



CITY OF BLACK DIAMOND
October 9, 2008 Special Meeting Agenda
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 253-631-0351. Thank you for attending this evening.

PUBLIC HEARINGS:

- 1.) **AB08-099-** Chapters 1-6 of the proposed 2008 Comprehensive Plan, Draft Zoning Code and Zoning Map

Mr. Pilcher

APPOINTMENTS, PRESENTATIONS, ANNOUNCEMENTS: None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

DEPARTMENT REPORTS:

MAYOR'S REPORT:

COUNCIL REPORTS:

ATTORNEY REPORT:

PUBLIC COMMENTS:

CONSENT AGENDA:

EXECUTIVE SESSION:

ADJOURNMENT:

CITY COUNCIL AGENDA BILL

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

ITEM INFORMATION			
SUBJECT: PUBLIC HEARING - Chapters 1 – 6 of the Draft 2008 Comprehensive Plan, new Zoning Code and new Zoning map.	Agenda Date: October 9, 2008		AB08-099
	Department/Committee/Individual	Created	Reviewed
	Mayor Howard Botts		
	City Administrator –Gwen Voelpel		
	City Attorney – Loren D. Combs		
	City Clerk – Brenda L. Streepy		X
	Finance – May Miller		
	Public Works – Seth Boettcher		
	Economic Devel. – Andy Williamson		
	Community Devel. – Steve Pilcher	X	
Police – Chief Kiblinger			
Court – Kaaren Woods			
Attachments: Chapters 1–6 of the proposed 2009 Comp. Plan, Draft Zoning Code and Map			
SUMMARY: The purpose of this hearing is to hear public testimony on Chapters 1 – 6 of the Draft 2008 Comprehensive Plan, new Zoning code (Title 18 of the Black Diamond Municipal Code) and new Zoning map.			
COMMITTEE REVIEW AND RECOMMENDATION: 			
RECOMMENDED ACTION: MOTION to adopt			
RECORD OF COUNCIL ACTION			
<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>	
October 9, 2008			

Chapter 1. Overview

1.1. The Vision

The City of Black Diamond (the City) was originally founded in the 1880s as a resource-based residential community, and it is currently in transition to a rural village center in southeast King County. The City has a unique development pattern as a result of its origin and development as a coal company town. The City is composed of several single-family residential areas, separated by rolling topography, streams, forested lands in various stages of regrowth and open meadows. Small commercial uses are situated in three general areas. The overall development pattern is similar to a small European or rural east-coast village rather than traditional west-coast small towns which are developed around a central commercial core with a grid street pattern.

The City implemented a moratorium on formal subdivisions and master planned development several years ago to provide an opportunity for the updating of the City's development regulations. As a result, little economic growth has occurred in recent years, though residential in-fill development has been steady since the mid 1990s as land prices have escalated in Southeast King County. However, the moratorium is expected to be lifted in 2008 and the City's objective is to prepare for and manage its growth so it protects its natural resources but also becomes a fiscally balanced community, with more jobs for local residents and a better tax base to support city government and high quality services.

Regional land use policies, and growth of the regional economy, suggest that significant growth will occur over the next twenty years. Urban areas surrounding the City have been steadily adding new residents and jobs. The Cities of Covington

and Maple Valley both incorporated in the 1990s and today contain approximately 37,200 people. King County projects that by 2022, South King County will contain more than 600,000 people, approximately one-third of the County's total population. The south county area is also projected to contain almost one-third of new county-wide jobs. In the face of this anticipated growth, the citizens of the City want to ensure that the quality of life is maintained and enhanced, and that city government continues to be financially sound. The City of Black Diamond Comprehensive Plan (comprehensive plan) is being updated to anticipate these future conditions and to establish desirable patterns of growth.

One of the City's primary concerns is to balance new growth and development with stormwater management. Given historical concerns with water quality in Lake Sawyer, protection of surface and groundwater quality within the City's drainage basins will be a key issue into the future.

The City has a rich and long history and strong community identity. A collective vision statement was prepared through a public process when the City's comprehensive plan was adopted in 1996. This vision is carried forward in this updated comprehensive plan through the year 2025. The City's vision is:

In the year 2025, Black Diamond will be a beautiful, friendly community based on a rich historic heritage and exceptional natural setting, and with a small-town atmosphere. Forested areas and open space remain, while development maintains a healthy balance of moderate growth and economic viability.

The economic base will be a mix of retail, industrial/business park, office, tourist and local cottage industries. Residential development will be a mix of types, sizes and densities, clustered to preserve maximum open space and to access a system of trails/bikeways/greenbelts which connect housing, shopping, employment and recreation areas with nearby regional parks and recreational facilities.

Citizens actively participate in an effective and open government decision-making process that reflects community values. There will be good cooperation among nearby jurisdictions, and adequate public services and environmental protection to provide a safe and healthy quality of life for all citizens, from children to seniors.

The comprehensive plan is intended to reflect the community's vision and to plan to accommodate expected change. Change will require the community to make choices -- often hard choices - about its future, and to attempt to minimize the adverse aspects and maximize the positive aspects of expected growth. Through its comprehensive plan, the City intends to effectively manage its future.

The comprehensive planning process should be approached as continuous, with ongoing review and updating as necessary to reflect changes that occur over time. This Plan should be reviewed annually and amended as appropriate.

1.2. History of Black Diamond

The City of Black Diamond lies in the heart of the Green River Region, about 30 miles southeast of Seattle on a flat bench of gravel and glacial till. Millions of years ago an array of geologic occurrences converged on this area to create pitching and expensive-to-mine coal beds, and limited possibilities for farming and forestry. Over its 100 year history, the City has evolved from one of the earliest and largest towns and employment centers outside Seattle, to a local center for resource activities (primarily resource extraction), to its current status as a residential center and bedroom community for the new employment centers to the north and west.

The City was founded, developed and operated as a coal company town for almost fifty years. As an isolated company town, with a company store and surrounded by large land holdings, the City never developed as a commercial center for nearby farming and residential areas as did other small King County towns. This history resulted in development pattern of small dispersed residential and commercial areas with linear residential development along road corridors.

The City's history coincides with the growth of the Puget Sound region and begins with the Black Diamond Coal Company of Nortonville, California in 1864 and the Green River Coal Company in 1873. The City's present day location was established in 1880 with the location of the rich McKay coal vein which stretched from Franklin to Ravensdale, with the City in the middle. By 1882, the pattern of the "Green River field" was determined when the Black Diamond Coal Company and Oregon Improvement Company, along with the Northern Pacific Railroad, developed the mines and dominated the Green River field throughout its history.

The first miners in the area (1885) were Welsh miners from the Black Diamond Coal Company's depleted Mt. Diablo mine in Nortonville, California. Soon, miners came from many nations including Italy, Austria, Yugoslavia, Finland, Belgium, France and Poland. A sign found lying outside an abandoned mine had a message written in sixteen different languages.

The first shipment of high quality coal left the City for Seattle's port in March 1885. This high quality coal was difficult to mine, however. Gas, faults, dust, and steeply pitched beds added to production costs. The major market for coal was San Francisco, and transportation costs were high. International competition was also

significant. By the mid-1890s, the entire Green River field had a reputation for failure. The peak years were, however, yet to come.

At the turn of the century, the City's population was estimated at 3,500 people. With the rapid growth of Seattle, a local market for the City's coal became available. Pacific Coast Coal Company began purchase of the mines in 1896 and 1897, and infused east-coast capital into the mines, allowing more efficient workings. The year 1907 was the peak year of coal production with over 907,000 tons produced. Fourteen hundred (1,400) workers were employed at the mines in 1915. High levels of production continued until the early 1920s, with 1919 being another peak production year. These levels of production and employment were never reached again.

