewer investigations, recent sewer flow peaks and maintenance work has given staff assurance that the CIty could reduce the annual effort to $25,000 annually and reprogram accumulated unspent funds in this capital catagory. The City will continue to monitor the expense and effectiveness of this program.

Capital Plan 2015 - 2020							
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Management / Administration	30,000	5,000	5,000	5,000	5,000	5,000	5,000
Design & Construction	120,000	20,000	20,000	20,000	20,000	20,000	20,000
TOTAL COSTS	**150,000**	**25,000**	**25,000**	**25,000**	**25,000**	**25,000**	**25,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Sewer Reserve	150,000	25,000	25,000	25,000	25,000	25,000	25,000
TOTAL SOURCES	**150,000**	**25,000**	**25,000**	**25,000**	**25,000**	**25,000**	**25,000**



Capital Plan 2015 - 2020

PROJECT TITLE	Sewer Department	S2
	Public Works Facilities and Equipment	13.13

DESCRIPTION

The City is in need for several additional facilities and equipment. Such as better and larger materials handling and storage facilities; a street sweeper/vactor equipment; shop improvements; and maintenance employee facilities. As the City grows these needs will increase.

BACKGROUND

The Makers Study identifed a cost of approximately $21.4 million for a public works facility to serve the full size Black Diamond City. Capital Facility charges will pay for 80% of the project funding and the Public Works Department's 20% share of that cost is $4.3 million. The expenses shown below only show the initial expenditures to kick off the project.

COMMENTS

Costs and timing will be depend on the speed of growth in Black Diamond. The PWTF loan will be for 20 years at 1% interest. The payment will be approximately $(what is the payment for $20.9 mil @ 1%) split among the utilities; 13% for Street, and 29% each will come from Water, Sewer and Stormwater. The capital facility charge will pay for a portion of the debt service. The land purchase will need a transfer from REET I.

Capital Plan 2015 - 2020							
	Total $ Requested 2015-2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Engineering and Environmental	100,000						100,000
Property Purchase	500,000					500,000	
Construction Costs	0						
Major Equipment Purchases	0						
TOTAL COSTS	**600,000**	**-**	**-**	**-**	**0**	**500,000**	**100,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Loan or Bond Funding							
Loan or Bond Funding	**600,000**					500,000	100,000
TOTAL SOURCES	**600,000**	**-**	**-**	**-**	**-**	**500,000**	**100,000**



Capital Plan 2015 - 2020

Project for the	Sewer Department	#	S3
PROJECT TITLE	Morganville Force Main Reroute		13.12

DESCRIPTION

Reroute the flows from the Morgan Street Sewer pump station from pumping to the Jones Lake Pump Station to pump to the new King County western storage facility. The new force main will be about 3500 feet from Morgan Street west along Roberts Drive and northwest along Lake Sawyer Road East.

BACKGROUND

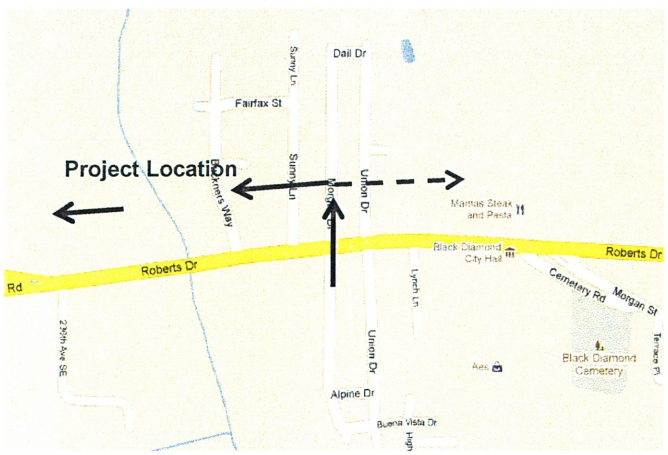
This project was programmed to provide capacity for infill in the old part of Black Diamond and save energy from pumping sewage twice. The need has diminished because of King County approval of a regional discharge location in the western part of Black Diamond, additional capacity from obstruction removal on our main trunk line and with the verification excellent pipe condition and capacity of our main trunk line. Consideration may be given to dropping this project, if Infiltration and Inflow can be reduced.

COMMENTS

A Public Works Trust Fund Loan of 20 years generates a debt payment of $24,382.74 per year at 1%. This project is shifted to later years because of the lower priority as described above.

CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Preliminary Engineeering	20,000					20,000	
Design Engineering	40,000						40,000
Construction Costs	380,000						380,000
Management / Administration	20,000						20,000
TOTAL COSTS	**460,000**	-	-	-	-	**20,000**	**440,000**

REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Sewer Reserve	20,000	-	-			20,000	-
PWTF Loan	440,000						**440,000**
TOTAL SOURCES	**460,000**	-	-	-	-	**20,000**	**440,000**



Capital Plan 2015 - 2020

Project for the	Sewer Department	# S4
PROJECT TITLE	Cedarbrook Sewer Main	13.11

DESCRIPTION

Acquire City easement through the trailer park. Rehabilitate or reconstruct the existing sewer main to provide reliable public sewer service to the customers in the north east portion of the City.

BACKGROUND

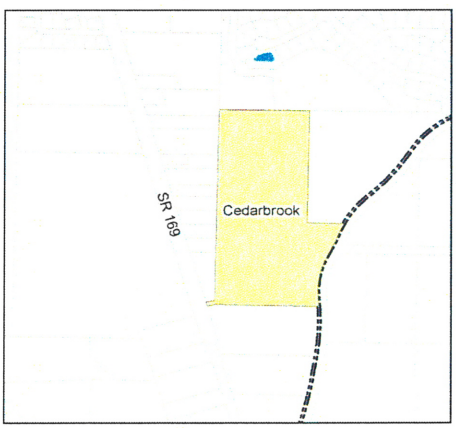
This project is necessary to reduce infiltration and Inflow and to elminate the maintenance problems caused by the settled sections of sewer main.

COMMENTS

Portions of the existing sewer main will have to be reconstructed and other sections might just be repaired. The budget has been increased to reflect the cost of reconstructing portion of the sewer. A 20 year Public Works Trust Fund Loan will generate a debt payment of $13,853.83 per year at 1%.

CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
prelim Engineeering & legal	30,000			30,000			
Design Engineering	50,000				50,000		
Construction Costs	235,000				235,000		
Management / Administration	15,000			5,000	10,000		
TOTAL COSTS	**330,000**	**-**	**-**	**35,000**	**295,000**	**-**	**-**

REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
PWTF Loan	330,000	-	-	35,000	295,000	-	-
TOTAL SOURCES	**330,000**	**-**	**-**	**35,000**	**295,000**	**-**	**-**



Stormwater Department
CAPITAL PROJECT FUNDING SUMMARY

Expenditure Summary by Project

STORMWATER	Capital Plan 2015 - 2020						
Project Name	Total $ Requested 2015 - 2020	2015	2016	2017	2018	2019	2020
D1 Cov. Creek Culvert; Safety and Salmon Imp.	320,000		70,000	250,000			
D2 North Commercial and SR 169 Stormwater Treatment Pond	870,000		20,000	850,000			
D3 Ginder Creek Headwall	90,000					40,000	50,000
D4 Lawson Hills Estates Storm Pond	60,000		60,000				
ERS Equipment Replacement	60,000	10,000	10,000	10,000	10,000	10,000	10,000
TOTAL EXPENDITURES	**1,400,000**	**10,000**	**160,000**	**1,110,000**	**10,000**	**50,000**	**60,000**

Funding Sources

	Total $ Requested 2015 - 2020	2015	2016	2017	2018	2019	2020
GRANTS							
D1 Cov. Creek Culvert; Safety and Salmon Imp.	320,000		70,000	250,000			
D2 North Commercial and SR 169 Stormwater Treatment Pond	850,000			850,000			
Total Ecology Grants	**1,170,000**		**70,000**	**1,100,000**			
GRANT MATCHING							
D2 North Commercial and SR 169 Stormwater Treatment Pond	20,000		20,000				
D3 Ginder Creek Headwall	90,000					40,000	50,000
Total Grant Matching	**110,000**		**20,000**			**40,000**	**50,000**
STORMWATER FUNDING							
D4 Lawson Hills Estates Storm Pond	60,000		60,000				
Total Stormwater Funding	**60,000**		**60,000**				
ERS Equipment Replacement	**60,000**	10,000	10,000	10,000	10,000	10,000	10,000
TOTAL FUNDING FOR STORMWATER	**1,400,000**	**10,000**	**160,000**	**1,110,000**	**10,000**	**50,000**	**60,000**

Capital Plan 2015 - 2020

Project for the	Stormwater Department	#	D1
PROJECT TITLE	Cov. Creek Culvert; Safety and Salmon Imp.		13.14

DESCRIPTION

Rehabilitate the existing culverts, add a concrete head wall and guard rail. The summer 2012 inspections found the culverts to be structurally sound, but with serious corrosion and pitting in the lower third of the culverts and a few areas where corrosion has opened holes in the culvert. The culverts could be lined to preserve their structural integrity at about a third of the cost of replacement.

BACKGROUND

The three culverts divide the small summer flow leaving only a small amount of water for fish passage. The existing corregated metal culverts are showing signs of corrosion. The guard rails will protect the environment from errant stray vehicles.

COMMENTS

Grant funding may be available for this project from conservation funds, traffic safety funding and King County Flood District Opportunity Funds.

Capital Plan 2015 - 2020							
	Total $ Requested 2015 - 2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Design Engineering	65,000		65,000				
Construction	240,000			240,000			
Management / Administration	15,000		5,000	10,000			
TOTAL COSTS	**320,000**	**-**	**70,000**	**250,000**	**-**	**-**	**-**
REQUESTED FUNDING	**Total $ Requested 2015 - 2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
WRIA 9 Salmon mitigation	255,000		55,000	200,000			
traffic safety (TIB)	50,000			50,000			
Opportunity funding (flood)	15,000		15,000				
TOTAL SOURCES	**320,000**	**-**	**70,000**	**250,000**	**-**	**-**	**-**





Capital Plan 2015 - 2020

Project for the	Stormwater Department	# D2
PROJECT TITLE	North Commercial and SR 169 Stormwater Treatment Pond	13.15

DESCRIPTION

Collect storm water runoff from the main commercial area in north Black Diamond and from State Route 169 and route to city property north of the library. Construct a wetpond or vault for pre-treatment followed by constructed wetlands to dispersion trenches for discharge to upland above Ginder Creek.

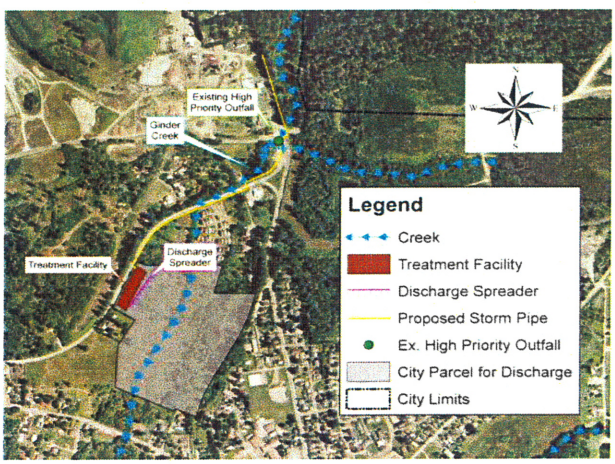
BACKGROUND

Whereas there is a total maximum daily load (TMDL) on Lake Sawyer for phosphorous, the city should look for opportunities to reduce phosphorous inputs from existing untreated stormwater discharges. Stormwater outfall discharges from the commercial area and the state route appear to have the highest pollutant loadings as compared to other City stormwater outfalls.

COMMENTS

The City obtained a grant from the Department of Ecology to design this project. With a completed design at 90%, the City will have a well defined project and will use the detailed information to improve grant applications.

Capital Plan 2015 - 2020							
	Total $ Requested 2015 - 2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Final Engineering prepare bid docs	20,000		20,000				
Construction	850,000			850,000			
Management / Administration			5,000	35,000			
TOTAL COSTS	**870,000**	**-**	**20,000**	**850,000**	**-**	**-**	**-**
	Total $ Requested 2015 - 2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
SOE Grant	850,000			850,000			
Grant Matching	20,000		20,000				
TOTAL SOURCES	**870,000**	**-**	**20,000**	**850,000**	**-**	**-**	**-**





Capital Plan 2015 - 2020

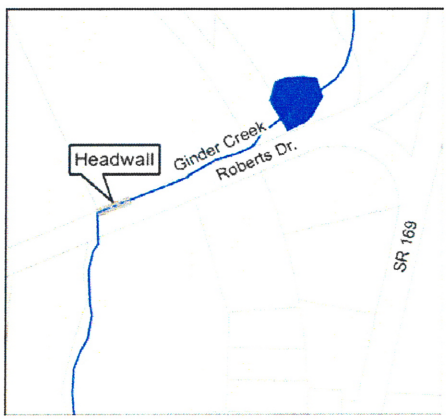
Project for the	Stormwater Department	# D3
PROJECT TITLE	Ginder Creek Headwall	14.16

DESCRIPTION Reconstruct an 80 foot section of the Ginder Creek Headwall along the north side of Roberts Drive

BACKGROUND The base of the existing concrete headwall was not constructed deep enough so that high flows in Ginder Creek have undermined the headwall destabilizing the wall. The headwall has been slowly tilting into the Creek. Staff has braced the headwall as an interim step to hold the wall in position.

COMMENTS This project is needed to protect the roadway and prevent the erosion that would occur if the headwall tipped over. A significant amount of the cost of this project will be related to environmental permitting.

Capital Plan 2015 - 2020							
	Total $ Requested 2015 - 2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Preliminary Engineer/Permitting	25,000					25,000	
Design Engineering	10,000					10,000	
Construction	45,000						45,000
Management / Administration	10,000					5,000	5,000
TOTAL COSTS	**90,000**	-	-	-	-	**40,000**	**50,000**
	Total $ Requested 2015 - 2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Grant Matching	90,000					40,000	50,000
TOTAL SOURCES	**90,000**	-	-	-	-	**40,000**	**50,000**





Capital Plan 2015 - 2020

Project for the	Stormwater Department	#	D4
PROJECT TITLE	Lawson Hills Estates Storm Pond		15.01

DESCRIPTION

Reconstruct the maintenance access road to the first cell of this pond including: 1) reconfiguration of the sidewalk and approach from the road, 2)Reconstruction of the gate and fence, 2) Constructing a road to the center dike, 3) constructing an access road to the pond bottom.

BACKGROUND

After the City inspection of the storm pond in 2013, it was noted that the first cell of the pond needed to be cleaned out. The maintenance crews scheduled the work but found it impossible to access and at best will be extremely expensive every time the cell needs to be cleaned. The crew recommended programming pond access improvements into the CIP.

COMMENTS

	Capital Plan 2015 - 2020						
	Total $ Requested 2015 - 2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
In house Design/ mngmt	10,000		10,000				
Construction	40,000		40,000				
Management / Administration	10,000		10,000				
TOTAL COSTS	**60,000**	-	**60,000**	-	-	-	-
REQUESTED FUNDING	**Total $ Requested 2015 - 2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Stormwater funds	60,000		60,000				
TOTAL SOURCES	**60,000**	-	**60,000**	-	-	-	-



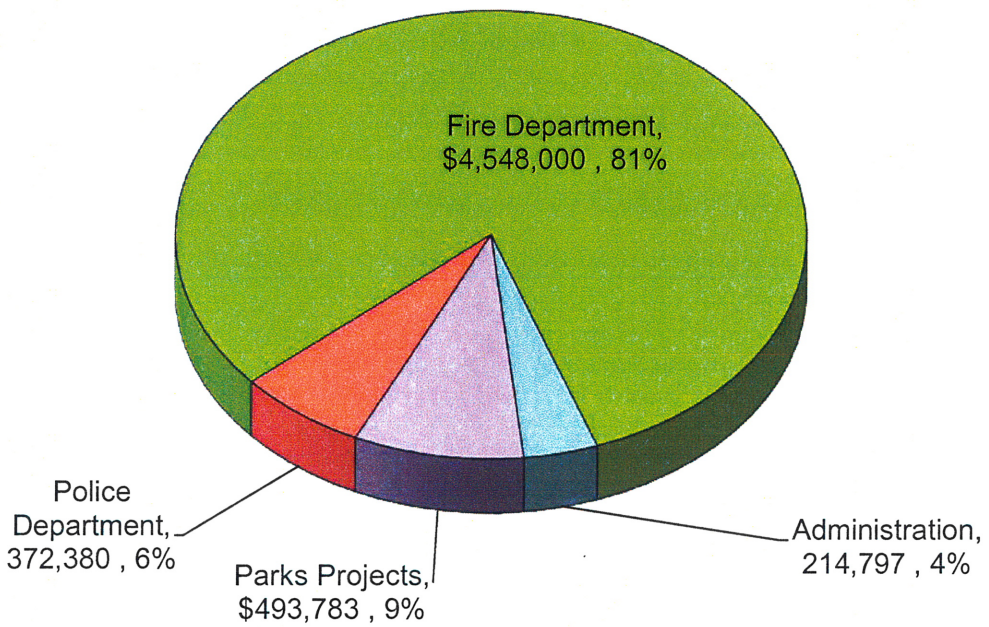


General Government Department Summary

Capital Improvement Plan 2015 - 2020

	Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
Parks Department	**493,783**	**82,783**	**10,500**	**32,000**	**26,500**	**79,000**	**263,000**
Public Safety							
Police Department (incl Tech)	372,380	36,290	37,041	73,551	67,018	77,339	81,141
Fire Department	4,548,000	423,000	-	-	125,000	4,000,000	-
Subtotal	**4,920,380**	**459,290**	**37,041**	**73,551**	**192,018**	**4,077,339**	**81,141**
General Government							
City Technology (not Police)	189,797	33,909	30,068	31,418	35,959	29,184	29,259
Reroof Police Building	25,000	-	-	-	25,000	-	-
Subtotal	**214,797**	**33,909**	**30,068**	**31,418**	**60,959**	**29,184**	**29,259**
TOTAL Projected Expenditures	**$ 5,628,960**	**$ 575,982**	**$ 77,608**	**$ 136,969**	**$ 279,478**	**$ 4,185,523**	**$ 373,400**

General Government CIP by Type of Funding Total: $5,628,960



Capital Improvement Plan 2015 - 2020

CIP General Government Summary of Projects

		Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
	POLICE PROJECTS							
L1	Police Technology	135,811	26,990	24,641	12,455	17,105	26,178	28,444
L2	Patrol Car Replacement Plan	202,469			48,696	49,914	51,162	52,697
L3	Police Radio Replacement	34,100	9,300	12,400	12,400			
	TOTAL POLICE PROJECTS	**372,380**	**36,290**	**37,041**	**73,551**	**67,018**	**77,339**	**81,141**
	FIRE DEPARTMENT PROJECTS							
F1	Replace Primary Fire Engine 98	365,000	365,000					
F2	Replace Reserve Engine	600,000					600,000	
F3	Replace Aid Car	225,000					225,000	
F4	Replace Brush Truck Chassis	85,000					85,000	
F5	New Fire Station and Equipment (Growth)	3,215,000				125,000	3,090,000	
F6	Replace SCBA Bottles (Air Bottles)	58,000	58,000					
	TOTAL FIRE PROJECTS	**4,548,000**	**423,000**			**125,000**	**4,000,000**	
	PARKS PROJECTS							
P1	Ginder Creek Trail and Site Restoration	31,283	31,283					
P2	Grant Matching Funds	35,000	2,500	2,500	5,000	5,000	10,000	10,000
P3	Tree Planting Program	84,500	2,000	1,000	20,000	14,500	22,000	25,000
P4	Regional Trail System	240,000					40,000	200,000
P5	Lake Sawyer Mitigation Bank Improvements	10,000						10,000
P6	Pond to Parks Improvement (Eagle Creek)	11,000						11,000
P7	Parks Equipment and Upgrades	42,000	7,000	7,000	7,000	7,000	7,000	7,000
P8	Park's Plan Update	40,000	40,000					
	TOTAL PARKS PROJECTS	**493,783**	**82,783**	**10,500**	**32,000**	**26,500**	**79,000**	**263,000**
	ADMINSTRATION & CITY PROJECTS							
A1	City Technology Upgrades	189,797	33,909	30,068	31,418	35,959	29,184	29,259
A2	Reroof Police Building	25,000				25,000		
	TOTAL ADMINISTRATION & CITY PROJECTS	214,797	33,909	30,068	31,418	60,959	29,184	29,259
	TOTAL GENERAL GOVT CAPITAL PROJECTS	**5,628,960**	**575,982**	**77,608**	**136,969**	**279,478**	**4,185,523**	**373,400**

CIP General Government FUNDING Summary (Continued)								
	Capital Improvement Plan 2013 - 2018	Total $ Project 2015 - 2020	2015	2016	2017	2018	2019	2020
	REET I FUNDING							
L1	Police Technology	135,811	26,990	24,641	12,455	17,105	26,178	28,444
L2	Patrol Car Replacement Plan	202,469			48,696	49,914	51,162	52,697
L3	Police Radio Replacement	34,100	9,300	12,400	12,400			
F6	Replace SCBA Bottles (Air Bottles)	58,000	58,000					
P2	Grant Matching Funds	35,000	2,500	2,500	5,000	5,000	10,000	10,000
P5	Lake Sawyer Mitigation Bank Improvements	10,000						10,000
P7	Parks Equipment and Upgrades	42,000	7,000	7,000	7,000	7,000	7,000	7,000
A1	City Technology Upgrades	189,797	33,909	30,068	31,418	35,959	29,184	29,259
A2	Reroof Police Building	25,000				25,000		
Total REET I Funding for Gen Govt CIP PROJECTS		**732,177**	**137,699**	**76,608**	**116,969**	**139,978**	**123,523**	**137,400**
	LOANS TO FINANCE PROJECTS							
F1	Engine 98 Replace (10 yr)	240,000	240,000					
	Total Loans to Finance Projects	**240,000**	**240,000**					
	FUNDING FROM GROWTH OR BOND SALES							
F3	**Replace Aid Car (12 yr)**	225,000					225,000	
F4	**Replace Brush Truck Chassis (5 yr)**	82,000					82,000	
F2	**Replace Reserve Engine**	600,000					600,000	
F5	**New Fire Station and Equipment**	3,215,000				125,000	3,090,000	
###	**Total Funding from Growth or Bond Sales**	**4,122,000**				**125,000**	**3,997,000**	
	FUNDING FROM SURPLUS SALES							
F1	**Replace Engine 98 (Surplus Funding)**	125,000	125,000					
F4	**Brush Truck Chassis (Surplus Funding)**	3,000					3,000	
	Total Funding From Surplus Sales	**128,000**	**125,000**				**3,000**	
	KING COUNTY CONSERVATION DISTRICT FUNDING							
P6	Pond to Parks Improvement (Eagle Creek)	11,000						11,000
	Total King County Conservation District Funding	**11,000**						**11,000**
	KING COUNTY PARKS & RECREATION COST SHARE							
P5	Regional Trail System	200,000						200,000
	Total KC Parks & Recreation Cost Share	**200,000**						**200,000**
	TREE MITIGATION FUND							
P3	Tree Planting Program	84,500	2,000	1,000	20,000	14,500	22,000	25,000
	Total Tree Mitigation Fund	**84,500**	**2,000**	**1,000**	**20,000**	**14,500**	**22,000**	**25,000**
	COUNTY TAX LEVY FOR PARKS							
P1	**Ginder Creek Trail and Site Restoration**	31,283	**31,283**					
P4	**Regional Trail System**	40,000					**40,000**	
	Total County Levy Fund	**71,283**						
	UNKNOWN FUNDING SOURCE							
P8	**Park's Plan Update**	**40,000**	**40,000**					
	TOTAL GENERAL GOVT CAPITAL PROJECTS	**5,628,960**	**544,699**	**116,223**	**175,584**	**318,093**	**4,184,139**	**412,015**
	LOAN PAYMENTS REET I							
F1	Replace Primary Fire Engine 98	96,538		19,308	19,308	19,308	19,308	19,308
	LOAN PAYMENTS Fire Impact Fees							
F1	Engine 98 Replace (Loan Payment 10 yr)	96,538		19,308	19,308	19,308	19,308	19,308
Total Funding for Loan Payments (not in total)		**193,076**		**38,615**	**38,615**	**38,615**	**38,615**	**38,615**

REET I ANALYSIS SUMMARY (Fund 310)

Capital Improvement Plan 2015 - 2020

REET I - REVENUE	Total $ Project 2015 - 2020	Capital Improvement Plan 2015 - 2020					
		2015	2016	2017	2018	2019	2020
Beg Fund Balance 104	187,770	187,770	112,571	64,347	(15,299)	(113,266)	(177,405)
REET Revenue (annual)							
1/4 of 1% REET - Existing Property	450,938	59,500	63,000	68,438	75,000	90,000	95,000
1/4 of 1% REET - Other new homes	37,125	3,000	4,000	7,500	5,625	8,000	9,000
Subtotal REET I Revenue	488,063	62,500	67,000	75,938	80,625	98,000	104,000
Reet II Transfer							
TOTAL Avail. Balance for Gen Govt Projects	675,833	250,270	179,571	140,285	65,326	-15,266	-73,405

REET I - PROJECT EXPENDITURES	Total $ Project 2015 - 2020	Capital Improvement Plan 2015 - 2020					
		2015	2016	2017	2018	2019	2020
General Government							
A1 City Technology Upgrades	189,797	33,909	30,068	31,418	35,959	29,184	29,259
A2 Reroof Police Building	25,000				25,000		
Subtotal General Government	214,797	33,909	30,068	31,418	60,959	29,184	29,259
Parks							
P2 Grant Matching Funds	35,000	2,500	2,500	5,000	5,000	10,000	10,000
P5 Lake Sawyer Mitigation Bank Improvements	10,000						10,000
P7 Parks Equipment and Upgrades	42,000	7,000	7,000	7,000	7,000	7,000	7,000
Subtotal Parks	87,000	9,500	9,500	12,000	12,000	17,000	27,000
Public Safety							
L1 Police Technology	135,811	26,990	24,641	12,455	17,105	26,178	28,444
L2 Patrol Car Replacement Plan	202,469			48,696	49,914	51,162	52,697
L3 Police Radio Replacement	34,100	9,300	12,400	12,400			
Subtotal Police	372,380	36,290	37,041	73,551	67,018	77,339	81,141
F6 Replace SCBA Bottles (Air Bottles)	58,000	58,000					
Subtotal Fire	58,000	58,000					
Total Public Safety	430,380	94,290	37,041	73,551	67,018	77,339	81,141
Total REET I Projects	732,177	137,699	76,608	116,969	139,978	123,523	137,400
Total REET I Debt	193,076		38,615	38,615	38,615	38,615	38,615
TOTAL REET I	925,253	137,699	115,223	155,584	178,593	162,139	176,015
REET I left for next year (Ending Balance)	(249,420)	112,571	64,347	(15,299)	(113,266)	(177,405)	(249,420)

REET based on Houses sold	2015	2016	2017	2018	2019	2020
Existing Property Sales (in 000's)	62 @$250	75 @$255	85 @$260	95 @$265	120 @$270	140 @$275
Other new home sales (in 000's)	5 @$250	10 @$255	10 @$260	11 @$265	12 @$270	17 @$275

Police Department

CAPITAL PROJECT SUMMARY

	Capital Plan 2015 - 2020						
Project Title	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Police Technology	135,811	26,990	24,641	12,455	17,105	26,178	28,444
Patrol Car Replacement Plan	202,469			48,696	49,914	51,162	52,697
Police Radio Replacement	34,100	9,300	12,400	12,400			
POLICE DEPT TOTAL EXPENDITURES	**372,380**	**36,290**	**37,041**	**73,551**	**67,018**	**77,339**	**81,141**
ding Sources							
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET I							
Police Technology	135,811	26,990	24,641	12,455	17,105	26,178	28,444
Patrol Car Replacement Plan	202,469			48,696	49,914	51,162	52,697
otal REET I	**338,280**	**26,990**	**24,641**	**61,151**	**67,018**	**77,339**	**81,141**
Beginning Fund Balance	34,100	9,300	12,400	12,400			
TOTAL FUNDING FOR POLICE PROJECTS	**372,380**	**36,290**	**37,041**	**73,551**	**67,018**	**77,339**	**81,141**

Capital Plan 2015 - 2020

Project for	Police Department	#	L1

PROJECT TITLE	Police Technology

DESCRIPTION Variety of technology for Police including PC purchases, network upgrades for hardware and software, and replacement of radios, printers and copiers.

COMMENTS Laptops for all officers. General technology needs in years after.

Capital Plan 2015 - 2020							
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Laptops - Replacements	83,203	17,458	14,735	4,085	14,735	17,458	14,735
PC Software	21,508	2,033	6,506	1,970	1,970	2,020	7,010
Networking Hardware	22,700	7,100	3,000	-	-	6,300	6,300
TOTAL COSTS	**127,411**	**26,590**	**24,241**	**6,055**	**16,705**	**25,778**	**28,044**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET I	127,411	26,590	24,241	6,055	16,705	25,778	28,044
TOTAL SOURCES	**127,411**	**26,590**	**24,241**	**6,055**	**16,705**	**25,778**	**28,044**





Servers, Routers and Laptops

Black Diamond Police

5 Year CIP - Equipment rotation and replacement

4/7/2014

					Fiscal Year					
Description		Cost Each		PC w/ software	2015	2016	2017	2018	2019	2020
Total Desktop 2013					5	5	5	5	5	5
Total MDC - Rugged 2013					8	9	9	9	9	9
Replacement Desktop					2		3		2	
Replacement MDC					3	3		3	3	3
Hardware										
Desktop -		$ 800.00		$ 1,361.50	$ 2,723.00		$ 4,084.50		$ 2,723.00	
MDC - Includes O/S		$ 4,500.00		$ 4,911.50	$ 14,734.50	$ 14,734.50		$ 14,734.50	$ 14,734.50	$ 14,734.50
Software										
Netmotion (wireless MDC Client)	Annual fee -	$ 31.00			$ 248.00	$ 279.00	$ 279.00	$ 279.00	$ 279.00	$ 279.00
Office (Includes word, excel, outlook, powerpoint, publisher, access)	One-time	$ 324.00				$ 4,536.00				$ 4,989.60
Windows (Operating System)	One-time	$ 150.00								
AMP (helpdesk software)	Annual Cost	$ 22.50			$ 292.50	$ 315.00	$ 315.00	$ 315.00	$ 315.00	$ 315.00
Anti-Virus Protection	Annual Cost	$ 34.00			$ 442.00	$ 476.00	$ 476.00	$ 476.00	$ 476.00	$ 476.00
Smartnet Warranty - Router and switch support	Annual Cost	$ 150.00			$ 450.00	$ 300.00	$ 300.00	$ 300.00	$ 325.00	$ 325.00
Server Warranty - All expired. 12 x 7 support	Annual Cost	$ 300.00			$ 600.00	$ 600.00	$ 600.00	$ 600.00	$ 625.00	$ 625.00
Network Hardware and Software										
Server (Includes 4 year warranty)		$ 6,000.00			$ 6,000.00		$ 6,000.00			$ 6,300.00
Firewall		$ 2,500.00							$ 2,625.00	
Wireless		$ 1,100.00			$ 1,100.00					
Switches - 48 Port		$ 3,500.00							$ 3,675.00	
Firewall/VPN Concentrator		$ 2,200.00								
Router		$ 3,000.00				$ 3,000.00				
Backup		$ 1,500.00								
(Court router end of life - Seek AOC Funding)		$ 3,000.00								
Phones-Not included										
Unknown Other										
Video/ Audio/ Mobile Device		$ 400.00			$ 400.00	$ 400.00	$ 400.00	$ 400.00	$ 400.00	$ 400.00

Industry Standard Hardware Rotation		Cost
Desktop - Monitor, mouse, keyboard	4 years	$ 800.00
MDC - Rugged	5 years	$ 4,500.00
Servers	5 years	$ 6,000.00
Network - Firewalls/ Switches	6 years	$ 3,500.00
Backup Tape Drive	5 years	$ 1,500.00

CIP 2014-2020	2015	2016	2017	2018	2019	2020
	$ 26,990.00	$ 24,640.50	$ 12,454.50	$ 17,104.50	$ 26,177.50	$ 28,444.10

Capital Plan 2015 - 2020

Project for the Police Department # L2

PROJECT TITLE **Patrol Car Replacement Plan**

DESCRIPTION The City has created and maintained a vehicle replacement plan with planned expenditures for patrol cars in an effort to replace aging patrol cars before becoming too expensive to maintain and to assure officer safety.

BACKGROUND This rotation plan will allow the force to spend more time on the street and less time delivering them for repairs and maintenance. This plan will allow for replacement roughly every 110,000 miles.

Capital Plan 2015 - 2020

CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Capital Outlay	202,469		-	48,696	49,914	51,162	52,697
TOTAL COSTS	**202,469**	**-**	**-**	**48,696**	**49,914**	**51,162**	**52,697**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET I	202,469	-	-	48,696	49,914	51,162	52,697
REET II	-						
PW Trust Fund	-						
Capital Reserves	-						
TOTAL SOURCES	**202,469**	**-**	**-**	**48,696**	**49,914**	**51,162**	**52,697**

Replacement Schedule		**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Car 20	**2006 Blk/White**			48,696			
Car 23	**2007 Black**						
Car 27	**2007 Black**				49,914		
Car 28	**2008 Black/White**						
Car 29	**2009 Black/White**						52,697
Car 22	**2009 Black/White**					51,162	



Police Vehicles and Replacement Schedule

Police Vehicles #	License	YEAR	MODEL	VIN #	Mileage Jan 2008	Jan 2009	April 2010	March 2011	March 2012	March 2013	March 2014	Last Year Milage	ASSIGNED	2012 Ins Value includes Equipment	Years in Service	Rolling Average Milage Projected	2015	2016	2017	2018	2019	2020
30	54094D	2012 K-9 Tahoe	Chev Tahoe	16NLC2EO5CR227457						13034	28121	15,087	Chatterson	44,000	2	15,087	43,208	58,295	73,382	88,469	103,556	118,643
20	42030D	2006 Blk/White	Ford C/V	2FAHP71W96X152580	40,000	46,500	52,120	67,283	79,800	90,164	93526	3,362	Ross	21,800	8	15,000	108,526	15,000	30,000	45,000	60,000	75,000
22	43927D	2007 Black	Dodge Charger	2B3LA43H27H818033	30,100	40,056	43,500	55,000	72,300	82,644	90000	7,356	Kiblinger	23,500	7	9,983	99,983	109,967	119,950	129,933	139,917	149,900
24	46801D	2008 Black/White	Dodge Charger	2B3LA43H98H255032	10,300	17,700	19,300	29,000	34,500	46,856	53200	6,344	Martinez	24,530	6	7,150	60,350	67,500	74,650	81,800	88,950	96,100
23	45553D	2007 Black	Dodge Charger	2B3LA43H27H818034	16,500	30,600	36,670	51,860	69,913	77,300	84000	6,700	Goral	24,775	7	11,250	95,250	106,500	117,750	11,250	22,500	33,750
27	47720D	2009 Blk/White	Dodge Charger	2B3LA43T09H590203	2,010	11,221	13,800	32,048	45,300	65,523	81942	16,419	Lynch	25,460	6	16,419	98,361	114,780	16,419	32,838	49,257	65,676
28	49285D	2009 Blk/White	Dodge Charger	2B3LA43T29H590204	888	10,900	15,101	26,832	39,200	55,519	69334	13,815	Macdonald	25,460	6	13,815	83,149	96,964	110,779	124,594	13,815	27,630
29	54171D	2011 B/W	Chev Tahoe	1GNLC2E03BR245096				3,000	14,500	32,163	47107	14,944	Tapec	43,000	3	14,944	62,051	76,995	91,939	106,883	121,827	14,944
													Total Police Patrol Vehicles	$ 2,076,620					Cip Timeframe			
26	46699D	2008 Black	Chev Impala	2G1WS583681263313	8,700		18,000	26,000	34,800				City Hall	21,035								
25	46700D	2008 Char Gray	Chev Impala	2G1WS583881261773	7,000		12,119	72,114	18,100				Admin Pool	16,550		AVG						
K9-70	42032D	2006 Blk/White	Ford C/V	2FAHP71W26X152579	45,600		60,000	94,000	85,500				Res. K-9	17,525		Age	71,975	73,492	61,536	48,514	49,746	50,251
17	Confidential Police Vehicle				92,462		94,000	122,000	95,200				Undercover	5,545		Of						
		1996 Stratus											Confiscated	2,500		Patrol Cars						
													Total Police Alternate Vehicles	$ 63,155								
													Total Est. Value all Police Vehicles	$ 897,245								
19	32463D	1998 Blue	Ford C/V	2FAFP71W2WX168496	117,300	117,675		118,000	91,400				Pool	900								
10	29810D	1999 Blk/White	Ford C/V	2FAFP71W2YX202651	91,387	91,387		92,000	117,688				Pool	3,200								
21	42033D	2006 Blk/White	Ford C/V	2FAHP71W06X152578	40,519		48,000	58,544	58,705		63857	5,152	Pool Car	16,800								

Capital Plan 2015 - 2020

Project for **Police Department** **# L3**

PROJECT TITLE **Police Radio Replacement**

DESCRIPTION Portable Radio Replacements to replace 20 year old radios with the 2015 750 MegaHertz update requirement.

COMMENTS

Capital Plan 2015 - 2020

	Total $ Requested 2015-2020	2015	2016	2017	2018	2019	2020
CAPITAL PROJECT COSTS							
Portable Radio-Replacements	34,100	9,300	12,400	12,400			
TOTAL COSTS	**34,100**	**9,300**	**12,400**	**12,400**	**-**	**-**	**-**
Total Units Replaced.....		3	4	4			
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Beginning Fund Balance	34,100	9,300	12,400	12,400		-	-
TOTAL SOURCES	**34,100**	**9,300**	**12,400**	**12,400**	**-**	**-**	**-**

Fire Department
CAPITAL PROJECT SUMMARY

Expenditure Summary by Project	Capital Plan 2015 - 2020						
Project Title	Total $ Requested 2015-2020	2015	2016	2017	2018	2019	2020
F1 Replace Primary Fire Engine 98	365,000	365,000					
F2 Replace Reserve Engine	600,000					600,000	
F3 Replace Aid Car	225,000					225,000	
F4 Replace Brush Truck Chassis	85,000					85,000	
F5 New Fire Station and Equipment (Growth)	3,215,000				125,000	3,090,000	
F6 Replace SCBA Bottles (Air Bottles)	58,000	58,000					
TOTAL EXPENDITURES	**4,548,000**	**365,000**			**125,000**	**4,000,000**	
Funding Sources							
Loans to Finance Projects							
F1 Engine 98 Replace (10 yr)	240,000	240,000					
TOTAL LOANS	**240,000**	**240,000**					
Funding From Growth or Bond Sales							
F3 Replace Aid Car (12 yr)	225,000					225,000	
F4 Replace Brush Truck Chassis (5 yr)	82,000					82,000	
F2 Replace Reserve Engine	600,000					**600,000**	
F5 New Fire Station and Equipment	3,215,000				125,000	3,090,000	
TOTAL FROM GROWTH OR BOND SALES	**4,122,000**				**125,000**	**3,997,000**	
Funding From Surplus Sales							
F1 Replace Engine 98 (Surplus Funding)	125,000	125,000					
F4 Brush Truck Chassis (Surplus Funding)	3,000					3,000	
TOTAL SURPLUS SALES	**128,000**	**125,000**				**3,000**	
Funding From REET 1							
F6 Replace SCBA Bottles (Air Bottles)	**58,000**	58,000					
TOTAL REET 2	**58,000**	**58,000**					
FIRE DEPT SUBTOTAL	**4,548,000**	**365,000**			**125,000**	**4,000,000**	
Loans to Finance Projects							
REET I							
F1 Engine 98 Replace (Loan Payment 10 yr)	96,538		19,308	19,308	19,308	19,308	19,308
Fire Impact Fees							
F1 Replace Primary Fire Engine (2000)	50,000		10,000	10,000	10,000	10,000	10,000
Total Debt Service Payments	146,538		29,308	29,308	29,308	29,308	29,308
TOTAL FIRE PROJECTS	**4,694,538**	**365,000**	**29,308**	**29,308**	**154,308**	**4,029,308**	**29,308**

Capital Plan 2015 - 2020

Project for the	Fire Department	#	F1

PROJECT TITLE	Replace Primary Fire Engine (2000)

DESCRIPTION

This project replaces the newest engine in the fleet with a suitable, demo pumper having better long-term maintenance prospects.

