

City of Black Diamond

STATE ENVIRONMENTAL POLICY ACT (SEPA)

Determination of Nonsignificance (DNS)

Date of Issuance: January 27, 2021

Description of proposal: Non-project action for 2020 annual amendments to the City of Black Diamond Comprehensive Plan.

Location of proposal: Citywide

Lead agency: City of Black Diamond, 24301 Roberts Drive, PO Box 599, Black Diamond, WA 98010

Responsible Official: Mona Davis, Community Development Director/SEPA Official

Phone: (360) 851-4447

Email: mdavis@blackdiamondwa.gov

Determination of Nonsignificance: The City of Black Diamond, as Lead Agency, has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c).

Upon review of the SEPA checklist and draft Comprehensive Plan Amendments, the Lead Agency finds the proposed action is required for consistency with regional planning goals and policies as required by the Growth Management Act (GMA). The SEPA checklist and draft amendments may be found on the City's website at the following link: http://www.ci.blackdiamond.wa.us/public_notices.html or by contacting the responsible official at the contact information listed on above.

Comment Period: This DNS is issued under WAC 197-11-340(2). There is a 14-day comment period associated with this proposal. Written comments must be received by 5:00pm on February 10, 2021.

Appeal Period. An appeal of this SEPA threshold determination must be filed within 21 days from the date of issuance (above). To file an appeal, you must submit the appropriate appeal documentation and fee at the Community Development Department, 24301 Roberts Drive, Black Diamond, no later than 5:00 p.m., February 17, 2021. Appeals shall be heard and decided by the Black Diamond City Council, per BDMC 19.04.260(M). You should be prepared to make specific factual objections. Any further appeals of this environmental determination, together with the underlying governmental action, shall be to the Growth Management Hearings Board and must be filed within 60 days after publication of the ordinance approving the underlying governmental action, per RCW 36.70A.290(2).

Contact the Responsible Official to ask about submitted comments or for procedures for SEPA appeals.

Signature: _____

Mona Davis

Date: _____

1-27-21

SEPA Environmental Nonproject Review Form Checklist

1) Background

- a) Name of proposal, if any, and brief description.

Ordinance adopting amendments to the City of Black Diamond Comprehensive plan.

- b) Agency and contact name, address, telephone, fax, email

City of Black Diamond, Mona Davis, Community Development Director, 24301 Roberts Drive, Black Diamond WA 98010. Phone: (360) 851-4447, Fax: (360)851-4501, email: mdavis@blackdiamondwa.gov.

- c) Designated responsible official.

Mona Davis, Community Development Director, City of Black Diamond,

- d) Describe the planning process schedule/timeline

The City of Black Diamond adopted its required, Growth Management Act (GMA) periodic update in May 2019. The Puget Sound Regional Council (PSRC) is the regional planning agency responsible for certifying local comprehensive plans. The PSRC partially certified the City's updated Comprehensive Plan (Comp Plan) and provided guidance for amendments the City could make for full plan certification.

The City of Black Diamond Planning Commission (PC) held public meetings and a Public Hearing on July 7, 2020 regarding a draft Comp Plan amendment docket which included those issues identified by the PSRC Certification Report and forwarded their recommended docket to the City Council. The City Council adopted the final Comp Plan amendment docket by Resolution 20-1371 on August 6, 2020.

The PC held public meetings and a public hearing on the draft Comp Plan amendments on December 1, 2020. The PC recommended draft amendments were submitted to the Washington State Department of Commerce (Commerce) for a 60-day review December 16, 2021. The City Council is anticipated to review and act on the draft Comp Plan amendments on or after March 4, 2021.

The proposed amendments are necessary for full PSRC plan certification. The City's Comprehensive Plan must be fully certified for the city to be eligible for certain state and federal transportation funds. The City must be eligible for funding in the upcoming grant cycles in order to make critical, planned transportation infrastructure improvements.

Although the ordinance adopting the proposed 2020 comprehensive plan amendments will not be approved until 2021, it will not affect the City's ability to adopt additional

amendments in 2021 as part of its annual docketing cycle, per WAC 365-196-640(3)(a) ("If a county or city's final legislative action is taken in a subsequent calendar year, it may still be considered part of the prior year's docket so long as the consideration of the amendments occurred within the prior year's comprehensive plan amendment process.").

- e) Location - Describe the jurisdiction or area where the proposal is applicable.

This non project action applies citywide.

- f) What is the legal authority for the proposal?

The GMA, RCW 36.70A requires cities to update their comprehensive plans periodically, and allows cities to further update their plans annually pursuant to a yearly docket, and these plans must be coordinated and consistent with regional planning goals and policies.