Numerous coal mines were located in town, with the Franklin mines about three miles to the east. Black Diamond's Mine #11 was over a mile deep before bumps and intense pressures in the lower levels forced its closing in 1927. In 1926, Mine #11 was reputed to be the deepest underground coal mine in the United States.

During World War I, substantial wage increases were achieved by the miners, and the Black Diamond area became even more susceptible to national economic trends. Nationwide coal strikes together with replacement of coal by oil and electricity contributed to both a declining market and weakening of the United Mine Workers Union. The 1920s witnessed some of the most tragic and violent labor disputes in the history of Washington. In 1921, striking miners in the Black Diamond area were evicted from their homes and would have been forced to leave altogether had it not been for Tim Morgan, a local farmer, who supplied the workers with land that was developed with over 200 homes. This area is still known as Morganville and lies on the western edge of the City.

Mine #11 was closed in 1927, and the new Indian mine was opened about six miles south of Renton. Many of the miners transferred to that area. By the late 1930s, over half the homes in the City were empty. Highway 169 was built through the City at this time, possibly saving the community from extinction.

In the late 1930s, the Pacific Coast Coal Company sold the City's land and its residences, bringing to an end the total domination of the community's economic and social life. Miners were given the opportunity to purchase their homes. If they did not choose to buy, the homes were sold to any interested party. The town's infrastructure (water system, roads) was given over to the town's residents by the coal company. In the late 1940s and early 1950s, the remaining Pacific Coast Coal Company land holdings were acquired by the Palmer Coking Coal Company (Palmer). Some of this land was sold to local residents, but much was retained by Palmer for mining and investment purposes. A portion of these lands located within the City have recently been sold to private development interests.

A small coal boom during and after World War II kept the coal mining tradition alive. Coal mining then continued a gradual decline until 1986 and the opening of the John Henry Mine, just east of the City.

Following the end of the company town period at the completion of major mining activities, community services were provided by King County and the community residents.

City residents initiated an incorporation petition and presented this petition to King County in 1958. The incorporation was approved by a favorable vote on January 20, 1959 and the first Black Diamond City Council meeting was held March 3, 1959.

In 1998, the City significantly increased its size and population through the annexation of the Lake Sawyer neighborhood. This annexation increased the City's size by approximately 786 acres, and its population by approximately 1,480 people.¹ Additional annexations of large parcels within the City's Urban Growth Area (UGA) occurred in 2005 in accordance with the Black Diamond Urban Growth Area Agreement (BDUGAA) and the related Black Diamond Area Open Space Protection Agreement.

1.3. City Planning Area

The planning area encompassed by this comprehensive plan includes the land within the city limits and the designated UGA of the City.

In the decade since the City completed its 1996 comprehensive plan, the City and King County came to an agreement on designation of an UGA with the BDUGAA. This agreement outlines mutually acceptable urban growth boundaries and conditions under which these areas may be annexed to the City. The UGA approved in this agreement includes several of the large ownership parcels which surround the City, providing opportunities for creating a fiscally balanced city while maintaining the City's unique character.

Designation of a UGA is a key element in the City's long-term planning. The City is located at the edge of the King County Urban Growth Boundary. Per County policies, and the approved BDUGAA, unincorporated lands not included in an UGA may be developed for low density (five acre tracts or larger) rural/ residential uses, or preserved for commercial resource activities (agriculture, forestry and mineral extraction). Consistent with the BDUGAA, the City annexed its "West Annexation

¹ Washington State Office of Financial Management; Annexations Approved by the Office of Financial Management from 01/01/90 through 12/31/99.

Area” and the “North Triangle Annexation” in December 2005. The “South Annexation Area,” the “East Potential Annexation Area”, and the Lake Twelve Annexation Area are the remaining areas that will be considered for annexation in the future subject to compliance with the BDUGAA.

1.4. Planning Authority

1.4.1. Growth Management Act

The City of Black Diamond Comprehensive Plan meets the requirements of the Growth Management Act (GMA), which was adopted by the Washington State Legislature on March 9, 1990 (Substitute House Bill 2929, Chapter 17, 1990 Laws of Washington), and as subsequently amended. The GMA required the State’s fastest growing counties and cities within those counties to prepare comprehensive plans which guide conservation and development for a twenty year period.

The GMA makes the City’s comprehensive plan the legal foundation and guide for all subsequent planning, zoning and development, all of which must be consistent with and implement the plan. The comprehensive plan must be both internally consistent and consistent with the plans of other jurisdictions which share either a common boundary or related regional issues. The GMA also requires that appropriate public facilities and services must be in place, or funds committed for their provision, “concurrent” (within six years) new development.

The GMA requires counties, in cooperation with cities, to designate UGAs. All cities are to be within an UGA, which is to include areas and densities sufficient to accommodate urban growth expected to occur in the City over the next 20 years. The GMA guidelines for defining urban boundaries state that urban growth is to be “...located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas that are provided by either public or private sources.” The UGA may include “...territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.” Finally, UGAs “...shall include greenbelt and open space areas.”

The GMA establishes mandatory elements for local comprehensive plans. Required elements of comprehensive plans include land use, housing, capital facilities, utilities and transportation. Optional elements of comprehensive plans include solar energy, conservation, recreation, economic development and sub-area plans. The State Legislature added Economic Development and Parks and Recreation as additional required elements once funding has been put in place for cities to develop these elements. Such funding has not been authorized as of this Update.

The GMA also establishes 14 goals to guide local governments in preparing comprehensive plans. These goals are as follows:

- GOAL 1. **Urban Growth.** Encourage development in urban areas where adequate public facilities and public services exist or can be provided in an efficient manner.
- GOAL 2. **Reduce Sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- GOAL 3. **Transportation.** Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- GOAL 4. **Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- GOAL 5. **Economic Development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services and public facilities.
- GOAL 6. **Property Rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- GOAL 7. **Permits.** Applications for both state local government permits should be processed in a timely and fair manner to ensure predictability.
- GOAL 8. **Natural resource industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.
- GOAL 9. **Open Space and Recreation.** Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

- GOAL 10. **Environment.** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- GOAL 11. **Citizen participation and coordination.** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to resolve conflicts.
- GOAL 12. **Public facilities and services.** Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- GOAL 13. **Historic Preservation.** Identify and encourage the preservation of lands, sites and structures that have historical or archeological significance.
- GOAL 14 **Shoreline Management.** For shorelines of the state, the goals and policies of the shoreline management act as set forth in the Revised Code of Washington (RCW) 90.58.020 are added as one of the goals of the GMA as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

The GMA directs the City to identify the concerns and goals of the community, to prioritize these goals, and to plan for how these goals will be achieved. The law gives the City the authority and discretion to make the key decisions relating to its future growth; the outcome of the planning effort is in the City's hands, consistent with state requirements. To accomplish this mandate, the City is creating a comprehensive plan that establishes a clear intent and policy base, which can be used to develop and interpret city regulations, and which is consistent with the purpose and intent of the GMA.

The comprehensive plan seeks to balance the GMA's 14 planning goals cited above. The plan proposes a "village" environment, residential and economic development (including job opportunities for local residents and a long-term tax base for the City), while retaining those significant features of the natural environment which constitute environmentally sensitive areas and contribute to the City's quality of life and identity. The plan also uses *innovative techniques* -- including density bonuses, cluster housing, planned unit developments and the transfer of development rights, as

encouraged by the GMA (RCW 36.70A. 090) – to creatively address local concerns and issues.

1.5. Consistency with County Plans and Policies

1.5.1. King County Countywide Planning Policies

The GMA mandates that counties, in cooperation with cities, adopt countywide planning policies. The GMA defines countywide planning policies as written policy statements used for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted. That framework is to ensure that city and county comprehensive plans are consistent with each other. At a minimum, Countywide Planning Policies must address:

- Implementation of UGAs.
- Promotion of contiguous and orderly development and provision of urban services.
- Siting of public capital facilities.
- Transportation facilities and strategies.
- Affordable housing.
- Joint county and city planning within UGAs.
- County-wide economic development and employment.
- Analysis of fiscal impact.