BACKGROUND

The present vehicle experienced a major mechanical malfunction during 2010 annual service testing. Repairs cost over $21,000 and required more than four months to complete. Only one service center bid on the overhaul because of difficulties obtaining replacement parts.

COMMENTS

The Fire Maintenance Supervisor recommends replacing the current pumper now with a 3 to 4 year old used one, to offset the higher cost of replacement. A State sponsored loan is one means of funding this project. Cost projections below are based on 5% interest rate over a 10 year term.

Capital Plan 2015 - 2020							
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Capital Outlay	365,000	365,000					
TOTAL COSTS	**365,000**	**365,000**	-	-	-	-	-
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Loan Plan	240,000	240,000					
Surplus Equipment Sale	125,000	125,000					
TOTAL SOURCES	**365,000**	**365,000**	-	-	-	-	-
NON CAPITAL OPERATING COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET I Debt Repay (5yr @5%)	96,538		19,308	19,308	19,308	19,308	19,308
Fire Impact Fee (5ur @5%)	50,000		10,000	10,000	10,000	10,000	10,000
TOTAL OPERATING	**96,538**	-	**19,308**	**19,308**	**19,308**	**19,308**	**19,308**



Engine 98 to be sold and replaced

Capital Plan 2015 - 2020

Project for the	Fire Department	#	F2

PROJECT TITLE	**Replace Reserve Engine**

DESCRIPTION Replace reserve engine # 981 and extend the service life of front-line engine.

BACKGROUND Engine 981 is a Pierce brand engine custom built for Kent Fire in 1986. The City later purchased this engine used. It has more than 155,000 miles on the odometer and 12,000 hours in use.

COMMENTS Replacement of the Fire Engine and Station will require growth from REETI and Fire Impact Fee Revenue or Bond Sales Revenue.

	Capital Plan 2015 - 2020						
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Capital Outlay	600,000					600,000	
TOTAL COSTS	**600,000**	**-**	**-**	**-**	**-**	**600,000**	**-**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Growth or Bond Sales	600,000					600,000	-
TOTAL SOURCES	**600,000**	**-**		**-**	**-**	**600,000**	**-**



Engine #981

Capital Plan 2015 - 2020

Project for the	Fire Department	#	F3
PROJECT TITLE	Replace Aid Car		

DESCRIPTION

Replace Aid 98 to provide reliable patient transport capability.

BACKGROUND

Aid 98 is a 1994 Ford purchased by City surplus from King County Medic One. This vehicle shows over 143,160 miles. This is the only aid car owned by the City and maintenance costs are expected to increase with age in continued front-line use.

COMMENTS

At the estimated cost of $225,000, a twelve year loan assuming a 5% interest rate would be $24,972 per year.

Capital Plan 2015 - 2020							
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Capital Outlay	225,000				-	225,000	
TOTAL COSTS	**225,000**	**-**	**-**	**-**	**-**	**225,000**	**-**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Growth or Bond Sales	225,000				-	225,000	-
TOTAL SOURCES	**225,000**	**-**	**-**	**-**	**-**	**225,000**	**-**



Aid Car 98



Capital Plan 2015 - 2020

Project for the **Fire Department** **# F4**

PROJECT TITLE **Replace Brush-Truck Chassis**

DESCRIPTION

Replace chassis of Brush 98 to improve safety and increase the usefulness of the vehicle. The standard chassis is too small, allowing only a half fill.

BACKGROUND

Present vehicle, while relatively new and low mileage, exceeds manufacturers gross vehicle weight when fully loaded with water. A heavier duty chassis increases the quantity of water safely carrried by the vehicle and the "Class A" foam system improves efficiency of the water used.

COMMENTS

Selling the present chassis as surplus equipment helps offset the estimated $85,000 project cost which includes 5 years of financing at 5% interest rate through the State LOCAL loan Plan.

Capital Plan 2015 - 2020

CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Capital Outlay	85,000					85,000	
TOTAL COSTS	**85,000**	**-**	**-**	**-**	**-**	**85,000**	**-**

REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Growth or Bond Sales	82,000					82,000.00	
Surplus Sale of Equip.	3,000					3,000.00	
TOTAL SOURCES	**85,000**	**-**	**-**	**-**	**-**	**85,000**	**-**



Example of a Brush Truck with Chassis

Capital Plan 2015 - 2020

Project for the **Fire Department** **# F5**

PROJECT TITLE **New Fire Station and Equipment - Growth Related**

DESCRIPTION

Provide a satellite fire station sited and equipped to enhance fire and emergency medical service delivery in the community. This initiative begins with a site location study, proceeds to construct the station, and ends with a complement of essential equipment in service at the new facility.

BACKGROUND

Service needs within the community will change with growth. This project seeks to determine the optimal location, build approximately 8,000 square feet of fire station at $405 per square foot within the next six year at a cost of approximately $3,240,000. Additional growth related equipment of a Fire Pumper, Aid Car, Brush Truck, & Support Vehicle will be needed in later years after more growth has occured. Land costs are not included and could add approximately $750,000 if the station is not built on existing City property.

COMMENTS

Financing for this project may be a 20 year bond issue at 5% interest. Payments of the debt will be 83.73% developer responsibility of approximately $213,190 (from fire impact fees), and the City portion at 16.27% of the total, with payments of $41,426. This is per the Fire District Impact Fee Study, (IFS p.17). The City share of payments will need to come from REET, Sales Tax from new construction or other sources.

Capital Plan 2015 - 2020

CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Preliminary Engineering	75,000	-			75,000		
Construction Engineering	70,000		-		-	70,000	
Design Engineering	120,000				50,000	70,000	
Construction Costs (bldg)	2,950,000					2,950,000	
TOTAL COSTS	**3,215,000**	**-**	**-**	**-**	**125,000**	**3,090,000**	**-**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Bond Sales	3,215,000				125,000	3,090,000	
REET I	-						
TOTAL SOURCES	**3,215,000**	**-**	**-**	**-**	**125,000**	**3,090,000**	**-**



New Fire Station 96

Capital Plan 2015 - 2020

Project for the **Fire Department** **# F6**

PROJECT TITLE **Replace SCBA Bottles (Air Bottles)**

DESCRIPTION Replace Existing Self Contained Breathing Apparatus Air Bottles.

BACKGROUND SCBA's must be replaced periodically due to regulatory requirements.

COMMENTS

Capital Plan 2015 - 2020							
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Capital Outlay	58,000	58,000			-		
TOTAL COSTS	**58,000**	**58,000**	**-**	**-**	**-**	**-**	**-**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET 1	58,000	58,000			-		-
TOTAL SOURCES	**58,000**	**58,000**	**-**	**-**	**-**	**-**	**-**

NR/Parks Department

CAPITAL PROJECT SUMMARY

Expenditure Summary by Project								
		Capital Plan 2015 - 2020						
	Project Name	Total $ Requested 2015-2020	2015	2016	2017	2018	2019	2020
P1	Ginder Creek Trail and Site Restoration	31,283	31,283					
P2	Grant Matching Funds	35,000	2,500	2,500	5,000	5,000	10,000	10,000
P3	Tree Planting Program	84,500	2,000	1,000	20,000	14,500	22,000	25,000
P4	Regional Trail System	240,000					40,000	200,000
P5	Lake Sawyer Mitigation Bank Improvements	10,000						10,000
P6	Pond to Parks Improvement (Eagle Creek)	11,000						11,000
P7	Parks Equipment and Upgrades	42,000	7,000	7,000	7,000	7,000	7,000	7,000
P8	Park's Plan Update	40,000	40,000					
TOTAL PLANNED EXPENDITURES		**493,783**	**82,783**	**10,500**	**32,000**	**26,500**	**79,000**	**263,000**
Funding Sources								
		Total $ Requested 2015-2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
King County Parks and Recreation Cost Share								
P5	Regional Trail System	200,000						200,000
Total KC Parks and Recreation Cost Share		**$200,000**						**$200,000**
King County Parks Property Tax Levy Funds								
P1	Ginder Creek Trail and Site Restoration	31,283	31,283					
P4	Regional Trail System	40,000					40,000	
Total King County Parks Levy Fund		**$71,283**	**$31,283**				**$40,000**	
Tree Mitigation (General) Fund								
P3	Tree Planting Program	84,500	2,000	1,000	20,000	14,500	22,000	25,000
Total Tree Mitigation Fund		**$84,500**	**$2,000**	**$1,000**	**$20,000**	**$14,500**	**$22,000**	**$25,000**
King Conservation District Grant								
P6	Pond to Parks Improvement (Eagle Creek)	11,000						11,000
Total KCD Grant		**$11,000**						**$11,000**
REET I Funds								
P2	Grant Matching Funds	35,000	2,500	2,500	5,000	5,000	10,000	10,000
P5	Lake Sawyer Mitigation Bank Improvements	10,000						10,000
P7	Parks Equipment and Upgrades	42,000	7,000	7,000	7,000	7,000	7,000	7,000
Total REET I Funding		**$87,000**	**$9,500**	**$9,500**	**$12,000**	**$12,000**	**$17,000**	**$27,000**
Unknown Funding Source								
P8	Park's Plan Update	40,000	40,000					
Total Unkown Funding Source		**$40,000**	**$40,000**					
TOTAL NR/PARKS PROJECT FUNDING		**$493,783**	**$82,783**	**$10,500**	**$32,000**	**$26,500**	**$79,000**	**$263,000**
Ongoing Maintenance and Operating Costs								
		Total $ Requested 2015-2020	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
	Maintenance Salaries (REET I)	30,000	5,000	5,000	5,000	5,000	5,000	5,000
Total Trail Maintenance (Salaries)		**30,000**	**5,000**	**5,000**	**$5,000**	**$5,000**	**$5,000**	**$5,000**

Capital Plan 2015 - 2020

Project for the	NR/Parks Department	#	P1
PROJECT TITLE	Ginder Creek Trail and Site Restoration		

Description

Design and Construct a 1400 foot long 10 feet wide multi purpose trail and a small parking lot on Roberts Drive.

Background

The City acquired the Ginder Creek parcel as a component to the Open Space Agreement signed in 2005. Initial planning efforts, work with the City Council, as well as Public input, has steered the NR/Parks Department towards trail development as well as habitat improvements along the Ginder Creek corridor. This area has historically been used for agricultural activities, but has since remained fallow, with the proliferation of invasive Reed Canary Grass.

Capital Plan 2015 - 2020

CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Property Acquisition	19,000	19,000					
Construction Costs	12,283	12,283					
TOTAL COSTS	**$31,283**	**$31,283**					
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
King County Tax Levy Funds	31,283	31,283					
TOTAL SOURCES	**$31,283**	**$31,283**					



Access Point of Morgan Street



Access off of Roberts Drive

Capital Plan 2015 - 2020

Project for the	NR/Parks Department	#	P2
PROJECT TITLE	Grant Matching Funds		

DESCRIPTION

Funds earmarked for matching grant resources to be utilized in the design and construction of Parks and Natural Resource projects. This project has a 2013 carry-over balance of $82,500.

Capital Plan 2015 - 2020							
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Transfer Reserves	$35,000	2,500	2,500	5,000	5,000	10,000	10,000
TOTAL COSTS	**$35,000**	**$2,500**	**$2,500**	**$5,000**	**$5,000**	**$10,000**	**$10,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Real Estate Excise Tax I	$35,000	$2,500	2,500	5,000	5,000	10,000	10,000
TOTAL SOURCES	**$35,000**	**$2,500**	**$2,500**	**$5,000**	**$5,000**	**$10,000**	**$10,000**

Ginder Creek

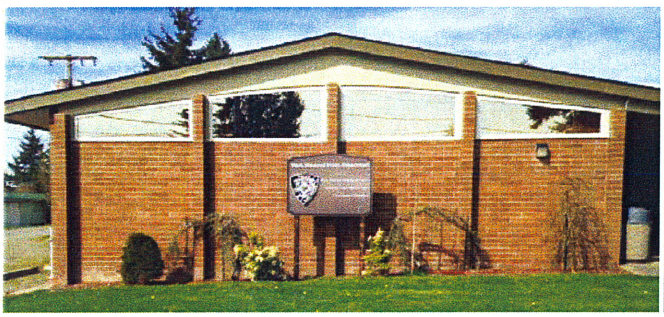
Capital Plan 2015 - 2020

Project for the	NR/Parks Department	#	P3
PROJECT TITLE	Tree Planting Program		

DESCRIPTION Tree mitigation fund for planting trees throughout the City of Black Diamond, including a reforestation program offered to citizens of Black Diamond

Capital Plan 2014 - 2019

CAPITAL PROJECT COSTS	Total $ Requested 2015-2020	2015	2016	2017	2018	2019	2020
Tree Mitigation Program	84,500	2,000	1,000	20,000	14,500	22,000	25,000
TOTAL COSTS	**$84,500**	**$2,000**	**$1,000**	**$20,000**	**$14,500**	**$22,000**	**$25,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Tree Mitigation (General Fund)	84,500	2,000	1,000	20,000	14,500	22,000	25,000
TOTAL SOURCES	**$84,500**	**$2,000**	**$1,000**	**$20,000**	**$14,500**	**$22,000**	**$25,000**





Capital Plan 2015 - 2020

Project for the	NR/Parks Department	# P4
PROJECT TITLE	**Regional Trail System**	
DESCRIPTION	Regional Trail concept devised by King County and the City of Black Diamond, running north to south and vice versa. The trail follows the old rail line grade to the north, through Lake Sawyer, eventually connecting to Flaming Geyser State Park along SE Green River Road.	
BACKGROUND	A major focus in Black diamond has been creating a town that is walkable and pedestrian friendly. This program will help further this focus. In 2011, a Comprehensive Trail Plan was completed and adopted that allows the City more flexibility in applying for grant resources. In 2012, King county completed a conceptual design for the trail corridor and plans to start design sometime in summer 2014. Which end to begin construction is currently being debated by King County.	

	Capital Plan 2014 - 2019						
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
	240,000					40,000	200,000
TOTAL COSTS	**$240,000**					**$40,000**	**$200,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
King County Parks Cost Share	200,000						200,000
King County Parks Levy Funds	40,000					40,000	
TOTAL SOURCES	**$240,000**					**$40,000**	**$200,000**



Old Rail line Crossing towards BD



King County Horse Trailer Parking Facility

Capital Plan 2015 - 2020

Project for the	NR/Park: Department	#	P5
PROJECT TITLE	**Lake Sawyer Mitigation Bank Improvements**		

DESCRIPTION

The study, planning and establishment of a shoreline mitigation bank at the lake Sawyer Regional Park for impacts associated with development and re-development along the shores of Lake Sawyer.

BACKGROUND

The City of Black Diamond is considering final approval of the its' Shoreline Master Program and some flexible shoreline setback standards. In order to mitigate for impacts associated with encroaching within the newly set shoreline setback, developers may have the opportunity to pay into a mitigation bank that would allow for the impacts on their site, while enhancing/improving the shorelines within the Regional Park.

Capital Plan 2015 - 2020

CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Feasibility Study	$10,000						10,000
Design Engineering							
Construction Costs							
TOTAL COSTS	**$10,000**						**$10,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Real Estate Excise Tax I	10,000						10,000
TOTAL SOURCES	**$10,000**						**$10,000**



Lake Sawyer Regional Park (South end of Lake Sawyer)

Capital Plan 2015 - 2020

Project for the	NR/Parks Department	#	P6
PROJECT TITLE	Pond to Parks Improvement (Eagle Creek)		

DESCRIPTION

Convert the stormwater retention pond at the Eagle Creek Sub-Division to a stormwater / Park multi purpose facility. Add a layer of permeable top soil that will not exceed the design infiltration rate of the storm water retention pond and seed to grass. Remove the fence on the south end of the project.

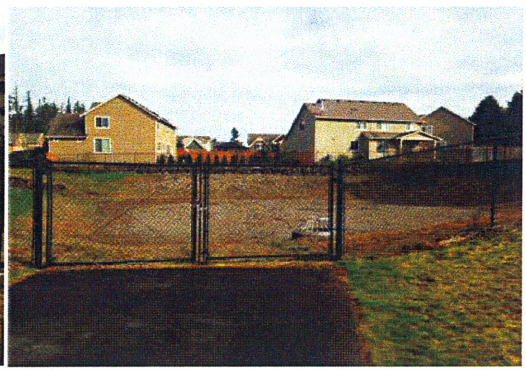
BACKGROUND

After the construction of this facility, engineering staff observed that surface water infiltration rates far exceeded the delivery volumes associated with surface run-off generated within the sub-division. Because of this, the pond is dry throughout the year and can provide an excellent grass lawn open space feature to users of the City parks facility. This conversion of a gravel storm infiltration pond to a stormwater / Park multi purpose facility will improve storm water treatment, aesthetics and provide additional park area for citizens. This project is shown at the end of the capital Improvement program because the Park department has not had the funds to take on additional maintenance.

	Capital Plan 2015 - 2020						
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Engineering & Landscape Design	$3,000						3,000
Construction Costs	$8,000						8,000
TOTAL COSTS	**$11,000**						**$11,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
King Conservation Grant	11,000						11,000
TOTAL SOURCES	**$11,000**						**$11,000**



View into the Eagle Creek Pond



Entrance to the Eagle Creek Pond

Capital Plan 2015 - 2020

Project for the	NR/Parks Department	#	P7
PROJECT TITLE	Parks Equipment and Upgrades		

DESCRIPTION

The park and cemetery department depend on the some of the major pieces of heavy equipment that is owned by the water, sewer, street and stormwater departments. The Park and Cemetery need to contribute toward the replacement of the backhoe, dump truck, utility trucks, shoulder mower. In addition the City needs to set aside funds to purchase mowers specifically for park and cemetery use.

BACKGROUND

The utility funds are proprietary funds and cannot subsidize the park and cemetery fund. Therefore the Park and cemetery budgets need to contribute to the Equipment Replacement Account.

Capital Plan 2015 - 2020							
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Park and Cemetery Equipment Replacements	42,000	7,000	7,000	7,000	7,000	7,000	7,000
TOTAL COSTS	**$42,000**	**$7,000**	**$7,000**	**$7,000**	**$7,000**	**$7,000**	**$7,000**
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET I	42,000	7,000	7,000	7,000	7,000	7,000	7,000
TOTAL SOURCES	**$42,000**	**$7,000**	**$7,000**	**$7,000**	**$7,000**	**$7,000**	**$7,000**



BMX Park Fence Replacement



Parks Equipment Replacement Program

Capital Plan 2015 - 2020

Project for the	NR/Parks Department	# P8
PROJECT TITLE	Park's Plan Update	

DESCRIPTION Update of the City's Comprehensive Parks, Recreation and Open Space Plan in order to regain grant eligibility for state funds towards trails, open space and park's infrastructure.

BACKGROUND Staff developed the City's first Comprehensive PROS's plan in late 2008. This was approved by the Recreation and Conservation Office and utilized in garnering several, large grants for improvements throughout the City. As staff resources have continued to decline, as well as reshuffling of staff responsibilities, consultant help is essential in order to ensure a timely and citizen input driven plan.

Capital Plan 2015 - 2020							
CAPITAL PROJECT COSTS	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Consulting Services	40,000	40,000					
TOTAL COSTS	**$40,000**	**$40,000**					
REQUESTED FUNDING	**Total $ Requested 2015-2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Unknown Funds	40,000	40,000					
TOTAL SOURCES	**$40,000**	**$40,000**					

City Administration and Facilities
CAPITAL PROJECT SUMMARY

	Capital Plan 2015 - 2020						
	Total $ Requested 2015 - 2020	2015	2016	2017	2018	2019	2020
A1 City Technology Upgrades	189,797	33,909	30,068	31,418	35,959	29,184	29,259
A2 Reroof Police Building	25,000				25,000		
ADMIN & FACILITIES DEPT TOTAL EXPENDITURES	**214,797**	**33,909**	**30,068**	**31,418**	**60,959**	**29,184**	**29,259**

Funding Sources

	Total $ Requested 2015 - 2020	2015	2016	2017	2018	2019	2020
REET I							
A1 City Technology Upgrades	189,797	33,909	30,068	31,418	35,959	29,184	29,259
A2 Reroof Police Building	25,000				25,000		
Total REET I Funding	214,797	33,909	30,068	31,418	60,959	29,184	29,259
TOTAL FUNDING FOR ADMIN & FACILITIES	**214,797**	**33,909**	**30,068**	**31,418**	**60,959**	**29,184**	**29,259**

Capital Plan 2015 - 2020

Project for **Administration and Facilities** **#** **A1**

PROJECT TITLE **City Technology - Capital**

DESCRIPTION

Variety of technology upgrades to the City including PC purchases, software purchases, network upgrades hard and software and printers. (see next page) These City upgrades exclude Police, as that department has a separate technology project list.

BACKGROUND

This project is for PC replacements and other capital technology for the City. This includes servers, network and network software, disaster software and other technology. Auburn IT will be updating amounts in next month or two.

	Capital Plan 2015 - 2020						
CAPITAL PROJECT COSTS	**Total $ Requested 2015 - 2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
PC, Printers, Software	77,221	13,951	13,709	13,709	11,951	11,951	11,951
Network Software, Audio & Recovery.	74,076	10,158	12,158	12,908	19,208	10,633	9,008
Telephone System Replacement	38,500	9,800	4,200	4,800	4,800	6,600	8,300
TOTAL COSTS	**189,797**	**33,909**	**30,068**	**31,418**	**35,959**	**29,184**	**29,259**
REQUESTED FUNDING	**Total $ Requested 2015 - 2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET I	189,797	33,909	30,068	31,418	35,959	29,184	29,259
TOTAL SOURCES	**189,797**	**33,909**	**30,068**	**31,418**	**35,959**	**29,184**	**29,259**

Black Diamond Admin and Facilities

4/9/2014

5 Year CIP - Equipment rotation and replacement

		Description	Cost Each	PC w/ software	Fiscal Year 2015	2016	2017	2018	2019	2020
Total Desktop 2013					17	17	17	17	17	17
Total Laptop 2013					8	9	9	9	9	9
Total computing Devices					25	26	26	26	26	26
Total Printers	5 printers (includes plotter)									
Total Copiers-Repl not Inc.	2 Sharp Copiers									
Replacement Desktop					4	5	4	4	4	4
Replacement Laptop					2	2	2	2	2	2
Hardware										
Desktop - Include O/S			$ 800.00	$ 1,758.46	$ 7,033.84	$ 8,792.30	$ 8,792.30	$ 7,033.84	$ 7,033.84	$ 7,033.84
Laptop - Includes O/S			$ 1,300.00	$ 2,258.46	$ 4,516.92	$ 4,516.92	$ 4,516.92	$ 4,516.92	$ 4,516.92	$ 4,516.92
Accessories - Mice/Keyboard/Printers/monitors			$ 400.00		$ 400.00	$ 400.00	$ 400.00	$ 400.00	$ 400.00	$ 400.00
Vision Cash Drawers Inst.					$ 2,000.00					
Software										
Office Standard (Includes word, exc outlook, powerpoint, publisher, access)	One-time		$ 250.00			$ 6,250.00				$ 6,250.00
Windows (Operating System)	One-time									
Anti-Virus Protection - ESET 50 lice	Annual Cost		$708.46		$708.46	$708.46	$708.46	$708.46	$708.46	$708.46
Network Hardware and Software										
Smartnet Warranty - Router and sw	Annual Cost		$ 150.00		$ 450.00	$ 300.00	$ 300.00	$ 300.00	$ 325.00	$ 325.00
Server Warranty - All expired. 12 x	Annual Cost		$ 300.00		$ 600.00	$ 600.00	$ 600.00	$ 600.00	$ 625.00	$ 625.00
Server (Includes 4 year warranty)			$ 6,000.00		$ 6,000.00		$ 6,000.00	$ 6,000.00		
Firewall & Spam Filter - Watchguard units			$ 2,500.00					$ 2,625.00		
Wireless			$ 1,100.00		$ 1,100.00					$ 1,100.00
Switches - 48 Port			$ 3,500.00					$ 3,675.00	$ 3,675.00	
Router			$ 3,000.00			$ 3,000.00				
Backup Solution					$ 1,300.00	$ 1,300.00	$ 5,300.00	$ 5,300.00	$ 5,300.00	
Phone System-Not included										
Email Archiver					$ 7,500.00	$ 2,200.00	$ 2,500.00	$ 2,800.00	$ 3,100.00	$ 7,500.00
Video/ Audio/ Mobile Device			$ 400.00		$ 800.00	$ 2,000.00	$ 800.00	$ 2,000.00	$ 2,000.00	$ 800.00
Disaster Recovery			$ 1,500.00		$ 1,500.00		$ 1,500.00		$ 1,500.00	
		CIP 2015-2020			2015	2016	2017	2018	2019	2020
					$ 33,909.22	$ 30,067.68	$ 31,417.68	$ 35,959.22	$ 29,184.22	$ 29,259.22

Industry Standard Hardware Rotation		Cost
Desktop - Monitor, mouse, keyboar	4 years	$ 800.00
MDC - Rugged	5 years	$ 4,500.00
Servers	5 years	$ 6,000.00
Network - Firewalls/ Switches	6 years	$ 3,500.00

Capital Plan 2015 - 2020

Project for the **Administration and Facilities** **# A2**

PROJECT TITLE **Reroof Police Station**

DESCRIPTION The Police Station will be overdue for a new roof.

	Capital Plan 2015 - 2020						
CAPITAL PROJECT COSTS	**Total $ Requested 2015 - 2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
Construction Costs	25,000				25,000		
Contingency							
TOTAL COSTS	**25,000**	**-**	**-**	**-**	**25,000**	**-**	**-**
REQUESTED FUNDING	**Total $ Requested 2015 - 2020**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**
REET 1	25,000	-	-	-	25,000	-	-
TOTAL SOURCES	**25,000**	**-**	**-**	**-**	**25,000**	**-**	**-**



DRAFT
CITY OF BLACK DIAMOND

2014 Schedule
2015 – 2020 Capital Improvement Plan (CIP)

	Process	Internal Due Date	Committee Meetings	Workstudy	City Council Meetings
1	CIP Planning Meeting	March 10 & 18			
2	CIP Call letter & worksheet to affected departments (include goals, rules and timelines)	March 18			
3	Departments Update detailed requests and submit to Finance and City Administration	March 18 - March 28			
4	Finance prepares worksheets for affected funds, such as: Street, Sewer, Water, Drainage, Parks, Public Safety.	March 18-March 28			
5	Finance combines all requests by fund type and returns to departments for committee meetings.	March 31-April 3			
6	Public Works Committee Meeting to review requested projects for Street, Water, Sewer, Stormwater.		April 4 12:00 noon		
7	Budget, Finance & Administration Committee Meeting to review requested projects for General Government, including technology, and Gen Gov't Building Imp.		April 10 10:00 AM		
8	Public Safety Committee Meeting to review requested projects for Police & Fire.		April 11 10:30 AM		
9	Parks Committee Meeting to review requested Parks Projects.		April 18 10:00 AM		
10	Budget, Finance & Administration Committee Meeting-2nd review of 2015 – 2020 CIP.		April 24 10:00 AM		
11	Finance combines revenue and all Department requests for review by Administration. Administration Reviews with Finance and Departments to requested Projects.	April 7-23			
12	Finance, Public Works, Administration meet with Mayor to review PW projects & revenue	April 24 @ 4 PM			
13	CIP Council Workstudy Public Works			**May 8**	
14	Finance, Administration, Parks, Police, Fire meet with Mayor to review projects & revenue	May 22 @ 4 PM			
15	CIP Workstudy –Non-Public Works 6-7 PM			**June 19**	
16	Council Public Hearing on 2015-2020 CIP-to Brenda by June 4.				**June 19**
17	Workstudy Review of CIP Edits from Public Hearing and Committees			**July 10**	
18	Council adopts 2015 – 2020 CIP				**July 17or 24**

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION

SUBJECT: AB14-062 Resolution adopting Six-Year Transportation Improvement Program	Agenda Date: June 19, 2014	AB14-062
	Mayor Dave Gordon	
	City Administrator	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Community Development – Stacey Welsh	
	Finance – May Miller	
	Economic Development – Andy Williamson	
Cost Impact (see also Fiscal Note): Planning for future budgets	Parks/Natural Resources – Aaron Nix	
Fund Source: Various	Police – Chief Kiblinger	
Timeline: As per individual project schedules	Public Works – Seth Boettcher	X
	Court Administrator – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☐ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Resolution No. 14-958, Six-Year Transportation Improvement Program, Staff response to written public comments

SUMMARY STATEMENT:
The City is required to update its Six-Year Transportation Improvement Program (TIP) annually per RCW 35.77.010 and file the TIP with the Washington State Department of Transportation.

Most all grant programs require projects to be on the City's Six-Year Transportation Improvement Program. The City is required by State law to update the Transportation Improvement Program prior to July 1st of each year.

FISCAL NOTE (Finance Department): TIP is a plan, not a budget or Financial Document. The City's 2015-2010 Capital Improvement Plan includes project cost and the potential sources of Revenue for each project. Master Plan Development projects that are 100% funded by the developer are usually not included in the Transportation Improvement Plan or the Capital Improvement Plan's.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION to adopt Resolution No. 14-958, approving the 2015-2020 Six-Year Transportation Improvement Program.**

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
June 19, 2014		

RESOLUTION NO. 14-958

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON APPROVING THE 2015-2020 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM

WHEREAS, per RCW 35.77.010, the City is required to annually update its Six-Year Transportation Improvement Program (TIP) before July 1st of each year and file the updated Transportation Improvement Program with the Washington State Department of Transportation within thirty days of adoption; and

WHEREAS, per RCW 35.77.010, the purpose of the requirement for annual updates is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program; and

WHEREAS, it is also an eligibility requirement of many grant programs that the City update its Transportation Improvement Program as required by RCW 35.77.010; and

WHEREAS, per RCW 35.77.010, a public hearing was held on the proposed updates to the Transportation Improvement Program;

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

Section 1. The City Council does hereby approve the 2015-2020 Six-Year Transportation Improvement Program, a copy of which is attached as Exhibit "A" and incorporated herein by reference.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19TH DAY OF JUNE, 2014.

CITY OF BLACK DIAMOND:

_____
Dave Gordon, Mayor

Attest:

_____
Brenda L. Martinez, City Clerk

2015-2020 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
1	2015	General Street Improvement	N/A	N/A	Chip sealing, crack sealing, patch work, addressing minor safety problems	N/A	$30,000/year; $180,000 total	Local City Funds
2	2018	Roberts Drive/SR 169 Roundabout	N/A	N/A	Two lane Roundabout	N/A	$ 7,070,000	Developer Mitigation and Grant
3	2015	Roberts Drive Rehabilitation	Sunny Ln.	S.R. 169	Grind, patch, replace panels, crack sealing, shoulder reinforcement	1.10	$ 1,520,000	Pavement Preservation Grant, Local City Funds
4	2015	Grant Matching Fund	N/A	N/A	Matching funds for grants	N/A	$40,000/year; $240,000 total	Local City Funds
5	2015	Rock Creek Bridge	75' west of Rock Creek Bridge	Sunny Ln.	Replace barriers, add lead in guard rails, concrete surface treatment and attached pedestrian walkway	0.12	$ 527,000	TIB Grant, Developer Mitigation, Local City Funds
6	2018	Lawson Street Sidewalk, Ph. II	6th Ave.	Newcastle Dr.	5-foot sidewalk on the north side of Lawson Street	0.19	$ 356,000	Grant/ TIB, Grant/Safe Routes to School, Developer Mitigation
7	2015	Jones Lake Road	S.R. 169	Railroad Ave.	Patching and overlay	0.29	$ 122,000	Grant/ TIB, Local City Funds
8	2017	228th/224th/216th Chip Seal	SE 312th St.	Covington-Sawyer Road	Patching and chip sealing (excluding in front of Kentlake Highlands & Fire Station)	1.46	$ 129,000	Grant/ TIB, Local City Funds
9	2018	232nd Ave. SE Overlay or Chip Seal	SE 288th St.	SE 293rd St.	Patching and overlay	0.29	$ 143,000	Grant/ TIB, Local City Funds
10	2015	Sidewalk Safety	Railroad Ave. @ Museum	Commission St. behind Museum	Install decorative sidewalk and concrete sidewalk, ADA improvements	0.04	$ 135,000	Grant/Pedestrian, Museum In-Kind Contribution, Local City Funds

PUBLIC HEARING: held Thursday, June 5, 2014
7:00 p.m., Black Diamond City Council Chambers

2015-2020 SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM
EXHIBIT "A"

Rank	Year	Improvement	From	To	Type of Improvement	Length in Miles	Estimated Cost	Funding
11	2019	Morgan Creek Neighborhood Roads Preservation	N/A	N/A	Seal Coat	1.19	$ 97,000	Local City Funds
					TOTAL ALL PROJECTS		**$ 10,519,000**	

PUBLIC HEARING: held Thursday, June 5, 2014
7:00 p.m., Black Diamond City Council Chambers

Staff Comments

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June 5, 2014

To: Black Diamond City Council
cc: Mayor Gordon

Subject: Six-Year 2015-2020 Transportation Improvement Plan

The Citizens' Technical Action Team (TAT) is pleased to provide detailed Written Comments on the City of Black Diamond's proposed Six-Year 2015-2020 Transportation Improvement Plan (6-Yr '15-'20 TIP). We request these comments be included in the official record for the Transportation Improvement Plan (TIP) Public Hearing to be held on June 5, 2014 before the City Council. We also plan to give Oral Comments at the Public Hearing.

General Comments

We believe the TIP is an important planning tool that helps the City identify needs, timing, and funding sources for major transportation projects. The City is required to update its 6-Yr TIP per *RCW 35.77.010 -- Perpetual advanced six-year plans for coordinated transportation program expenditures* and submit it to the Washington State Department of Transportation (WSDOT).

Unfortunately, the proposed TIP continues an over reliance on Grant monies to fund needed improvements. This in light of the fact that both County and State monies are extremely tight and even major projects--repair, maintenance, and new construction--are not receiving monies needed. It is recommended the City conduct risk analyses to determine the downstream impact of delayed or cancelled projects. Further, it is highly recommended the City develop a *Contingency Plan* to minimize those risks.

In fact, in looking at the proposed 2015-2020 Capital Improvement Plan (CIP)--dated May 23, 2014--42% ($7.7358M / $18.595) of needed funding for all projects is made up of Grants! Another element of risk is that nearly 64% ($4.935M/$7.7358M) of that Grant money is *back-ended* into the 2nd half of the 6-Yr '15-'20 CIP.

Consequently, the City's transportation infrastructure is at risk and, thus, the City is at risk.

Comment [SB1]: In the past 6 years the grants received is around $2,000,000. These were for improvement and preservation projects. If you ask for only one grant in 6 years, you might get one grant. If you ask for more you will probably get more. We admit that we have more projects on the TIP than we will be able to fund.

Comment [SB2]: See attached risk analysis and recommended contingencies. Remember that there are many more streets in Black Diamond than are noted in the 6 year TIP. Remember that in this update we removed all of the Transportation benefit district funded overlay projects. The overlays of the local access streets are still unfunded. Just because you don't see a project on the TIP does not mean that we don't have needs out there. Most City's contribute property tax funds or a portion of sales tax to the street department close to the amount received in gas tax.

Comment [SB3]: In the last two budgets the finance department has made the council aware that street department is underfunded. Through the budget process it has been determined to try and get by with what we have for now. The risk is not traffic congestion but deteriorating street conditions.

Specific Comments

1. TIP Item #2:

- **Roberts Drive / SR-169 Roundabout**
- **Two-Lane Roundabout**
- **$7,070,000**

The Two-Lane Roundabout planned for the Roberts Drive / SR-169 intersection conflicts with the overall MPD plan to first construct a One-Lane Roundabout to

eventually be replaced (expanded) to a Two-Lane Roundabout--the trigger of which is ~3,000 ERUs.

While we have proposed going directly to a Two-Lane Roundabout in past documentation and believe this makes more sense than the original MPD plan to first construct a One-Lane Roundabout, which would then be "upgraded" to a Two-Lane Roundabout, it does present a conflict between the 6-Yr '15-'20 TIP and the MPD plan.

A major concern is the reliance on "Grant" monies for 50% of the estimated cost! What are the sources of the planned "Grant" monies? Certainly not from the State that won't allow local jurisdictions to tax themselves for road maintenance and improvements, has fracture-critical bridges falling down that do not even appear on its replacement list of structurally unsound facilities, and is deeply behind on major projects in and around Seattle (e.g., Deep-Bore Tunnel, 520 Bridge, etc.).

Clearly, the MPD Master Developer should be paying the lion's share of the Two-Lane Roundabout, which is necessitated by the sheer volume of traffic to be generated by its developments. Growth must be made to pay for growth.

2. TIP Item #5

- **Rock Creek Bridge**
- **Replace barriers, add lead-in guardrails, concrete surface treatment, and attached pedestrian walkway**
- **$527,000**

We applaud the City for securing a Transportation Improvement Board (TIB) Grant for a total of $423K. However, we have concerns with the overall plan and, thus, the overall estimate. The $527K estimate appears insufficient in light of several elements that are required:

a. Parametrix's Austin Fisher's estimate for an *"independent walkway"* was $152K (ref.: *The Villages Preliminary Plat Phase A (PP1A), Exhibit 193*).

b. The City's Hearing Examiner's Condition #7 in his PP1A Decision addresses the possible need for an Hydraulic Project Approval (HPA) permit primarily due to creek bank protection:

> *"SEPA Checklist A.10 shall be revised to provide that an HPA permit "may" be required for pedestrian improvements across Rock Creek Bridge. The checklist shall be sent to WDFW along with an invitation to comment within ten days. The SEPA Responsible Official is authorized to impose additional MDNS mitigation measures as reasonably necessary to address any impacts identified by WDFW. Except for WDFW comment and response, this condition shall not be construed as re-opening the SEPA review process."*

Comment [SB4]: Not following the conflict????

Comment [SB5]: SOURCES: Funding coulc come from Legislature earmark or Transportation Improvement Board or Federal Project funds. Larger funding packages will be available once the City is over 5000 population

Comment [SB6]: The state had $2,000,000 in the small city arterial program for Puget Sound area in 2014. $80,000,000 was offered for city's over $5000 statewide in 2013.

Comment [SB7]: Yes the state has challenges but grant funds still are available. As the state budget improves so will grant opportunities.

Comment [SB8]: The development agreement requires that the City seek grants to help with this major infrastructure project. Remember that this intersection had existing deficiencies.

Comment [SB9]: This is not a state law or a city law. It is a concept that the City has followed with Master Planned Developments in Black Diamond and has had great success implementing through the MPD process and has insulated the existing citizens from the impacts of growth better than other cities.

