



## CITY OF BLACK DIAMOND

MARCH 14, 2012

### RE: SUGGESTED CHANGES TO SHORELINE MASTER PROGRAM

The Planning Commission, at its March 13, 2012 meeting, requested staff to post to the City's website, the consultant's suggested clean-up changes from the original version of the Shoreline Master Program, entitled *Draft Shoreline Management Program with Ecology Comments Integrated Strike Through* (Posted 11/02/2011) and the Commission's most recent version of the Shoreline Master Program entitled *Draft Shoreline Master Program Planning Commission Edits* (Posted March 6, 2012). These changes have not been previously reviewed by the Planning Commission.

As staff presented at the March 13, 2012 meeting, there are three areas within the Shoreline Master Program document that have suggested changes made by the City's consultant for the Planning Commission to consider. The relevant pages from each document listed above are included for comparison purposes and labeled in blue ink at the top of each page.

There are three colors that are shown on these pages. These colors represent:

- RED – Department of Ecology advised revisions (11/02/2012 version)
- GREEN HIGHLIGHT – Consultant's suggested changes, not reviewed by the Planning Commission (03/06/2012 version)
- YELLOW HIGHLIGHT – Planning Commission's recommended changes (03/06/2012 version)

Please contact Aaron Nix at 360.886.5700 with any questions.

Thank you.

Original Copy with Ecology comments integrated item #2  
11/2/2011

DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC
			properties is prohibited.	<del>properties is prohibited.</del> <u>No further subdivision is allowed.</u>	

<sup>1</sup> 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 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.

<sup>2</sup> The standard setback applies to all permanent and temporary structures and non-water-related-dependent accessory structures unless the applicant implements voluntary enhancements as described in the following regulations and in Table III below. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline. The setback may be reduced ~~by the Shoreline Administrator~~ to the minimum setback indicated in Table II where the Shoreline Administrator determines that enhancements are consistent with the requirements of this Chapter. 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 is 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> The City shall adopt administrative rules that allow partial credit for pervious pavements, 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.

<sup>6</sup> 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.

### 3. Flexible Shoreline Setback Regulations

In addition to the specific requirements for particular uses, the following standards shall apply:

DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC
			properties is prohibited.		

<sup>1</sup> 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 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

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<sup>5</sup> The City shall adopt administrative rules that allow partial credit for pervious pavements, 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.

<sup>6</sup> 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.

### 3. Flexible Shoreline Setback Regulations

In addition to the specific requirements for particular uses, the following standards shall apply:





Original Copy with Ecology comments integrated item #14  
11/2/2012

REDUCTION MECHANISM		REDUCTION ALLOWANCE
	percent, provided the applicant complies with all other development requirements	
11	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
12	For preparation of, and agreement to adhere to, a written shoreline vegetation management plan that includes appropriate limitations on the use of fertilizers, herbicides and pesticides to protect water quality. This plan must be approved by the City prior to implementation of the plan.	5 Feet
13	Preserving or restoring at least 20 percent of the total lot area outside of the setback area as native vegetation.	5 feet
14	Contribution to a City mitigation fund, or bank, for offsite vegetation conservation and/or contained in setback reduction mechanisms 5 and 6 of table III above and shall be based upon an approved contribution to the City's mitigation fund/bank equivalent in magnitude to that which would be required of the applicant for reductions mechanisms 5 and 6. The City must establish the fund or bank and more specific operational rules for this reduction mechanism to be available.	5- <del>15</del> 10feet

Any further reduction of shoreline setbacks beyond the minimum listed in this Chapter shall require a Shoreline Variance.

## 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.

Planning Commission version, clean item #14 with  
 Changes integrated 3/06/2012 Green-Consultant clean-up items

REDUCTION MECHANISM		REDUCTION ALLOWANCE
	requirements	
11	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
12	For preparation of, and agreement to adhere to, a written shoreline vegetation management plan that includes appropriate limitations on the use of fertilizers, herbicides and pesticides to protect water quality. This plan must be approved by the City prior to implementation of the plan.	5 Feet
13	Preserving or restoring at least 20 percent of the total lot area outside of the setback area as native vegetation.	5 feet
14	Contribution to a City mitigation fund, or bank, for offsite vegetation restoration and implementation of other measures contained in setback reduction mechanisms 5 and 6 of Table III above. Amount shall be determined by the Shoreline Administrator based upon what the approximate cost would be to accomplish the vegetation enhancement work in the on-site setback area. The City must establish the fund or bank, including specific project locations and more specific operational rules, for this reduction mechanism to be available.	5-10feet
15	<u>Connection to the sanitary sewer system on a property that currently utilizes an onsite septic system.</u>	<u>5 feet</u>

Any further reduction of shoreline setbacks beyond the minimum listed in this Chapter shall require a Shoreline Variance.

## 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.



Original Copy with Ecology comments integrated  
Item #3  
11/2/2012

~~8.9.~~ 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.

~~9.10.~~ 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 two 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. New primary residential structures shall not be located within 100 feet of the Ordinary High Water Mark (OHWM).

b. 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 directly associated with the developed yard area of any retained primary structure on the parent lot.

c. Public access may be required for subdivisions of more than four lots pursuant to the requirements of Chapter 3, Section B.5.c.

d. 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 shall be limited to overwater structures (e.g. joint use pier) and related access, such as a trail and stairs.

e. 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 healthy native vegetation shall be retained consistent with Subsection d above.

~~4.f.~~ New lots created through the subdivision shall be required to connect to the public sanitary sewer.

~~3.4.~~ 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.

~~4.5.~~ All additions to residential structures must comply with all standards in this SMP, including required shoreline setbacks established in Chapter 2, Table I.



3/06/2012

Yellow - PLANNING Commission changes  
Green - Consultant clean-up items.

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.
- 8.9. 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.
- 9.10. 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~~ two 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. ~~New primary residential structures shall not be located within 100 feet of the Ordinary High Water Mark (OHWM).~~
  - b. 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 not part of a parent lot with a retained primary structure.
  - c. 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.
  - d. 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 healthy native vegetation shall be retained consistent with Subsection b above.
  - e. 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.
  - f. New lots created through the subdivision shall be required to connect to the public sanitary sewer.