For King County, the Countywide Planning Policies established a UGA. Most future growth and development is to occur within the UGA to limit urban sprawl, enhance open space, protect rural areas and more efficiently use human services, transportation and utilities. The intent of these policies is to reduce future infrastructure costs and maintain a high quality of life by encouraging concentrated development in those areas where services already are or are planned to be provided. Cities are expected to absorb the largest share of future growth. Each city has the authority to make decisions regarding its local character and density.

The City of Black Diamond finds that this comprehensive plan is consistent with the purpose and intent of the King County Countywide Planning Policies. The City includes the UGA agreed upon in the BDUGAA, and is consistent with the King County Countywide Planning Policies updated in July 2006. The City is also

updating its population and employment targets to reflect growth that is anticipated over the next 20 years.

1.6. Comprehensive Plan Features

The City of Black Diamond Comprehensive Plan is based upon the premise that sustainable development is based upon a trilogy of ecology, sociology and economics. The plan embodies a holistic approach to treatment of nature and the human spirit. The extensive natural beauty and intricate ecosystem that comprise the planning area have been considered in determining lands that are appropriate for development at different intensities.

Planning for natural resources and open space are the cornerstone of the City of Black Diamond Comprehensive Plan. The plan supports recognition and protection of quality habitat including: the protection of key riparian corridors, wetlands and the design of green spaces between habitats; water quality protection measures and support for an environmental education area and program to build a strong community commitment to conservation and habitat improvement. Stewardship of the environment is supported by the plan.

The City's developed areas will be compact, preserving 35% to 40% of the entire City as open space. Interspersed among the built areas will be large connected areas of open space that act as a green necklace. Creeks, wetlands and significant animal habitat will be protected as part of the open space network. Trails, parks, community facilities will also define the open space network.

By the year 2025, the City is planning to be able to accommodate a population of 16,980 people. The community will also contain areas for retail and personal services, community parks, schools, churches, community buildings, library, business and industrial parks. The plan emphasizes the need for a balance of jobs and housing, and sustainable economics for the growing community. Job growth is an essential part of the plan. Employment opportunities will grow as new companies and their support services are attracted to the City, and as existing companies expand.

Amidst this change, the City will also preserve the best of its past, including historical buildings and treasured community places. The essence of the historical community will be perpetuated through the use of design guidelines for new development. A village center concept has been included to bring together a visual, social and geographic center of the City. An innovative transfer of development rights program will be used to help preserve open space and direct new development where it is best suited.

The creation of a pedestrian friendly environment is central to the success of the City’s plan, and will be implemented by the plan’s concept of the “ten-minute walk” The goal is for 80 percent of city residents to be no further than a 1/2 mile walk from a cluster of commercial services, employment, or access to transit.

Phasing of development over time will be essential to achieve the plan’s vision. Capital facilities are identified for both the short and long term growth anticipated by the plan. The City will use the Capital Facilities and Land Use Elements to manage development.

1.7. Master Plan Development

“Master plan development (MPD)” is another key concept that the City is using to implement its vision for the future. A significant portion of the City’s land area is within several large parcels, and their planned development presents unique opportunities and challenges. In 2005, consistent with direction in the BDUGAA, the City adopted MPD regulations (Black Diamond Municipal Code Chapter 18.98) to provide flexibility in attaining city goals, to protect the environment and preserve open space, to maintain adequate facilities, to achieve a balance of jobs and housing, and to maintaining fiscal health. The specific purposes of the MPD regulations are to:

- Establish a public review process for MPD applications;
- Establish a comprehensive review process for development projects occurring on parcels or combined parcels greater than 80 acres in size;
- Preserve passive open space and wildlife corridors in a coordinated manner while also preserving usable open space lands for the enjoyment of the City’s residents;
- Allow alternative, innovative forms of development and encourage imaginative site and building design and development layout with the intent of retaining significant features of the natural environment. Allow flexibility in development standards and permitted uses;
- Identify significant environmental impacts and ensure appropriate mitigation;
- Provide greater certainty about the character and timing of residential and commercial development and population growth in the City;
- Encourage environmentally sustainable development;
- Provide needed services and facilities in an orderly, fiscally responsible manner;
- Promote economic development and job creation in the City;

- Create vibrant mixed-use neighborhoods, with a balance of housing, employment, and recreational opportunities;
- Promote and achieve the City’s vision of incorporating and/or adapting the planning and design principles regarding mix of uses, compact form, coordinated open space, opportunities for casual socializing, accessible civic spaces, and sense of community; as well as such additional design principles as may be appropriate for a particular MPD, all as identified in the book *Rural By Design* by Randall Arendt; and
- Implement the City’s vision statement, comprehensive plan, and other applicable goals, policies and objectives set forth in municipal code.

The MPD ordinance outlines specific public benefit objectives, application requirements, public review process, and criteria for approval.

The Future Land Use Map contained in Chapter 5 includes a “Master Planned Development Overlay” to identify those areas in which development proposals are expected to use the MPD zoning process to guide their future development.

Chapter 2. Urban Growth Area

The Urban Growth Area Element of the Black Diamond Comprehensive Plan was initially adopted in 2001 as an amendment to the City's 1996 Plan. It identified the City's Urban Growth Area, which was determined based on a joint planning process and formal agreement (the Black Diamond Urban Growth Area Agreement (BDUGAA)) between the City, King County and several large property owners. It is intended to guide future land use and annexations in the Urban Growth Area consistent with the Growth Management Act. Although major portions of the UGA have been annexed as of the 2008 Comprehensive Plan Update, the UGA Element will continue to provide guidance and useful historical information until the balance of the UGA is annexed. The UGA Element has been incorporated unchanged into the 2008 Update.

2.1. Introduction

The City of Black Diamond and its residents have been working with King County to define an Urban Growth Area (UGA) for the city since the latter part of the 1970s. For Black Diamond, the chief goals of these efforts reflect the Comprehensive Plan vision of a healthy economy, improved housing, protection of the treasured natural resources in and around the city, and a better quality of life. The County's objectives were to limit urban sprawl and protect rural resource lands.

The Growth Management Act (GMA) was the final impetus in deciding the Black Diamond UGA. The GMA established a framework for coordinated and comprehensive planning to help local communities manage their growth. It also led to the creation of the Black Diamond-King County Joint Planning Area (JPA). The 1996 Comprehensive Plan identified the Black Diamond UGA as an issue that was

not resolved before the Plan was adopted. Hence, Chapter 2 was reserved to address the UGA when it was determined.

2.1.1. Establishing an Urban Growth Area

Black Diamond and King County formed a JPA in 1991 to identify a UGA for the city. Several alternative combinations of county lands were evaluated in that process, including the proposal identified in Figure 2-1. This option proposed to annex six subareas to the historic central city. These subareas are referred to as the: North, John Henry, Lake 12, West, South, Black Diamond Lake, and West. However, due to the large amount of land involved in this proposal, the County did not view it as consistent with the GMA and its objectives of protecting rural land and avoiding the annexation of excessively large areas for future growth.

In its 1995 Joint Planning Ordinance, the County Council addressed this issue by requiring use of the County's Four to One Program concept as a guide in determining Black Diamond's UGA. This concept is a way to determine a balance between annexed areas and protected open space in the county. It requires that for every acre included in an urban area, four acres are to be dedicated to permanent open space or natural resource land. In this decision, the County Council also directed the City, County, and the property owners of the land involved to draft an agreement for the County Council to consider in establishing Black Diamond's UGA. This effort resulted in the Black Diamond UGA Agreement that the County Council approved on December 5, 1996 (Ordinance 12534). While awaiting this decision, the City chose to adopt the completed portions of the City Comprehensive Plan. In doing so, they included one subarea of the JPA, the Black Diamond Lake subarea, within the city.

