

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

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

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Flexible Shoreline Setbacks																							
5	Ch. 4.B.2 Basic Development Standards – Table II	Setback Standards	<table border="1" data-bbox="522 298 1466 883"> <thead> <tr> <th data-bbox="522 298 727 491">DEVELOPMENT STANDARD</th> <th data-bbox="736 298 832 491">NATURAL</th> <th data-bbox="842 298 1013 491">URBAN CONSERVANCY</th> <th data-bbox="1022 298 1193 491">SHORELINE RESIDENTIAL</th> <th data-bbox="1202 298 1373 491">SHORELINE RESIDENTIAL LIMITED</th> <th data-bbox="1383 298 1466 491">AQUATIC</th> </tr> </thead> <tbody> <tr> <td data-bbox="522 497 727 733">Shoreline Setback (from OHWM)² Please also see Regulation #2 related to non-conforming single family homes.</td> <td data-bbox="736 497 832 733">100 ft.</td> <td data-bbox="842 497 1013 733">100 ft. (standard) <u>may be reduced to 75 ft. (minimum) with enhancement⁽⁶⁾</u></td> <td data-bbox="1022 497 1193 733">50 ft. (standard) <u>may be reduced to 30 ft. (minimum) with enhancement</u></td> <td data-bbox="1202 497 1373 733">50 ft. (standard) <u>may be reduced to 25 ft. (minimum) with enhancement</u></td> <td data-bbox="1383 497 1466 733">N/A³</td> </tr> <tr> <td data-bbox="522 739 727 874">Maximum Impervious Surface Coverage⁴</td> <td data-bbox="736 739 832 874">5%</td> <td data-bbox="842 739 1013 874">10%</td> <td data-bbox="1022 739 1193 874">40%⁵</td> <td data-bbox="1202 739 1373 874">30%</td> <td data-bbox="1383 739 1466 874">N/A³</td> </tr> </tbody> </table> <p data-bbox="522 889 1466 1310">... ²The standard setback applies to all permanent and temporary primary and accessory structures unless specifically exempted below. Setbacks are measured landward, on a horizontal plane perpendicular to the shoreline. <u>The setback may be reduced to the minimum setback indicated in Table II where the applicant agrees to implement voluntary enhancements as described in Sections B.3 and B.4 below, and the Shoreline Administrator determines the proposal is consistent with all other requirements of this SMP.</u> Please see zoning regulations for interior lot setbacks and other requirements that apply to specific zones. Development associated with water dependent uses, shoreline access and ecological restoration are not required to meet the minimum setback. However, where such development is approved within the minimum setback, the placement of structures and hard surfaces shall be limited to the minimum necessary for the feasible operation of the use.</p>	DEVELOPMENT STANDARD	NATURAL	URBAN CONSERVANCY	SHORELINE RESIDENTIAL	SHORELINE RESIDENTIAL LIMITED	AQUATIC	Shoreline Setback (from OHWM) ² Please also see Regulation #2 related to non-conforming single family homes.	100 ft.	100 ft. (standard) <u>may be reduced to 75 ft. (minimum) with enhancement⁽⁶⁾</u>	50 ft. (standard) <u>may be reduced to 30 ft. (minimum) with enhancement</u>	50 ft. (standard) <u>may be reduced to 25 ft. (minimum) with enhancement</u>	N/A ³	Maximum Impervious Surface Coverage ⁴	5%	10%	40% ⁵	30%	N/A ³	The City of Black Diamond City Council accepts this change and asks that the footnote (#5) for Urban Conservancy/Shoreline setback box be removed as this reference does not correlate to this issue, rather, it is intended and already included within the Shoreline Residential/Maximum Impervious Surface Coverage box (40%).	