- g) Identify any other future Nonproject actions believed necessary to achieve the objectives of this action.

None at this time.

2) Need and Objectives

- a) Describe the need for the action. (Whenever possible this should identify the broad or fundamental problem or opportunity that is to be addressed, rather than a legislative or other directive.)

The City's Comp Plan must be fully certified by the PSRC for compliance with regional goals and policies and funding eligibility. Additionally, certain language that was intended to be included in the 2019 Update was inadvertently omitted from the final version adopted by the City Council in May 2019 and therefore needs to be restored in the 2020 amendment cycle.

- b) Describe the objective(s) of the proposal, including any secondary objectives which may be used to shape or choose among alternatives.

None.

- c) Identify any assumptions or constraints, including legal mandates, which limit the approach or strategy to be taken in pursuing the objective(s).

These proposed Comp Plan amendments are narrowly focused to address issues contained within the PSRC's Certification Report and to restore language inadvertently omitted in the 2019 update. These Comp Plan amendments will not foreclose the City's opportunity for future amendments in 2021 because they were considered by the PC and City Council during the 2020 docket cycle and thus will not count toward the regular, once-yearly amendment even if formal adoption does not occur until early in 2021. As described in earlier sections of this checklist, full plan certification is a

legislative mandate and is required for the City to be eligible for funding critical transportation improvements.

- d) If there is no legislative or other mandate that requires a particular approach, describe what approaches could reasonably achieve the objective(s).

None. If the City waits to roll these amendments into their 2021 amendment docket, it will delay PSRC certification.

3) Environmental Overview

- a) Describe in broad terms how achieving the objective(s) would direct or encourage physical changes to the environment. Include the type and degree of likely changes such as the likely changes in development and/or infrastructure, or changes to how an area will be managed.

The proposed amendments achieve consistency with regional goals and policies. In turn, this makes it possible for the City to compete for transportation funding, which would help to correct deficiencies in the City's transportation system.

4) Regulatory Framework

- a) Describe the existing regulatory/planning framework as it may influence or direct the proposal.

This Nonproject action to amend the City's Comp Plan for regional consistency is the planning framework set out by the State Legislature. Therefore, this proposal is directly influenced by the GMA and the PSRC's regional goals and policies.

- b) Identify any potential impacts from the proposal that have been previously designated as acceptable under the Growth Management Act (GMA), chapter 36.70A RCW.

As previously discussed in 2c of this checklist, the GMA regulations allow cities to amend their comprehensive plans once per year, with certain exceptions. These 2020 amendments will not preclude the City from enacting annual amendments as part of the regular annual amendment process in 2021.

5) Related Documentation

- a) Briefly describe any existing regulation, policy or plan that is expected to be replaced or amended as a result of the proposal. (Adequate descriptions in section 4.a may be referenced here, rather than repeated.)

The specific proposed amendments are attached to this checklist.

6) Affected Environment

Generally, describe the existing environmental landscapes or elements (e.g., character and quality of ecosystem, existing trends, infrastructure, service levels, etc.) likely to be affected if the proposal is implemented. Include a description of the existing built and natural environment where future “on the ground” activities would occur that would be influenced by the Nonproject proposal.

The City of Black Diamond is undergoing unprecedented growth and development due to two large master planned developments. The City entered into an agreement with the master developer for infrastructure improvements to support this growth. The analysis and subsequent funding agreement include consideration for water, sewer, storm, school and transportation impacts as a result of this new development.

The 2019 adoption of the City’s Comp Plan update relies heavily on the developer agreement funding for transportation projects. The PSRC Certification Report noted that the City should have contingency measures in place for funding mechanisms for transportation improvements in addition to the developer funding. Also, the PSRC requested the City consider possible changes in land use policies that would work to align the regional planning targets with the City’s targets. As previously mentioned, the regional growth targets do not reflect the growth from the master planned developments. Therefore, the City’s projections are much larger than the regional targets.

This is a Nonproject action to amend the City’s Comp Plan. The affected environment is the entire City. If implemented, these amendments will provide additional assurance for the City to provide critical transportation infrastructure improvements concurrent with the existing development pattern. The “on the ground” activities are to construct these improvements to meet concurrency and level of service requirements. These proposed amendments have no impact on the natural environment, per se. Any development that occurs, regardless of funding, will have to undergo environmental analysis. Additionally, restoring language that was inadvertently omitted from the 2019 update will further the goals of the Comp Plan as a whole to manage growth while minimizing adverse impacts to the environment.

Signature: Mona Davis

Name of signee Mona Davis

Position and Agency/Organization Community Development Director, City of Black Diamond

Date: 1-21-2021