The UGA Agreement covers 792 acres of land. Following annexation, 593 of these acres can be developed and 189 acres would be preserved as open space. The area involved in the agreement is also referred to as the Potential Annexation Area (PAA) to distinguish it from the Lake Sawyer and the Black Diamond Lake areas, also in the City's UGA. A copy of the UGA Agreement is located in the City UGA Comprehensive Plan Amendment file.

Figure 2-1. Black Diamond/King County 1991 Joint Planning Area

2.2. Black Diamond Urban Growth Area Agreement

2.2.1. Background

The Black Diamond UGA Agreement is a comprehensive document outlining the process and requirements for the City to annex the PAA. The Agreement represents a non-traditional approach to establishing UGAs, which typically are drawn based on 20-year population forecasts prepared by the State Office of Financial Management and estimates of the land required to accommodate the projected growth. It is also unique because it was cooperatively crafted by the County, the City, and the affected property owners: Palmer Coking Coal Company, Plum Creek Timber Company, and residents of the Lake 12 area.

2.2.2. Goals and Concepts

The UGA Agreement is guided by four main goals:

- Protect the Rock Creek /Lake Sawyer Watershed and the Rock Creek/Lake 12 Basin
- Protect and Maintain the Community Character
- Provide A Healthy Jobs-Housing Mix
- Make Efficient Development A Priority

The following is a discussion of the City's rationale and intent in using these criteria to define its UGA.

Figure 2-2. PAA City and County Open Space

Protect the Rock Creek/Lake Sawyer Watershed and Rock Creek/Lake 12 Basin

The principal drainage in the city is Rock Creek (09-0085) which flows northwest into Lake Sawyer. Ginder Creek, Lawson Creek, and three smaller creeks also drain into this system. Existing development in Black Diamond is situated in the central portion of the basin.

Historically, this creek received drainage from Black Diamond's septic tank drain fields, cesspools and surface runoff. With construction of the sewer plant and marsh treatment system in 1983, septic tanks within the city were eliminated, but Rock Creek (and ultimately, Lake Sawyer) was the receiving water from treated effluent discharged from the facility. Beginning in 1984, phosphorus concentrations and large blooms of blue-green algae occurred regularly in Lake Sawyer. After determining the marsh treatment system was not functioning as designed and that the sewage effluent was contributing to the algae blooms in Lake Sawyer, the City conducted a lengthy study (e.g. Comprehensive Sewage Plan) to identify solutions to the problem. As part of this process, and through the development of the Groundwater Management Plan (part of the South King County Coordinated Water System Plan), the City committed to maintain surface and ground water quality within the Rock Creek/Lake Sawyer watershed. The plan required that all development within the Rock Creek/Lake Sawyer drainage (including that area outside the existing city limits) needed to be served by public sewer. Land use control within the basin was also deemed critical in order to promote the clustering of residential units and preservation of significant tracts of open space to maintain Black Diamond's identity.

In contrast to the majority of water bodies in Black Diamond that flow westward into Lake Sawyer, Lake 12 drains north to the Cedar River via another Rock Creek (tributary 08-0833), the Rock Creek/Lake 12 watershed. Lake 12 is a 44 acre water body that drains approximately 500 acres. Historically, it had good water quality. However, due to septic system failures around the lake, unacceptably high fecal coliform levels have resulted (Seattle-King County Department 1997). Additional phosphorus inputs entering the lake from storm water runoff, are also expected to increase algal growth and lower water quality (Metro, 1994). These circumstances necessitate the extension of sewer, water, and storm water facilities around the lake, if it is to meet or exceed state water quality standards.

Protect and Maintain Community Character

Residential growth in unincorporated King County has increased significantly along the SR 169 and SR 516 corridors. As new large subdivisions have been built in areas from Maple Valley to Enumclaw, the city has been affected by increased traffic and

new construction in the surrounding area. Black Diamond desires to have more control over development decisions in the area and thereby shape the kind of land use between the city and rural lands into the future.

By encouraging an environment for quality development, the existing character of the historic villages (as found in Morganville and the Black Diamond Town site) would be repeated throughout the city and into the UGA. Development of clustered small scale neighborhood villages is also encouraged to promote a sense of community while encouraging pedestrian and bicycle mobility and reducing the number and length of shopping trips. Community shopping opportunities and community employment are planned to support the residential growth.

In identifying a substantial UGA, the City is attempting to resolve significant and long-standing concerns about the future and preservation of its unique identity. The Comprehensive Plan reflects community choices by addressing local circumstances and traditions. Because of Black Diamond's origin as a company town and little subsequent growth, the city has never evolved into a balanced community. As resource-related activities change and mineral extraction diminishes, these activities provide less of an economic/employment base. Also, development as a commercial center has to date been precluded by the commercial development in Maple Valley. In order for the City to remain viable in the future, additional commercial growth and development is necessary in order to create a healthy tax base and sustainable revenues for the City that are needed to fund community services and amenities.

Provide A Healthy Jobs-Housing Mix

The city needs to achieve a healthy job-housing mix, where the population is sufficient to support community shopping, services, and business activities. In turn, an increased population base is better able to contribute to a more self-sufficient economy. Achieving a healthy housing mix is expected to result from the eventual addition of medium to high income housing in the PAA. This will balance with the existing low and moderate income housing available in the city.

Development of higher income housing inside the city has historically been slow, but has increased with the annexation of the Lake Sawyer area. New in-city housing in other areas is expected to provide for a wider range of housing types for more income levels. The UGA provides the opportunity for planning medium and high income housing developments. There the amenities of greenbelts, neighborhood parks and schools can be planned and provided. Residential development targeted to higher income levels is also seen as the support for and the trigger to stimulate the commercial and industrial employment sectors, so that economic self-sufficiency can be achieved.

Growth within the city is expected to provide both employment and shopping opportunities in addition to expanding the residential housing mix. The City recognizes that its economic health will be achieved through the development of commercial, business and industrial uses that will add jobs and broaden its tax base. Increased tax revenue will support new City services for the expanding population.

Make Efficient Development A Priority

Efficient use of resources will result from the appropriate location of development so that public water, sewer, storm drainage, police and fire protection service costs are minimized. Clustering development rather than spreading it over large areas will not only save utility costs, it will also preserve open space, both of which are cornerstone goals of this Plan.

As documented in the Financial Analysis of the 1996 Plan, the economic vitality of the city will depend largely on its ability to attract industrial and business park developments to the vacant land in industrial and business park areas. The Plan will need to provide a sufficient supply of industrial land to support its future revenue needs,.

Additional population in the city will help to achieve the economies of scale needed for system-wide utility improvements. By phasing growth, development can proceed in an orderly fashion. Public services and facilities would not be over-burdened and constantly at or exceeding their capacity. Fewer roads would be needed, while local residential roads would be downsized to save costs and meet the neighborhood scale. Nearby trails would also be accessible to link residential areas with employment, civic, business, and recreation areas elsewhere in the city.

2.2.3. Terms of Annexation

The UGA Agreement required that the City, County, and the landowners meet specific conditions before any portion of the PAA was brought into the city. These provisions ensured that annexations conformed to the City and County comprehensive plans and the GMA.

Open Space

Three types of open space are identified in the UGA Agreement: County Open Space, UGA Open Space, and In-City Open Space. Figure 2-2 shows the open space and natural resource lands associated with the PAA. These lands provide for trails and natural resource areas, such as critical wildlife corridors. County Open Space would remain in unincorporated King County after annexation. UGA Open Space

was/will be included in the annexed areas. In-City Open Space includes the Primary and Secondary open space land shown in Figure 2-3.