Comment [SB10]: The Master Planned Development's have more than paid for their own impacts. In fact the citizens of Black Diamond have benefitted from a new water system at developers expense. The developer's have paid for buildings and higher levels of staffing beyond what they needed for processing of their permits for 6 years. In addition to the MPD developers traffic mitigation, the City's traffic mitigation agreement covers the City's share of infill growth and outside city growth and deficiencies.

Comment [SB11]: Yes. This was for the ped bridge alone.

Comment [SB12]: Yes. This has always been understood. Remember that the 6 year transp imp plan is a planning document not a preliminary engineering report.

c. Accommodation eventually must be made for the attachment of water, sewer, and utility lines.
d. Roberts Drive is planned to be widened, but only up to the bridge. Eventually, to ensure Auburn-Black Diamond Road can adequately convey its anticipated future traffic loads, the bridge cannot be allowed to become a "choke point" and will require future widening. This most assuredly would require a brand new bridge built to today's higher standards.

A major deficiency is that the TIP project calls for an *"add-on Pedestrian Walkway,"* while the TIB Project 6-P-800(002)-1 calls for a *"separate Pedestrian Bridge."* No conceptual designs and analyses for either exists. Should an *"add-on Pedestrian Walkway"* be pursued, is this concept structurally sound? How will it stand up to vibrations caused as heavy loads traverse the bridge itself? Should it be determined a *"separate Pedestrian Bridge"* is required, how is that accounted for in the TIP cost estimates? What similar proof-of-concepts exists? How would such a bridge be secured on either embankment?

The costs related to securing Washington Department of Fish & Wildlife Hydraulic Project Approval (HPA) permits, as defined in Section 53 of WAC 220-110-020, must be included. If the plan is to construct a *"separate Pedestrian Bridge"* or an *"add-on Pedestrian Walkway"* to the existing bridge or replace the 100-plus-year-old bridge, HPA and local critical areas and building permits would be required. Since this was not reviewed in the SEPA documents, SEPA review has not occurred for it, and if the City applies for an HPA permit, the application will not be accepted by WDFW until SEPA review has occurred. This would also pertain to any geotechnical sampling within the jurisdictional watercourses (in this case, the streams or any wetlands associated with the streams).

We also have a concern the bridge is not planned to be sufficiently strengthened to accommodate regular truck traffic. City Staff has indicated the plan calls for load-limiting the bridge. Has this been approved by the King County Department of Transportation (KCDOT), which has designated the Auburn-Black Diamond Road as a Truck Route? If not, the 100-plus-year-old bridge could require replacement, driving the costs much higher. Given the anticipated additional truck traffic and vastly increased car traffic, this appears to be the most prudent and, possibly, only realistic, option.

Finally, the proposed 6-Yr '15-'20 CIP does not include a Rock Creek Bridge project. Why this omission?

Comment [SB13]: Remember that the TIP is a planning document not a preliminary engineering report.

Comment [SB14]: Roberts Drive will have frontage improvements. Remember that the Pipeline Road is intended to provide the additional east west capacity needed for the City.

Comment [SB15]: Additional east west lanes and not called for in any of the City planning documents or traffic mitigation studies. A middle turn lane may be needed at some point through the Morganville area

Comment [SB16]: The City had Parametrix study the bridge condition to determine if it was a viable option to rehabilitate the existing bridge. Preliminary concepts for an attached pedestrian bridge were considered viable.

Comment [SB17]: Remember that the 6 yr. TIP is a planning document. We will be starting engineering soon.

Comment [SB18]: Different adjectives describing the same thing.

Comment [SB19]: These are design issues not planning document issues. It is understood that most every project other than overlays will need to go through the SEPA process.

Comment [SB20]: Remember that the 6 yr. TIP is a planning document. We will be starting engineering soon.

Comment [SB21]: In the City's local planning document our finance department removes the projects from the CIP once it is fully funded and started. We wanted to show the bridge project on the 6 yr TIP through the start year.

3. Not listed in the TIP

- **The Villages MPD PP1A**
- **Three Auburn-Black Diamond Road Intersections**

The three planned Villages MPD PP1A ingress/egress intersections along Auburn-Black Diamond Road do not appear in the 6-Yr '15-'20 TIP.

The City Hearing Examiner's PP1A Decision established the following Conditions for construction and timing of these three intersections:

Comment [SB22]: These projects are entirely funded by the Villages Master Planned Development. There are no public funds involved in these projects. The City is purely in a review, oversight and inspection role for these projects. Totally developer funded projects are not typically shown in the public Transportation Planning Document.

#17: Prior to issuance of certificates of occupancy for the 726th ERU (equivalent residential unit), the proponent shall construct a single-lane roundabout at the realigned intersection of Lake Sawyer Rd SE and SE Auburn-Black Diamond Rd (Roberts Dr).

#18: Prior to issuance of certificates of occupancy for the 327th ERU (equivalent residential unit), the proponent shall install a traffic signal at the intersection of SE Auburn-Black Diamond Rd (Roberts Dr) and Village Pl SE (aka Main St.).

#19: Prior to the issuance of certificates of occupancy for the 1,128th ERU (equivalent residential unit), the proponent shall construct a single-lane roundabout at the intersection of SE Auburn-Black Diamond Rd. (Roberts Dr) and Villages Parkway SE (aka Community Connector "A").

Based on current plans, it appears most, if not all, of these should fall within the 6-Yr 15-'20 TIP timeframe. For reference, PP1A has a total of 1,192 ERUs with one ERU is equivalent to, on average, one single-family residence, two multi-family residences, 150 sq ft of retail space, or 600 sq ft of office space.

Please feel free to contact the Citizens' Technical Action Team should you have any questions about the detailed comments contained herein.

Peter Rimbos
Leader and Transportation Focal,
Citizens' Technical Action Team (TAT)
primbos@comcast.net

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION

SUBJECT:	Agenda Date: June 19, 2014	AB14-063
AB14-063 Resolution Authorizing the Mayor to Execute an Interlocal Cooperation Agreement with King County for the Community Development Block Grant Program Administration	Mayor Dave Gordon	
	City Administrator vacant	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Community Development – Stacey Welsh	
	Finance – May Miller	
	Economic Development – Andy Williamson	
Cost Impact (see also Fiscal Note):none	Parks/Natural Resources – Aaron Nix	
Fund Source: N/A	Police – Chief Kiblinger	
Timeline: needed June	Public Works – Seth Boettcher	X
	Court Administrator – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☐ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Resolution No. 14-959; Fund Descriptions & uses; Letter from KC; Agreement

SUMMARY STATEMENT:

It is time for renewal of the Interlocal agreement between the City of Black Diamond and King County. The agreement covers the Community Development Block Grant funds, the HOME Investments Partnership Program and Regional Affordable Housing Program. All agreements address the general distribution of housing and community development funds for the benefits of low to moderate income households. It also outlines the use of funds, responsibilities and powers of the parties, general terms and the establishment and functions of the inter-jurisdictional Joint Recommendations Committee (JRC).

If the City of Black Diamond is to continue to be eligible to apply for and receive Community Development Block Grant funds, and the benefits of the other CDBG program funds, we must agree to continue to participate in the Consortium. The interlocal agreement also gives the City a voice in the operations of the program funds.

FISCAL NOTE (Finance Department): No fiscal impact

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **MOTION approving Resolution No. 14-959, authorizing the Mayor to sign the Interlocal Cooperation Agreement with King County for the Community Development Block Grant Program Administration**

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
June 19, 2014		

RESOLUTION NO. 14-959

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH KING COUNTY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ADMINISTRATION

WHEREAS, the City of Black Diamond has benefitted from Community Development Block grants for water main replacement , park development, and sidewalk projects; and

WHEREAS, participation in the King County Community Development Block Grant program provides more opportunity for funding than competing for funds statewide; and

WHEREAS, An inter-local cooperation agreement with King County is needed in order to be eligible to apply for King County Community Development Block Grant funding.

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

Section 1. The Mayor is hereby authorized to execute the Interlocal Cooperation Agreement with King County for the Community Development Block Grant Program Administration, substantially in the form attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19TH DAY OF JUNE, 2014.

CITY OF BLACK DIAMOND:

_____

Dave Gordon, Mayor

Attest:

_____

Brenda L. Martinez, City Clerk

INTERLOCAL COOPERATION AGREEMENT REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

THIS AGREEMENT is entered into by and between King County (hereinafter the "County") and the City of _____, (hereinafter the "City") said parties to this Agreement each being a unit of general local government in the State of Washington.

WITNESSETH:

WHEREAS, the federal government, through adoption and administration of the Housing and Community Development Act of 1974 (the "Act"), as amended, will make available to King County Community Development Block Grant funds, hereinafter referred to as "CDBG", for expenditure during the **2015, 2016 and 2017** funding years; and

WHEREAS, the area encompassed by unincorporated King County and all participating cities, has been designated by the United States Department of Housing and Urban Development ("HUD"), as an urban county for the purpose of receiving CDBG funds; and

WHEREAS, the Act directs HUD to distribute to each urban county a share of the annual appropriation of CDBG funds based on formula, taking into consideration the social and economic characteristics of the urban county; and

WHEREAS, the Act allows participation of units of general government within an urban county in undertaking activities that further the goals of the CDBG program within the urban county; and

WHEREAS, the CDBG Regulations require the acceptance of the King County Consortium Consolidated Housing and Community Development Plan ("Consolidated Plan") by participating jurisdictions; and

WHEREAS, King County is responsible to the federal government for all activities undertaken with CDBG funds and shall ensure that all CDBG assurances and certifications King County is required to submit to HUD with the Annual Action Plan are met; and

WHEREAS, King County and the participating jurisdictions agree that it is mutually desirable and beneficial to enter into a consortium arrangement pursuant to and authorized by the National Affordable Housing Act of 1990, as amended, 42 USC 12701 et. seq. and 24 CFR Part 92 for purposes of the HOME Investment Partnerships Program, hereinafter referred to as "HOME Program", and to cooperate in undertaking HOME Program activities; and

WHEREAS, King County and the participating jurisdictions agree that it is mutually desirable and beneficial to enter into a consortium arrangement pursuant to and authorized by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, for purposes of

the Emergency Solutions Grant Program, hereinafter referred to as "ESG", and to cooperate in undertaking ESG activities; and

WHEREAS, King County shall undertake CDBG, ESG and HOME Program-funded activities in participating incorporated jurisdictions as specified in the Consolidated Plan by granting funds to those jurisdictions and to other qualifying entities to carry out such activities; and

WHEREAS, King County and the participating jurisdictions are committed to targeting CDBG, ESG and HOME Program funds to ensure benefit for very low to moderate-income persons as defined by HUD; and

WHEREAS, King County and the participating jurisdictions recognize that needs of very low to moderate-income persons may cross jurisdictional boundaries and therefore can be considered regional and sub-regional needs as well as local needs; and

WHEREAS, King County, in conjunction with the participating jurisdictions, must submit an Annual Action Plan to HUD, which is a requirement to receive CDBG funds; and

WHEREAS, the purpose of this Interlocal Cooperation Agreement, entered into pursuant to and in accordance with the State Interlocal Cooperation Act, RCW Chap. 39.34, is to form an urban county consortium, ("Consortium"), for planning the distribution and administration of CDBG, ESG, HOME Program, and other federal funds received on behalf of the Consortium from HUD, and for execution of activities in accordance with and under authority of the Act:

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING CIRCUMSTANCES AND IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, IT IS AGREED THAT:

I. GENERAL AGREEMENT

The County and City agree to cooperate to undertake, or assist in undertaking, activities which further the development of viable urban communities, including community renewal and lower-income housing assistance activities, funded from annual CDBG, ESG and HOME Program funds from federal fiscal years **2015, 2016 and 2017** appropriations, from recaptured funds and from any program income generated from the expenditure of such funds. These activities include the provision of decent housing, homeless assistance, and a suitable living environment and economic development opportunities, principally for persons with very low to moderate incomes.

II. DEFINITIONS

A. "JRC" means the inter-jurisdictional Joint Recommendations Committee as described in Section V of this Agreement.

B. "CDBG Consortium Partners" means jurisdictions that are official HUD-recognized participants in the CDBG Consortium through a signed Interlocal Agreement.

C. "Consolidated Plan" is the King County Consortium Consolidated Housing and Community Development Plan, a HUD-required plan that identifies needs and contains a strategic plan to guide the investment of HUD CDBG, HOME and ESG funds for a multi-year period not to exceed five years.

III. GENERAL DISTRIBUTION OF FUNDS

The distribution of CDBG and HOME Program funds for the King County urban county Consortium shall be governed by the provisions below.

Planning and Administration

A. The Administrative and Planning Set-asides for the CDBG and the HOME Programs, to be reserved by the County to meet the County's responsibility to meet all HUD requirements for planning and administration, shall be the maximum allowable by HUD [currently twenty (20) percent of the CDBG funds available from the annual entitlement and twenty (20) percent of program income, and ten (10) percent of the HOME Program funds available from the annual entitlement and ten (10) percent of program income]. If the current percentages for CDBG and/or HOME administration and planning are changed at the federal level, the Consortium may allow the percentage retained by the County to change, following review and recommendation by the Joint Recommendations Committee ("JRC"), as provided in Section V, and approval by the Metropolitan King County Council, as provided in Section VI.

Public/Human Services

B. The Human Services Set-aside of CDBG shall be the maximum allowable by HUD for human services [currently fifteen (15) percent of the funds available from the CDBG annual entitlement and fifteen (15) percent of program income]. The Human Services Set-aside, including Housing Stability homeless prevention activities and other homeless activities, shall be determined by the CDBG Consortium Partners and approved by the JRC in the Consortium's most current Consolidated Housing and Community Development Plan.

Housing Repair

C. The Housing Repair Program Set-aside shall be twenty (20) percent of the funds available from the CDBG entitlement and twenty (20) percent of program income (this percentage is discretionary and not required or limited by HUD). The JRC may periodically review and recommend increases or decreases to this percentage if, in its judgment, there has been a substantial change in the Consortium's overall funding or need for housing repair that justifies an increase or decrease.

Remaining Capital Funding

D. The remaining entitlement and program income funds, as well as any recaptured or prior year funds, shall be divided into two separate funds for the two sub-regions of the county: 1) north/east sub-region; and 2) south sub-region. The percentage split between the two funds shall be equal to the percentage of low to moderate-income population represented by each sub-region. Each sub-region

may propose funding priorities and allocate portions of the sub-region's funds to such priorities for separate competitive processes. Such competitive processes must be for eligible activities that are consistent with the King County Consortium Consolidated Housing and Community Development Plan. A sub-region may also elect to allocate additional funds to the Consortium's Housing Repair Program for the benefit of residents of the sub-region.

1. The north/east sub-region shall include those cities in the north and east and those portions of unincorporated King County that lie north of Interstate 90. The cities of Mercer Island, Newcastle, Issaquah, and North Bend, which are at or near the Interstate 90 border, along with their designated potential annexation areas, also shall be included in the north/east sub-region.

2. The south sub-region shall include those cities south of Interstate 90 and those portions of unincorporated King County that lie south of Interstate 90, except for the cities of Mercer Island, Newcastle, Issaquah, and North Bend and their potential annexation areas, which are part of the north/east sub-region.

3. The formula for dividing the funds between the two sub-regions shall be based on each sub-region's share of the Consortium's low to moderate-income population.

CDBG Guidelines to Address Programmatic Details:

E. The CDBG Consortium Partners may propose King County Consortium CDBG, ESG and HOME Guidelines, for approval by the JRC, to guide the Consortium regarding details of program implementation, including, but not limited to, funding guidelines, frequency of application processes, Consortium procedures and goals for geographic equity in the distribution of funds over time.

IV. USE OF FUNDS: GENERAL PROVISIONS

A. Funds shall be used to support the goals, objectives and strategies of the King County Consortium Consolidated Housing and Community Development Plan.

B. Funds shall be used in accordance with the CDBG regulations at 24 CFR Part 570, ESG regulations at 24 CFR Part 576, Home Program regulations at 24 CFR Part 92, and all other applicable federal regulations.

V. JOINT RECOMMENDATIONS COMMITTEE

An inter-jurisdictional Joint Recommendations Committee ("JRC") was established through the 2009 – 2011 CDBG/HOME Consortium Interlocal Cooperation Agreement and through King County Code Chapter 24.13, and is hereby adopted as part of this Agreement.

A. Composition—The JRC for the CDBG/ESG/HOME Consortium shall be composed of three county representatives and eight cities representatives.

1. The three county representatives shall be King County Executive staff with broad policy responsibilities and/or department directors. County representatives shall be specified in writing and, where possible, shall be consistently the same persons from meeting to meeting.

2. Four of the cities representatives shall be from those cities signing this interlocal cooperation agreement, two from each sub-region.

3. The remaining four cities representatives shall be from cities that qualify to receive CDBG entitlement funds directly from HUD and that are not signing this agreement, but are signing either Joint Agreements or HOME Program-only agreements. These latter four representatives shall have no vote on matters specific to the jurisdictions that are parties to this Agreement.

4. The chairperson and vice-chairperson of the JRC shall be chosen from among the members of the JRC by a majority vote of the members for a term of one year beginning with the first meeting of the calendar year. Attendance of five members of the entire body of eleven members of the JRC for the CDBG/HOME Consortium shall constitute a quorum for voting matters in which all members of the JRC are eligible to vote. For voting items of the Regular CDBG Consortium, in which only seven members may vote (those identified in sub-sections 1 and 2 of this section), four members shall constitute a quorum, made up of two King County representatives and two city representatives.

B. Appointments—The King County Executive shall appoint the three county representatives. The participating cities shall provide for the appointment of their shared representatives in a manner to be determined by those cities through the Sound Cities Association or other agreed-upon mechanism for the execution of shared appointing authority. The Sound Cities Association or other agreed mechanism will select four jurisdictions of varying size from among those signing this Agreement, two from the north/east sub-region and two from the south sub-region. The cities representatives shall be elected officials, chief administrative officers, or persons who report directly to the chief administrative officer and who have broad policy responsibilities; e.g., planning directors, department directors, etc. Members of the JRC shall serve for two years, or at the pleasure of their respective appointing authorities.

C. Powers and Duties—The JRC shall be empowered to:

1. Review and recommend to the King County Executive all policy matters concerning the Consortium CDBG, ESG and HOME Program, including but not limited to the Consolidated Plan and related plans and policies.

2. Review and recommend to the King County Executive the projects and programs to be undertaken with CDBG funds, ESG funds and HOME Program funds, including the Administrative Set-aside.

3. Monitor and ensure that all geographic areas and actively participating jurisdictions benefit from CDBG, ESG and HOME Program funded activities over time, so far as is feasible considering eligible applications submitted within the goals, objectives and strategies of the Consolidated Plan: 1) there is equity in distribution of funds pursuant to proportion of the region's low to moderate-income population; and, 2) equity is achieved over time pursuant to Consortium Guidelines adopted by the JRC to the extent feasible.

D. Advisory Committees to JRC—In fulfilling its duty to review and recommend projects and programs to be undertaken with the CDBG, ESG and HOME Program funds, the JRC shall consider the advice of sub-regional inter-jurisdictional advisory committees. Sub-regional advisory committees, made up of one representative from each participating jurisdiction in a sub-region that wishes to participate, shall be convened to assist in the review and recommendation of projects and programs to be undertaken in that sub-region. The JRC may also solicit recommendations from other inter-jurisdictional housing and community development committees.

VI. RESPONSIBILITIES AND POWERS OF KING COUNTY

A. Notwithstanding any other provision contained in this Agreement, the County as the applicant and grantee for CDBG, ESG and HOME Program funds has responsibility for and assumes all obligations in the execution of the CDBG, ESG and HOME Programs, including final responsibility for selecting and executing activities, and submitting to HUD the Consolidated Plan, Annual Action Plans, and related plans and reports, including the Analysis of Impediments to Fair Housing Choice and the Fair Housing Action Plan. Nothing contained in this Agreement shall be construed as an abdication of those responsibilities and obligations.

B. The Metropolitan King County Council shall have authority and responsibility for all policy matters, including the Consolidated Plan, upon review and recommendation by the JRC.

C. The Metropolitan King County Council shall have authority and responsibility for all fund allocation matters, including approval of the annual CDBG, ESG and HOME Program Administrative Set-asides and appropriation of all CDBG, ESG and HOME Program funds.

D. The King County Executive, as administrator of the CDBG, ESG and HOME Programs, shall have authority and responsibility for all administrative requirements for which the County is responsible to the federal government.

E. The King County Executive shall have authority and responsibility for all fund control and disbursements.

F. The King County Executive shall have the authority and responsibility to staff the JRC and provide liaison between HUD and the urban county Consortium. County

Executive staff shall prepare and present to the JRC evaluation reports or recommendations concerning specific proposals or policies, and any other material deemed necessary by the JRC to help it fulfill its powers and duties in IV. C., above.

G. King County Executive staff shall have the authority and responsibility to communicate and consult with participating jurisdictions on CDBG, ESG and HOME Program policy and program matters in a timely manner.

H. King County Executive staff shall have the authority and responsibility to convene sub-regional advisory committees made up of representatives from participating jurisdictions in the sub-region to advise the JRC on the allocation of the sub-regional funds.

I. King County Executive staff shall provide periodic reports on clients served by jurisdictions in the Housing Stability and Housing Repair programs and on the status of CDBG, ESG and HOME Program funded projects and make them available to all participating jurisdictions and the JRC.

J. King County Executive staff shall solicit proposals, administer contracts, and provide for technical assistance, both in the development of viable CDBG, ESG and HOME Program proposals and in complying with CDBG, ESG and HOME Program contractual requirements.

K. King County shall have environmental review responsibility for purposes of fulfilling requirements of the National Environmental Policy Act, under which King County may require the local incorporated jurisdiction or contractor to furnish data, information, and assistance for King County's review and assessment in determining whether an Environmental Impact Statement is required.

L. King County, as the official applicant, shall have the authority and responsibility to ensure that any property acquired or assisted with CDBG funds or HOME Program funds is disposed of or used in accordance with federal regulations.

VII. RESPONSIBILITIES OF THE PARTICIPATING CITIES

A. All participating cities shall cooperate in the development of the Consolidated Plan and related plans.

B. All participating cities shall assign a staff person to be the primary contact for the County on CDBG, ESG and HOME Program issues. The assigned CDBG, ESG and HOME Program contact person is responsible for communicating relevant information to others at the participating city, including any representative the city may choose to send to the sub-regional advisory committee, if that representative is not the CDBG, ESG and HOME Program contact person.

C. At its discretion, a participating city may assign a representative to attend meetings of the sub-regional advisory committee. This representative may or may not be the City's CDBG, ESG and HOME Program contact person. It may be the CDBG, ESG and HOME Program contact person, a different staff member, an elected official, or a citizen.

D. If and when a participating city deems necessary or advisable, it may prepare applications for CDBG or HOME Program funds to address the needs of its residents, consistent with the Consolidated Plan.

E. Each participating city shall obtain its council's authorization for any CDBG or HOME Program application submitted.

F. All participating cities shall carry out CDBG or HOME Program funded projects in a manner that is timely and consistent with contractual requirements.

G. All participating cities owning community facilities or other real property acquired or improved in whole or in part with CDBG or HOME Program funds shall comply with use restrictions as required by HUD and as required by any relevant policies adopted by the JRC.

1. During the period of the use restriction, the participating cities shall notify King County prior to any modification or change in the use of real property acquired or improved in whole or in part with CDBG or HOME Program funds. This includes any modification or change in use from that planned at the time of the acquisition or improvement, including disposition.

2. During the period of the use restriction, if the property acquired or improved with CDBG or HOME Program funds is sold or transferred for a use which does not qualify under the applicable regulations, the participating city shall reimburse King County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of funds other than CDBG or HOME Program funds).

VIII. RESPONSIBILITIES OF ALL PARTICIPATING JURISDICTIONS

A. All participating jurisdictions shall be considered to be those jurisdictions that have signed this Agreement.

B. All participating jurisdiction shall fulfill to the County's reasonable satisfaction all relevant requirements of federal laws and regulations that apply to King County as applicant, including assurances and certifications described in Section VIII below.

C. Each participating jurisdiction or cooperating unit of general local government certifies that it has adopted and is enforcing:

1. A policy that prohibits the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy that enforces applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of non-violent civil rights demonstrations within jurisdiction.

D. Pursuant to 24 CFR 570.501(b), all participating units of local governments are subject to the same requirements applicable to sub-recipients when they receive CDBG funds to implement an activity. The applicable requirements include, but

are not limited to, a written agreement with the County that complies with 24 CFR 570.503 and includes provisions not limited to: statement of work; records and reports; program income; uniform administrative items; other program requirements; conditions for religious organizations; suspension and termination; and reversion of assets.

E. All participating units of local government understand that they may not apply for grants from appropriations under the federal Small Cities or State CDBG Programs during the period in which they participate in this Agreement.

F. All participating units of local government understand that they may not sell, trade or otherwise transfer all or any portion of the urban county consortium CDBG funds to another metropolitan city, urban county unit of general local government, Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act.

G. All units of local government participating in the CDBG urban county consortium through this interlocal cooperation agreement understand that they are also part of the urban county for the HOME Program and that they may not participate in a HOME Program consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation; and also understand that they are part of the urban county for the ESG Program and may only receive a formula allocation for ESG through the urban county consortium.

H. All participating units of local government hereby agree to affirmatively further fair housing and to ensure that no CDBG or HOME Program funds shall be expended for activities that do not affirmatively further fair housing within its jurisdiction or that impede the County's actions to comply with its fair housing certification. For purposes of this section, "affirmatively furthering fair housing" includes participation in the process of developing an Analysis of Impediments to Fair Housing Choice and a Fair Housing Action Plan. While King County has the primary responsibility for the development of these reports to HUD pursuant to Section VI.A. of this Agreement, upon request, the City shall provide assistance to the County in preparing such reports. All participating units of local government acknowledge that the urban county consortium is prohibited from funding activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification.

I. Participating jurisdictions undertaking activities and/or projects with CDBG funds distributed under this Agreement shall retain full civil and criminal liability as though these funds were locally generated.

J. Participating jurisdictions retain responsibility in fulfilling the requirements of the State Environmental Policy Act under which King County has review responsibility only.

IX. GENERAL TERMS

A. This Agreement shall extend through the **2015, 2016 and 2017** program years, and shall remain in effect until the CDBG funds, ESG funds, Home Program funds and program income received with respect to activities carried out during the three-year qualification period are expended and the funded activities completed. This Agreement shall be automatically renewed for participation in successive three-year qualification periods, unless the County or the City provides written notice that it wishes to amend this Agreement or elects not to participate in the new qualification period by the date set forth by the United States Department of Housing and Urban Development (HUD) in subsequent Urban County Qualification Notices. By the date specified in HUD's Urban County Qualification Notice for the next qualification period, King County will notify each participating city in writing of its right not to participate, and a copy of King County's written notification will be sent to HUD by the date specified in the urban county qualification schedule. Each party to this Agreement must adopt amendments necessary to meet the requirements for cooperation agreements as set forth in the Urban County Qualification Notice applicable for a subsequent three-year county qualification period, and to submit such amendment to HUD, as provided in the notice. Failure to comply with the notice will void the automatic renewal for such qualification period.

B. Pursuant to 24 CFR Part 570.307(d)(2), during the period of qualification no included unit of general local government may terminate or withdraw from the cooperation agreement while it remains in effect.

C. It is understood that by signing this Agreement, the City shall agree to comply with the policies, goals, objectives and strategies of the King County Consortium Consolidated Housing and Community Development Plan.

D. Parties to this Agreement must take all required actions necessary to assure compliance with King County's certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, (Title III of the Civil Rights Act), the Fair Housing Act as amended, affirmatively furthering fair housing, Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and other applicable laws.

E. This Agreement shall be executed in three counterparts, each of which shall be deemed an original, by the chief executive officers of the County and the City, pursuant to the authority granted them by their respective governing bodies. One of the signed Agreements shall be filed by the County with the Region X office of HUD, one shall be filed with the City and one shall be filed with the County. Prior

to its taking effect, the fully executed Agreement shall be filed with the County Auditor, or, alternatively, listed by subject on a public agency's web site or other electronically retrievable public source.

F. It is recognized that amendment to the provisions of this Agreement may be appropriate, and such amendment shall take place when the parties to this Agreement have executed a written amendment to this Agreement.

G. This Agreement is made and entered into for the sole protection and benefit of the parties hereto and their successors and assigns. No other person shall have any right of action based on any provision of this Agreement.

KING COUNTY, WASHINGTON	CITY OF _____
for King County Executive	By: Signature
Adrienne Quinn Printed Name	Printed Name
Director, Department of Community and Human Services Title	Title
Date	Date
Approved as to Form: OFFICE OF THE KING COUNTY PROSECUTING ATTORNEY	Approved as to Form: CITY OF _____ CITY ATTORNEY
	_____ City Attorney
	ATTEST: CITY OF _____
	_____
	_____ City Clerk

King County Consortium Interlocal Agreements - Federal and Local Funds Descriptions and Uses

Annual Federal Formula Grants

Community Development Block Grant (approximately $4.5 million per year)

The Community Development Block Grant Program (CDBG) is authorized under Title I of the Housing and Community Development Act of 1974, as amended. Its primary objective is the development of viable urban communities by providing decent housing, a suitable living environment (community facilities and public infrastructure) and expanded economic opportunities principally for persons of low and moderate income (under 80% of area median income.)

The King County Consortium uses CDBG funds for community facilities, public infrastructure, parks, the Consortium-wide Housing Stability Program for homeless prevention, human services to address our region's plan to end homelessness , the Consortium-wide Housing Repair Program, affordable housing (North/East – allocated through the ARCH competitive funding cycle), as well as planning and administration.

Emergency Solutions Grant (ESG) (approximately $260,000 per year)

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) revised the Emergency Shelter Grants Program and renamed it the Emergency Solutions Grants (ESG) Program. The new name reflects the change in the program's focus from addressing the needs of homeless people in emergency shelters to assisting people to quickly regain stability in permanent housing after experiencing homelessness and/or a housing crisis. The Emergency Solutions Grant Program has five allowable components:

- Street Outreach
- Emergency Shelter
- Homeless Prevention
- Rapid Re-housing
- Homeless Management Information Systems (HMIS)

HUD has emphasized the use of ESG funds for rapid re-housing. The King County Consortium currently uses ESG funds for emergency shelter operating and maintenance support and rapid re-housing.

HOME Investment Partnerships Program (approximately $2.6 million per year)

HOME funds may be used for affordable housing activities including constructing new affordable housing; acquiring and/or rehabilitating existing housing as affordable housing under a long-term covenant, or preserving housing affordable housing not previously funded with HOME. HOME can be used for rental and home ownership projects affordable to households at or below 80% AMI, including down payment assistance and rental assistance to income-eligible households. HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. Program administration is 10 percent of the grant.

The King County HOME Consortium invests HOME funds strategically in larger multifamily affordable apartments, primarily for households at or below 50 % of AMI, many of which leverage 4% and 9% low income housing tax credits; and home ownership, including down payment assistance programs. King County does not

use HOME funds for rental assistance, as the HOME regulations for rental assistance are very cumbersome and there are other more flexible fund sources that are better used for rental assistance.

Local Funds

Regional Affordable Housing Program (approximately $3.0 million per year)

Regional Affordable Housing Program (RAHP) funds are authorized by state legislation that allows counties to collect these document recording surcharge fees for affordable housing . RCW 36.22.178 authorizes counties to collect and administer the funds pursuant to a cooperative agreement between the county and the cities and towns within the county. King County and the cities and towns who participate in the program execute multi-year interlocal agreements to partner in the RAHP Consortium.

King County currently uses approximately 20% of the RAHP funds ($700,000 per year) for operations and maintenance funds for transitional housing and shelters (only shelters may use some of the funding for services); and a variable amount of approximately $2.2 million a year in capital funding for affordable housing. The statute restricts RAHP for housing that will serve households at or below 50% AMI. The capital investments are balanced over the three years of the interlocal agreement to meet target goals for allocation to the South, North/East, and Seattle sub-regions, per the adopted RAHP Guidelines.

King County

Community Services Division
Housing and Community Development
Department of Community and Human Services
401 5th Avenue, Suite 510
Seattle, WA 98104

206-263-9062 FAX: 206-296-0229
TTY Relay: 711

May 14, 2014

The Honorable Dave Gordon, Mayor
The City of Black Diamond
P. O. Box 599
Black Diamond, WA 98010

Dear Mayor Gordon:

I am writing to you regarding the continuing participation of your city in the King County Community Development Block Grant (CDBG) Consortium, King County HOME Investment Partnerships Program (HOME) Consortium and the Regional Affordable Housing Program (RAHP) Consortium.

King County Code, Title 24, Chapter 13 (KCC 24.13) sets out the framework for King County to enter into consortia relationships through interlocal cooperation agreements to partner in the distribution and administration of funds made available through the United States Department of Housing and Urban Development (HUD), and affordable housing funds established in Section 36.22.178 of the Revised Code of Washington (RCW).

Pursuant to KCC 24.13, it is the policy of King County to partner and form urban county consortia with the cities and towns in King County outside the City of Seattle[1] for the HUD-administered CDBG and HOME programs. As a member of the King County CDBG Consortium, your city will also participate with King County regarding the distribution and administration of federal Emergency Solutions Grant (ESG) funds. In addition, King County also partners with all cities and towns in King County for RAHP document recording surcharge fee funds for affordable housing, governed by RCW 36.22.178, which requires the County to enter interlocal agreements.

The King County Housing and Community Development Program administers the CDBG, ESG, HOME and RAHP Consortia funds on behalf of the participating city members, and staffs the interjurisdictional Joint Recommendations Committee (JRC) of the consortia. The JRC reviews and recommends policy matters and project selections concerning consortia funds to the King County Executive.

CDBG, ESG and HOME Consortium Combined Agreement

Your city is eligible to participate in the Regular CDBG Consortium for 2015-2017 as you did during the last agreement period of 2012-2014. The Regular CDBG Agreement, which covers all HUD formula

[1] As a large metropolitan city, Seattle receives an independent allocation of CDBG, ESG and HOME Program funds directly from HUD.

grants received by King County on behalf of the Consortium -- CDBG, HOME and Emergency Solutions Grant (ESG) -- was renegotiated and amended as a result of several consortium-wide meetings held in 2013. If you choose to continue participation in the King County Consortium for 2015 through 2017, your city council must approve the new Regular CDBG Agreement for executive signature. The updated agreement is enclosed with this letter as Attachment A.

As a unit of general local government eligible to participate in the King County CDBG/ESG/HOME Urban County Consortia, we must inform you of the following:

- If your city chooses to join the King County CDBG Consortium, you are not eligible to apply for grants under the state CDBG program during the 2015-2017 term.
- If your city chooses to join the King County CDBG Consortium, you will automatically be a member of the King County HOME Consortium and will participate in the HOME program as a part of the King County HOME Consortium, and may only have access to the Consortium's HOME formula grant amount. This does not preclude the Consortium, or a unit of government participating in the Consortium, from applying for HOME funds from the state, if the state were to allow such an application.

Benefits of Continuing Participation in the King County CDBG Consortium

- Low and moderate-income homeowners in your city can apply for grants or loans to repair their homes.
- Low and moderate-income residents who are homeless or at risk for homelessness may be eligible for emergency grants and/or loans to help them remain in their homes or to move into permanent housing.
- Nonprofit organizations that serve residents of your city can apply for funds to acquire, construct and/or rehabilitate human service facilities or housing that serve low and moderate-income residents.
- Nonprofit organizations that serve residents of your city can apply for funds for human service programs that serve low and moderate-income residents.
- Your city can apply for CDBG funds for public infrastructure and park projects that serve low and moderate-income neighborhoods.
- Your city can participate in the city/county staff work group that develops recommendations for the Joint Recommendations Committee on specific projects to receive CDBG funds, as well as program guidelines.

Federal regulations for the CDBG program define low and moderate-income as annual household income at 80 percent or less of the area median income (AMI) for King County as established by HUD. In 2013, for example, a family of four with a household income of $64,400 or less is eligible for these programs.

Benefits of Continuing Participation in the King County HOME Consortium

- Your city, and affordable housing developers serving your city, may apply for HOME funds to help meet locally identified affordable housing needs, including affordable rental housing and first-time homeownership programs.
- Your city, and affordable housing developers serving your city, may apply for HOME funds to support the rehabilitation and preservation of affordable housing in your jurisdiction.
- Your city, can participate in the city/county staff work group that develops recommendations for the inter-jurisdictional Joint Recommendations Committee on specific projects to receive HOME funds, as well as program guidelines.

RAHP Agreement

The RAHP Agreement governs the administration of funds for housing affordable to households at or below 50 percent of AMI. The RAHP Agreement has an automatic renewal clause that allows it to renew for subsequent three-year periods, and is renewing without changes for the 2015-2017 period. The RAHP Guidelines attached to the Agreement are updated through the JRC as needed. The Guidelines will be updated this year, and staff from your city is invited to attend the meeting(s).

Any cities that did not sign a RAHP agreement for 2012-2014 will have the opportunity to sign the agreement this year for the 2015-2017 period of qualification. A list of cities that did not sign the RAHP Agreement for 2012-2014 is enclosed with this letter, along with a blank RAHP Agreement to approve and sign, as needed, in Attachment B.

CDBG/HOME Agreement Next Steps

If your city desires to continue participation in the King County CDBG/HOME Consortia for the next three year period of 2015-2017 your city must approve and sign the enclosed Regular CDBG Agreement and does not have to respond to this letter.

If your city does not desire to continue participation in the King County CDBG and HOME Consortia for 2015-2017 your city should not approve and sign the CDBG Agreement. In addition, your city must notify both King County and HUD in writing, no later than June 20, 2014, that your city does not desire to participate. A decision to be excluded from participation in the consortia would be effective for the entire three-year period of 2015-2017, unless your city were to specifically request to be included in a subsequent year for the remainder of the three-year period.

If your city does not desire to continue participation, your letters indicating such must be sent to both King County and HUD at the following addresses:

King County
King County Housing and Community Development Program
ATTN: Cheryl Markham, Program Manager
401 Fifth Avenue, Suite 510
Seattle, WA 98104-1818

HUD
John W. Peters, Director
Office of Community Planning and Development
U.S. Department of Housing and Urban Development
909 First Avenue, Suite 300
Seattle, WA 98104-1000

We look forward to your continued participation in the King County Consortia, and thank you for your attention to this matter.

Sincerely,

Cheryl Markham
Program Manager

CM:cm

Enclosures

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION

SUBJECT:	**Agenda Date: June 19, 2014**	**AB14-064**
AB14-064	Mayor Dave Gordon	
	City Administrator	
	City Attorney Carol Morris	
Resolution Approving Special Event Permit for the Lake Sawyer Community Club's use of Lake Sawyer Regional Park as a base for its annual 4th of July fireworks display and a portion of the June 28th fun run.	City Clerk – Brenda L. Martinez	
	Community Development – Stacey Welsh	X
	Finance – May Miller	
	Economic Development – Andy Williamson	
Cost Impact (see also Fiscal Note):	Parks/Natural Resources – Aaron Nix	
Fund Source:	Police – Chief Kiblinger	
Timeline: 6/28, 7/3-7/5	Public Works – Seth Boettcher	
	Court Administrator – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☐ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Resolution No. 14-960 and application documents

SUMMARY STATEMENT:
Since this is a two-day event, City Council approval of a special event permit is required (BDMC 2.59.040).

6/28/14
LSCC will conduct their annual fun run around Lake Sawyer using City streets, private property and the Lake Sawyer Park.