Beginning with early versions of the SMP there has been an incentive based setback reduction system integrated into the SMP. There appears to be strong community support for such a system. The city proposed system was not consistent with Environmental Impact Mitigation (WAC 173-26-201(2) (e)) and No Net Loss (WAC 173-26-186 (8)), and was required to be removed by required changes #12-15. This recommended change imbeds the principles of WAC 173-26-201(2) (e) while prioritizing enhancement consistent with the Final Cumulative Impacts Analysis (AHBL 2012) and Final Shoreline Analysis Report (OTAK AHBL, 2010). This recommended change is also consistent with RCW 90.58 and No Net Loss (WAC 173-26-186 (8)). Ecology Final Action: <i>The City’s response accepts Ecology’s recommended change, but also requests that the reference to footnote #5 in the Urban Conservancy setback standard be deleted. As noted by the City, footnote #5 addresses impervious surface calculations, which is more appropriately tied to standards in the next row of the table that specifically address “Maximum Impervious Surface Coverage”.</i> <i>The requested alternative appears appropriate, as the City’s request only involves the removal of a redundant reference to the impervious surface footnote. Therefore, the alternative should be included as part of the updated SMP.</i>
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6	Ch. 4.B.3	Off-site mitigation	<p data-bbox="522 1332 1466 1493">56. Whenever the Shoreline Administrator determines that monitoring has identified a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the property owner shall be required to institute corrective action, which shall be subject to further monitoring as necessary to ensure the success of requirement mitigation measures.</p> <p data-bbox="522 1499 1466 1560">67. Please see Chapter 3, Section B.7.C (Vegetation Conservation regulations) for additional requirements, including maintenance, monitoring and criteria for mitigation success.</p> <p data-bbox="522 1566 1466 1846">8. Off-Site Mitigation. <u>The City may provide a fund for off-site mitigation within other properties along Lake Sawyer.</u> If such a fund is created, the Shoreline Administrator or designee shall assess charges to new development when impacts to shoreline ecological functions cannot be fully mitigated on site <u>and in accordance with the mitigation sequencing requirements within WAC 173-26-201-2-e.</u> Charges assessed shall be of sufficient value to ensure off-site mitigation results in no net loss of shoreline ecological functions over time. Expenditures from such a fund shall be in accordance with the Black Diamond Restoration Plan.</p>	The City of Black Diamond City Council accepts this change, but request the noted, wording changes, to provide additional clarity.	There is both public and city interest in a mitigation fund. A version of a mitigation fund was included in the original submittal but was not kept due to conflicts with WAC 173-26-201(2) (e). Consistent with WAC 173-26-201 (2) (e) (i) (b), this recommended change has been incorporated. Numbering changes have been included to ensure consistent application. Ecology Final Action: <i>The City’s alternative accepts Ecology’s recommended change and provides additional clarifying language related to the intended scope (Lake Sawyer) and policy sideboards (consistent with mitigation sequencing) to guide future use of a off-site mitigation program. Therefore, the alternative should be included as part of the updated SMP.</i>																		