Figure 2-3. Black Diamond Primary and Secondary Open Space

Open space requirements differed among the annexation areas. The open space needed for the West and South Annexation Areas was generally based on King County's Four-to-One concept. To achieve densities exceeding the base density of 2 units/acre, developers must purchase the equivalent development credits from the Primary and Secondary Open Space land through the City's Transfer of Development Rights (TDR) Program. The credits would then be transferred to the designated receiving lands for the added density. In turn, the City's designated open space would be permanently preserved.

As Table 2-1 shows, there are a total of 1,765 acres of open space distributed among the three types of open space created by annexing the various areas within the PAA. Bringing the 275 acres in the West Annexation area into the city resulted in 1,056 acres of new open space. The South Area has 152 acres of developable land that would yield 616 acres of city and county open space. In exchange for developing the East Area, Palmer was required to set aside 50 acres for an In-City Forest. Palmer could not harvest the timber on the site for five years (until December 2001) while the City and the County sought funds to purchase its timber rights.

The UGA Agreement does not include an open space requirement for developing the Lake 12 Annexation Area since the purpose of this annexation would be to relieve a public health problem due to poor water quality.

Table 2-1. PAA Acreage and Open Space Allocation

Site	Developable Acres	Public Open Space/ Natural Resource Land			
		UGA	In-City	County	Total
West Annexation Area	275.3		347.0	645.5	1055.5
South Annexation Area	151.9		195.0	339.0	615.7
East Annexation Area	50.0	0	50.0	0	50.0
Lake 12 Annexation Area	116.0	44.0	0	0	44.0
Totals	593.2	189.0	592.0	984.0	1,765.2

The 10 acres in the Boundary Adjustments does not require an open space contribution since it may be annexed for utilities or services.

Conservation of the in-city open space, referred to as the In-City Forest is subject to the City acquiring the timber rights.

The UGA Agreement does not require open space acreage for the Lake 12 Annexation Area. The lake is 44 acres, but would be private open space.

Lake 12 Annexation Area

The Lake 12 Annexation Area can only be annexed after the following steps are completed:

- The City may extend sewer and water service to the Lake 12 Annexation Area before it is annexed provided that City funds are not required to do so and that this action does not affect the City's ability to provide these services within the existing city limits;
- The lake meets or exceeds state water quality standards (pursuant to WAC 173-201A-030 (5)(c)); and
- The City completes a traffic study to determine the city road standards needed to improve the Green River Gorge Road.

Sequence of Annexations

When the conditions of annexation were achieved, annexation of the PAA began, in the following sequence:

- West Annexation Area
- East Annexation Area
- South Annexation Area
- Lake 12 Annexation Area

Two or more of these areas may be annexed simultaneously, except that the East Annexation Area could not be annexed unless the West Annexation area was annexed; the South Annexation Area could not be annexed unless the West and East Annexation Area were annexed; and the Lake 12 Annexation Area could not be annexed unless the West Annexation Area was annexed Pursuant to these terms, the annexation of the South and Lake 12 annexation areas may now occur when conditions are favorable.

2.2.4. Consistency with the Plans and Policies

In accordance with the GMA, the UGA must be consistent with other related plans and policies and the City Comprehensive Plan. The following discussion analyzes the Agreement in light of the relevant plans; the King County Comprehensive Plan and the Black Diamond Comprehensive Plan.

King County Comprehensive Plan and Policies

In adopting the UGA Agreement, the King County Council found that the Agreement was consistent with the Joint Planning Ordinance and other applicable County plans and policies, as described below in that the UGA Agreement:

- Substantially includes all areas specified, except the John Henry Mine site;
- Allows for minor adjustments in designated areas consistent with the Agreement;
- Requires amendments to the City Comprehensive Plan to meet objectives for affordable housing, economic development, natural resource management, clustering development, and preserving open space;
- Provides for the extension of City infrastructure to the PAA; and
- Includes a mechanism for phasing growth.

Countywide Planning Policies

In adopting the PAA Agreement, The King County Council found that it conforms to the applicable policies of the King County Countywide Planning Policies (KCCP): CCP LI-38 and CCP R-301. The policies, as stated below, implement the GMA when establishing urban growth areas in the county.

King County CCP LU-38

"In recognition that cities in the rural area are generally not contiguous to the countywide Urban Growth Area, and to protect and enhance the options cities in rural areas provide, these cities shall be located within Urban Growth Areas. These Urban Growth Areas generally will be islands separate from the larger Urban Growth Area located in the western portion of the county. Each city in the Rural Area and King County and the Growth Management Planning Council shall work cooperatively to establish an Urban Growth Area for that city. The Urban Growth Areas for cities in the Rural Area shall:

- Include all lands within the existing city in rural areas;
- Be sufficiently free of environmental constraints to support rural city growth without major environmental impacts;
- Be contiguous to city limits;
- Have boundaries based on natural features such as wetlands, topographic features and edge of areas already characterized by urban development;

- Be maintained in large lots at densities of one unit per five acres, or less, with mandatory clustering until the City annexes it;
- Be implemented through inter local agreements between King County, the cities and special purpose districts, as appropriate, to ensure that annexation is phased, nearby open space is protected and development within the Urban Growth Area is compatible with surrounding Rural and Resource areas; and
- Not include designated forest or Agricultural District lands unless conservation of those lands and continued resource-based use, or other compatible use, is assured."

King County Comprehensive Plan Policy R-307

"Rural cities and their agreed-upon Urban Growth Areas shall be considered part of the UGA for purposes of planning land uses and facility needs. King County should work with rural cities to plan for growth consistent with long term protection of significant historic resources, the surrounding Rural Area, and Natural Resource Lands."

King County Growth Targets

King County Countywide Planning Policies (KCPP) establish growth targets for Black Diamond. In 1998 the County adopted growth targets for all cities in the County, in accordance with the GMA. These were subsequently updated in 2005. The targets establish the upper limits of growth which the City must plan to accommodate in 2022.

The 2022 target is 1,099 additional households, which equates to 2,945 individuals. However, the population and household allocation does not take into account the large master planned developments anticipated to occur within the City during that time frame. . The City expects to significantly surpass its household and population targets. This is discussed in greater detail in the Land Use Element of the Plan.

2.3. UGA Policies

The objectives and policies identified in this section will be used to guide decisions that determine the pattern, timing, and impact mitigation of development in the UGA. They are intended to supplement the relevant policies and objectives elsewhere in this Plan.

UGA Natural Environment Objectives and Policies

UGA Objective NE 1: Preserve the diversity and distribution of habitat types in sufficient quantities to sustain species populations, especially rare or unusual habitats.

UGA Objective NE 2: Incorporate the mitigation measures identified in the Final EIS for the PAA to protect environmentally sensitive areas.

Water Quality

UGA Policy NE 3: Protect, and where appropriate, enhance ground and surface water quality to meet or exceed state water quality standards within the drainage basins that may be affected by development in the UGA.,

UGA Policy NE 4: Prior to annexation of the Lake 12 Annexation area, Lake 12 water quality must meet or exceed state water quality standards pursuant to WAC 173-201A-030 (5)(c).

Critical Areas

UGA Policy NE 5: Naturally occurring processes such as runoff, stream channel migration, etc., should be maintained by designing stream crossings to pass floods and debris, as well as fish.

UGA Policy NE 6: Development of headwater catchments should be limited to protect streams from temperature increases, sediment, and fish habitat degradation.

UGA Policy NE 7: Where linkages between habitats have been severed or interrupted, connections should be restored by replacing culverts with bridges, revegetating riparian areas, and improving in-stream habitat.

UGA Policy NE 8: Developed portions of all annexation areas, especially in the Lake 12 Annexation Area, should protect the maximum amount of native vegetation to enhance storm water management.

UGA Policy NE 9: New residential development in the Lake 12 Annexation Area should be sited and clustered away from the adjacent rural and resource lands and critical areas.

UGA Policy NE 10: Coordinate with King County and the Muckleshoot Indian Tribe to develop management plans that preserve County Open Space identified in the UGA Agreement primarily for its open space values, as opposed to timber values.