7/3/14-7/5/14
The Lake Sawyer Community Club (LSCC) has requested to use the Regional Park as a staging area for its annual 4th of July fireworks display. This will require use of a portion of the park over a period of three days. On July 3rd, floating rafts will be moved to the park area and basic fireworks launching pads would be constructed. On July 4th, Mountain View Fireworks Display will load the launching tubes and fireworks during the day and at approx. 7:00pm, the rafts will be towed to the center of the lake in preparation for the display. After the fireworks display the rafts would be returned to the park. On July 5th, the fireworks launching pads will be disassembled at the park and the rafts will be removed.

Last year, the City Council approved a similar request. Staff is recommending approval of the Special Event permit, with the conditions noted as attached.

FISCAL NOTE (Finance Department): The City collects a $200 Special Event Fee and the Lake Sawyer Community Club reimburses the City for Police and Fire services.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION: **Discussion by the Planning & Community Services Committee at their June meeting.**
RECOMMENDED ACTION: **MOTION to adopt Resolution No. 14-960, approving a Special Event Permit SEP14-0006 for the Lake Sawyer Community Club 4th of July Activities.**

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
June 19, 2014		

RESOLUTION NO. 14-960

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON APPROVING A SPECIAL EVENT PERMIT FOR THE LAKE SAWYER COMMUNITY CLUB 4th OF JULY ACTIVITIES

WHEREAS, the City regulates special events that occur on public property in order to protect the public health, safety and welfare; and

WHEREAS, Black Diamond Municipal Code 2.59.040 requires City Council approval for any special event that exceeds one day in duration; and

WHEREAS, the Lake Sawyer Community Club has also requested to use Lake Sawyer Regional Park as a staging area for its annual fireworks show, which will require use of the Park over a period of three days (SEP14-0006); and

WHEREAS, City staff has reviewed the proposed activities and placed conditions on the permits to protect the public interest and recuperate City expenses; and

WHEREAS, the City Council recognizes the importance of events sponsored by community organizations;

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

Section 1. The Mayor is hereby authorized to execute the approval of Special Event Permit SEP14-0006 for the Lake Sawyer Community Club 4th of July activities.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19TH DAY OF JUNE, 2014.

CITY OF BLACK DIAMOND:

_____

Dave Gordon, Mayor

Attest:

_____

Brenda L. Martinez, City Clerk

CITY OF BLACK DIAMOND

24301 Roberts Drive P.O. Box 599 - BLACK DIAMOND, WA 98010
PHONE: (360) 886-5700 - FAX: (360) 886-2592

Permit #: SEP14-0006

SPECIAL EVENTS PERMIT

PRIMARY CONTACT & INFORMATION:

LAKE SAWYER COMMUNITY CLUB
C/O MONICA STEWART
22516 SE 300TH ST
BLACK DIAMOND, WA 98010
(253) 653-5408

EVENT INFORMATION

Name of Event:	LSCC 4TH OF JULY EVENTS
Date of Event:	JUNE 28TH AND JULY 4TH
Time/Length of Event:	8AM-12AM
Location of Event:	LAKE SAWYER
Estimated Attendance:	200
Insurance Company:	CANFIELD

CONDITIONS OF PERMIT

- Fireworks public displays require a permit, review and approval of the Fire Department (FD). Full application for permit must be completed and provided to the City for FD review at least 2 weeks in advance of the display.
- Onsite inspection of the display and its loading will be required. Loading at the end of the lake is better than loading near homes, but site security of the loading area to keep citizens away will be required.
- Comments on Service Agreement: FD will provide the permit review and required inspections of the fireworks for Lk Sawyer 4th of July. Expect to use 90 minutes of review time and up to 90 minutes of inspection time (including travel time).
- FD will supply (1) EMT to assist with PD on their boat during the times leading up to and following the display as directed by the PD.
- The Police Department requires the following for this event:
- -one officer assigned to fun run 0930-1230 (3 hours)
- -one officer assigned to wake board/ski event 0730-1130 (4 hours)
- -two officers assigned to the fireworks show 2100-0000 (3 hours) x 2
- Total hours of 13 x $75.00 per hour = $975.00 total charge
- -The officer assigned to the fun run will follow the guidelines as outlined in the map course, specifically the 4 areas outlined by the applicant.
- Contact Community Development staff to acquire the key to the gate at the end of 312th Street by July 3rd and return it as soon as possible that following Monday, July 7th.

_____ _____

Signature Date

CITY OF BLACK DIAMOND
STATE OF WASHINGTON

SPECIAL EVENT APPLICATION

COMMUNITY DEVELOP.

MAY 2 1 2014

RECEIVED

PERMIT# SEPH-0006

EVENT INFORMATION

June 28th

EVENT NAME: Lake Sawyer Community Club July 4th Activities

EVENT LOCATION: LAKE SAWYER

(If structures will be erected and/or street ROW used, please attach (3) drawings noting locations and dimensions.)

EVENT TYPE: ☑ Exhibition ☐ Protest ☑ Run/Walk ON JUNE 28th ☐ Dance ☐ Festival ☐ Concert ☐ Party
(Check all that apply) ☐ Wedding ☐ Drama ☑ Parade ☐ Other ☑ Firework show

DATE OF EVENT: (FUN RUN Sat. 6/28) Fri. 7/4 HOURS: (FUN RUN 9AM-12PM) 8AM-12:AM

PURPOSE OF EVENT: INDEPENDENCE DAY CELEBRATION: WATERSKI / WAKEBOARD event / fishing derby / Paddleboat Canoe race, fireworks display

EST. ATTENDANCE: Participants VARIES Spectators VARIES Volunteers/Personnel 20

CITY BUS. LICENSE #: _____ *(participating commercial vendors will also require a City license)*

PARKING PLANS: 6/28 - @ L.S. community club 7/4 N/A

(Please provide a drawing unless you are using an existing parking lot with sufficient stalls.)

FACILITIES TO BE USED: ☑ City Park ☑ Lake Sawyer ☐ Sidewalk ☐ Street ☑ Private Property PCC

(If using private property, you must provide proof that you have permission unless you are the owner.)

CITY ASSISTANCE REQUIRED: ☑ Police ☑ Fire ☐ Public Works ☐ Other Firework approval

Describe: Marine Police for 7/4 Road Safety on 6/28 fun run

(Police and Fire services require a written agreement that must be submitted with the event application.)

INSURANCE COMPANY: Canfield American Alternative Ins. Co.

(Proof of Ins. required naming City of Black Diamond as co-insured if event is taking place on City property.)

FOOD TO BE SERVED: ☐ YES ☑ NO If yes, provide copy of Health Dept approval/license.

SOUND SYSTEM: ☐ YES ☑ NO

(If liquor and music are provided a Cabaret license may be required.)

SANITATION PLANS (Sani-cans, hand washing stations, etc): LSCC for fun run / N/A for 7/4

PRODUCTS OR SERVICES TO BE SOLD: ☐ YES ☑ NO If yes, what? _____

ADMISSION FEE: ☐ YES ☑ NO If yes, how much? _____

HAS THE EVENT BEEN PREVIOUSLY PRODUCED? ☑ YES ☐ NO PREVIOUS DATE: 7/4 for many years Saturday before the 4th for many years

ANY CHANGES FROM PREVIOUS EVENT? ☑ YES ☐ NO If yes, list changes:

The runners and walkers continue on same route

Cyclists have to use a seperate route

APPLICANT INFORMATION

APPLICANT: Monica Stewart ORGANIZATION: Lake Sawyer Community Club

MAILING ADDRESS: 22516 SE 300TH ST. Black Diamond WA 98010

CONTACT PHONE: 253 653 5408 FAX ——

EMAIL ADDRESS: SAWYERSTEWARTS@Comcast.net

EMERGENCY CONTACT Adam Running PHONE 206-351-5257

Norman L. Stewart 5.19.14

SIGNATURE OF APPLICANT DATE

Additional information or requirements may be requested. Please allow 3 – 4 weeks for processing.

Lake Sawyer Community Club
Fun Run, Bike or Walk
Saturday June 28th. 2014
Starts at 10:00am
From LSCC Clubhouse
29006 216th Ave SE
Start & Finish location ☆

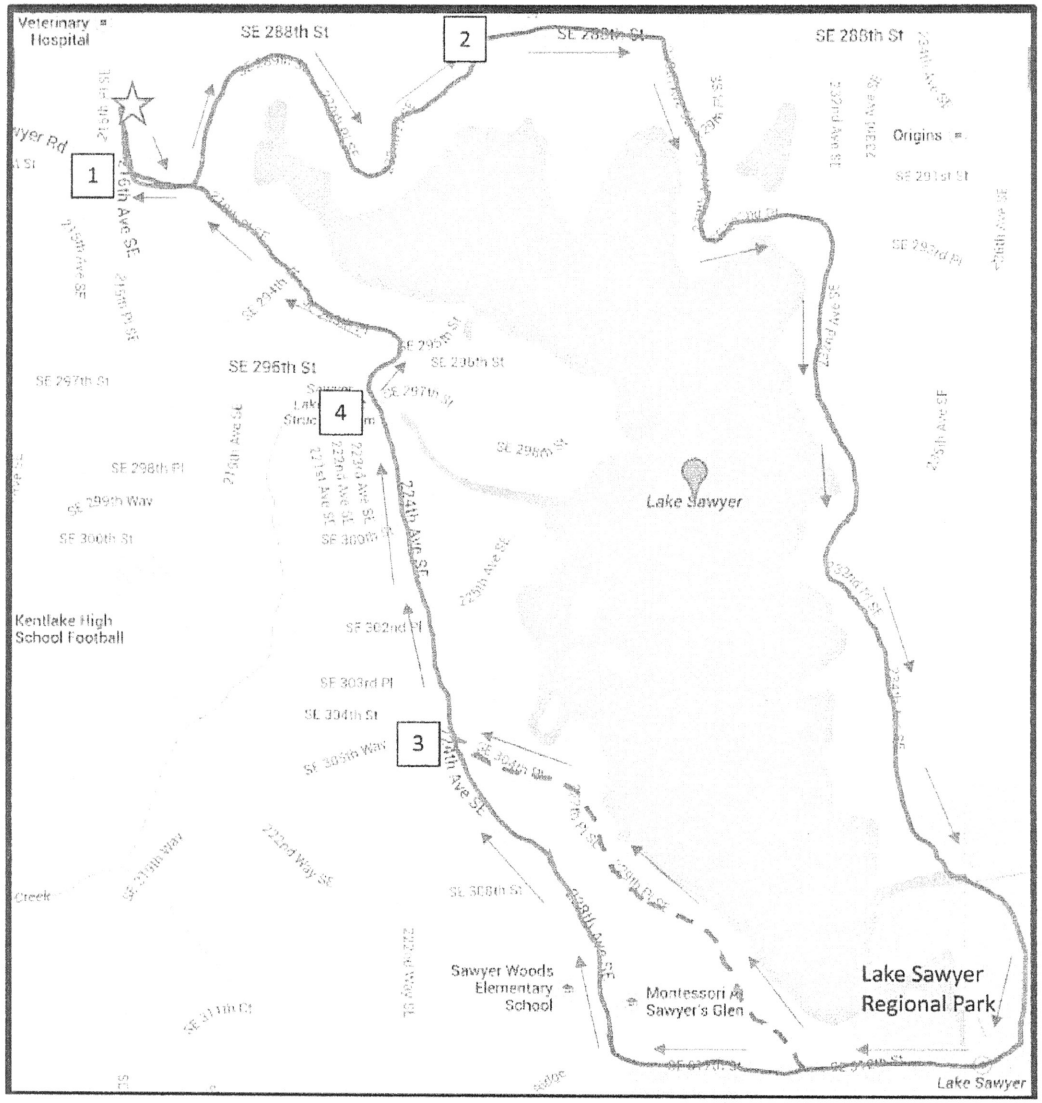
Black Diamond Police Support

1 — 10:00am
Police to assist at start at the light 216th Ave SE & SE 292nd (Lake Sawyer Grocery)

2 — 10:10am
Have a car on 288th for a few minutes participants would be on the road

3 — Have a car on 224th @ SE 304th Pl. Runners are suppose to cross the street before heading North

4 — Boat Launch Road - Most dangerous corner for walkers and runners to cross back to the lake side



Bikers, Runners, Walkers

Runners & Walkers veer off of 312th for a short distance along the lake and then rejoin the Bikers at the intersection of SE 304th Pl and 224th Ave SE

Lake Sawyer July 4, 2014 Celebration

Boat Parade Theme: "Tropical Beach Party"

Saturday, June 28th

Annual Fun Run, Walk, Bike **10:00 AM** **LSCC Clubhouse**
29006 216th Ave SE

Join us for the 19th annual Fun Run, Walk or Bike around Lake Sawyer. The course is 5.2 miles long; the race is held rain or shine, and begins promptly at 10:00 AM so come early to check in and sign up. Children under age 10 must be accompanied by an adult and all cyclists must adhere to the rules of the road and wear helmets. Bikers will begin first with runners and walkers following. Participants will be asked to sign a liability waiver at check-in and a parent must sign for minors. Please contact an LSCC board member for information or if you wish to help. LSCC members will participate for free with non-members paying $5. T-shirts will be provided courtesy of the LSCC.

Each year LSCC seeks the permission of the landowners and residents at the southeast end of the Lake for permission to use their property for the annual Fun Run around the lake. Palmer Coking Coal Co. and the nearby residences has once again graciously agreed. Please remember that this land is private and there is no permission to use this route other than the June Fun Run date provided through a Special Use Permit. At all other times during the year please respect their property and privacy rights. Please note NO SMOKING will be permitted on Palmer land. Thank you.

Friday, July 4th

Waterski/Wakeboard Event **8:00 – 11:00 AM** **South End of the Lake**

This is a great way to start your 4th of July. Break-out your slalom ski and join us for some turns on glassy-smooth water, or strap on your wakeboard and show us some big air! Everyone is welcome; meet the group near Duck Island at the southeast end of the lake at 8am. The action is first come, first served; skiers go first, followed by wake boarders, and wake surfers. Bring your friends and family, tie-up with your fellow LSCC members and take it all in. Spectators are welcome and encouraged, this is a fun time and we want to see you out there, but no wake please. Participants have to sign a liability waiver and a parent has to sign for those under 18. Because we're tearing it up before normal speeding hours, the Lake Sawyer Community Club arranges a special permit with the City of Black Diamond for this event. The tow boat is allowed to exceed the normal 5 MPH speed limit, but anyone else over 5 MPH will be chased down by the officer in charge, get a talking to, and possibly even get his autograph, so go slow. For more information or to pre-register, contact Jeff Merrill 253-350-2553.

EAST vs. WEST VOLLEYBALL TOURNEY **HIGH NOON Start Time** **Dock 200**
29732 226th AVE SE

Last year, the West dominated the tourney and throws down the challenge this year to the East: ***Come and try to take the trophy!*** 10 teams entered last year and many more who came to watch the action. *This will be a* ***Double Elimination Tourney, 6 person teams, TWO Active Courts****. Bring your own team or come as individuals and you will be assigned to a team. Spectators are welcome!!The tourney gets underway at Noon and* ***please be on-site by 11:30AM to sign up.***
You can drop off at Dock 200 and anchor offshore. Contact Weston Butt Jr. at 206 915 1741 for more info.

Friday, July 4th

Paddleboat, Canoe/Kayak Race& Long Boards **3:30 PM** **Between Big Islands**

Trying to stay current with all the new water toys we are adding a new race category, Standup Boards. Three races will be held, one for the paddleboats, one for the canoes and kayaks and one for Long Boards. Race individually or as a team. Meet between the two big islands in front of Sunrise Resort at 3:15 PM. Race starts at 3:30 PM. There is no need to register, just show up and race.

Parade of Boats **5:00 PM** **Dock#121**

"Tropical Beach Party" is the theme for this year's Parade of Boats. Special prizes will be awarded for the best decorated boat, best theme, and the most original. Boats need to be off Fred and Patty Weston's dock #121 at 4:50 PM. The parade will be led by the Black Diamond Marine Patrol boat. The parade will proceed counter clockwise around the lake. Uncle Sam has promised to attend this year with candy for the kids. Let's set a record for the number of boats in the parade!

House and Yard Decorations **2:00 – 5:00 PM**

Prizes will be awarded for the best patriotic house and yard decorations. Judging will take place between 2:00 and 3:00 PM with prizes awarded during the Parade of Boats.

Fireworks Extravaganza **10:15 PM** **Middle of the Lake**

The perfect ending to a perfect day. The display will be as close to the center of the lake as possible to optimize viewing for everyone. The location of the raft is chosen for maximum safety and in an area where most residents can view the display. Remember, if you plan to view the fireworks by boat, you must stay at least 400 feet from the raft. **Please utilize your navigation lights!** State law mandates that all motorized vessels shall display red and green side lights and an all-round white light. Manual powered vessels (canoes, kayaks, rowboats, etc.) must at a minimum have a white light displayed which is visible in all directions (flashlight or lantern). The Black Diamond Marine Patrol will be present to ensure the safety of all observers and enforce a safe distance from the fireworks raft.

Fishing Derby **5:00AM to 5:00PM** **Lake Sawyer**

We are bringing back an old event, the fishing derby!! The largest top three fish caught, any species, in two age categories will receive prizes. The two age groups will be under 14 and 14 and older. **Dock #20** will be the official weight and measure station and will have a posting throughout the day of the biggest fish caught. Final prizes will be awarded at **Dock#20** at the close of the derby 5:00PM. Come join the fishermen and women award ceremony!!!

Questions concerning the 4th of July activities should be directed to a member of the LSCC board unless otherwise noted.

South end Lake Sawyer Regional Park multiday use request

The central event for the Lake Sawyer Community Club July 4th activities is the fireworks display. We have contracted with Homeland Fireworks Display to put on the event. This will be the fifth year they have done so. As we did last year we are requesting the use of the regional park for the purposes of loading and unloading the four docks for the fireworks display.

On Thursday, July 3rd, 2014 we would move the four floating rafts to the park at the south end of Lake Sawyer and moor them in the approximate location as marked on the attached map. Mountain View Fireworks Display would add plywood to the top surfaces of the floating rafts and the load the empty launching tubes (sewer pipes) to the floating rafts. They will remain empty overnight and nothing of value would be on the rafts.

On Friday July 4th, 2014 Mountain View Fireworks Display would load the tubes with the actual fireworks and wire the igniters. The floating rafts with fireworks would be attended by Charlie Wilson and his staff the entire day. At approximately 7:00pm the floating rafts would be towed to the center of the lake and anchored. After the fireworks display the police will be requested to give the staff a ride to shore.

On Saturday July 5th, 2013 the rafts will be towed to the park and launching tubes and plywood would be removed from the rafts. The rafts would then be returned to their home base.

Non Profit Insurance Program

CERTIFICATE OF INSURANCE

Issue Date: 05/23/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONVERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGRATION IS WAIVED, subject to the terms and conditions of the policy, certain coverage may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	COMPANIES AFFORDING COVERAGE
Canfield 451 Diamond Drive Ephrata, WA 98823	GENERAL LIABILITY American Alternative Insurance Corporation AUTOMOBILE LIABILITY American Alternative Insurance Corporation PROPERTY American Alternative Insurance Corporation RSUI Group, Inc. MISCELLANEOUS PROFESSIONAL LIABILITY
INSURED	
Lake Sawyer Community Club PO Box 191 Black Diamond, WA 98010	

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE COVERAGE PERIOD INDICATED, NOT WITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF DATE	POLICY EXP DATE	DESCRIPTION	LIMITS
GENERAL LIABILITY					
COMMERCIAL GENERAL LIABILITY	N1-A2-RL-0000013-06	06/01/2014	06/01/2015	PER OCCURRENCE	$5,000,000
OCCURRENCE FORM				PER MEMBER AGGREGATE	$10,000,000
INCLUDES STOP GAP				PRODUCT-COMP/OP	$5,000,000
				PERSONAL & ADV. INJURY	$5,000,000
(LIABILITY IS SUBJECT TO A $50,000 SIR PAYABLE FROM PROGRAM FUNDS)				ANNUAL POOL AGGREGATE	$50,000,000
AUTOMOBILE LIABILITY					
ANY AUTO	N1-A2-RL-0000013-06	06/01/2014	06/01/2015	COMBINED SINGLE LIMIT	$5,000,000
(LIABILITY IS SUBJECT TO A $50,000 SIR PAYABLE FROM PROGRAM FUNDS)				ANNUAL POOL AGGREGATE	NONE
PROPERTY					
	N1-A2-RL-0000013-06	06/01/2014	06/01/2015	ALL RISK PER OCC EXCL EQ & FL	$55,000,000
				EARTHQUAKE PER OCC	$1,000,000
				FLOOD PER OCC	$1,000,000
(PROPERTY IS SUBJECT TO A $50,000 SIR PAYABLE FROM PROGRAM FUNDS)				ANNUAL POOL AGGREGATE	NONE
MISCELLANEOUS PROFESSIONAL LIABILITY					
		06/01/2014	06/01/2015	PER CLAIM	
(LIABILITY IS SUBJECT TO A SIR PAYABLE FROM PROGRAM FUNDS)				ANNUAL POOL AGGREGATE	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / SPECIAL ITEMS

Regarding the 4th of July event. City of Black Diamond is named as an Additional Insured regarding this event only and is subject to policy terms, conditions, and exclusions. Additional Insured endorsement is attached.

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

CERTIFICATE HOLDER	AUTHORIZED REPRESENTATIVE
City of Black Diamond P.O. Box 599 Black Diamond, WA 98010	Erika Harman

2837815

AMERICAN ALTERNATIVE
INSURANCE COMPANY

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION (GENERAL LIABILITY)

Named Insured **Non Profit Insurance Program (NPIP)**	
Policy Number **N1-A2-RL**-0000013-06	Endorsement Effective **06/01/2014**

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

This endorsement modifies insurance provided under the following:

GENERAL LIABILITY COVERAGE PART

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated above.

Schedule

Person or Organization (Additional **Insured**): As Per Schedule on file with Canfield, Underwriting Administrator

2837816

A. With respects to the General Liability Coverage Part only, the definition of **Insured** in the Liability Conditions, Definitions and Exclusions section of this policy is amended to include as an **Insured** the Person or Organization shown in the above Schedule. Such Person or Organization is an **Insured** only with respect to liability for **Bodily Injury**, **Property Damage**, or **Personal and Advertising Injury** caused in whole or in part by your acts or omissions or the acts or omissions of those acting on your behalf:

   1. In performance of your ongoing operations; or

   2. In connection with your premises owned or rented to you.

B. The Limits of Insurance applicable to the additional **Insured** are those specified in either the:

   1. Written contract or written agreement; or

   2. Declarations for this policy,

whichever is less. These Limits of Insurance are inclusive and not in addition to the Limits Of Insurance shown in the Declarations.

All other terms and conditions remain unchanged.

Includes copyrighted material of the Insurance Services Office, Inc., with its permission.

CITY OF BLACK DIAMOND
Service Agreement

City Assistance required from (department):

Black Diamond Fire Department

Organization/Person requesting Assistance:

Lake Sawyer Community Club/ Monica Stewart 2014

Event:	Date:
July 4th Fireworks on Lake Sawyer	July 4th 2014

Please describe the event and what services will be needed:

Fire Department regulating our use of fireworks on City of Black Diamond property

The City of Black Diamond agrees to provide these services on the requested date(s). The City of Black Diamond will bill for all services on an hourly basis per the adopted fee schedule. Per contract many city services require a 3 hour minimum billing.

City Staff Signature, Title	Date

_____ agrees to pay for the services the City of Black Diamond is providing.

Monica R Stewart President LSCC	6.6.15
Applicant Signature, Title	Date

CITY OF BLACK DIAMOND
Service Agreement

City Assistance required from (department):

BLACK DIAMOND POLICE DEPARTMENT

Organization/Person requesting Assistance:

LAKE SAWYER COMMUNITY CLUB / MONICA STEWART, PRESIDENT 2014

Event:	Date:
JULY 4TH ACTIVITIES ON LAKE SAWYER	JULY 4TH 2014

Please describe the event and what services will be needed:

6/28 FUN RUN - ON DUTY OFFICER TO ASSIST W/ START OF RUN, UNLESS PRIORITY CALL IS RECEIVED
7/4 - WATERSKI/WAKEBOARD COMPETITION - 7:30-11:AM 1 officer ASSIGNED)
7/4 BOAT PARADE - 5:PM - OFFICER/POLICE BOAT TO LEAD PARADE 5:PM
7/4 FIREWORK SHOW - 9:PM - MIDNIGHT - 2 OFFICERS ASSIGNED)

The City of Black Diamond agrees to provide these services on the requested date(s). The City of Black Diamond will bill for all services on an hourly basis per the adopted fee schedule. Per contract many city services require a 3 hour minimum billing.

City Staff Signature, Title	Date

_____ agrees to pay for the services the City of Black Diamond is providing.

Monica R Stewart President LSCC	6.6.14
Applicant Signature, Title	Date

FIREWORKS RAFT STAGING & EXECUTION

Lake Sawyer Community Club
Fun Run, Bike or Walk
Saturday June 28th. 2014
Starts at 10:00am
From LSCC Clubhouse
29006 216th Ave SE
Start & Finish location ★

Black Diamond Police Support

1 — 10:00am
Police to assist at start at the light 216th Ave SE & SE 292nd (Lake Sawyer Grocery)

2 — 10:10am
Have a car on 288th for a few minutes participants would be on the road

3 — Have a car on 224th @ SE 304th Pl. Runners are suppose to cross the street before heading North

4 — Boat Launch Road - Most dangerous corner for walkers and runners to cross back to the lake side



Bikers, Runners, Walkers

Runners & Walkers veer off of 312th for a short distance along the lake and then rejoin the Bikers at the intersection of SE 304th Pl and 224th Ave SE

X - LAKE SAWYER REGIONAL PARK LOCATION OF STAGING AND TAKE DOWN OF BARGES 7/3 & 7/5

★ - EXECUTION/LAUNCH POSITION OF FIRE-WORK SHOW. 7/4

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION

SUBJECT:	Agenda Date: June 19, 2014	AB14-065
AB14-065 **Ordinance No. 14-1029, repealing chapter 19.08 Shoreline Master Program and replacing it with the approved Shoreline Master Program as indicated by the Department of Ecology in their June 10, 2014 approval letter.**	Mayor Dave Gordon	
	City Attorney Carol Morris	
	City Clerk – Brenda L. Martinez	
	Community Development – Stacey Welsh	
	Finance – May Miller	
	Economic Dev – Andy Williamson	
Cost Impact (see also Fiscal Note): N/A	Parks/Natural Resources – Aaron Nix	X
Fund Source: N/A	Police – Chief Kiblinger	
Timeline: N/A	Public Works – Seth Boettcher	
	Court Administrator – Stephanie Metcalf	

Agenda Placement: ☒ Mayor ☐ Two Councilmembers ☐ Committee Chair ☐ City Administrator

Attachments: Ordinance No. 14-1029, Appendix A and DOE approval letter

SUMMARY STATEMENT:

The City Council gave preliminary approval of the City's Draft Shoreline Master Program and back-up materials through Resolution 12-829. The Department of Ecology reviewed these materials and provided both required and recommended changes to these materials received on August 5th of 2013. The Mayor directed staff, in congruence with the Council's direction on this issue, to work with the Department of Ecology in identifying acceptable alternatives to the few regulation challenges brought forward by citizens of the community. This process was completed and a new Resolution (14-946) was submitted to the Department of Ecology for their review and approval. In a letter, addressed to the Mayor, dated June 10, 2014, the City was advised that the Department of Ecology had approved the Shoreline Master Program for Black Diamond. This Ordinance repeals Chapter 19.08 of BDMC and references the approved Shoreline Master Program in order to implement it.

FISCAL NOTE (Finance Department):

No impact to City Finances at this point, but may slightly increase future Capital improvement costs for projects around the lake due to increased permitting and design costs for these projects.

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

N/A

RECOMMENDED ACTION: **MOTION to adopt Ordinance No. 14-1029, repealing Chapter 19.08 of Black Diamond Municipal Code and replacing it with the approved Shoreline Master Program as indicated in the approval letter from the Washington State Department of Ecology and received by the City on June 10, 2014.**

RECORD OF COUNCIL ACTION

Meeting Date	*Action*	*Vote*
June 19, 2014		

ORDINANCE NO. 14-1029

AN ORDINANCE OF THE CITY COUNCIL OF BLACK DIAMOND, WASHINGTON, AMENDING THE CITY'S SHORELINE MASTER PROGRAM, TO ADD A NEW SHORELINE ENVIRONMENT DESIGNATION, ADDRESS PUBLIC ACCESS REQUIREMENTS, HAZARDOUS TREE REMOVAL, ADDING A NEW DEFINITION FOR "SIGNIFICANT TREE," CHANGING CERTAIN SETBACKS IN THE SHORELINE RESIDENTIAL ENVIRONMENT, AMENDING SETBACK STANDARDS, ELIMINATING CERTAIN FLEXIBLE SETBACK REGULATIONS, REPEALING CHAPTER 19.08 OF THE BLACK DIAMOND MUNICIPAL CODE.

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 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 adopted its own version of a Shoreline Master Program in 1976, 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 City's current Shoreline Master Program is outdated and needs to be revised in order to meet current State law; and

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Department of Ecology continued to work with City of Black Diamond Staff in reaching consensus on certain modifications to the Department's required and recommended changes and approved by the City Council through Resolution #14-946, at their May 15th, 2014 Council meeting;

WHEREAS, The City was notified on June 12, 2014, that the Department of Ecology approved the City of Black Diamond's Shoreline Master Program Comprehensive Update in a letter from the Department, dated June 10, 2014;

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

Section 1. Chapter 19.08 of the Black Diamond Municipal Code is hereby repealed.

Section 2. The City's Shoreline Master Program is hereby amended as shown in Appendix A, which is attached hereto and incorporated herein by this reference.

Section 3. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 4. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by state law.

Introduced on the 19th day of June, 2014.

Passed by the City Council on the 19th day of June, 2014.

_____
Mayor Dave Gordon

ATTEST:

_____
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

_____
Carol Morris, City Attorney

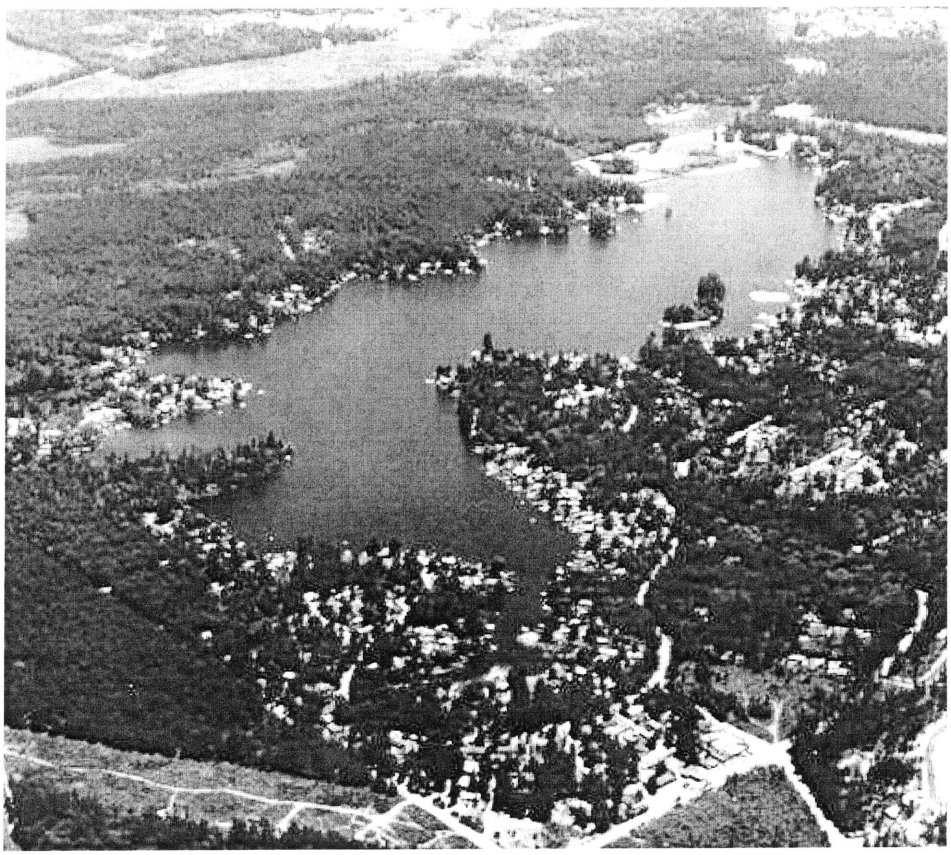
Published: _____
Posted: _____
Effective Date:_____

Appendix B

City of Black Diamond

Approved - June 10, 2014, Department of Ecology
Final Black Diamond City Council Passage – June 19, 2014
Effective Date: June 24, 2014

Shoreline Master Program



This report was funded in part through a grant from the Washington Department of Ecology.

Acknowledgments

- City of Black Diamond Shoreline Ad Hoc Advisory Committee
- City of Black Diamond Planning Commission
- City of Black Diamond City Council

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Chapter 1 Introduction

A. History and Requirements of the Shoreline Management Act

Washington's **Shoreline Management Act** (Act) was adopted by the public in a 1972 referendum "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." The Act has three broad policies:

1. **Encourage water-dependent uses:** "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines..."

2. **Protect shoreline natural resources**, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."

3. **Promote public access:** "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

This Act recognizes that "shorelines are among the most valuable and fragile" of the state's resources. The Act, and the City of Black Diamond, recognize and protect private property rights along the shoreline, while aiming to preserve the quality of this unique resource for all state residents.

The primary purpose of the Act is to provide for the management and protection of the state's shoreline resources by planning for reasonable and appropriate uses. In order to protect the public interest in preserving these shorelines, the Act establishes a coordinated planning program between the state and local jurisdictions to use in addressing the types and effects of development occurring along the state's shorelines. By law, the City is responsible for the following:

1. Development of an inventory of the natural characteristics and land use patterns along shorelines covered by the act.

2. Preparation of a "Master Program" to determine the future of the shorelines.

3. Development of a permit system to further the goals and policies of both the act and the local Master Plan.

4. Development of a Restoration Plan that includes goals, policies and actions for restoration of impaired shoreline ecological functions.

B. Master Program Development and Public Participation

The City of Black Diamond (City) obtained a grant from the Washington Department of Ecology (Ecology) in 2009 to conduct a comprehensive Shoreline Master Program (SMP) update, pursuant to the Ecology SMP Guidelines (Chapter 173-26 WAC). The first step of the update process was to inventory the City's shorelines as defined by the state's Shoreline Management Act (SMA) (RCW 90.58). The inventory describes existing biological and physical conditions. These conditions were then analyzed and

Mayor Initial: _____

Date: _____

characterized to create a baseline from which future development actions in the shoreline will be measured. Environmental designations were identified for the different shoreline reaches and goals, policies, and regulations for each were developed.

The SMA establishes a minimum 20 acre size threshold for regulation of lakes under the SMP. Lake Sawyer and its associated wetland area (i.e. Frog Lake) are the primary shorelines in the City of Black Diamond that are subject to the requirements of the SMA. In addition, a very small segment of Covington Creek (less than 200 feet) downstream of the Lake Sawyer weir and shorelands within 200 feet of Covington Creek are within the City limits of Black Diamond. All other streams and creeks in the City do not meet the 20 cubic feet per second mean annual flow threshold for regulation under the SMA.

The Guidelines require that the City demonstrate that its updated SMP yields "no net loss" in shoreline ecological functions relative to the baseline due to its implementation. Ideally, the SMP in combination with other City and regional efforts will ultimately produce a net improvement in shoreline ecological functions.

C. Purposes of the Shoreline Master Program

The purposes of this Master Program are:

1. To carry out the responsibilities required of the City of Black Diamond by the Washington State Shoreline Management Act (RCW 90.58).
2. To promote the public health, safety, and general welfare, by providing a guide and regulation for the future development of the shoreline resources of the City of Black Diamond.
3. To further, by adoption, the policies of RCW 90.58, and the goals of this Master Program, both which hereafter follow.
4. To comply with the Shoreline Master Program Guidelines (WAC Chapter 173-26), including a particular focus on including regulations and mitigation standards to ensure that development under the Shoreline Master Program will not cause a net loss of ecological functions.

D. Legislative Findings and Washington Shoreline Management Policies

"The Washington State Legislature finds the shorelines of the state are among the most valuable and fragile of its natural resources and there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition, it finds that ever increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and uplands adjacent thereto are in private ownership and that unrestricted construction on the

privately owned or publicly owned shorelines of the state is not in the best public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in navigable water, will promote and enhance the public interest. This policy is intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the water of the state and its aquatic life, while generally protecting public rights of navigation and its associated activities."

E. Shoreline Master Program Basics

The Black Diamond Shoreline Master Program is a planning document that outlines policies for the shoreline of the city and establishes regulations for development occurring in that area.

In order to preserve and enhance the Lake Sawyer shoreline of Black Diamond it is important that all development proposals relating to the shoreline area be evaluated in terms of the City's Shoreline Master Program, and that the City Shoreline Administrator be consulted. Some developments may be exempt from regulation, while others may need to stay within established guidelines, or may require a shoreline conditional use permit application or variance application; all proposals must comply with the policies and regulations established by the state Shoreline Management Act as expressed through this local Shoreline Master Program, regardless of whether a permit is required.

The Shoreline Management Act defines for local jurisdictions the content and goals that should be represented in the Shoreline Master Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Under the Act, all shorelines of the state meeting the criteria established receive a given shoreline environmental designation. The purpose of the shoreline designation system is to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and provides consideration for the special requirements of that environment. Black Diamond has designated its Lake Sawyer shorelines under five shoreline environments: Aquatic, Natural, Urban Conservancy, Shoreline Residential Limited and Shoreline Residential. These environments are described in Chapter 2: Shoreline Environments.

Persons proposing any shoreline development, land use, or other projects in the shoreline area must consult with the City of Black Diamond Shoreline Master Program Administrator (the City's Community Development Director) to determine how the proposal is addressed in the Master Program.

The City's Shoreline Administrator will determine if a proposal is exempt from a Shoreline Substantial Development Permit (i.e. qualifies for a Shoreline Exemption), as well as provide information on the permit application process.

Requests for shoreline variances, conditional use permits, and substantial development permits require review and recommendation by the City's Shoreline Administrator, with the decision being made by the Hearing Examiner following a public hearing. Requests for shoreline conditional uses and variances also require final approval by the State of Washington Department of Ecology. A description of exempt projects, shoreline application procedures and criteria are discussed in Chapter 6: Administration.

A description and map (Figure 1) of the area within the jurisdiction of this Shoreline Master Program are presented in Chapter 2: Shoreline Environments.

F. Organization of this Shoreline Master Program

This Master Program is divided into seven Chapters:

Chapter 1: Introduction provides general background information on the state Shoreline Management Act; the development of the Shoreline Master Program in Black Diamond; and a general discussion of when and how a shoreline master program is used.

Chapter 2: Shoreline Environments defines and maps the shoreline jurisdiction in the City of Black Diamond and defines and maps the environment designations of all the shorelines of the state within the City of Black Diamond. Policies and regulations specific to the four designated shoreline environments (Aquatic, Natural, Urban Conservancy, and Shoreline Residential) are detailed in this chapter. Specific setback regulations, reduction incentives and dimensional and density standards for all Shoreline Environments are also listed.

Chapter 3: General Policies and Regulations sets forth the general policies and regulations that apply to uses, developments, and activities in all shoreline areas of Black Diamond.

Chapter 4: Specific Shoreline Use Policies and Regulations sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas.

Chapter 5: Shoreline Modification Activity Regulations provides policies and regulations for those activities that modify the physical configuration or qualities of the shoreline area.

Chapter 6: Administration provides the system by which the Black Diamond Shoreline Master Program will be administered, and provides specific information on the application process and criteria used in evaluating requests for shoreline substantial development permits, conditional use permits, and variances.