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

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			<p>3. All property owners who obtain approval for a reduction in the setback must record the final approved setback and corresponding conditions in a Notice on Title, and provide a copy of the Notice on Title to the Shoreline Administrator.</p> <p>4. Setback reductions shall not apply to enforcement actions, after the fact permits or similar actions.</p> <p>5. Mitigation of native vegetation as discussed below shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions. Preparation of a revegetation plan shall be completed by a qualified professional and include a monitoring and maintenance program that shall, at a minimum, include the following:</p> <ul style="list-style-type: none"> a. The goals and objectives for the mitigation plan; b. The criteria for assessing the mitigation; c. A monitoring plan that includes annual progress reports submitted to the Shoreline Administrator and that lasts for a period sufficient to establish that performance standards have been met as determined by the Shoreline Administrator, but no less than five years; and d. A contingency plan. <p>(5)6. Whenever the Shoreline Administrator determines that monitoring has identified a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the property owner shall be required to institute corrective action, which shall be subject to further monitoring as necessary to ensure the success of requirement mitigation measures.</p> <p>(6)7. Please see Chapter 3, Section B.7.C (Vegetation Conservation regulations) for additional requirements, including maintenance, monitoring and criteria for mitigation success.</p>											
9	Ch. 4.B.4 Shoreline Setback Reduction Mechanisms – Table III	Flexible setbacks	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%; text-align: center; vertical-align: middle;">REDUCTION MECHANISM</th> <th style="width: 85%; text-align: center; vertical-align: middle;">REDUCTION ALLOWANCE</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td style="text-align: center; vertical-align: middle;">1</td> <td style="vertical-align: top;"> <p><u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 75 percent of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25 percent of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 75 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 75% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u></p> </td> <td style="text-align: center; vertical-align: middle;">10 feet</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">2</td> <td style="vertical-align: top;"> <p><u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 25 percent of the reduced setback area. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 25 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 25% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u></p> </td> <td style="text-align: center; vertical-align: middle;">5 feet</td> </tr> </tbody> </table>	REDUCTION MECHANISM	REDUCTION ALLOWANCE		1	<p><u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 75 percent of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25 percent of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 75 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 75% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u></p>	10 feet	2	<p><u>Restoration of native vegetation (and preservation of existing trees and native vegetation) in at least 25 percent of the reduced setback area. Up to 10 feet of frontage may be used for improved shoreline access, provided access areas are located to avoid areas of greater sensitivity and habitat value and access areas may not be counted as part of the 25 percent restoration area. (Note: this incentive cannot be used by any properties that currently have substantial multi-layered native vegetation in 25% of the setback area. The reduction will only be granted if ecological functions would be improved relative to the existing condition.)</u></p>	5 feet	<p>The City of Black Diamond City Council accepts these additions and asks the Department to consider the addition of one additional setback reduction mechanism that addresses water quality impairment, particular to Lake Sawyer (1991 TMDL for Phosphorus).</p> <p>Setback reduction #11 to be included within Ch. 4.B.4, Shoreline Setback Reduction Mechanisms – Table III. For a 5’ reduction -</p> <p><u>The preparation of, and agreement to adhere to by the property owner, a written and City approved shoreline vegetation management plan that includes limitations on the use of fertilizer, herbicides, pesticides and the appropriate disposal of yard waste to help enhance and protect water quality. This setback reduction mechanism will only be considered in conjunction with setback reduction mechanisms 1, 2, 4 or 9 and if approved, the property owner is required to place a notice of this on the property title.