UGA Policy NE 11: Mitigation measures identified in the City of Black Diamond Potential Annexation Area Final Environmental Impact Statement and Comprehensive Plan Amendments should be used, with other city requirements, as development standards for the UGA.

UGA Land Use Objectives and Policies

Land Use

UGA Objective LU 1: Accommodate projected growth, protect the critical drainage areas from inappropriate development, protect and retain the community character, and efficiently provide urban services within UGA lands.

UGA Objective LU 2: Ensure that the site development process for the UGA provides flexibility in locating uses, establishes a unified development plan for each site, and adequate opportunities for public involvement.

UGA Objective LU 3: Phase development of the UGA to minimize impacts on environmental quality and disruption of the social and business climate in the existing city.

UGA Objective LU 4: Insure that the City maintains an overall and fiscally sound balance between revenues and expenditures during each phase of development of the UGA.

Open Space

UGA Policy LU 5: The TDR Program should transfer development rights from the priority open space areas identified in the City Open Space Program for use in the UGA.

UGA Policy LU 6: Prior to annexation of any portion of the surface mining pits, landowners will be required to confirm to the City that the PAA and County open space areas have been permanently protected under the City and County open space programs, as appropriate.

UGA Policy LU 7 Approval of the annexation of the Lake 12 Annexation Area should include permanent public access to the lake. **UGA Policy LU 8:** Approval of the annexation of the East Annexation Area should include provision of permanent public access to the In-City Forest.

Commercial and Mixed Use Development

UGA Policy LU 9: Upon annexation of any portion of the PAA., the City should adopt a development agreement with the PAA landowners to establish zoning and vested rights, to determine the process by which the site plans for developing the area are reviewed and approved, and to identify the roles and responsibilities of each party in providing capital facilities and public services.

UGA Policy LU 10: Utilize a master planned development process in the UGA to determine the specific location of structures and uses, phases of development, and the design features of each site and its structures. If the Lake 12 Annexation Area continues to develop by individual lot ownership, it should not be subject to a master planned development process.

UGA Policy LU 11: The affect of the new commercial activity in the UGA should be evaluated to minimize its financial impact on the city's existing business sector.

Phasing Development

UGA Policy LU 12: The growth-phasing schedule of the capital improvement program should determine the timing and sequence of development in the UGA.

UGA Policy LU 13: The City should determine the as built cumulative impact of UGA development on the City's capital improvement program, its fiscal position, and its natural resource policies when each phase is completed. Ensure that adverse impacts are mitigated before the beginning of a subsequent phase.

Community Design and Character

UGA Policy LU 14: Utilize the Black Diamond Design Guidelines and Standards as the standards to determine the design features of commercial, office, and industrial uses and as guidance in designing residential development in the UGA.

UGA Policy LU 15: In developing the UGA, protect significant view corridors, especially to Mt. Rainier.

Housing

UGA Policy LU 16: Residential development in the UGA shall contribute to meeting Black Diamonds' fair share of affordable housing in accordance with current King County Affordable Housing Policy.

Industrial/Business Park

UGA Objective LU 17: Create a strong, stable tax base to insure continued provision of necessary urban services and facilities.

UGA Policy LU 18: Encourage new business and industry in the PAA that produces high value products and services.

UGA Policy LU 19: Establish public and private sector training programs to enable the local work force to fully participate in the business and industrial opportunities created by the PAA.

Fiscal Management

UGA Policy LU 20: Revenues shall exceed expenditures for each development phase of the UGA to provide a sufficient fiscal reserve for financial circumstances.

UGA Policy LU 21: Prior to annexation of any portion of the PAA, its landowners will, at a minimum, confirm that they have made commitments to carry out construction contracts for extending water, sewer, storm water, and major road facilities to these areas.

UGA Parks and Recreation Objectives and Policies

UGA Policy PR 1: Provide park and recreation facilities in the UGA concurrent with the development of this area and consistent with the standards of this Plan.

UGA Policy PR 2: Avoid locating active park and recreation facilities in environmentally sensitive areas. Where it is necessary to do so, substantial buffers should be maintained to minimize human disturbance of these resources.

UGA Utilities and Public Services Objectives and Policies

UGA Objective U 1: Integrate all public facility and service plans for the UGA into appropriate City plans and programs.

UGA Policy U 2: The mix of residential and employment land uses in the UGA, should achieve the "economies of scale" needed to support quality public services and schools in a cost-efficient manner.

UGA Policy U 3: City revenues should not be used to fund private facility extension in the UGA.

UGA Policy U 4: The City Capital Improvement Program should integrate public facility and service extensions for water, sanitary sewers, roads schools, storm water

management, fiber optic communications, fire and emergency services, police, and parks and recreation infrastructure for all phases of UGA development.

UGA Policy U 5: UGA landowners should provide sufficient land to meet the utility and educational facilities needs projected for this area.

UGA Policy U 6: Water and sewer service should be extended to the Lake 12 Annexation Area only if these service extensions will not adversely impact the ability of the City to provide these services to development within the existing city, and if extending water or other urban services to the area does not require the use of City revenues.

UGA Policy U 7: If the Lake 12 Area is to be annexed, the City should enter into a pre-annexation agreement with the County to establish a funding package that includes a combination of local improvement district revenues, and federal, state, and County resources.

UGA Policy U 8: Prior to annexing the Lake 12 Annexation Area, a traffic study should be completed to determine the appropriate City road standards that apply to the Green River Gorge Road upon annexation.

UGA Policy U 9: Sewer and water facilities extended to the UGA will not serve adjacent rural or resource lands.

UGA Policy U 10: Identify appropriate programs and technologies to reduce solid waste and conserve supplies and energy resources.

Chapter 3. Population and Employment Character

3.1. Population

At the turn of the 20th century, the City of Black Diamond (the City) was a thriving coal mining town and contained a population of 3,000 persons. In the early years of the 21st century, the City has passed that threshold again and is a thriving village community with a population of 4,085 (2007). By 2025, the City is expected to grow to a population of 16,980 residents. Much of the growth will occur as a result of master planned development in areas annexed to the City in 2005 and areas slated for future annexation consistent with the Black Diamond Urban Growth Area Agreement (BDUGAA).

For the 2000 Census, the Black Diamond area consists of portions of three Census tracts: Tract 316.01, which covers the area surrounding Lake Morton; Tract 316.02, which includes the northwest quadrant of Black Diamond, as well as Lake Keevies, Lake Sawyer, and part of Maple Valley; and Tract 316.03, which covers most of the City, as well as territory south, east and north, extending to Ravensdale [see Figure 3-1]. The collective outer boundary of the tracts coincides with the Puget Sound Regional Council's (PSRC's) Forecast Analysis Zone (FAZ) 3310, and the three tracts continue to be closely tied. (Some discussion in the comprehensive plan refers to them collectively as "Tract 316," and combines data for the three separate census tracts.)

Figure 3-1. Census Tract Map

[Note: Insert 2000 Census Tract Map from PSRC website]

Much of the increase in population in the City between 1990 and 2000 can be attributed to the annexation of the Lake Sawyer neighborhood in 1998, which added 1,480 residents to the City. However, as can be seen from Table 3-1, development in this portion of the County has also been proceeding more rapidly than the County or State as a whole for the past 30 years.

3.1.1. Current Population

The State of Washington’s Office of Financial Management (OFM) estimated the April 2007 population of the City at 4,120 people and the population of King County, as a whole, at 1,861,300 people. The combined 2000 population of Census Tracts 316.01, 316.02, and 316.03 was 13,158 people, 3,970 residents which located within the City of Black Diamond.