Chapter 7: Definitions defines terms found in this document.

G. Relationship of this Shoreline Master Program to Other Plans

The permitting process for a shoreline development or use does not exempt an applicant from complying with any other local, state, regional or federal statutes or regulations which may also be applicable. In Black Diamond, other plans and policy documents that must be considered include the Black Diamond Comprehensive Plan and the adopted 2005 Department of Ecology Stormwater Management Manual for Western Washington.

Proposals must also comply with regulations developed by the City to implement its plans, such as the zoning code, as well as regulations relating to building construction and safety.

At the time of a permit application or of an initial inquiry, the City's Shoreline Administrator should inform the applicant of those regulations and statutes which may be applicable to the best of the administrator's knowledge; PROVIDED, that the final responsibility for complying with such other statutes and regulations shall rest with the property owner.

H. Title

This document shall be known and may be cited as the City of Black Diamond Shoreline Master Program. This document may refer to itself as "The Master Program."

Chapter 2 Shoreline Environments

A. Introduction to Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and the aspirations of the local citizenry.

Environment designations are categories that reflect the type of development that has or should take place in a given area. The Shoreline Master Program Guidelines recommend classifying shoreline environments using the following categories: "high-intensity," "shoreline residential," "urban conservancy," "rural conservancy," "natural," and "aquatic."

These categories represent a relative range of development, from high to low intensity land use:

- "High Intensity" is appropriate for areas of high intensity water oriented commercial, transportation, and industrial development. No areas in Black Diamond meet the criteria for this designation.
- "Shoreline Residential" is intended to accommodate residential development, and appropriate public access and recreational uses consistent with other elements of shoreline management.
- "Urban Conservancy" is a designation designed to protect and restore the ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed areas.
- "Rural Conservancy" is intended for areas outisde of cities and urban growth areas that protect ecological functions and conserve existing natural resources and that support, or have the capability to support, agricultural and recreational uses. No areas in Black Diamond meet the criteria for this designation.
- "Natural" is intended to protect shorelines that remain relatively free of human influence or that include intact or minimally degraded shoreline functions that cannot support human use.
- And finally, "Aquatic" is a designation intended to protect, restore, and manage the areas waterward of the ordinary high water mark.

Additionally, local governments may establish an alternative environment designation(s), provided that it is consistent with the purposes and policies of the Shoreline Management Act and the Guidelines,

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including WAC 173-26-211(5). In addition to the shoreline environment designations established in the SMP Guidelines, the City of Black Diamond has adopted an alternative designation of "Shoreline Residential Limited" to guide shoreline management for an area with unique local conditions.

Once a shoreline segment has been given an environment designation, management policies are developed. These management policies are used as the basis for determining uses and activities that can be permitted in each environment designation. Specific development standards are also established, which specify how and where permitted development can take place within each shoreline environment.

B. Need for Consistency

The Shoreline Management Act (SMA) requires that policies for lands adjacent to the shorelines be consistent with the SMA, implementing rules, and the local shoreline master program. Conversely, local comprehensive plans provide the underlying framework within which master program provisions should fit. The Growth Management Act (GMA) requires that shoreline master program policies be incorporated as an element of the comprehensive plan, and that all elements be internally consistent. In addition, under the GMA, all development regulations must be consistent with the comprehensive plan.

The Shoreline Guidelines identify three criteria for use in evaluating the consistency between master program environment designation provisions and the corresponding comprehensive plan elements and development regulations. In order for shoreline designation provisions, local comprehensive plan land use designations, and development regulations to be internally consistent, all three of the conditions below should be met:

(a) Provisions not precluding one another.

Comprehensive plan provisions and shoreline environment designation provisions should not preclude one another. To meet this criterion, the provisions of both the comprehensive plan and the master program must be able to be met. Further, when considered together and applied to any one piece of property, the master program use policies and regulations and the local zoning or other use regulations should not conflict in a manner that all viable uses of the property are precluded.

(b) Use compatibility.

Land use policies and regulations should protect preferred shoreline uses from being impacted by incompatible uses. The intent is to prevent existing or potential future water oriented uses, especially water dependent uses, from being restricted on shoreline areas because of impacts to nearby non-water-oriented uses. To be consistent, master programs, comprehensive plans, and development regulations should

prevent new uses that are not compatible with preferred uses from locating where they may restrict preferred uses or development.

(c) Sufficient infrastructure.

Infrastructure and services provided in the comprehensive plan should be sufficient to support allowed shoreline uses. Shoreline uses should not be allowed where the comprehensive plan does not provide sufficient roads, utilities, and other services to support them. Infrastructure plans must also be mutually consistent with shoreline designations. Where they do exist, utility services routed through shoreline areas shall not be a sole justification for more intense development.

C. City of Black Diamond Shoreline Environment Designations

This Master Program establishes five shoreline environments for the City of Black Diamond. These shoreline environments shall include the shorelines of the City of Black Diamond, including shorelands, surface waters, and bedlands.

These environments are derived from the Black Diamond Shoreline Analysis Report, the Black Diamond Comprehensive Plan, and the environments recommended by the Shoreline Management Act and the Shoreline Guidelines. Black Diamond's Shoreline Analysis Report provides an inventory of natural and built conditions within the City's shoreline jurisdiction. The conditions identified in the inventory have been compared with the recommended shoreline environments and the most appropriate environments were selected. The five (5) Black Diamond shoreline environment designations are:

1. Shoreline Residential,
2. Shoreline Residential Limited,
3. Urban Conservancy,
4. Natural, and
5. Aquatic.

These shoreline environments are illustrated for the City of Black Diamond in Figure 1 (Shoreline Management Environmental Designations), located at the end of the SMP, and described in the text below. Any undesignated shorelines are automatically assigned an Urban Conservancy environment designation. Each shoreline description includes a definition and statement of purpose, followed by designation criteria, management policies, and development standards specific to that Shoreline Environment. Shoreline development standards are summarized in Table I and regulations that apply throughout the SMP (except where specifically provided) are included at the end of this Chapter.

D. Policies and Regulations

1. Shoreline Residential Environment

a) **Purpose**

The Shoreline Residential environment designation is designed to provide for residential needs where the necessary facilities for development can be provided. An additional purpose is to provide appropriate public access and recreational uses.

b) **Designation criteria**

The Shoreline Residential environment designation is assigned to shoreline areas that are predominantly single-family residential development or are planned and platted for this purpose.

c) **Designated Areas**

Shoreline Residential areas include those areas adjacent to Lake Sawyer that are currently developed as low to moderate density residential uses and vacant properties zoned for single family use, where that use is anticipated to continue in the future.

d) **Management policies**

1. Residential activities are preferred over other land and resource consumptive development or uses.
2. Limited non-residential uses, such as parks, recreation facilities and home occupation businesses may be allowed, provided they are consistent with the residential character.
3. Development should be located, sited, designed and maintained to protect, enhance and be compatible with the shoreline environment.
4. Development regulations should require the preservation of ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
5. Low impact development (LID) techniques, such as minimizing impervious surfaces, infiltration of run-off, pervious pavers, and other techniques should be required where feasible.
6. Private property owners should be encouraged to preserve and enhance native shoreline vegetation and use environmentally friendly landscaping practices, through incentives, information and other assistance.

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e) Regulations

Shoreline Use

Permitted, conditional and prohibited uses for the Shoreline Residential environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.

Development Standards

Shoreline-related development standards for the Shoreline Residential environment are summarized in Table I in Chapter 4.

2. Shoreline Residential Limited Environment

a) Purpose

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. In addition to residential and recreational uses, an additional purpose of this environment is to provide for ecological enhancement.

b) Designation criteria

The Shoreline Residential Limited environment designation is assigned to shoreline areas on specific islands within Lake Sawyer that do not currently have minimum urban facilities, such as potable water, electricity and waste disposal, but are currently developed as single-family residential and recreational uses or are small lots that are planned and platted for this purpose.

c) Designated Areas

Shoreline Residential Limited areas include all parcels on three specific islands within Lake Sawyer (see Figure 1) that are currently developed for recreational and seasonal residential uses and similar vacant properties on these islands that are platted and zoned for single family use, where that use is anticipated to continue in the future.

d) Management policies

1. Development should be located, sited, designed and maintained to protect, enhance and be compatible with the shoreline environment.

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2. Residential and recreational uses are allowed and are preferred over other land consumptive uses, provided they meet applicable health, safety and building codes.
3. Further subdivision of property should not be allowed due to the ecological sensitivity of the small islands that comprise this shoreline environment.
4. New physical development is restricted until such time as urban services, such as potable water, electricity and sanitary waste disposal consistent with health department regulations, are provided.
5. Development regulations should require the preservation of ecological functions, taking into account the greater environmental limitations and sensitivity of the shoreline area on these small islands, the level of infrastructure and services available, and other comprehensive planning considerations.
6. Low impact development (LID) techniques, such as minimizing impervious surfaces, infiltration of run-off and pervious pavers, and other techniques should be required where feasible.
7. Private property owners should be encouraged to preserve and enhance native shoreline vegetation, utilized shared overwater structures and use environmentally friendly landscaping practices, through incentives, information and other assistance.

e) **Regulations**

Shoreline Use

Permitted, conditional and prohibited uses for the Shoreline Residential Limited environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table III of that Chapter.

Development Standards

Shoreline-related development standards for the Shoreline Residential Limited environment are summarized in Table I in Chapter 4.

3. Urban Conservancy Environment

a) **Purpose**

The purpose of the Urban Conservancy environment designation is to protect and restore ecological functions of open space, floodplain and other sensitive lands where they exist in urban and developed settings, while allowing a variety of compatible uses.

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b) Designation criteria

Areas designated Urban Conservancy are those areas where one or more of the following characteristics apply:

1. They are suitable for water-related or water-enjoyment uses,
2. They are open space, flood plain or other sensitive areas that should not be more intensively developed,
3. They have potential for ecological restoration,
4. They retain important ecological functions, even though partially developed, or
5. They have the potential for development that is compatible with ecological restoration.

c) Designated Areas

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, limited residential development and public access. The publicly-owned Lake Sawyer Boat Launch and Lake Sawyer Regional Park offer potential for ecological restoration.

d) Management policies

1. Uses that preserve the natural character of the area or promote preservation of open space or sensitive lands should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.
2. Water dependent recreation uses, such as a public access pier and boat launch, shall be a priority at Boat Launch Park, provided they can be located, designed, constructed, operated and mitigated in a manner that ensures no net loss of ecological function.
3. Water oriented recreation uses, such as viewing trails, benches, shelters and non-motorized, low impact canoe and kayak launches should be emphasized at Lake Sawyer Regional Park.
4. At all shoreline recreational facilities in the Urban Conservancy Environment, non-water oriented uses should be minimized and allowed only as an accessory use; for example picnic areas, forest trails and small playground areas would be acceptable, but tennis courts and developed sports fields would not.

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5. Standards should be established for shoreline stabilization, vegetation conservation, water quality, and shoreline modifications to ensure that new development does not result in a net loss of shoreline ecological functions or further degrade other shoreline values.
6. Public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated.
7. Low impact development (LID) techniques, such as minimizing impervious surfaces, infiltration of run-off and pervious pavers, and other techniques should be required where feasible.

e) Regulations

Shoreline Use

Permitted, conditional and prohibited uses for the Urban Conservancy shoreline environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table III.

Development Standards

Shoreline-related development standards for the Urban Conservancy environment are summarized in Table I in Chapter 4.

4. Natural Environment

a) Purpose

The purpose of the Natural environment designation is to protect those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions intolerant of human use. These systems require that only very low intensity uses be allowed in order to maintain the ecological functions and ecosystem-wide processes. Consistent with the policies of the designation, include planning for restoration of degraded shoreline within this environment.

b) Designation Criteria

A Natural environment designation should be assigned to shoreline areas if any of the following characteristics apply:

1. The shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be changed by human activity; or
2. The shoreline is considered to represent ecosystems and geologic types that are of particular scientific and educational interest; or
3. The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.

c) Designated Areas

The wetlands within Lake Sawyer Regional Park (i.e. Frog Lake) that are associated with Rock Creek fall within the Natural environment designation.These wetlands have high ecological function and/or are unable to support new development without significant adverse impacts to ecologicial function. In addition, the small, undeveloped southernmost island in Lake Sawyer (PIN #1021069040) is designated Natural (see Figure 1).

d) Management Policies

1. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.
2. The following new uses should be prohibited in the Natural environment:
   a. Commercial uses.
   b. Industrial uses.
   c. Non-water-oriented recreation.
   d. Roads, utility corridors, and parking areas that can be located outside of shorelines.
   e. Residential uses.
   f. Commercial forestry.
   g. Agricultural uses.

   (Note: a complete list of permitted and conditional uses is contained in Chapter 4, Section (B)(1), Table I.)
3. Scientific, historical, cultural, educational research uses and low-intensity water-oriented recreational access uses may be allowed provided that no significant ecological impact in the area will result.
4. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
5. The subdivision of property should not be allowed.

e) Regulations

Shoreline Use

Permitted, conditional and prohibited uses for the Natural shoreline environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table III.

Development Standards

Shoreline-related development standards for the Natural environment are summarized in Chapter 4, Table I .

5. Aquatic Environment

a) Purpose

The purpose of the Aquatic environment designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high-water mark.

b) Designation criteria

Aquatic environment designation are assigned to areas waterward of the ordinary high-water mark.

c) Designated Areas

The Aquatic Environment is assigned to all areas within the shoreline jurisdiction waterward of the ordinary high water mark as shown in Figure 1.

d) Management policies

1. Allow new over-water structures only for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. To reduce the impacts of shoreline development and increase effective use of water resources, shared use of over-water facilities should be encouraged.
4. All developments and uses on waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
5. Uses that adversely impact the ecological functions of critical freshwater habitats should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

e) **Regulations**

Regulations and performance standards that apply to individual uses and developments are listed in Chapter 2, including a summary of allowed, conditional and permitted uses in Table III. Table I in Chapter 4 summarizes the development standards.

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Chapter 3 General Shoreline Provisions

A. Introduction

Based on the general goals established for the Shoreline Master Program, the following policies and regulations apply to all uses, developments, and activities in the shoreline area of the City of Black Diamond. The intent of these provisions is to be inclusive, making them applicable to all environments, as well as particular shoreline uses and activities. Topics include the following:

- Archaeological and Historic Resources
- Environmental Impacts
- Environmentally Sensitive Areas
- Public Access
- Shoreline Vegetation Conservation
- Water Quality, Stormwater, and Non-Point Pollution

The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist between regulations, those that provide more protection or detail more specific requirements for the shoreline area shall apply. These interlocking development regulations are intended to make shoreline development responsive to specific design needs and opportunities along the City's shorelines, protect the public's interest in the shorelines' recreational and aesthetic values and assure no net loss of ecological functions necessary to sustain shoreline natural resources.

These provisions address the elements of a SMP as required by RCW 90.58.100(2) and implement the governing principles of the Shoreline Master Program Guidelines as established in WAC 173-26-186.

B. Policies and Regulations

1. Universally Applicable Policies and Regulations

a) **Applicability**

The following provisions describe how this SMP is to be applied and the requirements for all shoreline uses and modifications in all shoreline environment designations.

b) **Policies**

1. The City should keep records of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.

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2. The City should involve affected federal, state, and tribal governments in the review process of shoreline applications.
3. The City should periodically review shoreline conditions to determine whether or not other actions are necessary to protect and restore the ecology to ensure no net loss of ecological functions, upgrade the visual qualities, and enhance residential and recreational uses on the City's shoreline. Specific issues to address in such evaluations include, but are not limited to:
    a. Water quality,
    b. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions),
    c. Changing visual character as result of new residential development, including additions, and individual vegetation conservation practices (both along shoreline and in upland areas),
    d. Shoreline stabilization and modifications.

c) Regulations

1. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act, Chapter 90.58 RCW, and to the policies and regulations of this SMP.
2. The "policies" listed in this SMP are intended to provide broad guidance and direction for the "regulations" applied by the City. The policies, taken together, constitute the Shoreline Element of the Black Diamond Comprehensive Plan.
3. If provisions within this SMP conflict, or where there is a conflict with other City policies and regulations, the provisions most directly implementing the objectives of the Shoreline Management Act, as determined by the Administrator, shall apply unless specifically stated otherwise.
4. Shoreline uses, modifications, and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline Conditional Use permit. See Chapter 4 for Shoreline Use regulations and Chapter 6 for exemptions, variances, Conditional Uses, and nonconforming uses.

2. Archaeological and Historic Resources

a) Applicability

The following provisions apply to archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered.

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Archaeological sites located both in and outside shoreline jurisdiction are subject to chapter 27.44 RCW (Indian graves and records) and chapter 27.53 RCW (Archaeological sites and records) and development or uses that may impact such sites shall comply with chapter 25-48 WAC and the provisions of this chapter.

b) Archaeological and Historic Resources Policies

1. Due to the limited and irreplaceable nature of archaeological and historic resources, prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Native American tribes, and the Department of Archaeology and Historic Preservation.
2. Ensure that new development is compatible with existing historic structures and cultural sites.

c) Archaeological and Historic Resources Regulations

1. Developers and property owners shall immediately stop work and notify the City, the Department of Archaeology and Historic Preservation (DAHP) and affected Native American tribes if archaeological resources are uncovered during excavation.
2. A site inspection or evaluation by a professional archaeologist in coordination with affected Native American tribes shall be required for all permits issued in areas documented to contain archaeological resources. Failure to comply with this requirement shall be considered a violation of the Shoreline Permit.
3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation, as deemed appropriate by the City, DAHP and affected Tribes. When the City determines that a site has significant archeological, natural scientific or historical value, a Shoreline Substantial Development Permit and/or any other permit authorizing development or land modification shall not be issued which would pose a threat to the site. The City may require that a site be redesigned or that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 27.44 (Indian Graves and Records) and RCW 27.53 (Archaeological Sites and Records) and shall comply with WAC 25-48, or its successor, as well as the provisions of this master program.

6. Identified historical or archaeological resources shall be considered in park, open space, public access and site planning with access to such areas designed and managed to give maximum protection to the resource and surrounding environment.
7. Clear interpretation of historic and archaeological features and natural areas shall be provided when appropriate, such as informational signs and displays.

3. Sensitive Areas

Environmentally sensitive areas in the shoreline jurisdiction are regulated by the Sensitive Areas Regulations, Ordinance No. 08-875, codified under Chapter 19.10 of the BDMC, which is herein incorporated into this SMP except as noted below.

Exceptions to the applicability of the Sensitive Areas Ordinance (SAO) in shoreline jurisdiction are provided below.

1. If provisions of the SAO and other parts of the SMP conflict, the requirement that most supports the provisions of the Shoreline Management Act as stated in RCW 90.58.020 shall apply, as determined by the Shoreline Administrator.
2. Provisions of the SAO that are not consistent with the Shoreline Management Act, Chapter 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction, as follows:
    a. The provisions of the SAO do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing sensitive area buffer areas that are outside shoreline jurisdiction, see 19.10.230 of BDMC, Wetland buffers.
    b. Provisions of the SAO that include a "reasonable use determination" shall not apply within shoreline jurisdiction. Specifically, BDMC sections 19.10.080(E) and 19.10.230(H).
    c. Provisions of the SAO relating to building setbacks do not apply in the shoreline jurisdiction, specifically, section 19.10.160.
    d. Provisions of the SAO relating to variance procedures and criteria do not apply in shoreline jurisdiction, specifically, section 19.10.190. Variance procedures and criteria have been established in this SMP, Chapter 6, Section G and in WAC 173-27-170.4. Environmental Impacts.
    e. Provisions in BDMC section 19.10.210, 19.10.673 and where ever else they may occur in Chapter 19.10 relating to the use of the Washington State Wetland Identification and Delineation Manual do not apply. Identification of wetlands and delineation of their

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boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

f. Provisions in BDMC 19.10.230(H)(d) allowing buffer averaging to not less than fifty percent of the standard width shall not apply. Buffer averaging shall be limited to 75% of the required width, and in no case shall be less than 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV wetlands.

g. Provisions in BDMC 19.10.235 relating to small isolated wetlands is hereby clarified: by definition, wetlands in shoreline jurisdiction are considered riparian and therefore are not isolated wetlands and are not exempted from mitigation requirements or other standards.

h. Provisions in BDMC section 19.10.240(D) related to mitigation replacement ratios for rehabilitation and enhancement shall not apply. Mitigation replacement ratios shall be as follows:

Wetland Category	**Wetland Mitigation Type and Replacement Ratio***			
	Re-establishment	**Creation**	**Rehabilitation**	**Enhancement Only**
Category IV	**1.5:1**	**1.5:1**	**3:1**	**6:1**
Category III	**2:1**	**2:1**	**4:1**	**8:1**
Category II	**3:1**	**3:1**	**6:1**	**12:1**
Category I	**6:1**	**6:1**	**8:1**	**Not allowed**
Headwaters Wetlands	**6:1**	**6:1**	**8:1**	**Not allowed**
Core Wetland Complex	**6:1**	**8:1**	**12:1**	**Not allowed**

i. Provisions in BDMC 19.10.325 pertaining to *Fish and Wildlife Habitat Conservation Area – Water Bodies - Buffers* do not apply to Lake Sawyer. Shoreline setbacks shall be regulated based on the provisions in Chapter 4, Section B.2 through 4 of this SMP. Vegetation management within shoreline setbacks shall be regulated based on the provisions in Chapter 3, Section B.7.c. Provisions in BDMS 19.10.325 pertaining to buffers for other fish and wildlife habitat conservation areas within shoreline jurisdiction, such as streams and wetlands, shall still apply.

4. Environmental Impacts

a) **Applicability**

The Shoreline Management Act is concerned with the environmental impacts that use and activity may have on the fragile shorelines of the state. Problems of degrading the shoreline and its waters with

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contaminants such as petroleum products, chemicals, metals, nutrients, solid or human waste, or soil sediments from erosion are all issues that are addressed.

b) Environmental Impact Policies

1. Protect shoreline process and ecological functions through regulatory and non-regulatory means that may include acquisition of key properties, conservation easements, regulation of development within the shoreline jurisdiction and incentives to encourage ecologically sound design.
2. Preserve the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.
3. Adverse impacts on the natural environment should be minimized during all phases of development (e.g. design, construction, operation, and management).
4. Shoreline developments that propose to enhance sensitive areas, natural characteristics, ecological resources and provide public access and recreational opportunities to the shoreline are consistent with the fundamental goals of this Master Program, and should be encouraged.

c) Environmental Impact Regulations

1. All shoreline uses and developments shall be located, designed, constructed and mitigated to result in no net loss of ecological functions necessary to sustain shoreline natural processes.
2. Where required, mitigation measures shall be applied in the following sequence listed in order of priority:
    a. Avoiding the impact altogether by not taking a certain action or parts of an action;
    b. Minimizing impacts by limiting the magnitude of the action and its implementation by using appropriate technology or by taking steps to avoid or reduce impacts;
    c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
    d. Reducing or eliminating the impact over time by preservation and maintenance operations;
    e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
    f. Monitoring the impact and compensation projects and taking appropriate corrective measures.
3. Solid waste, liquid waste and untreated effluent shall not be allowed to enter bodies of water or discharged onto the land.
4. The direct release of oil and hazardous materials or chemicals onto the land or into water is prohibited as provided in the City's adopted stormwater regulations.

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5. All shoreline uses and activities shall utilize best management practices (BMPs) to minimize any increase in surface runoff and to control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. BMPs are identified in the City's adopted stormwater manual.

6. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.

7. Land clearing, grading, filling and alteration of natural drainage features and land forms shall be limited to the minimum necessary for development. When required by the Public Works Director, surface drainage systems or substantial earth modifications shall be designed by an engineer registered in the State of Washington. The Director may also require additional studies prepared by a qualified soils specialist. These designs shall seek to prevent maintenance problems, avoid adverse impacts to adjacent properties or shoreline features, and result in no net loss of shoreline ecological functions.

8. All shoreline uses and activities shall be located and designed to prevent or minimize the need for shoreline protection structures (bulkheading, riprap, etc.) and stabilization, landfills, groins, jetties, or substantial site regrades.

9. Identified significant short term, long term, or cumulative adverse environmental impacts lacking appropriate mitigation that is likely to achieve no net loss of ecological functions necessary to sustain shoreline processes shall be sufficient reason for permit denial.

5. Public Access

a) **Applicability**

Public access includes the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. There are a variety of types of potential public access, including, picnic areas, pathways and trails, promenades, boat launches, street ends, ingress and egress, and parking.

Existing developed public access to shorelines within the shoreline jurisdiction is limited to Lake Sawyer Boat Launch situated on the northwestern side of the lake, which includes a boat launch and picnic facilities. Lake Sawyer Regional Park is undeveloped park property located in the southeast corner of the lake.

b) **Public Access Policies**

1. Preserve and enhance shoreline access to Lake Sawyer primarily through the improvement of existing public access sites.

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2. The level, type and design of public access should be commensurate with the degree of fragility of the shoreline. Environmentally sensitive areas should be conserved, access projects should incorporate enhancement and use should be directed to more suitable areas.

3. Future public access improvements should emphasize passive recreation and non-motorized activities due to the fragile nature of the lake and the current seasonal high levels of motorized use.

4. Physical access for swimming and non-motorized boating, passive recreation (such as interpretive trails) and habitat enhancement should be important objectives for the management of shoreline public access sites.

5. Ensure the development of upland areas such as parking facilities and play areas, as well as the development of in-water and nearshore structures, such as docks and swimming areas, are located and designed in ways that result in no net loss of ecological function. Upland non-water oriented recreational and accessory facilities should be located outside of the shoreline management area where feasible.

6. Access should be provided for a range of users including pedestrians, bicyclists, fishermen, boaters and people with disabilities to the greatest extent feasible.

7. Public access provisions should be required for all shoreline development and uses, except for a single family residence or residential projects containing four (4) dwelling units or less, water dependent uses, or where it is deemed inappropriate due to health, safety and environmental concerns.

8. Regulate the design, construction, and operation of permitted uses in the shoreline jurisdiction to minimize interference with the public's use of the water.

9. Improve access to Lake Sawyer through expanded non-motorized connections, including the integration of shoreline public access trails with other existing and planned regional trails and transit service where feasible.

10. Ensure existing and proposed recreational uses do not adversely affect the integrity and character of the shoreline, threaten fragile shoreline ecosystems, or impair or detract from the public's visual or physical access to the water.

11. Preservation and enhancement of the public's visual access to Lake Sawyer should be encouraged through the establishment of setbacks and height limits that ensure view corridors. Enhancement of views should not be construed to mean excess removal of vegetation.

12. Public access to Lake Sawyer does not include the right to enter upon or cross private property, except for dedicated easements.

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13. Where appropriate, public access should be provided as close as possible to the water's edge without adversely affecting a sensitive shoreline environment.

14. Public access should be designed to provide for public safety and to minimize potential impacts to private property and individual privacy.

15. Public access facilities should be constructed of environmentally friendly materials, use low impact development techniques and support healthy natural processes, when feasible.

16. Plan for an integrated shoreline public access system that identifies specific public needs and opportunities to provide public access. This planning should be integrated with other relevant comprehensive plan elements, especially transportation and parks/recreation. The planning process should also comply with all relevant legal limitations that protect private property rights.

17. At a minimum, public access planning should result in public access requirements for shoreline permits, recommended projects, and/or actions to be taken to develop access to shorelines on public property. Planning should identify a variety of shoreline circulation and access opportunities for pedestrians (including disabled persons), bicycles, and vehicles between shoreline access points, consistent with other comprehensive plan elements.

c) Public Access Regulations

1. Except as provided in Regulations 2 and 3 below, public access shall be required to the extent allowed by law for all substantial developments and conditional uses when any of the following conditions are present:

    a. The project is publicly funded or occurs on public lands, provided that such access would not result in a net loss of ecological function;

    b. The proposed development would create or increase demand for public access to the shoreline, and the Shoreline Administrator determines that this demand is not fully met through private access, such as shared community access limited to residents of a subdivision, that would be included as part of the development;

    c. The project adversely impacts existing public access by creating a physical or visual obstruction or discourages use of existing access;

    d. The development interferes with public use of waters of the state; or

    e. The proposed use is not water-dependent and is not a preferred use under the SMA. Preferred uses include single family residences, ports, shoreline recreational uses, water dependent industrial and commercial developments and other development that provide public access opportunities.

2. Public access shall not be required for single family residential development of four (4) or fewer lots.

3. Public access shall not be required where one or more of the following conditions apply:

    a. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;

    b. Inherent security requirements of the proposed development or use cannot be satisfied through the application of alternative design features or other solutions;

    c. Where constitutional or legal limitations preclude public access.

    d. Unacceptable environmental harm will result from the public access which cannot be mitigated; or

    e. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.

4. To meet any of the conditions in Regulation 3 above, the applicant must first demonstrate and the City must determine in its findings that all reasonable alternatives have been exhausted, including but not limited to:

    a. Regulating access by such means as limiting hours of use to daylight hours.

    b. Designing separation of uses and activities, with such means as fences, terracing, hedges, and landscaping.

    c. Providing access that is physically separated from the proposal, such as a nearby street end, an offsite viewpoint, or a trail system.

    d. Sharing the cost of providing and maintaing public access between public and private entities.

5. Projects that meet the criteria in Regulation 4 above shall either build or make a proportional contribution to off-site public access facilities or improvements or, if approved by the shoreline administrator and agreed to by the applicant, make a payment in lieu to the local public access fund.

6. Non-water oriented recreational developments, uses, and activities shall be designed and operated to avoid blocking, reducing, or adversely interfering with the public's visual or physical access to the water and the shorelines. In providing visual access to the shoreline, natural vegetation shall not be excessively removed either by clearing or by topping.

7. Public access sites shall be connected directly to the nearest public street through a parcel boundary, tract, or easement.

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8. Public access sites shall be made barrier free for the physically disabled where feasible.
9. Required public access sites shall be fully developed and available for public use at the time of occupancy or use of the development or activity.
10. Public access easements and permit conditions shall be recorded on the deed where applicable or on the face of a plat, or short plat. Recording with the King County Recorder's Office shall occur at the time of permit approval (RCW 58.17.110; relating to subdivision approval).
11. The standard state approved logo and other approved signs that indicate the public's right of access and hours of access shall be constructed, installed, and maintained by the applicant in conspicuous locations at public access sites. Alternatively, where public access is prohibited, property owners may install signs indicating this, subject to size and location restrictions in a required permit.
12. Future actions by the applicant or other parties shall not diminish the usefulness or value of the public access site.
13. Physical public access shall be designed to prevent significant impacts to sensitive natural systems.
14. Where public access is to be provided by a trail, the following requirements shall apply:
    a. The trail shall be no greater than 10 feet in surface width, and in additional may include 1 foot gravel shoulders. Not including landscaping; no more than 8 feet of improved surface is preferable in most cases.
    b. Pervious pavement should be used for public access within the shoreline management area unless the Shoreline Administrator determines that such use is not in the public interest because of safety, durability, aesthetic or functionality concerns.
    c. Where feasible, the trail shall be placed at least 25 feet from the Ordinary High Water Mark.
    d. Landscaping should be native and drought tolerant or site appropriate.
    e. Other specific conditions described in an adopted trail or parks plan.
15. Whenever financially feasible and practical, the City shall require the use of building materials and technologies whose production and use result in reduced environmental impacts when developing public access to the shoreline. Porous pavements shall be used unless the applicant demonstrates to the satisfaction of the Shoreline Administrator that such materials would restrict accessibility, pose a safety hazard or are not sufficiently durable.

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6. Restoration

a) Applicability

Restoration refers to the reestablishment or upgrading of impaired ecological shoreline processes or functions. The following goals and policies are intended to guide actions that are designed to achieve improvements in shoreline ecological functions over time in those areas of Lake Sawyer where they have been degraded. The overarching purpose is to achieve improvements over time when compared to the condition upon adoption of the master program, as detailed in the Shoreline Analysis Report. Restoration is distinct from mitigation measures necessary to achieve no net loss of shoreline functions and the City's commitment to plan for restoration will not be implemented through regulatory means.

b) System-Wide Restoration Policies

1. Reclaim and restore areas which are biologically and aesthetically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline. Improve the water quality of Lake Sawyer by managing the quality and quantity of stormwater in contributing systems, consistent with the City's adopted stormwater manual.
2. Increase quality, width and diversity of native vegetation in protected corridors adjacent to lake habitats to provide safe migration pathways for fish and wildlife, food, nest sites, shade, perches, and organic debris. Strive to control non-indigenous plants or weeds that are proven harmful to native vegetation or habitats.
3. Continue to work collaboratively with other jurisdictions and stakeholders to implement the WRIA 9 Plan.
4. Seek funding where possible for various restoration actions and programs from local sources and by working with other WRIA 9 jurisdictions and stakeholders to seek federal, state, grant and other funding opportunities.
5. Develop a public education plan to inform private property owners in the shoreline zone and in the remainder of the City about the effects of land management practices and other unregulated activities (such as vegetation removal, pesticide/herbicide use, car washing) on fish and wildlife habitats and water quality.
6. Where feasible, protect, enhance, and encourage the restoration of lake areas and wetlands throughout the contributing basin where functions have been lost or compromised.

c) Lake Sawyer Restoration Policies

1. Target the Lake Sawyer Boat Launch and Lake Sawyer Regional Park for restoration of shoreline natural resources and functions while ensuring continued public access to the shoreline.

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2. Improve the health of lake shorelines by encouraging property owners to remove bulkheads and replace these features to the extent feasible with bioengineered stabilization solutions to improve aquatic habitat conditions.
3. Target the Lake Sawyer Boat Launch for habitat enhancements that are designed and sited to be compatible with the heavy active recreation use at this park. Opportunities include replacing the tethered trees functioning as shoreline stabilization with bioengineered shoreline stabilization, removal of excess impervious surface, improved drainage using infiltration and planting of native vegetation where appropriate.
4. Improve habitat conditions by increasing large woody debris recruitment potential through plantings of trees along the lake shore. Where feasible, install or encourage the installation of large woody debris to meet short-term needs.
5. Target single family residential properties with development incentives (such as setback reductions), outreach and information for homeowners who are willing to voluntarily remove bulkheads, plant native vegetation and encourage large woody debris recruitment.
6. Decrease the amount and impact of overwater and in-water structures along Lake Sawyer through minimization of structure size and use of more environmentally friendly materials, including grated decking.
7. Target Lake Sawyer Regional Park for the use of environmentally friendly materials and design during the future development of recreational facilities.
8. Preserve and restore native vegetation along the shoreline to the greatest extent feasible.
9. Continue to participate in lake-wide efforts at Lake Sawyer to reduce populations of non-native aquatic vegetation.

7. Vegetation Conservation (Clearing and Grading)

Vegetation within and adjacent to water bodies provides a valuable function for the health of aquatic ecosystems. Vegetation management involves both a passive and active management system. The intent of both systems is to minimize habitat loss and the impact of invasive plants, erosion, sedimentation and flooding. "Passive" vegetation management deals with protection and enhancement of existing diverse native plant communities along all shorelines. "Active" vegetation management involves aquatic weed control as well as the restoration of altered or threatened shorelines using a technology called soil bioengineering. Soil bioengineering reestablishes native plant communities as a dynamic system that stabilizes the land from the effects of erosion.

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a) Applicability

The following provisions apply to any activity, development, or use that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. See Chapter 7 for definitions of "significant vegetation removal," "ecological functions," "clearing," "grading," and "restore."

b) Shoreline Vegetation Conservation Policies

1. Clearing and grading activities in 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.
2. Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control best management practices (BMPs). Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.
3. Provide incentives for the retention and planting of native vegetation, and discourage extensive lawns due to their limited erosion control value, limited water retention capacity, and associated chemical and fertilizer applications. Incentives could include additional flexibility with building setbacks from Lake Sawyer, a simplified permit process with recommended planting plans, and/or city participation in a pilot-project that promotes shoreline restoration.
4. In order to increase habitat and address other ecological functions within the shoreline environment such as wave attenuation, temperature regulation, and bank stabilization, encourage homeowners and property managers to leave diseased and fallen trees in place along the shoreline edge provided the trees are not a danger to public safety or private property.
5. Removal of non-hazardous mature trees and native vegetation within the required shoreline setback should be severely restricted regardless of lot size or use.
6. The City of Black Diamond should provide information to the public about environmentally appropriate vegetation management, landscaping for shoreline properties and alternatives to the use of pesticides and herbicides which impact water quality and aquatic habitat.
7. Where removal or destruction of aquatic vegetation is necessary, it should be done only to the extent necessary to allow water-dependent activities to continue. Removal or modification of aquatic vegetation should be conducted in a manner that minimizes adverse impacts to native plant communities, and should include appropriate handling or disposal of weed materials and attached sediments.

8. Support the work of the King County Weed Watchers program and the efforts of volunteers to monitor noxious aquatic vegetation. Any future efforts by the City to monitor and control aquatic vegetation should seek the input and assistance of volunteers and King County staff assigned to this program.

9. The City should explore opportunities for the planting and enhancement of native vegetation at Lake Sawyer Park Regional Park and Boat Launch.

c) Shoreline Vegetation Conservation Regulations

1. All clearing and grading activities must adhere to BDMC Chapter 15.28 – Land Clearing and Grading Code and additional requirements provided in this SMP. Additional clearing and grading performance standards may be required as a condition of permit issuance to ensure the proposal will result in no net loss of shoreline ecological functions.

2. In all shoreline areas, land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development.

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 trees and is not detrimental to the health of any trees.

4. Any significant placement of materials from off-site (other than surcharge or preload), or the substantial creation or raising of dry upland shall be considered fill and shall also comply with the fill provisions in Chapter 5.

5. Clearing and grading activities and related alteration of the natural landscape shall only be allowed in association with a permitted shoreline use or development with limited exceptions as set forth below:

    a. Removal of noxious weeds as listed by the state in Chapter 16-750 WAC, provided such activity shall be conducted in a manner consistent with best management practices and the City of Black Diamond's engineering and stormwater design standards, native vegetation shall be promptly reestablished in the disturbed area and no net loss of shoreline ecological function is achieved.

    b. Pruning consistent with accepted arboricultural practices that does not involve the removal of 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.

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c. Maintenance or restoration of view corridors provided that said activity is conducted in a manner consistent with this Master Program and results in no net loss to ecological functions or critical fish and wildlife habitat areas.

6. The City shall regulate tree removal and land clearing within the shoreline jurisdiction to protect ecological functions. The City shall require a report prepared by a qualified professional as part of any substantial development permit or exemption that includes removal of significant trees or clearing of native vegetation. The report shall identify appropriate mitigation, performance assurances and maintenance and monitoring requirements necessary to assure no net loss of ecological function necessary to sustain shoreline processes.

7. Native understory vegetation and trees within the 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.

8. Within all other shoreline areas, tree removal shall be limited to the minimum necessary to accommodate proposed structures and uses or to mitigate a hazard to life or property, and significant trees shall be replaced at an appropriate ratio to assure no net loss is achieved.

9. Stabilization of exposed erosion-prone surfaces within the shoreline environment shall, wherever feasible, utilize soil bioengineering techniques.

10. Aquatic vegetation control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic vegetation control shall occur in compliance with all other applicable laws and standards, including Washington Department of Fish and Wildlife requirements. Control of aquatic vegetation by mechanical methods is exempt from the requirement to obtain a shoreline substantial development permit only if the bottom sediment or benthos is not disturbed in the process. It is assumed that mechanical removal of accumulated vegetation at a level closer than two (2) feet to the root level will disturb the bottom sediment and benthos layer.

11. The control of aquatic vegetation by derooting, rotovating or other methods which disturb the bottom sediment or benthos shall be considered development for which a shoreline substantial development permit is required.