</u></p>	<p>See rationale in #6</p> <p>Ecology Final Action: <i>The City’s alternative requests that an additional reduction mechanism be included in the SMP to provide a 5 foot setback reduction when a property owner agrees to follow a vegetation management plan limiting the use of fertilizers, herbicides and pesticides to protect water quality. Further, the proposed setback reduction can only be used in conjunction with reduction mechanisms #1 (riparian vegetation enhancement), #2 (riparian vegetation enhancement & preservation), #4 (riparian shoreline restoration), or #9 (parcel wide restoration).</i></p> <p><i>Based on the fact that other reduction mechanisms (requiring net improvements to shoreline ecological) will be required in conjunction with the proposed vegetation management plan, Ecology finds that the requested alternative is consistent with the scope and intent of the original recommended change to improve ecological functions in exchange for a reduction in shoreline setback. Therefore, the alternative should be allowed to be included as part of the updated SMP.</i></p>
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			<table border="1"> <tr> <td data-bbox="522 229 584 566">3</td> <td data-bbox="593 229 1339 566">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.</td> <td data-bbox="1348 229 1466 566">Bulkhead Removal on 75% of shoreline: 15 feet 50% of shoreline: 10 feet 25% of shoreline: 5 feet</td> </tr> <tr> <td data-bbox="522 572 584 721">4</td> <td data-bbox="593 572 1339 721">Restoration of natural shoreline conditions (e.g. no bulkhead or other unnatural shoreline features such as upland impervious surfaces or other structural alterations allowed) within 10 feet of the OHWM, including restoration of native vegetation. The reduction will only be granted if ecological functions would be improved relative to the existing condition.</td> <td data-bbox="1348 572 1466 721">10 feet</td> </tr> <tr> <td data-bbox="522 727 584 909">5</td> <td data-bbox="593 727 1339 909">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.</td> <td data-bbox="1348 727 1466 909">10 feet</td> </tr> <tr> <td data-bbox="522 915 584 1096">6</td> <td data-bbox="593 915 1339 1096">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</td> <td data-bbox="1348 915 1466 1096">5feet</td> </tr> <tr> <td data-bbox="522 1102 584 1171">7</td> <td data-bbox="593 1102 1339 1171">Installation of a "green" roof in accordance with the standards of the LEED Green Building Rating System.</td> <td data-bbox="1348 1102 1466 1171">5 feet</td> </tr> <tr> <td data-bbox="522 1177 584 1266">8</td> <td data-bbox="593 1177 1339 1266">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</td> <td data-bbox="1348 1177 1466 1266">5-10 feet</td> </tr> <tr> <td data-bbox="522 1272 584 1340">9</td> <td data-bbox="593 1272 1339 1340">Preserving or restoring at least 20 percent of the total lot area outside of the setback area as native vegetation.</td> <td data-bbox="1348 1272 1466 1340">5 feet</td> </tr> <tr> <td data-bbox="522 1346 584 1415">10</td> <td data-bbox="593 1346 1339 1415">Connection to the sanitary sewer system on a property that currently utilizes an onsite septic system.</td> <td data-bbox="1348 1346 1466 1415">5 feet</td> </tr> <tr> <td data-bbox="522 1421 584 1614">11</td> <td data-bbox="593 1421 1339 1614">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.</td> <td data-bbox="1348 1421 1466 1614">5 feet</td> </tr> </table>	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 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.	10 feet	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	5feet	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	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. 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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	5feet																														
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																														
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																														
10	Ch. 4.B	Alternative Setback Systems	<p>5. Shallow lot exception.</p> <p>1. Where a lot has the following conditions, the setback requirements set forth in Table II shall not apply and the minimum setback between the closet point of building and structures from the ordinary high water line shall be 25 feet.</p> <p>a. The depth of the lot is less than ((160)) 190 feet; and</p> <p>b. The upland area of the lot is 9,600 square feet or less; and</p> <p>c. Sewer services are provided through an onsite sewer system and public sewer</p>	<p>The City of Black Diamond City Council accepts this change, but requests the consideration of extending the maximum lot length dimension from 160 feet to 190 feet based on the following rationale/ justification and consideration of the analysis provided in exhibit A. Lot sizes meeting the requested 190 foot limit are identified and are shown below in the table in exhibit A.</p> <p>Rationale: Analysis of Lake Sawyer parcels indicates that there are a few 50 foot wide lots</p>	<p>Given the number of small lots that lack access to the public sewer system, there is a need to have a streamlined approach to reduce the required setback. The proposed recommended language will allow those constrained lots the ability to develop, while also providing mitigation.</p> <p>Ecology Final Action: Upon review of the City's rationale, justification and materials provided in exhibit A, Ecology</p>																											