The City was incorporated in 1959. The 1960 population was 1,026. Population growth is shown below in Table 3-1 for years 1970 to 2006. Between 1970 and 1980, the City experienced slow growth of less than 1%. From 1980 to 1990, the City experienced 21.5% growth, followed by a boom in population growth between 1990 and 2000, most of which was due to the annexation of the Lake Sawyer neighborhood in 1998. During this period, the City more than doubled in population, from 1,422 residents in 1990 to 3,970 residents in 2000, an increase of 179%. Growth since 2000 has been slower, with population increasing 2.9% from 2000 to 2006. Development moratoria were in effect for much of this period.

Table 3-1. 1970 – 2006 Population Growth

	1970	1980 % change	1990 % change	2000 % change	2007 % change
Washington State	3,143,250	4,132,353 31.5%	4,866,669 17.8%	5,894,121 21.1%	6,488,000 10.1%
King County	1,145,314	1,269,749 9.8%	1,507,319 18.7%	1,737,046 15.2%	1,861,300 7.2%
Census Tract 316/ FAZ 3310	4,185	6,858 63%	9,083 32.4%	13,158 44.9%	--
Black Diamond	1,160	1,170 0.86%	1,422 21.5%	3,970 179%	4,120 3.7%

Source: U.S. Census for 1970-2000. Washington State OFM Estimate for 2007.

2000 Population estimate for Tract 316 represents combined totals for Tracts 316.01, 316.02, and 316.03.

Approximately 46% of city residents lived in the same house in 2000 as they did in 1995, which is comparable to a residency pattern of 48% in King County as a whole.

Sex and Age Distribution

According to the 2000 Census, the City's median age was 36 years, which is equal to the median age for King County as a whole. Tracts 316.01 –316.03 had median ages of 38 years, 33 years, and 35 years, respectively. A comparison of age cohorts in the City and Tract 316 and King County is illustrated in Table 3-2.

Table 3-2. Summary Age Distribution

Age Group	Black Diamond	Census Tract 316	King County
< 18 years	28.5%	30.2%	22.5%
18 - 64 yrs.	63.3%	63.7%	67.1%
65 + years	8.3%	6.2%	10.5%

Source: US Census 2000, Summary File 1.

This age distribution is generally consistent with information from the 1990 census and shows that the City has both a significant percentage of children and elderly persons. The community, thus, encompasses all age groups.

The City and Census Tract 316 have 50.9% to 49.1% male to female composition. King County is 49.8% male and 50.2% female.

Education

According to data from the 2000 Census, 87.5% of city residents have at least a high school diploma (vs. 90.3% of the County as a whole) and 21.8% at least a Bachelor's degree (vs. 40.0% for the County).

Ethnicity

Composition of racial and ethnic groups is illustrated in Table 3-3. Proportionally, the Census Tract and the City are very similar. The predominant ethnic group is White (93.4%) with the next largest ethnic group American Indian/Alaskan Native (1.6%).

Table 3-3. Ethnic Origin

Ethnic Group	King County	Census Tract 316	Black Diamond
White	75.7%	92.7%	93.4%
Black	5.4%	0.5%	0.08%
American Indian, Alaskan Native	0.9%	0.9%	1.6%
Asian and Pacific Islander	11.3%	1.8%	1.1%
Other	2.6%	1.1%	0.9%

Source: US Census 2000, Summary File 1.

Given the history of the City, great ethnic diversity exists within the white population. The City had a history of a wide ethnic population mix that came to work the mines, including Italian, Welsh, Austrian, Yugoslavian, Finnish, Belgian, French, and Polish.

Income

At the time of the 1990 Census, nearly 45% of city households were considered low-income (\$24,999 per year or less), and the City's median household income was only 79% of that of King County as a whole. As of the 2000 Census, the percentage of low-income households has dropped to 16.6%, while that of King County is approximately 20%. The median household income in the City has increased dramatically as well, rising 138% from \$28,155 in 1990 to \$67,092 in 2000. During the same period, King County's median household income increased 47%. Much of this increase can likely be attributed to the annexation of the Lake Sawyer neighborhood in 1998.

3.1.2. Population Forecast

Population forecasting is an integral part of the planning process. The King County Countywide Planning Policies (CPP) require jurisdictions to estimate the number of new households and jobs that will be accommodated during the 20-year period. The Growth Management Act (GMA) requires jurisdictions to plan for no less than a 20-year period; hence, population and household forecasts for this comprehensive plan extend to 2025, as this plan update process began in 2004. Through the comprehensive planning process, each jurisdiction must, at a minimum, provide adequate land, transportation, capital facilities, and utilities to accommodate this growth target over the 20-year period. The 20-year target, however, is just that—a target that expresses the intent of the comprehensive plan. The plan also recognizes that many variables can cause a somewhat higher or somewhat lower actual population.

King County Overview

King County as a whole contained 1,737,046 residents as of the 2000 Census, and the OFM estimates a 2007 population of 1,861,300. OFM forecasts that King County's population will increase by 483,000 residents by the year 2025. Per the 2004 King County Comprehensive Plan, 96 percent of this household growth from 2001 to 2022 is expected to locate within the designated Urban Growth Area (UGA), which makes up about one-fifth of the County.² How this growth will be distributed within the County will be a function of the King County CPP, plans of individual jurisdictions, the regional economy, and the private marketplace.

King County CPP allocated 1,099 new households (for the period 2001 – 2022) to be built in the City of Black Diamond. This represents the amount of growth the City is obligated to plan for during that period of time. However, due to several large development proposals likely to occur during the upcoming 10-15 years, this Plan assumes greater increases in the number of households and in population. (See Table 3-4)

Table 3-4. Comparison of New Household and New Employment Allocations and Projections

King County Allocation (2022)	King County CPP Allocation (2022)	Black Diamond Projection (2025)	
New Households	New Employment	New Households	New Employment
1,099	2,525	5,426	2,677

Note: Black Diamond projections are for the year 2025.

CPP = Countywide Planning Policies

City of Black Diamond Building Activity

The City has had a moratorium on subdivisions in place since 2001 in order to update required plans and regulations. Thus, there has been little formal subdivision development in the last five years outside of what was vested prior to 2001. Residential in-fill development has continued over the past ten years, however, as population growth and increases in land prices have occurred throughout southeast King County.

² King County, 2004 King County Comprehensive Plan, "Household Growth Targets by Subregion" table, page 2-6.

Land for Future Growth

In December 1994, the City annexed 783 acres of land to the southwest of the city limits, near Black Diamond Lake. This annexation area is designated for single-family and multifamily residential development, along with a small commercial area, recreation, and a 50% open space requirement. In December 2005, the City annexed the West Annexation Area, an area designated in the BDUGAA. This annexation added 338.6 acres of vacant land to the City’s land supply which can be developed with a mix of commercial, residential and mixed-use development types through application of the City of Black Diamond Master Planned Development Ordinance and the Pre-Annexation Development Agreements adopted for these properties. Master Planned Development, residential subdivision and building permit activity for the City is anticipated to increase beginning in 2009, following the lifting of the development moratorium. There is significant pent up demand and development potential within these recently annexed areas.

This comprehensive plan contemplates significant residential growth in the city limits. Growth is seen as a key to creating a balanced and fiscally sound community and will be managed pursuant to the comprehensive plan and development regulations.

City of Black Diamond Population Forecast

The updated comprehensive plan is based on an extended 20-year planning period. In order to determine a population forecast for the year 2025, the City reviewed the PSRC preliminary 2003 forecasts for FAZ 3310, King County forecasts, existing city plans and policies, and forecasts regarding the long-term state of the regional economy. The City believes that considerable growth could occur within the City in the next 20 years, given its significant amount of developable land, GMA and King County CPP directing growth to existing urban areas (i.e., cities), and a strong economy. Table 3-5 identifies population counts for 2000 and 2006, and the City’s population projections for 2025.