12. The application of herbicides or pesticides in Lake Sawyer, wetlands, or ditches requires a permit from the Washington Department of Ecology and may require preparation of a SEPA checklist for review by other agencies. The individual(s) involved must obtain a pesticide applicator license from the Washington State Department of Agriculture.

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13. The following standards apply to restoration of disturbed areas in the Shoreline Residential environment outside of the required shoreline setback, when no other specific mitigation is required for project impacts and no setback reduction is requested under Chapter 4, Section B.2 through 4.

    a. Restoration of any shoreline that has been disturbed or degraded shall use native plant materials, unless such restoration occurs within a developed and maintained ornamental landscape, in which case noninvasive plant materials similar to that which most recently occurred on-site may be used.

    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 14 below.

    c. Surfaces cleared of vegetation and not further developed must be replanted with native species or other species as approved by the City within one (1) year. Replanted areas shall be planned and maintained such that, within three (3) years time, 80% of required plantings survive and all areas of bare soil are vegetated or appropriately stabilized. Shoreline development subject to any permit action shall be conditioned to require compliance with this standard.

    d. The Shoreline Administrator has discretion to require monitoring and the financial guarantees where it is determined to be necessary to ensure compliance with the Shoreline Master Program.

14. The following maintenance and monitoring standards apply when vegetation restoration or enhancement occurs within required shoreline setbacks, is associated with a setback reduction under Chapter 4, Section B.2 through 4; occurs within a wetland, stream or related buffer; a variance is requested; specific mitigation for project impacts is required; and/or when vegetation restoration occurs within the Shoreline Residential Limited, Urban Conservancy or Natural shoreline environments.

    a. Plant Maintenance and Monitoring. Five year maintenance and monitoring at a minimum shall be conducted to ensure the long-term survival and stability of required vegetation plantings. Such monitoring shall include, at a minimum:

        i. Annual inspections of the plants,

        ii. Replacement of dead riparian plants,

        iii. Removal of exotic invasive species that may have become established,

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iv. Photographic documentation of planting success,

v. Annual report to the Shoreline Administrator documenting the above requirements and identifying whether the criteria for success below has been achieved.

b. Criteria for Success. At the end of the fifth year of monitoring, required plantings shall be considered successful if the following performance standards, at a minimum, are met:

i. A minimum eighty percent (80%) survival rate of planted trees and shrubs within the planting area; and

ii. A minimum of fifty percent (50%) cover of desirable understory or emergent plant species.

iii. Additional standards for vegetative success, including (but not limited to) minimum survival standards following the first growing season may be required after consideration of the project application.

c. A contingency plan shall be established in the event that the mitigation plan is inadequate or fails.

d. Prior to issuance of any construction, grading, or building permit in the shoreline management area, the City may require that the permittee provide a financial guarantee in a form and amount approved by the City. This amount should equal one hundred twenty five percent (125%) of the estimated cost of the required plantings, or no less than two thousand dollars, unless a clear rationale for an alternative amount exists based on the specific details of the proposal.

e. Prior to final issuance of a building permit or land use permit in the shoreline management area, a maintenance bond or other acceptable financial guarantee equal to a minimum of thirty percent (30%) of the replacement cost of the landscaping may be required. The bond or other suitable financial guarantee shall be maintained for a five (5) year period, at which point the Shoreline Administrator, or designee, will determine if the surety shall be released or extended to ensure the survival and maintenance of required shoreline plantings.

15. Hazardous trees may be removed when it is 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.

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8. Water Quality, Stormwater, and Non-Point Pollution

a) Applicability

Water quality is affected in numerous ways by human occupation and development of shoreline areas. Typically the increase in impermeable surfaces as a result of development increases stormwater runoff volumes, causing higher peak stormwater discharges at higher velocities that can cause scouring and erosion of stream banks. Erosion increases suspended solids concentrations and turbidity in receiving waters, and can carry heavy metals, household wastes, excess nutrients, and other pollutants into these waters. Increased nitrogen and phosphorus enrichment results in algal growth that depresses levels of dissolved oxygen in receiving waters. The degradation of water quality adversely impacts wildlife habitat and public health.

Maintaining high water quality standards and restoring degraded systems has been mandated in RCW 90.58. In February of 2007, the City received its Western Washington Phase II Municipal Stormwater Permit from the Washington State Department of Ecology. Under this permit the City developed a Stormwater Management Program. The City has adopted the 2005 DOE Stormwater Drainage Manual which applies to all development activities within the City.

b) Water Quality, Stormwater, and Non-Point Pollution Policies

1. All shoreline uses and activities should be located, designed, constructed and maintained to mitigate adverse impacts to water quality, water quantity, or hydrology.
2. The City should require reasonable setbacks, buffers, and storm water storage basins and encourage low-impact development techniques and materials to achieve the objectives of the Shoreline Master Program.
3. Stormwater impacts should be addressed through the application of the Adopted Surface Water Design Manual and all applicable City stormwater regulations.
4. The City should require the use of Low Impact Development (LID) techniques to the maximum extent feasible. Incentives should be provided to encourage LID.
5. The City should provide general information to the public about the impacts of land and human activities on water quality, and encourage homeowners and property managers to use non-chemical weed and pest control solutions and natural fertilizers.
6. The City should work with the King County Health Department to ensure existing septic systems are working properly to prevent groundwater and surface water degradation through excessive inputs of nutrients (nitrogen and phosphorus) and hazardous microbes.

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7. The City should work with local sewer districts to require connection to the sanitary sewer system when existing properties on septic systems are developed, redeveloped or substantially modified and a sanitary sewer system is available.

c) Water Quality, Stormwater, and Non-Point Pollution Regulations

1. All shoreline development, both during and after construction, shall minimize impacts related to surface runoff through control, treatment and release of surface water runoff such that there is no net loss of receiving water quality in the shoreline environment. Control measures include but are not limited to dikes, runoff intercepting ditches, catch basins, settling wet ponds, sedimentation ponds, oil/water separators, filtration systems, grassy swales, planted buffers, and dust controls.
2. Shoreline development and uses shall adhere to all required setbacks, buffers and standards for stormwater storage basins.
3. All shoreline development shall comply with the applicable requirements of the City's adopted Surface Water Design Manual and all applicable City stormwater regulations.
4. All shoreline development shall implement applicable Low Impact Development techniques to the maximum extent feasible, pursuant to the standards contained in the adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor.
5. New residential development and property owners with failing septic systems that pose a risk to health or the environment shall be required to connect to public sewer if they are seeking a shoreline, building or site development permit and such connection can be made within 300 of the subject property.

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Chapter 4 Shoreline Use Provisions

A. Introduction

As required by the Shoreline Management Act, this Master Program sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Boating Facilities, Commercial Development, Forest Practices, Manufacturing, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses, Signage, Transportation, and Utilities. The policies and regulations, which provide basic criteria for evaluating shoreline permit applications, are used to implement the broader goals, policies and intent of the Shoreline Management Act and this Program.

The Shoreline Master Program for the City of Black Diamond contains limited provisions for economic development along the shoreline of Lake Sawyer. Lake Sawyer is substantially developed with residential uses, with little undeveloped shoreline remaining. As such, access to the water is primarily related to recreation and residential uses. Industrial uses of the shoreline are not allowed and the demand for commercial uses of the shoreline are limited.

B. Basic Shoreline Use and Development Standards

1. Permitted, Conditional and Prohibited Uses – Table I

KEY
P = Permitted Use
C = Conditional Use
X = Prohibited

SHORELINE USES	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC[1]

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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Agriculture (Accessory Use Only)	X	X	P	P	X
Aquaculture[2]	C	C	C	C	C
SHORELINE USES	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC[3]
Boating Facilities (Public, Commercial, or Serving 4 or More Residences)					
Marina (Public or Private)	X	X	X	X	X
Community Pier (Private Shared Use)	X	P	P	C[4]	P
Public Pier	C	C	C	C	C
Boat Launch	X	P/X[5]	X	X	C
Commercial Development (Accessory Use Only, e.g. home based business or park concession stand, please	X	C[6]	P[7]		X

2 Aquaculture shall be conditionally approved in all shoreline designations as long as the use meets the mandates of WAC 173.26.241(3)(b) and is limited to native species recovery only.

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

4 Only one community pier per island shall be allowed in the Shoreline Residential Limited environment. Community piers shall be conditioned to require the removal of any other private overwater structures on the applicants' properties.

5 Boat launches meeting the definition of Boating Facilities in state law are a permitted use at the existing Boat Launch Park and are not permitted elsewhere in the Urban Conservancy environment.

6 This use is subject to further zoning restrictions in the Black Diamond Municipal Code.

7 This use is subject to further zoning restrictions in the Black Diamond Municipal Code.

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see use standards for additional restrictions)				X	
Forest Practices	X	X	X	X	X
Manufacturing	X	X	X	X	X
Mining	X	X	X	X	X
Parking (As a Primary Use)	X	X	X	X	X
Parking (As an Accessory Use)	X	C	P	X	X

SHORELINE USES	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC[8]
Recreational Facilities					
Water oriented	P	P	P	P	P[9]
Non-water oriented (As a Primary Use)	X	X	X	X	X
Non-water oriented (As an Accessory Use)	C	C	P	P	X
Multi-use Trails	X	C	C	X	X
Minor Trails	P	P	P	P	X
Residential Development					
Single family	X	P^5	P	C	X
Multi-family	X	X	X	X	X
Scientific, Historical, Cultural, or Educational Uses	P	P	P	P	P
Transportation Facilities					

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

9 Only water dependent uses are permitted in the Aquatic designation.

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New Roads related to Permitted Shoreline Activities	X	C	C	X	X
Expansion of Existing Circulation Systems and driveways	X	C	P	X	X
Utilities (Primary)					
Solid Waste Disposal or Transfer Sites (excluding storage of recyclable materials)	X	X	X	X	X
Other	X	C	C	C	C
Utilities (Accessory)					
Local Public Water, Electric, Natural Gas Distribution, Public Sewer collection, Cable and Telephone Service, and Appurtenances	C	P	P	P	C

2. Basic Development Standards – Table II

DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC
Maximum Height[1]	32 ft. (All Structures)	32 ft. (All Structures)	Primary Dwelling Unit: 32 ft. Accessory Building: No greater than primary dwelling unit or 26 feet, whichever is less	Primary Dwelling Unit: 32 ft. Accessory Building: No greater than primary dwelling unit or 26 feet, whichever is less	N/A[3]

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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	50 ft. (standard) may be reduced to 30 ft. (minimum) with enhancement	50 ft.(standard) may be reduced to 25 ft. (minimum) with enhancement	N/A[3]
Maximum Impervious Surface Coverage[4]	5%	10%	40%[5]	30%	N/A[3]
Maximum Building Coverage	5%	5%	30%	20%	N/A[3]
Minimum lot width and water frontage	N/A	60 ft.^2	60 ft.[10]	N/A	N/A[3]
Minimum Lot Size	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]

[1] Development shall also be subject to the height limits established by the underlying zoning. The maximum basic height limitation for all principal and accessory buildings in the various zone districts shall

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10Please see Residential Subdivision Standards in Chapter 4, Section C.8.c.

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not apply to cupolas that do not extend more than three feet above the roof line, flagpoles, transmission lines, residential antennas, and other similar structures as determined by the Director.

[2]The 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.

[3] Not Applicable. Land-based standards do not apply in the Aquatic environment because only water dependent structures and development, such as docks, are allowed. Height of all structures shall be the minimum necessary for the proposed water dependent use.

[4] The amount of impervious surface shall be the minimum necessary to provide for the intended use. The City will encourage practices that further minimize impervious surfaces and stormwater runoff, including use of best available technologies.

[5] The City shall adopt administrative rules that allow partial credit for pervious pavements or infiltration systems that do not degrade ecological function, provided site coverage including both impervious surfaces and pervious pavements shall not constitute more than 50% of parcel area. The amount of credit and certification of allowable materials shall be determined by the City Engineer.

[6]Minimum lot size refers to the minimum area needed for a new lot and is further restricted by other factors, including land needed for an on-site sewage system in those areas where sanitary sewers are not available.

^7 Subdivision is subject to further zoning restrictions in the Black Diamond Municipal Code.

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 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

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using a combination of the voluntary mitigation options provided in Table III to achieve an equal or greater protection of lake ecological functions.

b. The one-hundred (100) foot setback within the Urban Conservacny Environment may be reduced to a minimum of seventy-five (75) feet, when setback reduction impacts are mitgated using a combination of the mitigation options provided in Table III to achieve an equal or greater protection of lake ecological funtions.

c. No setback reduction is allowed in the Natural Environment, where a one-hundred (100) foot setback shall be required.

d. 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.

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:

   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.

2. Please see provisions for Nonconforming Uses and Development in Chapter 6: Administration.

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.

4. Setback reductions shall not apply to enforcement actions, after the fact permits or similar actions.

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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:

    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.

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.

7. Please see Chapter 3, Section B.7.C (Vegetation Conservation regulations) for additional requirements, including maintenance, monitoring and criteria for mitigation success.

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 chargers to 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. Chargers assessed shall be sufficient 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.

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4. Shoreline Setback Reduction Mechanisms – Table III

REDUCTION MECHANISM		REDUCTION ALLOWANCE
1	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.)	10 feet
2	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.)	5 feet
3	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.	Bulkhead Removal on 75% of shoreline: 15 feet 50% of shoreline: 10 feet 25% of shoreline: 5 feet
4	Restoration of natural shoreline conditions (e.g. no bulkhead or	10 feet

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REDUCTION MECHANISM		REDUCTION ALLOWANCE
	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.	
5	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.	10 feet
6	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	5 feet
7	Installation of a "green" roof in accordance with the standards of the LEED Green Building Rating System.	5 feet
8	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	5 – 10 feet
9	Preserving or restoring at least 20 percent of the total lot area outside of the setback area as native vegetation.	5 feet
10	Connection to the sanitary sewer system on a property that currently utilizes an onsite septic system.	5 feet

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REDUCTION MECHANISM		REDUCTION ALLOWANCE
11	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.	5 feet

Any further reduction of shoreline setbacks beyond the minimum listed in this Chapter shall require a Shoreline Variance.

5. Shallow Lot Exception

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 closest point of building and structures from the Ordinary High Water Mark line shall be 25 feet.
    a. The depth of the lot is less than 190 feet; and
    b. The upland area of the lot is 9,600 square feet or less; and
    c. Sewer services are provided through on onsite sewer system and public sewer connections cannot be made within 300 feet of the subject property.
2. For the purpose of this provision, the depth of the lot shall be determined by:
    a. Measuring the distance of a horizontal line drawn midway between the side property lines between the Ordinary High Water line and the front line; and
    b. 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 lot lines that intersect the Ordinary High Water line.
3. 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 Ordinary High Water Mark and may contain breaks for shoreline access.

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C. Shoreline Use Policies and Regulations

1. General Use Policies

a) Applicability

The following provisions are applicable to all uses occurring within the shoreline jurisdiction.

b) Policies

1. The following uses should be prohibited within the shoreline jurisdiction: Mining, Forestry, and Manufacturing.
2. When determining allowable uses and resolving use conflicts within the City's shoreline jurisdiction, apply the following preferences and priorities in the order listed below:
    a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.
    b. Reserve shoreline areas for water-dependent and associated water related uses.
    c. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
    d. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.
    e. Limit non-water-oriented uses to those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act, including opportunities for ecological enhancements and public access improvements.
3. Proposed economic use of the shoreline should be consistent with Black Diamond's Comprehensive Plan.
4. New residential development should be designed to protect existing shoreline water views, promote public safety, and avoid adverse impacts to shoreline habitats.
5. All development and redevelopment activities within the City's shoreline jurisdiction should be designed to ensure public safety, enhance public access, protect existing shoreline and water views and achieve no net loss of shoreline ecological functions.
6. Require the use of Low Impact Development (LID) and encourage "Green Building" practices, such as those promulgated under the Leadership in Energy and Environmental Design (LEED) and Green Built programs, for new development within the shoreline jurisdiction.

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7. Proposed shoreline uses should not infringe upon the rights of others or upon the rights of private ownership.
8. Encourage shoreline uses which enhance their specific areas or employ innovative features for purposes consistent with this program.
9. Encourage restoration of shoreline areas that have been degraded or diminished in ecological value and function as a result of past activities or catastrophic events.
10. Shoreline uses are allowed only if the underlying zoning allows the use.

2. Agriculture

Agriculture includes, but is not limited to, the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140; finfish in upland hatcheries, or livestock..

a) **Policies**

1. Agriculture should be prohibited in the Natural environment and permitted as an accessory use only in all other environments.
2. The creation of new agricultural lands by diking, draining, or filling marshes, and associated marshes, bogs, and swamps, or by removing native vegetation should be prohibited.
3. All agricultural activities should be setback from the shoreline according to the setbacks established for the shoreline environment in which the activity is occurring.
4. Appropriate management techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life by fertilizer and pesticide use and application. The use of chemical pesticides and fertilizers should be discouraged.
5. Significant new agricultural development should be conditioned with the requirement for ecological restoration to ensure no net loss of ecological functions. The City's Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of an agricultural development.

b) **Regulations**

1. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
2. All agricultural activities shall occur outside of the established shoreline setback area.

3. The removal of native vegetation to accommodate agricultural activities shall be prohibited.
4. A buffer of natural or planted permanent native vegetation not less than 25 feet in width, measured perpendicular to the shoreline, shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, and associated wetlands. The City's Shoreline Administrator shall determine the extent and composition of the buffer when the permit or letter of exemption is applied for.
5. Water withdrawals from SMP water bodies for irrigation purposes shall be subject to Department of Ecology rules and regulations.
6. Manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within the shoreline jurisdiction.
7. Any water discharge from agricultural activities into SMP water bodies shall be prohibited.

3. Aquaculture

Aquaculture is the farming of food fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest. Aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. The technology associated with some forms of aquaculture is still in its formative stages and experimental. This shoreline master program recognizes the necessity of some latitude in the development of this use.

a) **Policies**

1. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions or significantly conflict with navigation and other water-dependent uses.
2. Aquaculture facilities should be designed and located such that they do not spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

b) **Regulations**

1. Aquaculture development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
2. The applicant shall demonstrate that the proposed facility meets the requirements of Policy 2 above.
3. Impacts to ecological functions shall be mitigated in accordance with the sequence described in Chapter 3, Section 4(C) 2.

4. Boating Facilities

a) Applicability

Boating facilities, including community piers, public piers, commerical launches and related faclities, and public or community boat launches, shall be subject to the policies and regulations of this Section, as well as those contained in Chapter 5, Section E, Overwater Structures. The following policies and regulations only apply to public, commercial or private moorage facilities serving more than four (4) single-family residences.

b) Policies

1. Boating facilities should be located, designed, and operated to ensure no net loss of ecological functions or other significant adverse impacts, and should, where feasible, enhance degraded and/or scarce shoreline features.
2. To the extent possible, boating facilities should be located in areas of low biological productivity.
3. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore functions and to provide for water-dependent uses carries higher priority than the protection of views.
4. Boating facilities should not unduly obstruct navigable waters and should consider adverse effects to recreational opportunities such as swimming, fishing and shoreline viewing.
5. Existing boating facilities for motorized craft may be modified and reconfigured, but any expansions that encourage additional motorized use of the lake are discouraged and should be mitigated to protect the lake from additional adverse impacts associated with intensive motorized use on a relatively small water body.

c) Regulations

1. New boating facilities shall be limited to private shared use pier facilities and public non-motorized facilities.
2. Boating facilities shall not significantly impact the rights of navigation on the waters of the state.
3. Existing boating facilities that accommodate motorized craft may be repaired, improved and reconfigured, however, they shall not be expanded to accommodate a greater number of users without a conditional use permit and mitigation measures to address the ongoing impacts of this use.
4. Location Standards.

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a. New boating facilities shall not be permitted in areas where dredging will be required or where impacts to shoreline ecological functions and processes cannot be mitigated.

b. Boating facilities shall be located and designed with the minimum necessary shoreline stabilization to adequately protect facilities, users, and watercraft from floods or destructive storms.

c. Boating facilities shall be located to protect the public health, safety and welfare.

d. Boating facilities shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.

5. Facility Design.

a. All boating facilities shall be designed to avoid and minimize impacts. All impacts must be mitigated consistent with mitigation sequencing and no net loss requirements.

b. All boating facilities shall be the minimum size necessary to accommodate the anticipated demand. Specifically, the amount of overwater cover, the size and number of in-water structures, the waterward length of the facility, and the extent of any necessary associated shoreline stabilization or modification shall be minimized. Specific sizing of all boating facility components shall have the following limitations:

i. Over-water facilities shall be no wider than 8 feet and no longer than 60 feet measured perpendicularly from the OHWM.

ii. Over-water facilities may be as long as 80 feet without a Shoreline Variance if the additional length is needed to reach 11 feet of moorage depth as measured from the OHWM. The extra length will not be allowed if the extension would interfere with navigation or other public uses of the water.

c. Overwater components of all boating facilities shall allow transmission of light through the deck surface.

6. Site Design and Operation.

a. Boating facilities shall be designed so that lawfully existing or planned public shoreline access is not blocked, obstructed nor made dangerous.

b. Boating facilities shall provide physical and/or visual public or community access for as many water-oriented recreational uses as possible, commensurate with the scale of the proposal. Features for access could include, but are not limited to, walk-on access or fishing platforms.

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c. Public or community access areas shall provide space and facilities for physical and visual access to waterbodies, including feasible types of shore recreation.

d. Accessory uses at boating facilities shall be limited to water-oriented uses or uses that support physical or visual shoreline access for substantial numbers of the general public. Accessory development may include, but is not limited to, parking, non-hazardous waste storage and treatment, stormwater management facilities, and utilities where these are necessary to support the water-oriented use.

e. It is the applicant's responsibility to comply with all state agency policies and regulations, including all applicable health, safety and welfare requirements associated with the use.

f. The traffic generated by such a facility must be safely and conveniently handled by the streets serving the proposed facility.

g. No live-aboards or floating homes are allowed.

h. Boating facilities must be limited to day moorage only.

i. Covered moorage is prohibited.

j. The perimeter of parking and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas.

k. The facility must have provisions available for cleanup of accidental spills of contaminants.

7. Boat Launch

a. Location Standards – Boat launches for non-motorized boats shall be sited so that they do not significantly damage fish and wildlife habitats and shall not occur in areas with native emergent vegetation. Removal of native upland vegetation shall be minimized to the greatest extent feasible.

b. The design shall comply with all regulations as stipulated by state and federal agencies, affected tribes, or other agencies with jurisdiction.

c. The applicant shall demonstrate that the proposed length of a boat launch is the minimum necessary to safely launch the intended craft. In no case shall the ramp extend beyond the point where the water depth is 6 feet below the OHWM, unless the City determines that a greater depth is needed for a public boat launch facility.

d. Design Standards

i. Boat launches for non-motorized boats shall be constructed of materials which have the minimum ecological impact; typically gravel or similar natural material should be used to meet this requirement.

ii. Preferred launch ramp designs for motorized boats, in order of priority, are:

1. Open grid designs with minimum coverage of lake substrate.
2. Seasonal ramps that can be removed and stored upland.
3. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.

5. Commercial Development

a) **Applicability**

Commercial development means those uses that are involved in wholesale, retail, service and business trade.

b) **Policies**

1. New commercial uses should be prohibited as a primary use within the Lake Sawyer shoreline area.
2. Only limited accessory commercial development should be allowed in the Shoreline Residential and Urban Conservancy. Examples of limited accessory commercial uses are as follows:
    a. Concession stands at recreation facilities,
    b. Booths associates with festivals sponsored by the City,
    c. Private parties, receptions and banquets, and
    d. Boat rentals at recreation facilities.
3. Other than those commercial uses listed above, commercial vendors should not establish business facilities in shoreline jurisdiction. This prohibition does not preclude a vendor from being hired to provide services in connection with a permitted use.
4. Home occupations should be allowed within the Shoreline Residential environment provided they meet the applicable requirements of the zoning code.

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5. Low Impact Development techniques should be incorporated into new development as feasible, pursuant to the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound or successor.

c) Regulations

1. Commercial uses shall only be allowed as an accessory use in those shoreline environments where they are allowed pursuant to Table I in this Chapter.
2. Existing primary commercial recreation use at the Sunrise Resort property may continue and may be modified, subject to the requirements and limits for Nonconforming Uses in Chapter 6 and all other applicable SMP and zoning regulations.
3. Commercial uses in Shoreline Residential Environment shall be limited to home occupations within existing single family structures, pursuant to the requirements in the zoning code.
4. Any redevelopment or other modifications made to existing commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline's visual qualities, such as views to the waterfront and the natural appearance of the shoreline. To this end, the City's Shoreline Administrator may administratively adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline variance permit) or prescribe operation intensity and screening standards as deemed appropriate.
5. Low Impact Development (LID) techniques shall be incorporated where appropriate.

6. Parking

a) Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. The following provisions apply only to parking that is accessory to a permitted shoreline use. Parking as a primary use and parking which serves a use not permitted in shoreline jurisdiction is prohibited.

b) Policies

1. Parking in shoreline areas should be minimized.
2. Parking facilities in shoreline areas should be located and designed to minimize adverse impacts including those related to stormwater runoff, water quality, visual qualities, public access, and vegetation and habitat maintenance, and shall result in no loss of ecological functions.
3. Parking in shoreline areas should not restrict access to the site by necessary public safety vehicles, utility vehicles, or other vehicles requiring access to shoreline properties.

c) Regulations

1. Parking as a primary use is prohibited in Shoreline jurisdiction.
2. Parking in shoreline areas must directly serve a permitted shoreline use.
3. Parking facilities shall provide adequate provisions to control surface water runoff to prevent it from contaminating water bodies.
4. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, except when the parking facility is within or beneath the structure and adequately screened or in cases when an alternate orientation would have less adverse impact on the shoreline.
5. Exterior parking facilities shall be designed and landscaped to minimize adverse impacts upon adjacent shoreline and abutting properties. Exterior parking facilities for nonresidential uses shall be landscaped with vegetation in such a manner that plantings provide an effective "full-screen" within three years of project completion when viewed from adjacent areas within Shoreline jurisdiction.
6. New and reconstructed parking areas within the Urban Conservancy shoreline environment shall utilize Low Impact Development (LID) techniques as appropriate and as described in the most recent edition of the Low Impact Development Manual: Technical Guidance for Puget Sound.

7. Recreational Development

a) Applicability

Recreational uses include passive activities, such as walking, viewing and fishing. Recreational development also includes facilities for active uses, such as swimming, boating, and other outdoor recreation uses. This section applies to both public and private noncommercial shoreline recreational facilities (excluding private residences) in Black Diamond.

b) Policies

1. Recreational uses in the shoreline jurisdiction should be limited to water-oriented uses. Non-water-oriented recreational facilities may be allowed as an accessory use in limited circumstances where they support water oriented uses and do not displace water oriented uses.
2. Recreational uses and development should be managed and regulated to prevent the overall increase in motorized boat use and reduce the impacts of this use on the ecological health and residential character of Lake Sawyer. New recreational development should emphasize non-motorized water dependent and water related uses, such as fishing, swimming, picnic facilities, non-motorized hand carried boats, wildlife viewing and nature trails.

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3. The City should explore additional controls on watercraft speeds and the large wake associated with certain types of watercraft. .
4. The coordination of local, state and federal recreation planning should be encouraged. Shoreline recreational developments should be consistent with the City's park and recreation plans.
5. Recreational developments should be designed to preserve, enhance or create scenic views and vistas.
6. The use of existing publicly owned lands for public access and development of recreational opportunities should be encouraged. The use and improvement of existing public properties for recreation improvements should be given higher priority over the acquisition of additional sites.
7. Priority for land acquisition should be given to open space that provides wildlife habitat and offers opportunities for education and interpretation within shoreline jurisdiction.
8. Shoreline areas with a potential for providing recreation or public access opportunities should be identified and acquired by lease or purchase, or through partnerships with nonprofit and service organizations, and incorporated into the park and open space system.
9. Links between existing and future shoreline parks, recreation areas and public access points should be created with a non-motorized trail system using existing rights-of-way or through acquisition of easements and/or land.
10. Recreational activities should be designed to avoid conflict with private property rights, and to minimize and mitigate negative impacts on adjoining property.
11. Public access should not contribute to a net loss of shoreline ecological functions.

c) Regulations

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, fifty (50) 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.
2. Private and public recreation areas shall protect existing native vegetation in the shoreline area and restore vegetation impacted by development activities. Recreational use and development

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shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies prepared by qualified professionals to determine compliance with this standard.

3. Water-dependent or water-related activities such as swimming, boating, and fishing, and activities that benefit from waterfront scenery such as picnicking, hiking and bicycling shall be emphasized in planning public and private (excluding residential) recreation sites in the shoreline corridor.
4. All recreational developments shall make adequate provisions for:
    a. Public access to the shoreline;
    b. Non-motorized and pedestrian access;
    c. The prevention of trespass onto adjacent properties, including but not limited to landscaping and fencing;
    d. Protection and restoration of environmentally sensitive areas and shoreline processes and functions;
    e. Signs indicating the publics' right of access to shoreline areas, installed and maintained in conspicuous locations at the point of access and the entrance; and
    f. Buffering of such development from adjacent private property or natural area.
5. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features.
6. Swimming areas shall be separated from boat launch areas.
7. The construction of swimming facilities, piers, moorages, floats and launching facilities waterward of the OHWM shall be governed by the regulations relating to overwater structure construction in the Shoreline Modifications Section of this SMP.
8. Public boat launching facilities may be developed, provided the traffic generated by such a facility can be safely and conveniently handled by the streets serving the proposed facility.
9. Fragile and unique shoreline areas with valuable ecological functions, such as wildlife habitats, shall be used only for non-intensive recreation activities that do not involve the construction of structures.
10. Recreation developments such as golf courses and playfields that require periodic use of fertilizers, pesticides or other chemicals, or that support high-intensity activities as a primary use, such as sporting events, shall be located outside of shoreline jurisdiction.

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11. A new or expanded shoreline recreational development must provide public access if feasible pursuant to Chapter 3, Section B (5) (d), Public Access.

8. Residential Development

a) **Applicability**

Residential development means one or more buildings, structures, lots, parcels, or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single family residences and other detached dwellings together with accessory uses and structures normally applicable to residential uses located landward of the OHWM, including, but not limited to, swimming pools, garages, sheds, fences and saunas.

b) **Policies**

1. Residential development should be permitted only where there are adequate provisions for utilities, circulation and access.
2. New residential subdivisions should not be allowed unless sanitary sewer is provided.
3. Recognizing the single purpose, irreversible and space consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space among structures to protect natural features, preserve views and minimize use conflicts.
4. The City should provide development incentives, including reduced shoreline setbacks, to encourage the protection, enhancement and restoration of high functioning buffers and natural or semi-natural shorelines.
5. Residential development should be designed to preserve shoreline aesthetic characteristics, views, and minimize physical impacts to shoreline ecological functions.
6. Residential development should be designed so as to preserve existing shoreline vegetation, control erosion and protect water quality using best management practices and where possible, utilizing low impact development technologies.
7. The City encourages the use of joint-use piers and docks in lieu of individual piers and docks for each waterfront lot to protect the ecological functions of the lake.
8. The City encourages the use of alternative paving products for walkways, driveways, and patios, such as pervious pavers, as a mechanism for reducing impervious surfaces and surface water runoff.

9. Subdivisions should be designed to minimize impacts to shoreline ecological functions, including the use of common open space areas along the shoreline, retention of native vegetation and shared moorage and recreational facilities.

10. Development should, at a minimum, achieve no net loss of ecological functions necessary to sustain shoreline natural resources, even for exempt development.

c) Regulations

1. Residential development is permitted subject to the policies and regulations for the specific Shoreline Environment (see Chapter 2, Table I), the standards of the underlying zoning regulations and the general regulations in Chapter 3 of this Shoreline Master Program.

2. Residential development shall be required to connect to public sewer if the property owner is seeking a building or site development permit or the property has a failing septic system that poses a risk to health or the environment, and such connection can be made within 300 of the subject property.

3. Special Subdivision Standards. The following requirements shall apply to residential short subdivisions that create more than four lots and all long subdivisions. These standards are in addition to those required under Title 17 and other sections of the Black Diamond Municipal Code.

    a. Lot divisions subject to these provisions shall be designed to include a common open space tract encompassing all areas within 75 feet of the OHWM that are not part of a parent lot with a retained primary structure.

    b. Vegetation removal within the required open space tract shall be the minimum necessary to facilitate water-oriented recreational uses. Structures within 50 feet of the OHWM located within the common open space tract shall be limited to overwater structures (e.g. joint use pier) and related access, such as a trail and stairs.

    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 non-hazardous native vegetation shall be retained consistent with Subsection b above.

    d. Public access may be required for subdivisions of more than four lots pursuant to the requirements of Chapter 3, Section B.5.c. The Shoreline Administrator may determine that shared community access limited to residents of the subdivision is sufficient where additional demand for public access created by the subdivision would be satisfied by such access and the proposal would not result in other conditions that adversely impact public access pursuant to Chapter 3, Section B.5.c.1.

e. New lots created through the subdivision shall be required to connect to the public sanitary sewer.

f. New primary residential structures shall not be located within 100 feet of the Ordinary High Water Mark (OHWM).

4. Structures or other development accessory to residential uses are permitted in shoreline jurisdiction, if allowed under all other applicable standards in this SMP and subject to the provisions of the City's zoning code.

5. All additions to residential structures must comply with all standards in this SMP, including required shoreline setbacks established in Chapter 2, Table I.

6. Residential structures that are intentionally modified, replaced, repaired or enlarged are subject to the requirements in Chapter 6 (Administration – Nonconforming Use and Development Standards).

7. Residential structures that are modified, replaced or repaired following a catastrophic loss are subject to the requirements in Chapter 6 (Administration – Nonconforming Use and Development Standards).

8. Accessory uses and appurtenant structures not specifically addressed in the SMP shall be subject to the same regulations as primary residences.

9. In order to maintain visual access to the waterfront, fences within the required setback from the OHWM shall be:

   a. No more than 42 inches when separating two residential lots and no more than 6 feet high when separating a residential lot from a park or commercial use, and

   b. May not extend waterward of the OHWM.

10. To protect views and vistas maximum height limits have been established for each Shoreline Environment as indicated in Chapter 4, Table I, Summary of Shoreline Dimensional Standards.

11. Stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems and other Low Impact Development techniques shall be incorporated into new development as feasible, in accordance with the City's adopted Surface Water Design Manual and the Low Impact Development Technical Guidance Manual for Puget Sound.

12. Residential development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial. The City may request necessary studies prepared by qualified professionals to determine compliance with this standard.

9. Signs

a) Applicability

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on the premises.

b) Policies

1. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere with visual access to the water or shorelines.
3. Outdoor advertising and billboards are not an appropriate use of the shoreline area within shoreline jurisdiction.

c) Regulations

1. Signs shall comply with the City's sign regulations.
2. Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.
3. All signs shall be located and designed to minimize interference with vistas, viewpoints and visual access to the shoreline.
4. The following types of signs may be allowed in all shoreline environments:
    a. Water navigational signs and highway signs necessary for operation, safety and direction.
    b. Public information signs directly relating to a shoreline use or activity.
    c. Off-premise, freestanding signs for community identification, information, or directional purposes.
    d. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
5. The following signs are prohibited:
    a. Off-premises detached outdoor advertising signs.

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b. Spinners, streamers, pennants, flashing lights, and other animated signs used for commercial purposes.

c. Signs placed on trees or other natural features.

d. Commercial signs for products, services, or facilities located off-site.

10. Transportation Facilities

a) Applicability

Transportation facilities are those structures and developments that aid in land, air, and water surface movement of people, goods, and services. They include roads and highways, bridges, bikeways, trails, heliports, and other related facilities. In Black Diamond, these uses account for a minimal percentage of the shoreline land inventory. However, the impact of these facilities on shorelines can be substantial.

b) Policies

1. Normal operation and maintenance of all roadways in shoreline jurisdiction should be exempt.
2. New road construction in the shoreline jurisdiction should be minimized, and allowed by conditional use only when related to and necessary for the support of permitted shoreline activities.
3. Expansion of existing roadways should be allowed by conditional use if such facilities are found to be in the public interest.
4. Joint use of transportation corridors within the shoreline jurisdiction for roads, utilities and motorized and non-motorized forms of transportation should be encouraged, where feasible.

c) Regulations

1. New road construction in shoreline jurisdiction shall be minimized and allowed only when related to and necessary for the support of permitted shoreline activities.
2. Transportation facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.
3. Expansion of existing roadways within the shoreline jurisdiction shall be allowed only when the proponent demonstrates that:
    a. No alternative route is feasible;
    b. The roadway is constructed and maintained to cause the least possible adverse impact on the land and water environment; and
    c. The roadway is found to be in the public interest.

4. Transportation and primary utility facilities shall be required to make joint use of rights-of-way, and to consolidate crossings of water bodies to minimize adverse impacts to the shoreline.
5. Developers of roads must be able to demonstrate that efforts have been made to coordinate with existing land use plans including the Shoreline Master Program and the City's Comprehensive Plan.
6. All debris and other waste materials from roadway construction shall be disposed of in such a way as to prevent their entry into any water body.
7. Road designs must provide safe pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.
8. Streets within shoreline jurisdiction shall be designed with the minimum pavement area required. Gravel and more innovative materials shall be used where feasible for pathways and road shoulders to minimize the amount of impermeable surfaces and help to maintain a more natural appearance and function.
9. The City shall give preference to mechanical means for roadside brush control on roads in shoreline jurisdiction rather than the use of herbicides.

11. Utilities (Primary)

a) **Applicability**

Utilities are services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, sewage, and communications. Utilities in this SMP are divided into primary and accessory based on type and scale. The provisions of this section apply to primary use and activities such as solid waste handling and disposal, water transmission lines, sewage treatment facilities and mains, power generating or high voltage transmission facilities, gas distribution lines and storage facilities, stormwater mains and regional stormwater treatment facilities.

b) **Policies**

1. New primary utilities should be located outside of the SMA jurisdiction 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.
2. Solid waste disposal activities and facilities should be prohibited in shoreline areas. Short term storage of trash and recyclable materials associated with a permitted shoreline use is allowed, provided such activity occurs outside of the shoreline setback.

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3. Primary utilities should avoid locating in environmentally sensitive areas unless no feasible alternatives exist.

4. Wherever primary utility facilities and corridors must be placed in a shoreline area, they should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or designed to minimize impacts on the aesthetic qualities of the shoreline area.

c) Regulations

1. Primary utilities shall be located outside of SMA jurisdiction unless no other feasible option exists.

2. Primary utilities shall be located landward of the ordinary high water mark unless such location is not feasible or would result in potentially greater environmental impacts.

3. Primary utility facilities shall avoid disturbance of unique and fragile areas, as well as wildlife spawning, nesting and rearing areas. Utility facility development shall result in no net loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.

4. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, will not conflict with property rights (easement restrictions), endanger public health and safety or create a significant and disproportionate liability for the owner.

5. Utility lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible and shall avoid duplication and construction of new corridors in all shoreline areas. Proposals for new corridors or water crossings must fully substantiate the infeasibility of existing routes.

6. Solid waste disposal sites and facilities are prohibited in the shoreline environment.

7. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.

8. Primary utility development shall provide screening of facilities from water bodies and adjacent properties. Screening, including landscaping and fencing, shall be designed to constitute a dense "full screen".

9. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition,

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or if not feasible, then additional plantings will be required to attain no net loss in ecological function.

10. The City shall hold public meetings prior to the issuance of a Substantial Development Permit for a major primary utility project in accordance with the administrative procedures outlined in this Master Program to allow for the greatest amount of public input to help guide utility-related decisions.