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

Exhibit A

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

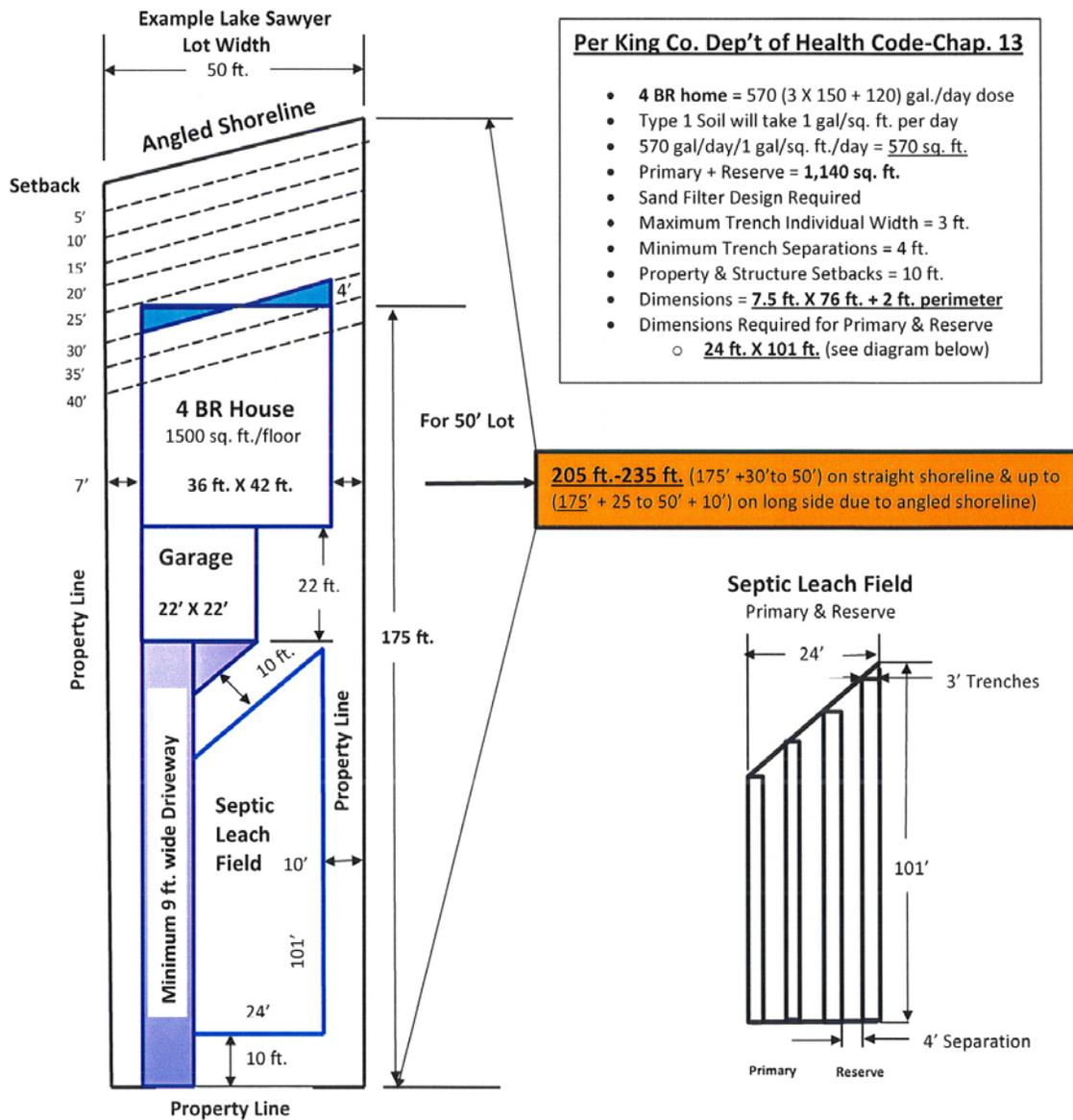


Exhibit A

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

	<u>Parcel No.</u>	<u>Width (ft)</u>	<u>Area (sq. ft.)</u>	<u>Description of Current Dwelling Unit</u>	<u>Ave. Lot Depth</u>
1	4067600340	50	7,900	Very small 940 sq. ft. home built in 1940	158 ft.
2	1021069020	50	9,075	Very small 1,030 sq. ft. home built 1923	183 ft.
3	4391600030	40	5,800	Small home built 1939	145 ft.
4	4391600035	45	7,020	Small home built 1934 & Renovated 1978	156 ft.
5	4392200140	50	9,415	House built 1947 & Renovated 1986	188 ft.
6	4392200165	49	6,567	Small 850 sq. ft. cabin built 1940	134 ft.
7	4391600015	45	8,036	Small 1,520 sq. ft. home built 1924 & Renovated 1992	179 ft.
8	4391600040	45	6,662	Very small 640 sq. ft. cabin built 1938	148 ft.
9	4391600045	45	6,542	Home built 1953 & Renovated 1981	145 ft.
10	4391600050	45	5,925	Small 1,020 sq. ft. home built 1924 & Renovated 1979	132 ft.
11	4391600060	40	5,381	Home built 1967	134 ft.
12	4391600065	45	6,862	Very small 520 sq. ft. home built 1924 & Renovated 1980	152 ft.
13	4391600070	45	6,755	Home built 1965 & Renovated 2005	150 ft.
14	4391600090	45	7,935	Small 1,730 sq. ft. home built 1985	176 ft.
15	4391600085	40	8,756	Small 1,400 sq. ft. home built 1961	218 ft.
16	321069032	46	9,148	Vacant Lot	199 ft.
Greater than 50 ft. width					
1	4392200095	57	8,839	Home built 1924 and Renovated in 1965	155 ft.
2	4392200090	56	8,473	Home built 1987	151 ft.

 **Shallow lot exception of more than 160 feet required**