12. Utilities (Accessory)

a) Applicability

Utilities have been split into accessory and primary with accessory meaning utilities that affect small-scale distribution services connected directly to the uses along the shoreline. For example, power distribution, telephone, cable, water and sewer service lines, stormwater collection and conveyance, are all considered as accessory utility uses. They are covered in this section because they concern all types of development and have the potential of impacting the ecological condition and visual quality of the shoreline and its waters.

b) Policies

1. Utilities are necessary to serve shoreline uses and should be properly installed to protect the shoreline and water from contamination and degradation.
2. Utility facilities and right-of-ways should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground, where feasible.
3. Utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecology, and minimizes conflicts with present and planned land uses.

c) Regulations

1. Utility developments shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems, and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, or endanger public health and safety.
2. In shoreline areas, accessory utilities shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, and existing corridors whenever possible.
3. Utility facilities shall be located and designed to avoid destruction of, or damage to, important wildlife areas, and other unique and fragile areas. Utility facility development shall result in no net

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loss of shoreline ecological functions. Mitigation shall be provided as necessary to meet this requirement. Failure to meet this standard will result in permit denial.

4. Heating and cooling facilities for residential homes shall not be located in the Aquatic environment.

5. Clearing for the installation or maintenance of utilities shall be kept to a minimum, and upon project completion, any disturbed area shall be restored, to the greatest extent feasible, to pre-project conditions, including replanting with native species, or other species as approved by the City, and maintenance care. If the previous condition is identified as being undesirable for shoreline function, then landscaping and other improvements shall be undertaken.

6. The location and construction of outfalls shall comply with all appropriate federal, state, county and city regulations.

7. The City of Black Diamond shall maintain, enhance and restore public natural drainage systems to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation for a no net loss of shoreline ecological functions.

8. New utility lines including electricity, communications, and fuel lines shall be located underground. Existing above ground lines shall be moved underground when properties are redeveloped or in conjunction with major system upgrades or replacements.

9. Utility development shall include public access to the shoreline, trail systems, and other forms of recreation, providing such uses will not unduly interfere with utility operations, endanger the public health, safety, and welfare, or create a significant and disproportionate liability for the owner.

10. Proposals for new utility corridors shall fully substantiate the infeasibility of existing routes.

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Chapter 5 Shoreline Modification Provisions

A. Introduction

Shoreline modification activities are those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modification activities are, by definition, undertaken in support of or in preparation for a permitted shoreline use. A single use may require several different shoreline modification activities.

Shoreline modification activity policies and regulations are intended to assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to prevent, reduce and mitigate the negative environmental impacts of proposed shoreline modifications consistent with the goals of the Shoreline Management Act. A proposed development must meet all of the regulations for both applicable uses and activities as well as the general and environment designation regulations.

This chapter has been divided into five sections: Clearing and Grading, Shoreline Stabilization, Dredging, Fill, and Overwater Structures.

B. Table of Shoreline Modification Activities

The shoreline modification table below determines whether a specific shoreline modification is allowed within each of the shoreline environments. See standards following the table for a full explanation of activities and required conditions for permitted activities.

The table should be interpreted as follows:

A. The letter "X" indicates the modification is not allowed.

B. The letter "P" indicates the modification may be allowed only if the underlying zoning allows the modification.

C. The letter "C" indicates the modification may be allowed subject to the shoreline conditional use review procedures specified in Chapter 6, and only if the underlying zoning allows the modification.

D. "N/A" indicates the shoreline modification is not applicable in the given environment.

d) **Table IV. Shoreline Modifications**

Shoreline Modification Activity	Natural	Urban Conservancy	Shoreline Residential Limited	Shoreline Residential	Aquatic
SHORELINE STABILIZATION					See adjacent upland environment
Beach Augmentation / Enhancement	X	C	P	P	
Soil Bio-engineering	C	P	P	P	
Structural stabilization	X	C	C	P	
Breakwaters, jetties, and groins	X	X	X	X	
Clearing and Grading	C	P	C	P	
Dredging	C	C	C	C	
Fill - landward of OHWM	C	C	C	P	
Fill – waterward of OHWM	C	C	C	C	
OVERWATER STRUCTURES ACCESSORY TO RESIDENTIAL					
Buoy	X	N/A	P	P	
Boathouse	X	N/A	X	X	
Joint Use Pier, Dock, Float, or Pile	X	N/A	P	P	
Non-Joint Use Pier, Dock, Float or Pile	X	N/A	C	P	
Overwater Walkway	X	N/A	X	X	
Boat Ramp	X	N/A	X	X	
Launching Rails	X	N/A	X	X	
Boat Lifts	X	N/A	C	P	
Boat Canopies	X	N/A	C	P	

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Shoreline Modification Activity	Natural	Urban Conservancy	Shoreline Residential Limited	Shoreline Residential	Aquatic
Structural Moorage Covers	X	N/A	X	X	

Shoreline Modification Activity	Natural	Urban Conservancy	Shoreline Residential Limited	Shoreline Residential	Aquatic
OVERWATER STRUCTURES NOT ACCESSORY TO RESIDENTIAL STRUCTURES:					See Adjacent Upland Environ.
Buoy	X	P	P	P	
Boathouse	X	X	X	X	
Joint Use or Public Pier, Dock, Float or Pile	X	P	C	P	
Non-Joint Use Pier, Dock, Float or Pile	X	X	C	C	
Overwater Walkway	C	C	X	X	
Boat Ramp	X	P/X[2]	X	X	
Launching Rails	X	X	X	X	
Boat Lift	X	X	X	X	
Boat Canopies	X	X	X	X	
Structural Moorage Covers	X	X	X	X	

[1] Please see Chapter 4, Section (B)(1), Table I, for additional use regulations pertaining to Boating Facilities (commercial, public or private use serving more than 4 single family residences). Where the regulations contained in Table IV above conflict with those in Table I in Chapter 4, the more restrictive shall apply.

[2] Permitted use at the existing Boat Launch Park, not permitted at Lake Sawyer Regional Park.

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C. Shoreline Stabilization

1. Applicability and Definitions

Shoreline stabilization includes actions taken to address erosion impacts to property caused by natural processes, such as current, flood, wake or wave action. These actions include all structural and nonstructural methods. "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete or boulder bulkheads, while "soft" structural measures rely on less rigid materials, such as bioengineered vegetation measures, anchored logs or beach enhancement. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions. The means taken to reduce damage caused by erosion, accretion, and flooding must recognize the positive aspects of each of these processes in order to retain the benefits of these natural occurrences. Erosion does not occur without accretion (deposition and accumulation) of material eroded, such as formation of a beach or a sandbar. Likewise, accretion cannot occur unless material has been eroded.

Specific structural methods for stabilization include bulkheads, beach restoration and enhancement, soil bioengineering, and groins along Lake Sawyer. A key regulatory distinction in this SMP is made between new stabilization measures and the replacement of existing stabilization measures. New stabilization measures, by state definition, include the enlargement of existing structures. Some of these techniques are currently being used in Black Diamond as described below, or they are techniques that could be used to address local shoreline issues.

General policies and regulations addressing shoreline stabilization methods applicable to the City are presented in the following sections. Additional discussion of the individual stabilization methods, and policies and regulations specific to them, are provided following the general policies and regulations section.

a) **Beach Restoration or Enhancement on Lake Sawyer**

Beach enhancement is the alteration of exposed and submerged shorelines for the purpose of stabilization, recreational enhancement, and or/aquatic habitat creation or restoration using native or similar material. The materials used are dependent on the intended use. For recreational purposes, various grades of clean sand or pea gravel are often used to create a beach above the ordinary high water mark.

Restoration or re-creation of a shore feature may require a rock and gravel matrix and/or creation of other materials appropriate for the intended use.

b) Soil Bioengineering

Soil bioengineering is the term given to the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of root systems, or other living plant material; fabric or other soil stabilization techniques; and limited rock toe protection, where appropriate. Soil bioengineering projects often include fisheries habitat enhancement measures such as anchored logs or root wads, in project design. Soil bioengineering techniques may be applied to shoreline areas and the upland areas away from the immediate shoreline.

The use of soil bioengineering as a shoreline stabilization technique is a viable and proven alternative to riprap, concrete and other structural solutions. It provides habitat while maintaining and preserving the natural character of the shoreline. Soil bioengineering is the preferred "best practices" choice when considering shoreline stabilization.

c) Bulkheads

Bulkheads are shoreline structures, either sloped or vertical, usually constructed parallel to the shore. The primary purpose they serve is to contain and prevent the loss of soil caused by erosion or wave action.

Bulkheads have historically been constructed of poured-in-place or precast concrete, concrete blocks, steel or aluminum sheet piling, wood or wood and structural steel combinations, and boulders. Bulkheads may be either thin structures penetrating deep into the ground or more massive structures resting on the surface.

Uses and activities related to bulkheads which are identified as separate use activities in this program, such as Fill and Residential Development, are subject to the regulations for those uses in addition to the standards for bulkheads established in this section.

d) Groins

Groins are barrier-type structures of rock, wooden piling or other materials constructed across the beach itself and extending into the water with the intent to obstruct sand and sediment carried by the littoral drift action along shorelines. Groins have limited applicability in Black Diamond's shoreline jurisdiction because of the relatively small size of Lake Sawyer.

NOTE: PERMIT EXEMPTIONS ARE DESCRIBED IN FULL IN CHAPTER 6 –ADMINISTRATION

2. Stabilization Policies and Regulations

a) Policies

1. Proposals for shoreline stabilization activities, including bulkheads should address the impact of these activities on the shoreline environment. This planning should consider off-site erosion, accretion, or damage that might occur as a result of shoreline stabilization structures or activities.
2. Explore a range of solutions to reduce the amount of bulkheads and shoreline armoring over time around Lake Sawyer and restore natural bank conditions. Alternative methods to typical shoreline armoring using native vegetation and other natural shoreline features should be the preferred method where feasible.
3. Non-structural stabilization measures are preferred over "soft" structural measures. Soft structural shoreline stabilization measures are strongly preferred over hard structural shoreline stabilization. Proposals for hard and soft structural solutions, including bulkheads, should be allowed only when it is demonstrated that nonstructural methods are not feasible. Hard structural shoreline stabilization measures should be allowed only when it is demonstrated that soft structural measures are not feasible.
4. Structural shoreline stabilization should be permitted only when it has been demonstrated that shoreline stabilization is necessary for the protection of existing legally established structures, primary uses and public improvements, and that there are no other feasible options to the proposed shoreline stabilization that have less impact on the shoreline environment.
5. Shoreline stabilization structures should be located, designed and constructed to minimize adverse impact on the property of others.
6. New development requiring bulkheads or similar protection should generally not be allowed. All new shoreline development should be located and designed to avoid or, if avoidance is not possible, minimize the need for shoreline modification activities.
7. Mitigation for shoreline stabilization should be provided to achieve no net loss of ecological functions necessary to sustain shoreline natural resources.

b) Regulations

<u>General Shoreline Stabilization – Basic Requirements</u>

1. Structural (soft and hard) solutions to reduce shoreline damage from erosion shall be allowed only after it is demonstrated through a geotechnical report prepared by a qualified professional that non-structural solutions would not provide sufficient protection to an allowed primary structure or a legally existing shoreline use. The geotechnical report shall evaluate the necessity of structural stabilization measures by estimating timeframes and rates of erosion (damage within 3 years),

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urgency of replacement, alternative solutions and other pertinent factors. Non-structural solutions include (but are not limited to) soil bioengineering, beach enhancement, alternative site designs, drainage improvements and increased building setbacks (for proposed structures).

General Shoreline Stabilization – New Development

2. New development, including the division of land into new parcels, shall be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water dependent development that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties is prohibited.

3. New development, including single-family residences, that includes structural shoreline stabilization will not be allowed unless all of the conditions below are met:

    a. The need to protect the development from damage due to erosion caused by natural processes, such as currents and waves, and by manmade processes, such as boat wakes, is demonstrated through a geotechnical report prepared by a qualified professional.

    b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.

    c. Non-structural measures, such as placing the development farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.

    d. The stabilization structure will not result in a net loss of shoreline ecological functions.

4. New development on steep or unstable slopes shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis prepared by a geotechnical engineer of related professional licensed and in good standing in the State of Washington.

General Shoreline Stabilization – New or Expanded Measures

5. New structural stabilization measures and enlargement of existing structural stabilization measures shall be limited to the minimum size necessary and shall be permitted only when it has been conclusively demonstrated through scientific analysis that shoreline stabilization is necessary to protect existing primary structures, ecological function restoration projects or hazardous substance remediation projects from erosion, and that nonstructural measures, planting vegetation, or installing on-site drainage improvements are not feasible or not sufficient.

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General Shoreline Stabilization – Replacement and Repair

6. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is a demonstrated need to protect legally established principal uses or structures from erosion caused by currents or waves and a nonstructural measure is not feasible.

7. Shoreline stabilization solutions developed to replace existing shoreline stabilization shall be placed along the same alignment as, or landward of, the shoreline stabilization being replaced, except as noted below and in Regulation 30 and 31 pertaining to bulkheads.

8. Where existing structural stabilization is replaced by non-structural shoreline stabilization using bioengineering techniques and results in a documented improvement of shoreline functions, such stabilization may be allowed waterward of the ordinary high-water mark subject to state and federal approvals.

9. A major repair of a hard shoreline stabilization structure shall be allowed when the existing primary structure is 10 feet or less from the OHWM. All other major repair proposals must include a written narrative prepared by a qualified geotechnical engineer that provides a demonstration of need. A major repair shall be defined as:

    a. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away, or otherwise demonstrated loss of structural integrity, or in which the repair work involves modification of the toe rock or footing, and the repair is 50% or greater than the linear length of the shoreline stabilization measure; or

    b. A repair to more than 75% of the linear length of the existing hard structural stabilization measure in which the repair work involves replacement of top or middle course rocks or other similar repair activities.

10. Minor repairs are repairs that do not meet the threshold established in regulation 9 above and shall be allowed without a demonstration of need.

General Shoreline Stabilization – Design Requirements

11. Professional design (as approved by the City) of all shoreline stabilization is required. All shoreline modification activities shall be in support of a permitted shoreline use that is in conformance with the provisions of this Master Program unless it can be demonstrated that such activities are necessary and in the public interest.

12. Shoreline stabilization and modification projects shall first avoid, and then minimize, adverse impacts to the environment to the greatest extent feasible, and where such impacts cannot be avoided, mitigation shall be provided to achieve no net loss of shoreline ecological functions. Alternative methods to typical shoreline armoring using native vegetation and other natural

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shoreline features shall be considered when replacing existing and constructing new shoreline stabilization solutions.

13. Shoreline stabilization should not be used to create new or newly usable land.
14. Shoreline stabilization shall not significantly interfere with normal surface and/or subsurface drainage into the water body.
15. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.
16. Shoreline stabilization shall be designed so as not to cause a significant impact to adjacent properties, including the need for shoreline stabilization elsewhere.
17. All shoreline modification activities must comply with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
18. Public access shall be required as part of publicly financed shoreline stabilization measures unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and unmitigable significant ecological impacts, unavoidable conflict with proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.

Beach Enhancement

19. Beach enhancement along Lake Sawyer may be permitted when the applicant has demonstrated that the project will not detrimentally interrupt littoral processes, redirect waves, current, or sediment to other shorelines, or adversely affect adjacent properties or habitat and all other standards of the SMP, including mitigation sequencing and no net loss are followed. The Washington Department of Fish and Wildlife shall be consulted regarding proposed beach enhancement to obtain input on habitat present and proposed mitigation.
20. Beach enhancement is intended as a form of soft shoreline stabilization and any associated fill should be the minimum necessary to achieve the shoreline stabilization purpose. Beach enhancement is not intended to create additional dry land area. Beach enhancement is allowed as a permitted use, however, proposals which include more fill than necessary to achieve the stabilization purpose shall be subject to the requirements for Shoreline Fill in this Chapter, shall require a Conditional Use Permit and shall only be allowed in conjunction with a water-dependent or public use permitted by this Master Program, and for fisheries, aquaculture, or wildlife enhancement projects..
21. Beach restoration/enhancement activities shall not:

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a. Extend waterward more than the minimum amount necessary to achieve the desired stabilization as determined by the Shoreline Administrator based on specific justification in the required geotechnical analysis.

b. Disturb shallow water fish/wildlife habitat without appropriate mitigation of the impacts, as determined by the Shoreline Administrator based on the recommendations of a qualified consultant.

22. The size and/or mix of new materials to be added to a beach shall be as similar as possible to that of the natural beach sediment, but large enough to resist normal current, wake, or wave action at the site.

23. The restored beach shall approximate, and may slightly exceed, the natural beach width, height, bulk or profile (but not as much as to create additional dry land).

24. Beach enhancement is prohibited within fish and/or wildlife spawning, nesting, or breeding habitat that would be adversely affected by it and also where littoral drift of the enhancement materials would adversely affect adjacent spawning grounds or other areas of biological significance.

Soil Bioengineering

20. All soil bioengineering projects shall use native plant materials appropriate to the specific area including trees, shrubs, and groundcovers, unless demonstrated infeasible for the particular site.

21. Unless Sensitive Area Regulations apply, all cleared areas shall be replanted immediately following construction and irrigated (if necessary) to ensure that within three (3) years all vegetation is one hundred (100) percent reestablished to achieve no net loss of ecological functions of the shoreline area. Areas that fail to adequately reestablish vegetation shall be replanted with approved plant materials until such time as the plantings are viable, or as otherwise specified for specific activities in this SMP or state or federal permits. Additional performance standards may be established by the Shoreline Administrator in administrative rules.

25. Bank stabilization in the form of a vegetated buffer zone shall be maintained (e.g., weeding, watering, dead plant replacement) for a minimum of three (3) years. The buffer zone shall exclude activities that could disturb the site. Where determined necessary by the Shoreline Administrator, fencing may be required to ensure protection of buffer plantings.

26. All construction and planting activities shall be scheduled to minimize impacts to water quality and fish and wildlife aquatic and upland habitat, and to optimize survival of new vegetation.

Breakwaters

27. Breakwaters, jetties, and groins shall not be permitted.

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Bulkheads

28. Bulkhead design and development shall conform to all other applicable local, state, and federal agency regulations, including regulations for shoreline stabilization in this Chapter.

29. On shorelines where no other bulkheads are adjacent, the construction of a bulkhead shall tie in with the contours of the adjoining shorelines, as feasible, such that the proposed bulkhead would not cause erosion of the adjoining properties.

30. Bulkheads may tie in flush with existing bulkheads on adjoining properties, provided that the new bulkhead does not extend waterward of OHWM, except that which is necessary to make the connection to the adjoining bulkhead. In such circumstances, the remaining portion of the bulkhead shall be placed landward of the existing OHWM such that no net loss of lake occurs and the design complies with all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

31. Replacement bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

32. Replacement bulkheads may be permitted if there is a demonstrated need to protect principal uses or structures from erosion caused by waves provided that:

    a. The replacement bulkhead is designed, located, sized, and constructed to assure no net loss of ecological functions;
    b. The existing bulkhead is removed; and
    c. The proposal includes a report prepared by a geotechnical engineer or other qualified professional that evaluates the necessity of the bulkhead by estimating timeframes and rates of erosion, urgency of replacement (within 3 years), alternative solutions and other pertinent factors

33. When a bulkhead is required at a public access site, provisions for safe access to the water shall be incorporated into bulkhead design.

34. Stairs or other permitted structures may be built into a bulkhead, but shall not extend waterward of a bulkhead.

35. Fill behind bulkheads shall be limited to an average of one (1) cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered a regulated activity subject to the policies and regulations in this SMP pertaining to fill activities and the requirement for obtaining a shoreline substantial development permit.

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D. Dredging and Disposal

1. Applicability

Although these activities may occur separately from one another, they are often all parts of the same shoreline modification process and are, therefore, considered together in the following policies and regulations.

Dredging is the removal or displacement of earth or sediments such as gravel, sand, mud or silt and/or other materials or debris from any stream, or lake and associated shorelines, side channels, and wetlands. In a lake setting, dredging is normally done for specific purposes or uses such as deepening a navigational channel or obtaining bottom material. Excavations on beaches below the OHWM in lands covered by water constitutes dredging.

Dredge material is disposed of on land or into water bodies and may be intended for the purpose of creating new or additional lands for other uses. Dredge spoil varies from clean river sand to organic sludge. While some of this material is deposited on land, a significant portion is dumped, intentionally or unintentionally, back into the water or immediately adjacent to the water.

Of all activities on shorelines, dredging poses one of the greatest threats to water quality and aquatic life. In most cases, dredging occurs in shallow areas and may disturb the aquatic environment in the following ways: (1) temporary reduction of water clarity from suspended sediments, (2) loss of aquatic plants and animals by direct removal or from the sedimentation of suspended materials, (3) alteration of the nutrient and oxygen levels of the water column, and (4) suspension of toxic materials from the sediments into the water column.

2. Dredging Policies and Regulations

a) **Policies**

1. When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.
2. In all cases, dredging operations should be planned and conducted to protect and maintain existing aquatic habitat and other shoreline uses, properties, and values. Proposals that include dredging should provide mitigation to achieve no net loss of shoreline ecological functions.
3. Dredging waterward of the ordinary high water mark for the primary purpose of obtaining fill should not be allowed, except as part of a restoration or environmental cleanup project.
4. The City may impose limitations on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

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b) Regulations

1. Dredging and disposal of dredge material shall avoid, and minimize significant ecological impact; impacts that cannot be avoided shall be mitigated to achieve no net loss of ecological processes and functions.
2. All dredging and dredge disposal shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
3. New development siting and design shall avoid the need for new and maintenance dredging.
4. Dredging may be permitted as a conditional use activity only:
    a. When necessary to support a water-dependent use;
    b. For expansion or alteration of public utility facilities;
    c. As part of mitigation actions, environmental restoration and habitat enhancement projects;
    d. When technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired;
    e. When other solutions would result in greater environmental impact;
    f. As part of an approved habitat improvement project;
    g. If it improves water quality; and
    h. When applicable permits of other local, state and federal agencies have been obtained.
5. Maintenance dredging associated with a water dependent use shall be restricted to maintaining the previously dredged and/or existing authorized location, depth and width.
6. Dredging for the primary purpose of obtaining fill or construction material is prohibited, except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. When dredging is allowed for fill materials, placement of fill must be waterward of the OHWM.
7. Proposals for dredging and dredge disposal shall include details on all feasible mitigation measures to protect aquatic habitats. Dredging and dredge disposal shall not create a net loss of shoreline ecological functions.
8. Dredging material which will not subsequently cause violation of State Water Quality Standards may be used in permitted landfill projects.

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9. Dredging operations shall be designed and scheduled to avoid impacts to fish, including impacts to fish rearing, feeding and spawning.
10. Depositing dredge materials in water areas shall be prohibited except where it is being used as part of a comprehensive ecological restoration project.
11. Dredging shall utilize techniques (such as hydraulic dredging instead of agitation dredging) that cause minimal dispersal and broadcast of bottom material.
12. Limitations may be imposed on dredging activities, such as limited operating hours, time periods, and requirements for buffer strips at the site.

E. Fill

1. Applicability

Fill is the placement of soil, sand, rock, gravel, sediment, earth retaining structure or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fill is usually considered in locations where the water is shallow and where rooted vegetation often occurs. In their natural condition, these same areas provide valuable habitat for fish and wildlife feeding, breeding, and shelter. Biologically, the shallow vegetation areas tend to be highly productive portions of the lake. For these reasons, governmental agencies and scientific experts have generally sought to prohibit or restrict placement of fill in these areas.

The policies contained herein are intended to focus on the aspects of natural systems affected by dredging and the disposal of dredge material, man-made fill, cuts, excavations and site grading actions, while at the same time recognizing the community's needs.

Fill occurring on dry land landward of the OHWM which does not exceed a cost of five thousand seven hundred eighteen **(5,718) dollars or 250 cubic yards of material** (per WAC 173-27-040, may be adjusted annually by the State of Washington for inflation), does not require a shoreline substantial development permit, as noted elsewhere in this Master Program. This development, however, must comply with all other applicable policies and regulations as defined in this Master Program.

2. Fill Policies and Regulations

a) **Policies**

1. Shoreline fill should only be permitted as a conditional use in all shoreline environments.

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2. Fills waterward of the OHWM should be restricted to the minimum necessary to support water-dependent uses, public access, cleanup and disposal of contaminated sediments as part of an interagency clean-up plan, disposal of dredged sediments in accordance with DNR rules, expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, and for mitigation actions, environmental restoration, beach nourishment and enhancement projects, and only when other solutions would result in greater environmental impact.

3. Shoreline fills should be designed and located so that there will be no significant damage to existing ecological systems or natural resources, and no alteration of local currents, surface and subsurface drainage, or flood waters which would result in hazard to adjacent life, property, or natural resource systems.

4. Where permitted, fill coverage should be the minimum necessary to provide for the proposed use.

5. Fills should be permitted only when tied to a specific development proposal that is permitted by the master program.

6. In evaluating fill projects, factors such as current and potential public use of the shoreline and water surface area, water flow and drainage, water quality and habitat should be considered and protected to the maximum extent feasible. Further, the City should assess the overall value of the fill site in its present state versus the proposed shoreline use to be created to ensure consistency with the Shoreline Management Act and this Master Program.

7. The perimeter of fills should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill activities and over time. Natural appearing and self-sustaining control methods are preferred over structural methods.

8. Replenishing sand and gravel on public and private beaches should be allowed, if it can be demonstrated that the proposal will result in no net loss of ecological functions.

9. Sanitary landfills should not be located in shoreline jurisdiction.

b) Regulations

1. Fill proposals must demonstrate, at a minimum, that they will result in no net loss of shoreline ecological functions.

2. Fills waterward of the OHWM (not including small scale beach enhancement intended as soft shoreline stabilization) in all environments and landward of the OHWM in the Natural

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Environment shall require a conditional use permit and shall be restricted to the minimum necessary to:

a. Support allowed water-dependent uses,

b. Provide public access,

c. Allow for the remediation and disposal of contaminated sediments as part of an interagency clean-up plan,

d. Provide for the expansion or alteration of transportation facilities of statewide significance when no other alternatives are feasible, or

e. Accomplish mitigation actions, environmental restoration and enhancement projects, and only when other solutions would result in greater environmental impact.

3. Fills shall be designed, constructed, and maintained to prevent, minimize, and control all material movement, erosion, and sedimentation from the affected area.

4. All perimeters of fills shall be provided with vegetation, retaining walls, or other satisfactory mechanisms for erosion prevention and sediment capture.

5. Fill shall be permitted only where it is demonstrated that the proposed action will not:

   a. Result in significant damage to water quality, fish, aquatic habitat, and/or wildlife habitat; or

   b. Adversely alter natural drainage and circulation patterns, or significantly reduce flood water holding capabilities.

   c. The Washington Department of Fish and Wildlife shall be consulted regarding any project where fill is proposed below the OHWM.

6. Refuse disposal sites, solid waste disposal sites, or sanitary fills shall be prohibited within the shoreline jurisdiction.

7. Any placement or removal of materials landward of the OHWM shall comply with the provisions of Vegetation Conservation (Clearing and Grading) of this SMP.

8. All fill proposals shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.

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F. Overwater Structures and Launching Facilities

1. Applicability

Piers and docks are structures which abut the shoreline and are often used as a landing or moorage place for watercraft. Piers are built on fixed platforms supported by piles above the water, while docks float upon the water. Some piers may terminate in a float section that is connected by a ramp. Piers are the most common type of overwater structure on Lake Sawyer. Recreational floats are independent anchored off-shore platforms, used for water-dependent recreational activities such as swimming and diving. Mooring structures include moorage piles, buoys and boat lifts. Launching facilities include boat ramps and launching rails.

All of these types of facilities have positive and negative aspects. Floating docks generally have less of a visual impact than piers on pilings. However, in the nearshore, docks can interrupt littoral drift of sediments and other suspended materials, and significantly shade the aquatic environment throughout their length. Pile piers can provide diverse habitat for both desirable and undesirable aquatic life. Excavated moorage involves dredging and will disturb bottom sediments and aquatic life. Docks and piers alike create impediments to boat traffic and fish travel. Pier construction requires regulation to protect navigation, to protect shoreline aesthetics, and to maintain the useable water surface and aquatic lands for life forms characteristic and important to those areas.

2. Policies and Regulations

a) **Policies**

1. New piers and docks should be allowed only for public access and water-dependent uses.
2. New piers and docks should be restricted to the minimum size necessary and permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.
3. Piers and docks should be discouraged where conflicts with recreational boaters and other recreational water activities would be created by their construction.
4. The further proliferation of single-purpose, single-owner piers and docks should be discouraged. Preference should be given to joint- use structures in shoreline areas unless the applicant demonstrates why a joint-use structure is not feasible.
5. Substantial additions or alterations to overwater structures, including renovations where the cost of the development exceeds seventy-five (75) percent of the fair market value of the existing structure, should be in conformance with all policies and regulations set forth in this Master Program.

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6. Preference should be given to fixed-pile piers elevated above the OHWM. Floating docks should be allowed if the applicant can demonstrate why a fixed pile pier is not feasible or will result in greater impacts.
7. Recreational floats should be allowed where they are intended to support public or private recreational uses, or in lieu of fixed piers adjacent to residential land uses.
8. Mooring buoys should be encouraged as a low-impact moorage option.
9. New covered moorage should not be allowed.
10. Overwater structures, including piers, should only be authorized after consideration of:
    a. The effect such structures have on wildlife and aquatic life, water quality, scenic and aesthetic values, environmental sensitive resources, submerged lands, and submerged vegetation.
    b. The effect such structures have on water circulation, recreational boating, sediment movement and littoral drift and shoreline access.

11. Overwater structures and mooring buoys should be designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline.

12. Use of non-reflective materials in construction should be required.

13. The proposed size of the structure and intensity of use or uses of any overwater structure should be compatible with the surrounding environment and land and water uses.

14. Boat ramps for motorized vessels should be limited to one public ramp at Boat Launch Park and all future boat ramp improvements should be consistent with mitigation sequencing and result in no net loss of shoreline ecological functions.

15. Lighting facilities should be limited to the minimum extent necessary to locate the pier or dock at night.

16. Lighting on piers, docks and floats shall avoid light spill over onto the water surface.

b) Regulations

General

1. All new, reconstructed, repaired, or modified overwater structures must comply with all regulations contained in this SMP and all other regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
2. Mitigation shall be provided for all new, reconstructed, or modified overwater structures to ensure no net loss of ecological function.

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3. New piers and docks shall be allowed only for public access and water-dependent uses, which includes a structure associated with a single family residence provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the regulations contained in the this section.

4. Piers and docks may be permitted accessory to a development provided:

    a. The applicant has demonstrated to the satisfaction of the Shoreline Administrator that a shared or joint-use pier is not feasible.

    b. No more than one (1) pier/dock for each single-family residence or lot is permitted.

5. New piers and docks that are not accessory to single family residences shall be permitted only when intended for public use or when the applicant has demonstrated that a specific need exists to support the intended water-dependent use.

6. New residential development of more than two dwellings (e.g. short subdivision) shall provide a joint use or community moorage structure, rather than individual piers or docks.

7. Proposed overwater structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a variance.

8. Fixed pile piers elevated at least two (2) feet above the OHWM shall be preferred. Floating docks shall be allowed if floating elements are not located within the first thirty (30) feet of the shoreline measured waterward of the OHWM, unless the applicant can demonstrate why adherence to this restriction is not feasible and an alternative design would result in less ecological impact.

9. All float tubs shall be fully encapsulated and the decks shall be fully grated except for the float tubs, designed with a ramp section connecting to the upland and are prohibited from resting on the substrate. Floating docks are required to be designed to not ground during low water conditions.

10. All overwater structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe overwater structures shall be removed or repaired promptly by the owner.

11. Wooden components that will be in contact with water or over water shall not be treated or coated with herbicides, fungicides, paint, pentachloraphenol, arsenate, creosote, or similar toxic substances. Structures shall be made out of materials that have been approved by applicable state and federal agencies.

12. New Boat houses located over water or within the shoreline setback area are not permitted.

13. Covered moorage with a solid roof and structural elements is not permitted, however one boat canopy with a translucent covering and one boat lift per lot is permitted, except for joint use

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docks, where one boat lift and one canopy per ownership interest is permitted. Up to two lifts for personal watercraft shall also be permitted.

14. No portion of a deck of a pier shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than six (6) feet above the OHWM.
15. No residential dwelling unit may be constructed on an overwater structure.
16. No pier, moorage, float, or overwater structure or device shall be located closer than fifteen feet from the side property line extended, except that such structures may abut property lines for the common use of adjacent property owners when mutually agreed to by the property owners in a contract recorded with King County Records, a copy which must accompany an application for a building permit or a shoreline permit.
17. All pier and dock lengths shall be minimized to the maximum extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.
18. The length, width, and total area of moorage structures are provided in Table V below.
19. Table V: Dimensional Standards for Overwater Structures:

Standard	**Dock**	**Pier**
Height above OHWM[1]	N/A	2 ft.
Maximum Length[2]	The point at which 11 ft. of water depth is reached, not to exceed 60 ft. All measurements are based on the OHWM as determined in the field.	The point at which 11 ft. of water depth is reached, not to exceed 60 ft. All measurements are based on the OHWM as determined in the field.
Maximum Width[3]	4 ft. required within the first 30 feet from the OHWM, 6 feet required elsewhere.	4 ft. required within the first 30 feet from the OHWM, 6 feet required elsewhere.
Maximum Surface Area[4]	400 sq. ft. (single owner)	480 sq. ft. (single owner)

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	480 sq. ft. (joint-use) 600 sq. ft. (if public access provided)	600 sq. ft. (joint-use) 1000 sq. ft. (if public access provided)

1 No portion of a deck of a pier shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than six (6) feet above the water surface.

2 The proposed length must be the minimum necessary to support the intended use. The total dock length includes approach ramp and floating element(s). A report prepared by a qualified professional that includes verifiable survey information demonstrating the average water depth is required for all docks or piers over forty (40) feet in length. Existing public piers may be repaired or replaced to their previous length. Piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation.

3 Includes all walkways and additional fingers. The proposed width must be the minimum necessary to support the intended use. All pier and dock primary walkways or decks must incorporate materials and a design that allow adequate minimum of 50% of light to transmit through the material. Floats must have a minimum 2-foot strip of grating down the center that allows 50% of light to transmit through. The maximum width of a ramp connecting a pier to a float should be minimized to the maximum extent practical and shall also meet the light transmittal standard. An exception to the maximum width standard may be granted in order to meet the American's with Disabilities Act standards and considerations. A demonstration of need must be shown in order to allow this exception.

4 The proposed surface area of the overwater structure must be the minimum necessary to support the intended use. Maximum surface area includes all walkways, ramps, and additional fingers associated with the dock or pier, as well as any float associated with the property or properties (see additional standards for floats below). Joint-use docks and piers must be utilized by two or more residential property owners.

Recreational Floats

20. Recreational floats may be permitted, provided:

    A. One float per property is permitted.

    a. The area of a recreational float shall be minimized to the maximum extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction. No recreational float shall have more than one hundred and fifty (150) square feet when associated with a private recreation land use, and four hundred (400) when associated with a public recreational land use. The float area shall

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count toward the maximum allowed surface area for overwater structures in Section F.2.b.18 (Table 5) of this Chapter.

b. Distance waterward from the OHWM. Recreational floats must be in water with depths of 8 feet or more at the landward end of the float and may be located up to a maximum waterward distance of sixty (60) feet.

21. Recreational floats shall be designed and intended for swim use or other non-motorized use.

22. Recreational floats shall incorporate material that allows 40% of light to transmit through in a minimum 2 foot strip down the center.

23. Retrieval lines shall not float at or near the surface of the water.

24. Height. Recreational floats must be built so that the deck surface is one (1) foot above the water's surface and they must have reflectors for nighttime visibility.

25. All float tubs shall be fully encapsulated.

Boat Ramps

26. One boat ramp may be permitted for recreational uses at Boat Launch Park in the Urban Conservancy environment provided the applicant shall demonstrate that the proposed length of the ramp is the minimum necessary to safely launch the intended craft and comply with all regulations as stipulated by State and Federal agencies, local Tribes, or others that have jurisdiction.

27. In no case shall the ramp extend beyond the point where the water depth is six (6) feet below the OHWM, unless the City determines that a greater depth is needed for a public boat launch facility.

28. Public boat ramps and commercial boat ramps are regulated as Boating Facilities and must comply with all policies and regulations in Chapter 4 of this SMP.

29. Boat ramps shall be separated from swim areas by a minimum of twenty-five (25) feet.

30. Preferred boat ramp designs, in order of priority, are:

    a. Open grid designs with minimum coverage of lake substrates.

    b. Seasonal ramps that can be removed and stored upland.

    c. Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in shoreline profile.

31. All boat launches shall comply with all regulations as stipulated by state and federal agencies, affected tribes, or others with jurisdiction.

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Mooring Buoys

32. Moorage buoys installed for recreational purposes may be permitted provided they are consistent with this Program and can meet the following criteria:

    a. The installation and use of moorage buoys shall comply with all applicable state and federal laws, regulations, permits and approvals.

    b. One mooring buoy per lot is permitted.

    c. Mooring buoys shall be located, spaced and oriented to not pose a hazard or obstruction to navigation, fishing, pleasure boating, or swimming activity.

    d. Mooring buoys and the swing path of attached boats shall not encroach onto adjacent properties, or into the water-ward extension of lot lines of adjacent properties, and shall not impede the ability of other property owners to access their property.

    e. Mooring buoys shall be located to avoid sensitive aquatic and nearshore habitat areas and shall not result in the degradation of water quality or habitat areas.

    f. Mooring buoys shall not be used for residential purposes (living on the boat).

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Chapter 6 Administration

A. Purpose and Applicability

There is hereby established an administrative system designed to assign responsibilities for implementation of the Shoreline Master Program (SMP) and shoreline permit review, to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by this SMP are treated in a fair and equitable manner. All proposed shoreline uses and development, including those that do no require a shoreline permit, must conform to the Shoreline Management Act (SMA) and to the policies and regulations of this SMP. Where inconsistencies or conflicts with other sections of the Black Diamond Municipal Code occur, this section shall apply.

B. Program Administrator

1. The City's Community Development Director is hereby vested with:

    a. Overall responsibility for administering the Shoreline Management Act (SMA) and this Shoreline Master Program (SMP) as the Shoreline Administrator;
    b. Authority to approve, approve with conditions, or deny shoreline permit revisions in accordance with the policies and provisions of this SMP; and
    c. Authority to grant statements of exemption from shoreline substantial development permits in accordance with the policies and provisions of this SMP.

2. The duties and responsibilities of the Shoreline Administrator shall include:

    a. Preparing and using application forms deemed essential for the administration of this SMP.
    b. Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this SMP.
    c. Making administrative decisions and interpretations of the policies and regulations of this SMP and the SMA.
    d. Collecting applicable fees, as established in the City's fee schedule.
    e. Determining that all applications and necessary information and materials are provided.
    f. Conducting field inspections, as necessary,
    g. Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate applications needs.
    h. Determining if a shoreline substantial development permit, conditional use permit or variance permit is required.
    i. Providing copies of permit applications to all relevant staff and agencies for review and comment.

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j. Conducting a thorough review and analysis of shoreline exemption applications; reviewing other staff and agency comments; making written findings and conclusions; and approving, approving with conditions, or denying such exemptions.
k. Submitting shoreline substantial development permit shoreline variance and conditional use permit applications and written recommendations and findings on such permits to the City's Hearing Examiner for their consideration and action.
l. Submitting shoreline redesignation permit applications and written recommendations and findings on such permits to the Planning Commission for recommendation to the City Council.
m. Assuring that proper notice is given to appropriate persons and the public for all hearings.
n. Providing technical and administrative assistance to the City's Hearing Examiner, Planning Commission and City Council as required for effective and equitable implementation of this program and the Act.
o. Investigating, developing, and proposing amendments to this SMP as deemed necessary to more effectively and equitably achieve its goals and policies.
p. Enforcing and seeking remedies for alleged violations of this program, the provisions of the SMA and this SMP or of conditions of any approved shoreline permit issued by the City of Black Diamond. The Shoreline Administrator may delegate these enforcement duties to a designated representative.
q. Acting as the primary liaison between local and state agencies in the administration of the SMA and this SMP.
r. Forwarding shoreline permits to the Department of Ecology for filing or action.

C. Review Criteria for All Development

1. All proposed uses, activities and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, i.e. the Shoreline Management Act (SMA), its implementing rules and this master program, whether or not a permit is required.

2. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the SMA and the SMP.

3. No permit shall be issued for any new or expanded building or structure of more than thirty-two feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

4. A substantial development shall not be undertaken within the jurisdiction of the SMA unless a shoreline substantial development permit has been obtained and the appeal period has been

completed and any appeals have been resolved and/or the applicant has been given permission to proceed by the proper authority.

5. The City may attach conditions to the approval of permts as necessary to ensure consistency of the project with the SMA and this SMP.

D. Exemptions

1. The following guidelines are to be used in determining whether or not a development proposal is exempt from the substantial shoreline development permit.

    a. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.
    b. An exemption from the substantial development permit process is not an exemption from compliance with the Shoreline Management Act (SMA) or this Shoreline Master Program (SMP), nor from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this SMP and the SMA. A development or use that is listed as a conditional use pursuant to this SMP or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of this SMP, such development or use can only be authorized by approval of a variance.
    c. The burden of proof that a development or use is exempt from the permit process is on the applicant.
    d. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
    e. The City's Shoreline Administrator may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the SMA and this SMP.
2. The following list outlines twelve (12) exemptions that shall not be considered substantial developments for the purpose of this SMP:

    a. Any development of which the total cost or fair market value, whichever is higher, does not exceed five thousand seven hundred eighteen ($5,xxx) dollars, if such development does not materially interfere with the normal public use of the water or "shorelines of statewide significance." The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes

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in the consumer price index during that time period. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;

b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction.. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment;

c. Construction of a normal protective bulkhead common to single family residences. A "normal protective bulkhead" includes those structural and nonstructural developments installed at or near, and parallel to the ordinary high water mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one foot of wall may be used as backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineered erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington Department of Fish and Wildlife;

d. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the Act or this Master Program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to the Act and this Master Program, obtained. All emergency construction shall be consistent with the policies of the Act

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and this Master Program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

e. Construction by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-two (32) feet above average grade level and meets all requirements of the City of Black Diamond having jurisdiction thereof, other than requirements imposed pursuant to the Act. "Single-family residence" means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland. Normal appurtenances include a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. Construction authorized under this exemption shall be located landward of the ordinary high water mark and shall be subject to required setbacks.

f. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed ten thousand dollars ($10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars ($2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

g. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with the normal public use of the surface waters;

h. Any project with certification from the Governor pursuant to Chapter 80.50 RCW.

i. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

    i. The activity does not interfere with the normal public use of the surface waters;

    ii. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

    iii. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

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iv. A private entity seeking development authorization under this section, first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions.

j. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under chapter 43.21C RCW;

k. Watershed restoration projects as defined in WAC 173-27-040(o)(i). The Shoreline Administrator shall review the projects for consistency with the SMP in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects.

l. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the requirements of WAC 173-27-040(p) apply. No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria identified in WAC 173-27-040(p) and that are reviewed and approved according to the provisions of this section.

5. Whenever a development falls within the exemption criteria outlined above and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the City's Shoreline Administrator shall prepare a Statement of Exemption, and transmit a copy to the applicant and the Washington State Department of Ecology. Exempt development as defined herein shall not require a substantial development permit, but may require a conditional use permit, variance and/or a Statement of Exemption.

6. Before determining that a proposal is exempt, the City's Shoreline Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the SMP and the SMA.

E. Permit Process

1. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City.

2. Shoreline substantial development permits, shoreline variance permits and shoreline conditional use permits are a Type 3 application and shall be processed and subject to the applicable regulations of Chapter 18.08 BDMC, as amended.

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3. An applicant for a shoreline substantial development permit who wishes to request a variance and/or conditional use, shall submit the variance and/or conditional use application(s) and the substantial development permit application simultaneously.

4. Public notice. A notice of application shall be issued for all shoreline permit applications as provided for in Chapter 18.08 BDMC, as amended, excepting that the public comment period for the notice of application for a shoreline substantial development, conditional use or variance permit shall be not less than thirty (30) days, per WAC 173-27-110(2)(e).

5. Application review. The Administrator shall make decisions on shoreline exemptions, and recommendations on applications for conditional use and variance permits based upon: (1) the policies and procedures of the SMA and related sections of the Washington Administrative Code; and (2) this SMP.

6. Hearing Examiner action. The Hearing Examiner shall review an application for a shoreline substantial development permit, shoreline variance and shoreline conditional use permit and make decisions based upon: (1) this SMP; (2) the policies and procedures of the SMA and related sections of the Washington Administrative Code; (3) written and oral comments from interested persons; (4) reports from the Shoreline Administrator; and (5) Chapters2.30 and 18.08 BDMC, as amended.

7. Filing with Department of Ecology. All applications for a permit or permit revision shall be submitted to the Department of Ecology, as required by WAC 173-27-130 or as subsequently amended. After City approval of a Conditional Use or variance permit, the City shall submit the permit to the Department of Ecology for the Department's approval, approval with conditions, or denial, as provided in WAC 173-27-200. The Department shall transmit its final decision to the City and the applicant within thirty (30) calendar days of the date of submittal by the City.

8. Hold on Construction. Each permit issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with the Department of Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the City's final decision on substantial development permits differs from date of filing for a Conditional Use permit or variance. In the case of a substantial development permit, the date of filing is the date the City transmits its decision on the permit to the Department of Ecology. In the case of a variance or Conditional Use permit, the "date of filing" means the date the Department of Ecology's final order on the permit is transmitted to the City.

9. Duration of permits. Construction, or the use or activity, shall commence within two (2) years after approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Administrator may authorize a single

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extension before the end of either of these time periods, with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.

10. Compliance with permit conditions. When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity. All uses and developments occurring within shoreline jurisdiction shall be compliant with 90.58 RCW.

F. Substantial Development Permits

1. A substantial development permit shall be granted only when the development proposed is consistent with:
    a. The policies and procedures of the SMA;
    b. Applicable state regulations; and
    c. The provisions of this SMP.
2. Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

G. Variances

1. Purpose. The purpose of a variance is strictly limited to granting relief to specific bulk dimensional, or performance standards set forth in the SMP, and where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. These provisions should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner. Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
2. Criteria for Granting Variances
    a. Variances for development that will be located landward of the ordinary high water mark and landward of any wetland may be authorized provided the applicant can demonstrate consistency with the following variance criteria as listed in WAC 173-27-170:
        i. That the strict application of the bulk, dimensional, or performance standards set forth in the Master Program precludes, or significantly interferes with, reasonable use of the property.

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ii. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP and not, for example, from deed restrictions or the applicant's own actions.

iii. That the design of the project is compatible with other permitted activities within the area and with uses planned for the area under the Comprehensive Plan and SMP and will not cause adverse impacts to the shoreline environment.

iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

v. That the variance requested is the minimum necessary to afford relief.

vi. That the public interest will suffer no substantial detrimental effect.

b. Variances for a development and/or uses that will be located waterward of the ordinary high water mark or within any wetland may be authorized provided the applicant can demonstrate all of the following:

i. That the strict application of the bulk, dimensional, or performance standards set forth in the SMP precludes all reasonable use of the property.

ii. That the proposal is consistent with the criteria established under subsection (2)(a) through (d) of this section.

iii. That the public rights of navigation and use of the shorelines will not be adversely affected.

c. In the granting of all variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist, the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

d. Variances from the use regulations in Chapter 4, Table I of the SMP are prohibited.

H. Conditional Uses

1. Purpose. The purpose of a conditional use permit is to provide a system within the SMP which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City of Black Diamond or the Department of Ecology to prevent undesirable effects of the proposed

use and/or to assure consistency of the project with the SMA and the SMP. Uses that are specifically prohibited by this SMP may not be authorized with the approval of a conditional use permit.

2. Criteria for Granting Shoreline Conditional Use Permits. Uses which are classified or set forth as conditional uses in the SMP may be authorized, provided the applicant demonstrate all of the following conditional use criteria as listed in WAC 173-27-160:

   a. That the proposed use is consistent with the policies of RCW 90.58.020 and the SMP;

   b. That the proposed use will not interfere with the normal public use of public shorelines;

   c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and this SMP;

   d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and

   e. That the public interest suffers no substantial detrimental effect.

3. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

4. Other uses which are not classified or set forth in this SMP may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the SMP.

5. Uses which are specifically prohibited by the SMP may not be authorized.

I. Time Requirements of Permit

1. The time requirements of this section shall apply to all shoreline substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized by this chapter. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this SMP and this chapter, the City may adopt different time limits from those set forth in section as a part of action on a substantial development permit.

2. Notwithstanding any other provision of the Black Diamond Municipal Code, construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. However, the

Shoreline Administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the department.

3. Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. However, local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the department.

4. The effective date of a substantial development permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in RCW 90.58.140 subsections (B) and (C) do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

5. Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired. Provided, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.

6. The City shall notify the department of Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by RCW 90.58.143 as amended shall require a new permit application

J. Nonconforming Use and Development Standards

1. Applicability

"Nonconforming use or development" means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or this Master Program, or amendments thereto, but which does not conform to present regulations or standards of this Master Program. Standards for nonconforming use or development in the shoreline area are provided below. In the event of a conflict between the standards below and the standards contained in BDMC Chapter 18.68 or any other standard in the BDMC, the requirement that most supports the provisions of the Shoreline Management Act as stated in RCW 90.58.020 shall apply, as determined by the City.

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2. Nonconforming Structures

a. Structures that were legally established and are used for a conforming use, but which are nonconforming with regard to setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of nonconformity by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses. Modification, reconstruction or addition to a nonconforming structure, including increasing the height of a structure to the maximum allowed by zoning regulations, shall be permitted, provided it does not increase the building footprint lying within the required setback area.

b. If a nonconforming structure, waterward of the OHWM, is intentionally modified and the cost of the proposed structure exceeds seventy-five (75) percent of the fair market value of the replacement cost of the original structure, it shall be required to meet all applicable standards in the SMP.

c. If a nonconforming structure is damaged by fire, explosion, or other casualty and/or natural disaster, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, provided that application is made for the permits necessary to restore the structure within twenty-four months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.

d. If a nonconforming structure is damaged by fire, explosion, or other casualty and/or natural disaster and the criteria in item c, are not met, the owner shall be required to revegetate the lot.

e. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

f. A nonconforming structure which is moved any distance must be brought into conformance with the Master Program and the Act.

3. Nonconforming Use

a. Uses that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as legal nonconforming uses.

b. A use which is listed as a conditional use, but which existed prior to adoption of the Master Program or any relevant amendment and for which a conditional use permit has not been obtained, shall be considered a nonconforming use.

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c. A nonconforming use may be expanded or extended throughout the structure occupied by the original nonconforming use. The structure's usable floor area may only be increased pursuant to granting of a conditional use permit.

d. A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:

   i. No reasonable alternative conforming use is practical; and

   ii. The proposed use will be at least as consistent with the policies and provisions of the act and the master program and as compatible with the uses in the area as the preexisting use.

   iii. In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

e. A nonconforming use may be re-established as a nonconformance, except that any nonconforming use that is discontinued for a period of one (1) year shall not be allowed to continue as the nonconforming use.

4. Nonconforming Lots

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 (Nonconforming Lots of Record) and so long as such development conforms to all other requirements of the SMP and the SMA.

K. Appeal to the State Shoreline Hearings Board

Any person aggrieved by the granting or denying of a shoreline substantial development permit, variance, or conditional use permit, the upholding of an exemption appeal, or by the rescinding of a permit pursuant to the provisions of this Master Program, may seek review from the State of Washington Shorelines Hearing Board by filing a request for the same within twenty-one (21) days of receipt of the final order and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office. State Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC. A copy of such appeal notice shall also be filed with the City of Black Diamond City Clerk.

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L. Enforcement and Penalties

All provisions of this Master Program shall be enforced by the Shoreline Administrator and/or his designated representative. The enforcement procedures and penalties contained in WAC Chapter 173-27 and RCW Chapter 90.58 are hereby incorporated by reference.

M. Master Program Review

1. This Master Program shall be reviewed at regular intervals as required by state statute and amendments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.
2. The City's established permit tracking system, aerial photos, reviewing of other available data, and field observations as feasible shall be used to periodically evaluate the effectiveness of the Shoreline Master Program in achieving no net loss of shoreline ecological functions with respect to both permitting and exemptions.
3. As part of any required SMP update, an evaluation report assessing the effectiveness of the SMP in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.
4. The SMP review and update process shall be consistent with the requirements of WAC 173-26 or its successor and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

N. Amendments to the Master Program

1. Any of the provisions of this SMP may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Any amendments shall also be subject to the procedures in BDMC 18.08.

2. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Department of Ecology.

O. Severability

If any provisions of this SMP, or its application to any person or legal entity or parcel of land or circumstances, are held invalid, the remainder of the SMP, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

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P. Conflict of Provisions

Should a conflict occur between the provisions of this SMP or between this SMP and the laws, regulations, codes or rules promulgated by any other authority having jurisdiction within the City, the most restrictive requirement shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this SMP.

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Chapter 7 Definitions

Accessory use or accessory structure - Any subordinate use, structure, or building or portion of a building located on the same lot as the main use or building.

Accretion - The growth of a beach by the addition of material transported by wind and/or water. Included are such shoreforms as barrier beaches, points, spits, and hooks.

Act - The Shoreline Management Act (Chapter 90.58 RCW and WAC Chapter 173-27).

Adjacent lands - Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator - See Shoreline Administrator.

Agriculture - The cultivation of the soil, production of crops, and/or raising of livestock, including incidental preparation of these products for human use. In all cases, the use of agriculture related terms shall be consistent with the specific meanings provided in WAC 173-26-020.

AKART - An acronym for "all known, available, and reasonable methods of prevention, control, and treatment" (WAC 173-201A-020). AKART represents the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.

Anadromous fish - Species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to procreate.

Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. These can include, but are not limited to a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield, and grading which does not exceed two hundred fifty cubic yards (250) (except to construct a conventional drainfield) and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark) (see WAC 173-27-040(2)(g)).

Aquaculture - The commercial cultivation of fish, shellfish, and/or other aquatic animals or plants including the incidental preparation of these products for human use.

Aquascreens - A fiberglass screen used as a bottom barrier to limit and/or control aquatic plant growth. The screen is typically anchored to an area of the lake bottom and functions as a physical barrier to prevent plants from growing.

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Archaeological - Having to do with the scientific study of material remains of past human life and activities.

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Associated Wetlands - Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-27-030(1).

Average grade level - The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; provided that in case of structures to be built over water, average grade level shall be the elevation of ordinary high water. Calculation of the average grade level shall be made by averaging the elevations at the center of all exterior walls of the proposed building or structure (WAC 173-27-030(3)).

Baseline - The existing shoreline condition, in terms of both ecological function and shoreline use, established at the time this Shoreline Master Program is approved.

Best available science - Current scientific information used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined by WAC 365-195-900 through 925.

BMPs - See Best Management Practices.

Beach - The zone of unconsolidated material that is moved by waves, wind and tidal currents, extending landward to the coastline.

Beach enhancement/restoration - Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

Beach feeding - Landfill deposited on land or in the water to be distributed by natural water processes for the purpose of supplementing beach material.

Benthic organism - Organisms that live in or on the bottom of a body of water.

Benthos - Benthos are living organisms associated with the bottom layer of aquatic systems, at the interface of the sediment (or substrate) and overlying water column. Benthos commonly refers to an assemblage of insects, worms, algae, plants and bacteria.

Berm - A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot.

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Best Management Practices (BMPs) - A variety of behavioral, procedural, and structural measures that reduce the amount of contaminants in stormwater runoff and in receiving waters.

Bioengineering - see Soil bioengineering

Biofiltration system - A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, these systems are designed to include grassy swales, retention ponds and other vegetative features.

Biota - The animals and plants that live in a particular location or region.

Boat launch or ramp - Graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

Boat lift - A mechanical device that can hoist vessels out of the water for storage. These devices are usually located along a pier.

Boat rail or railway - A set of steel rails running from the upland area into the water upon which a cart or dolly can carry a boat to be launched.

Boathouse - A structure designed for storage of vessels located over water (not to be confused with "houseboats").

Boating Facility – A public moorage structure or a private moorage structure serving more than four residences.

Bog - A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

Breakwater - An off-shore structure generally built parallel to the shore that may or may not be connected to land. Its primary purpose is to protect a harbor, moorage, or navigational activity from wave and wind action by creating a still-water area along the shore. A secondary purpose is to protect the shoreline from wave-caused erosion.

Bulkhead - A vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

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CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act ("Superfund"); 1986 amendments are known as Superfund Amendments and Reauthorization Act or SARA.

CFR - Code of Federal Regulations.

CZMP - Coastal Zone Management Plan.

Certified engineer/biologist - see Professional engineer and Professional biologist.

Clean Water Act - The primary federal law providing water pollution prevention and control; previously known as the Federal Water Pollution Control Act. See 33 USC 1251 et seq.

City - The City of Black Diamond.

Clearing - The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

Commercial - Uses and facilities that are involved in wholesale or retail trade or business activities.

Comprehensive Plan - The document, including maps adopted by the city council that outlines the City's goals and policies relating to management of growth, and prepared in accordance with RCW 36.70A. The term also includes adopted subarea plans prepared in accordance with RCW 36.70A.

Conditional Use - A use, development, or substantial development that is classified as a conditional use or is not classified within the master program. Refer to WAC 173-27-030(4).

Conservation Easement - A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

Covered moorage - Boat moorage, with or without walls, that has a roof to protect the vessel.

Cumulative Impact - The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

DNS - Determination of Nonsignificance, under SEPA.

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Degrade - To scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

Department – The City of Black Diamond Department of Community Development.

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d)).

Dock - A floating moorage structure.

Downdrift - The direction of movement of beach materials.

Dredge spoil - The material removed by dredging. Same as Dredge Material.

Dredging - Excavation or displacement of the bottom or shoreline of a water body. Dredging can be accomplished with mechanical or hydraulic machines. Most dredging is done to maintain channel depths or berths for navigational purposes or for cleanup of polluted sediments.

Dwelling unit – a single unit providing complete, independent living facilities for one or more persons, not to exceed one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

EIS - Environmental Impact Statement.

Ecological Functions - The work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Ecosystem-wide Processes - The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Ecology (WDOE) - The Washington State Department of Ecology.

Ell – Terminal section of a pier which typically extends perpendicular to the pier walkway. These sections can be either on fixed-piles or floating docks and are typically wider than the pier walkway.

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Emergency - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property from the elements (RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).

Endangered Species Act (ESA) - A federal law intended to protect any fish or wildlife species that are threatened with extinction throughout all or a significant portion of its range.

Enhancement - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

Environmental Impacts - The effects or consequences of actions on the natural and built environments. Environmental impacts include effects upon the elements of the environment listed in the State Environmental Policy Act (SEPA). Refer to WAC 197-11-600 and WAC 197-11-444.

Environment- See Shoreline Environment.

Erosion - The wearing away of land by the action of natural forces.

Excavated moorage slip - A boat mooring location that is man-made in that it requires dredging or excavation of excess sediment to afford access. May often involve dredging of the lake bottom waterward of the OHWM, or may include excavating a segment of the existing shoreline to enable moorage of a boat.

Excavation - The artificial movement of earth materials.

Fair market value - The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. Also includes the fair market value of any donated, contributed or found labor, equipment or materials (WAC 173-27-030(8)).

Fill – The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Finger Pier – A narrow extension to a fixed-pile pier, usually extending perpendicular to the pier walkway along with an ell to form an enclosed area for boat moorage.

Float - A floating structure that is moored, anchored, or otherwise secured in the water offshore and that may be associated with a fixed-pile pier, or a stand-alone structure, such as platforms used for swimming and diving.

Floating Dock - A fixed structure floating upon a water body for the majority of its length and connected to shore.

Floating home - A structure designed and operated substantially as a permanently based over water residence. These are not vessels and lack adequate self-propulsion and steering equipment to operate as a vessel. They are typically served by permanent utilities and semi-permanent anchorage/moorage facilities.

Floodplain - Synonymous with 100-year floodplain. The land area susceptible to being inundated by stream derived waters with a 1 percent chance of being equaled or exceeded in any given year. The limits of this area are based on flood regulation ordinance maps or a reasonable method that meets the objectives of the SMA (WAC 173-22-030(2)).

Floodway - means the area, as identified in a master program, that either: (i) has been established in Federal Emergency Management Agency (FEMA) flood insurance rate maps or floodway maps; or (ii) consists of those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Geotechnical Report or Geotechnical Analysis - a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified

professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

Grading - The physical manipulation of the earth's surface and/or drainage pattern in preparation for an intended use or activity.

Grassy swale - A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Groin - A barrier-type structure extending from, and usually perpendicular to, the backshore into a water body. Its purpose is to protect a shoreline and adjacent upland by influencing the movement of water and/or deposition of materials. This is accomplished by building or preserving an accretion beach on its updrift side by trapping littoral drift. A groin is relatively narrow in width but varies greatly in length. A groin is sometimes built in a series as a system and may be permeable or impermeable, high or low, and fixed or adjustable.

Hydraulic Project Approval (HPA) - The permit issued by the Washington State Departments of Fisheries or Wildlife pursuant to the State Hydraulic Code Chapter 75.20.100-140 RCW.

Habitat - The place or type of site where a plant or animal naturally or normally lives and grows.

Hearing Examiner - The Hearing Examiner of the City of Black Diamond.

Height - The distance measured from the average grade level to the highest point of a structure: provided, that television antennas, chimneys and similar appurtenances shall not be used in calculating height, except where it obstructs the view of a substantial number of residences on areas adjoining such shorelines: provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030(9)).

Heliport - Any landing area or other facility owned and operated, and which is designed, used or intended to be used by private aircraft for landing or taking off of aircraft, including all associated or necessary buildings and open spaces.

Hoist – A device used for lifting or lowering a load by means of a drum or lift-wheel around which rope or chain wraps. It may be manually operated, electrically or pneumatically driven and may use chain, fiber or wire rope as its lifting medium.

Houseboat - A vessel, principally used as an over water residence. These are licensed and designed for use as a mobile structure with detachable utilities or facilities, anchoring and the presence of adequate self-

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propulsion and steering equipment to operate as a vessel. Principal use as an overwater residence means occupancy in a single location, for a period exceeding two months in any one calendar year. This definition includes liveaboard vessels.

Hydric soils - Generally, soils which are, or have had a history of being, wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants (WAC 173-22-030(5)).

Hydrophytes - Those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (WAC 173-22- 030(5)).

Impervious surface - Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas, but excluding landscaping and surface water retention/detention facilities.

In-kind replacement - To replace wetlands, habitat, biota or other organisms with substitute flora or fauna whose characteristics closely match those destroyed, displaced or degraded by an activity.

Interested party - Synonymous with "party of record", all persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail (WAC 173-27-030(12)).

Lacustrine (also lacustrian) - Of, on, or pertaining to lakes.

Lake - A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream (RCW 90.58.030(1d); WAC 173-20-030; WAC 173-22-030(4)).

Landfill - The creation of, or addition to, a dry upland area (landward of the OHWM) by the addition of rock, soil, gravels and earth or other material. Does not include solid or hazardous waste.

Landscaping - Vegetation ground cover including shrubs, trees, flower beds, grass and other similar plants and including tree bark and other materials which aid vegetative growth and maintenance.

Launching rail - See also Boat launch or ramp and Boat railway.

Launching ramp - See also Boat launch or ramp and Boat railway.

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Liberal construction - A legal concept instructing parties interpreting a statute to give an expansive meaning to terms and provisions within the statute. The goal of liberal construction is to give full effect in implementing a statute's requirements. See RCW 90.58.900.

Littoral - Living on, or occurring on, the shore.

Littoral drift - The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

May - "May" means the action is acceptable, provided it conforms to the provisions of this chapter.

Mitigation or Mitigation Sequencing - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal. See WAC 197-11-768 and WAC 173-26-020 (30). Means the following sequence of steps listed in order of priority:

a) Avoiding the impact all together by not taking a certain action or parts of an action;

b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

d) Reducing or eliminating the impact over time by preservation and maintenance operations;

e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage - Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessel (such as a pier or buoy).

Moorage Piles - Structural members that are driven into the lake bed to serve as a stationary moorage point. They are typically used for moorage of small boats in lieu of, a dock or pier. In some cases, moorage piles may also be associated with a dock or pier.

Mooring buoy - A floating object anchored to the bottom of a water body that provides tie up capabilities for vessels.

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Multifamily dwelling (or residence) - A building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.

Must - Means a mandate; the action is required.

National Environmental Policy Act (NEPA) - Requires federal agencies to consider environmental factors when making decisions, especially for development proposals of a significant scale. As part of the NEPA process, EISs are prepared and public comment is solicited.

Native plants - These are plants that occur naturally, and distribute and reproduce without aid. Native plants in western Washington are those that existed prior to intensive settlement that began in the 1850s.

Natural riparian habitat corridor - The streamside environment designed and maintained primarily for fisheries and wildlife habitat, water quality improvements and secondarily for flood control works.

NFIP - National Flood Insurance Program.

NOAA - National Oceanic and Atmospheric Administration.

Nonconforming use or development - A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the applicable shoreline provisions (WAC 173-27-080).

Normal maintenance - Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition (WAC 173-27-040(2b))). See also Normal repair.

Normal protective bulkhead - *Includes* those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land (WAC 173-27-040(2)(c)).

Normal repair - To restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the shoreline resource or environment (WAC 173-27-040(2b)). See also Normal maintenance.

Ordinary High Water Mark (OHWM) - That mark found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may

change thereafter in accordance with permits issued by the City: provided, that in any area where the OHWM cannot be found, the OHWM adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(11).

Off-site replacement - To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

Oil separator - Specialized catch basins that are designed to trap oil and other materials lighter than water in the basin while allowing the water to escape through the drainage system. Commonly employed in parking lots and streets.

On-site replacement - To replace wetlands or other shoreline environmental resources at or adjacent to the site on which a resource has been impacted by a regulated activity.

Overwater structure - Any device or structure projecting over the ordinary high water mark, including, but not limited to piers, docks, floats, and moorage.

Permit (or Shoreline Permit) - See Shoreline Permit.

Pier - A fixed, pile-supported moorage structure.

Practicable alternative - An alternative available and capable of being carried out after taking into consideration short and long-term cost, options of project scale and phasing, existing technology and logistics in light of overall project purposes.

Priority Habitat - A habitat type with unique or significant value to one or more species. An area classified and mapped as such must have one or more of the following attributes:

h. Comparatively high fish or wildlife density;

i. Comparatively high fish or wildlife species diversity;

j. Fish spawning habitat;

k. Important wildlife habitat;

l. Important fish or wildlife seasonal range;

m. Important fish or wildlife movement corridor;

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n. Rearing and foraging habitat;

o. Important marine mammal haul-out;

p. Refugia habitat;

q. Limited availability;

r. High vulnerability to habitat alteration;

s. Unique or dependent species; or

t. Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands). May also be described by a successional stage (such as, old growth forests). Alternatively, a may consist of a specific habitat element (such as caves or snags) of key value to fish and wildlife. May contain priority and/or non-priority fish and wildlife.

Priority Species - Species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(a) Criterion 1. State-listed or state proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (WAC 232-12-014), threatened (WAC 232-12-011), or sensitive (WAC 232-12-011). State proposed species are those fish and wildlife species that will be reviewed by the department of fish and wildlife (POL-M-6001) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in WAC 232-12-297.

(b) Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(c) Criterion 3. Species of recreational, commercial, and/or tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(d) Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

Professional biologist - A specialist with education and training in the area of natural sciences concerned with the plants and animal life of a region.

Professional engineer - A person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering and is licensed by the state of Washington.

Properly Functioning Conditions (PFC) - Conditions that create and sustain natural habitat-affecting processes over the full range of environmental variation, and that support productivity at a viable population level of PTE species. PFC indicates a level of performance for a subset of the more broadly defined "ecological functions," reflecting what is necessary for the recovery of PTE species.

Proposed, Threatened, and Endangered (PTE) Species - Native species that are proposed to be listed or are listed in rule by the Washington State Department of Fish and Wildlife as threatened or endangered, or that are proposed to be listed as threatened or endangered or that are listed as threatened or endangered under the federal Endangered Species Act.

Public access - The ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Refer to WAC 173-26-221(4).

Public interest - The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030(14)).

Public use - Means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis. Refer to WAC 332-30-106.

RCW - Revised Code of Washington.

RCW 90.58 - The Shoreline Management Act of 1971.

Recreational facilities - Facilities such as parks, trails, and pathways, whether public, private or commercial, that provide a means for relaxation, play, or amusement. For the purposes of this Master Program, recreational facilities are divided into two categories:

1. Water-dependent (i.e. – moorage facilities, fishing piers, recreational floats) and

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2. Non-water-dependent (i.e. – sports fields, golf courses, and RV camping)

Recreational Float - A floating structure that is moored, anchored, or otherwise secured in the water off-shore and that is generally used for recreational purposes such as swimming.

Residential development - Development which is primarily devoted to or designed for use as a dwelling(s). Includes single family development, multi-family development and the creation of new residential lost through land division.

Restoration - "Restore," "restoration" or "ecological restoration" means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Riparian - Of, on, or pertaining to the banks of a river, stream or lake.

Riprap - A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Rotovating - An aquatic vegetation harvesting technique that uses rototilling technology to uproot and remove plants.

Runoff - Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Shoreline Exemption - Certain specific developments are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit (WAC 173-27-040). For a complete list of exemptions, see Chapter 6.

Sensitive Areas Ordinance, Black Diamond Municipal code 19.10 - This ordinance provides the goals, policies, and implementing regulations for protecting the designated critical areas of Black Diamond. The ordinance addresses environmentally sensitive area development controls; measures important for

protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to critical areas; and serves to alert the public to the development limitations of critical areas.

SEPA - see State Environmental Policy Act

SEPA Checklist - A checklist required of some projects under SEPA to identify the probable significant adverse impacts on the quality of the environment, to reduce or avoid impacts from a proposal, and to aid the responsible governmental agency in deciding whether a full environmental impact statement (EIS) is required (WAC 197-11-960).

SMA - see Shoreline Management Act

SMP - see Shoreline Master Program

Sediment - The fine grained material deposited by water or wind.

Setback - A required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark.

Shall - Means a mandate; the action must be done.

Shorelands or Shoreland Areas - Those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the Shoreline Management Act. In the City of Black Diamond it is limited to those areas within 200 feet of the ordinary high water mark of Lake Sawyer and any associated wetlands.

Shoreline Administrator - The City of Black Diamond Community Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

Shoreline environment designations - The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. See WAC 173-26-211.

Shoreline jurisdiction - The term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. In the City of Black Diamond, this includes Lake Sawyer, those areas within 200 feet of the ordinary high water mark of Lake Sawyer and any associated wetlands. See definitions of Shorelines, Shorelines of the state, Shorelines of statewide significance, Shorelands, and Wetlands.

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Shoreline Management Act (SMA) - Chapter 90.58 RCW, as amended. Washington's Shoreline Management Act was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

Shoreline Master Program (SMP) - The comprehensive use plan and related use regulations which are used by local governments to administer and enforce the permit system for shoreline management. Master programs are developed in accordance with the policies of the SMA, approved and adopted by both the state and the local government, and consistent with the rules (WACs) adopted by Ecology.

Shoreline Modification - Actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline Permit - A substantial development, conditional use, revision, or variance permit or any combination thereof (WAC 173-27-030(13)).

Shoreline stabilization – Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural measures such as bulkheads and nonstructural methods such as soil bioengineering.

Shorelines - All of the water areas of the state, including reservoirs and their associated uplands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(d).

Shorelines Hearings Board - A state-level quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government. See RCW 90.58.170; 90.58.180.

Shorelines of Statewide Significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special preservationist policies apply and where greater planning authority is granted by the SMA. Permit review must acknowledge the use priorities for these areas established by the SMA. See RCW 90.58.020.

Shorelines of the State - Shorelines and Shorelines of Statewide Significance.

Should - Means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this Master Program, against taking the action.

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Sign - A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

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.

Single-family residence - A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-27-040(2g)).

Solid waste - All garbage, rubbish trash, refuse, debris, scrap, waste materials and discarded materials of all types, exclusive of hazardous wastes, and including any and all source-separated recyclable materials and yard waste.

Soil bioengineering - An applied science that combines structure, biological and ecological concepts to construct living structures that stabilizes the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

State Environmental Policy Act (SPA) - Requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

Stream - A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second (cfs) and b) the water is contained within a channel (WAC 173-22-030(8)).

Structure - A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels (WAC 173-27-030(15)).

Substantial Development - Any development of which the total cost or fair market value exceeds five thousand seven hundred and eighteen dollars ($5,xxx), or any development which materially interferes with the normal public use of the water or shorelines of the state unless it is one of the 12 exemptions identified in state law and in Chapter 6, Section D of this SMP. The dollar threshold established in this definition must be adjusted for inflation by the office of financial management every five years, beginning

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July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the *Washington State Register* at least one month before the new dollar threshold is to take effect (RCW 90.58.030(3)(e)). For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030 (2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials. A list of activities and developments that shall not be considered substantial development is provided in Chapter 8 (WAC 173-27-040(2)(a)).

Terrestrial - Of or relating to land as distinct from air or water.

Upland - Generally described as the dry land area above and landward of the ordinary high water mark.

Utilities - Services and facilities that produce, transmit, store, process or dispose of electric power, gas, water, stormwater, sewage and communications.

Utilities, Accessory - Utilities comprised of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and stormwater service lines.

Utilities, Primary – Utilities comprised of trunk lines or mains that serve neighborhoods, areas and cities. Examples include solid waste handling and disposal sites, water transmission lines, sewage treatment facilities and mains, power generating or transmission facilities, gas storage and transmission facilities and stormwater mains and regional facilities.

Variance - A means to grant relief from the specific bulk, dimensional or performance standards specified in the master program, but not a means to vary a shoreline use. Variance permits must be specifically approved, approved with conditions, or denied by Ecology (See WAC 173-27-170).

WAC - Washington Administrative Code.

Water-dependent use - A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include moorage structures (including those associated with residential properties), marinas, aquaculture, float plane facilities and sewer outfalls.

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Water-enjoyment use - a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. The use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Water-oriented use- Refers to any combination of water-dependent, water-related, and/or water enjoyment uses and serves as an all-encompassing definition for priority uses under the SMA. Non-water-oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples include professional offices, automobile sales or repair shops, mini-storage facilities, multifamily residential development, department stores and gas stations.

Water-related use- A use or a portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

A. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water or,

B. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods. Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

Water quality - The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through RCW 90.03.340.

Watershed restoration plan - A plan developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, and/or the Department of Transportation acting within or pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation , restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which

Mayor Initial: _____

Date: _____

agency and public review has been conducted pursuant to 43.21C RCW, the State Environmental Policy Act.

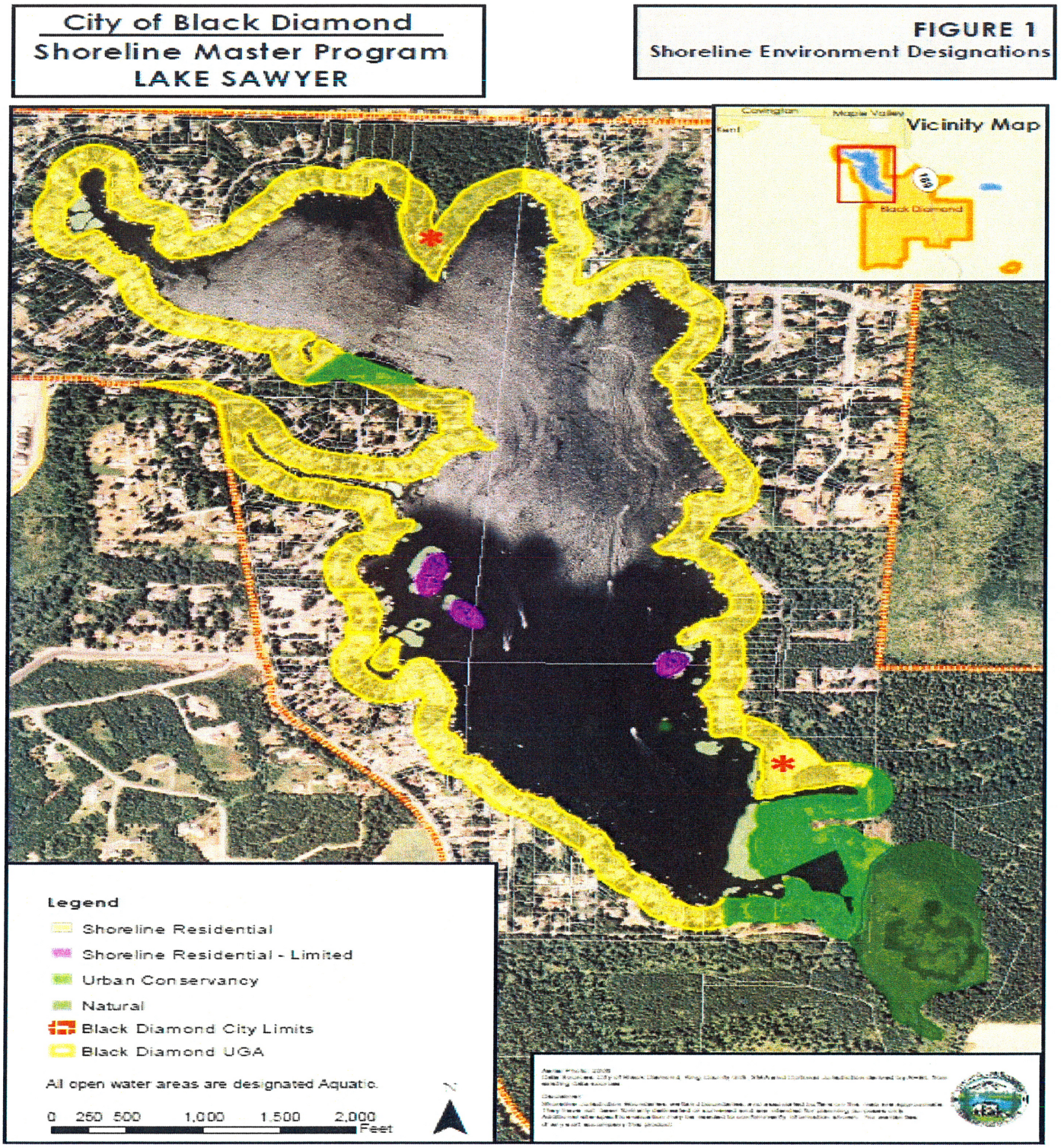
Wetlands - Means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. May include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Zoning - To designate by ordinance, including maps, areas of land reserved and regulated for specific land uses.

Mayor Initial: _____

Date: _____

Parcels noted with Red Asterisk are designated Urban Conservancy.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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RECEIVED
JUN 12 2014
PLANNING
DEPT.

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.

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,

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