Table 3-5. City of Black Diamond Population Projections

Year	Population	Households	Annual Population Increase
2000	3,970	1,456	---
2006	4,085	1,578 (2.6 pph)	0.47%
2015	10,437	3,740 (2.79 pph)	9.8%
2020	15,770	5,776 (2.73 pph)	7.1%
2025	16,980	6,302 (2.68 pph)	1.2%-

Note: Projections for population and households include 2006 Black Diamond city limits and 2006 Potential Annexation Areas.
p-ph = persons per household for 2015-2025 was derived from the 2006 PSRC FAZ (Forecast Analysis Zones) forecasts..

For purposes of the 2025 projection, the number of persons per household is projected to gradually decline to 2.68 pph, and is reflected in the estimate.

The amount of growth the City plans for in its comprehensive plan should be consistent with the CPP including the household allocation. Section 3.3.1 and Table 3-4 show the relationship between the City's projection and the CPP's household and employment allocation. It should be noted that the CPP projections and targets do not currently reach the year 2025, and the City has derived its own projections for a portion of this time period.

Population growth in the City is encouraged by the comprehensive plan provided it is consistent with the City's vision, respects the natural environment, and pays its "fair-share" of the costs associated with growth. Growth that is managed and occurs consistent with these principles will contribute to a more balanced and fiscally sound community.

There are many uncertainties inherent in population forecasting. In planning for its future growth, the City has intentionally planned for more land than is estimated to be needed for growth over the next 20 years. If substantial growth does occur at a significantly higher or lower rate than anticipated, adjustment of some aspects of this plan (particularly growth phasing) may be necessary.

Black Diamond uses a formula for calculating the amount, use, and density of land within the City to ensure that the forecast of population, housing, and employment is met and so that limitations of available land supply will not artificially drive up prices. This is important so that the fluctuations in population and employment growth can be absorbed, and unmet demand for housing and jobs is not displaced into rural unincorporated areas. To accomplish these objectives, King County recommends and uses a land supply factor of 140% (i.e., 40% more land should be provided above that calculated to be needed for projected growth based on land use designations, zoning regulations and household size). Existing comprehensive plan designations would supply enough land for approximately a 9% increase over the forecasted population of 16,980, which is significantly less than the 140% land factor recommended by King County. However, this smaller margin is considered to acceptable for the City due to the fact that substantial developable land in large single-ownership tracts is expected to be coming on the market in the near future, is anticipated to build out during the planning period, and the resulting amount of population and household growth is significantly greater than allocated through the King County Countywide Planning Policies. This supply of land is anticipated to be built-out within the lifetime of this comprehensive plan's planning horizon (2008-

2025), which will also remove a larger than usual share of the City’s developable land supply from the vacant land inventory.

3.2. Employment

3.2.1. Current Employment

According to Census data, 2,122 city residents were employed as of 2000. The City has little local employment, however. The 2003 King County Annual Growth Report estimated a total of 427 jobs within the City limits in 2000. These jobs were categorized as follows:

Table 3-6. 2000 Employment

Industry	2000 Jobs
Retail	105
Finance, Insurance, Real Estate, Services	42
Governmental & Education	132
Wholesale, Transportation, Utilities (WTU)	*
Manufacturing	*
Agriculture, Forestry, Fishing, and Mining/Construction	113
TOTAL	427

PSRC tally of jobs covered by state unemployment insurance, as reported in King County 2005 Annual Growth Report.

* Sector detail is suppressed to protect confidentiality.

The 427 jobs represent a ratio of approximately 0.3 jobs per household.³ Given that the City is not in immediate proximity to a major employment center, most residents must travel to the western portion of the County or to Pierce County for work.

The 2000 mean travel time to work for city residents was 38.3 minutes (versus 26.5 minutes for the County as a whole). This lack of local jobs contributes to lower incomes for city residents, a reduced tax base for the City and increased vehicular commuting.

The 2000 unemployment rate for the City was 1.8% compared to 4.5% for the County as a whole.

³ 2000 U.S. Census: 1,456 households in Black Diamond

In 2000, the jobs to household ratios for the City was compared to other King County rural small towns listed below, as well as neighboring Covington and Maple Valley. As shown in Table 3-7, the City currently has a significantly lower ratio of jobs-to-households than neighboring or similarly sized cities.

Table 3-7. Jobs per Household Ratios

Black Diamond	0.3 jobs per household
Rural Small Towns	
Carnation	0.9 jobs per household
Duvall	0.7 jobs per household
Enumclaw	1.0 jobs per household
North Bend	1.1 jobs per household
Snoqualmie	2.1 jobs per household
Neighboring Jurisdictions	
Covington	0.6 jobs per household
Maple Valley	0.6 jobs per household

Employment Forecasts

Between 2000 and 2020, the PSRC forecasts that employment in King County will increase by 328,000 jobs. The composition of the County economy is shifting as manufacturing employment declines, and employment in the retail, services, and government/education sectors increases.⁴

The City supports local job growth and, through its comprehensive plan, is attempting to achieve a better "jobs-housing balance" for both existing and future residents. The City's goal is to ensure that land use planning allows the achievement of one local job per household for the year 2025 and beyond. These reasons for the anticipated employment growth are elaborated in the Table 3-8.

Table 3-8. Employment Sector Growth

Employment Sector	Reason for job growth
Retail & Services	Services residential areas. Anticipated to grow with residential growth.
Governmental & Education	Jobs will increase as new community facilities are located within the city.

⁴ Puget Sound Regional Council 2006 Sub-County Forecasts of Population and Employment, Central Puget Sound Region. (Released October 26, 2006).

WTU & Manufacturing	The jobs will correspond to the existing industrially zoned land and converted mineral extraction area.
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A total of 2,525 new jobs are planned to be accommodated in the City by 2025.

Table 3-9. City of Black Diamond Employment Projection

Year	Households	Jobs	Annual Increase
1990	541	177	--
2000	1,456	427 (0.30 jobs/hh)	13.7%
2015	3,740	1,404 (0.38 jobs/hh)	7.7%
2025	6,302	3,147 (0.50 jobs/hh)	7.6%
Buildout	7,105	11,557 (1.62 jobs/hh)	--

Note: Projections for households and jobs include 2006 Black Diamond city limits and 2006 Potential Annexation Areas.

hh = household

3.3. Implications of Population and Employment Growth

3.3.1. Population and Households

The GMA requires that each county accommodate a population allocation which is based upon OFM 20-year growth forecasts. Adequate land must also be identified for commercial and industrial uses to meet local employment needs. The 2004 King County Comprehensive Plan has planned to accommodate 1,993,000 residents in the County by the end of its 2022 planning period. The CPP allocate 1,099 new households to the City by the year 2022; this is the amount of growth the City is obligated to plan for according to the GMA. The GMA requires that the connection between projections and the plan ensure that adequate urban levels of service for public facilities and services can be provided.

In contrast, the City expects to gain 2,162 new households by the year 2015 and an additional 2,562 new households by the year 2025, for a total of 4,724 households. The City’s extended projections would exceed the targets established in the CPP. However, the CPP targets have not been updated at this time to include the year 2025. Similarly, the CPP do not factor in current (and recently changed) local conditions regarding land ownership, the presence of several large land parcels with significant development potential, and pent-up demand due to recent development moratoria. In sum, these factors support a significant increase in the City’s growth projections.

3.3.2. Employment

Attaining a healthy housing-jobs mix is central to the City's future growth and to accomplishing its vision. The City's employment target is to provide one job per household within the City by the year 2025 which would translate to a jobs target of approximately 6,534 jobs. However, employment projections used in this update are more conservative in order to recognize that the City's population will need to grow first so it provides a larger market base that can attract and support a higher level of commercial development, including the services needed by a larger population. The plan will be monitored and can be adjusted to account for more aggressive job growth, as economic conditions change in future updates. This monitoring will need to be in addition to that required of Master Planned Development projects as part of their required fiscal analyses.

The City is expected to have 977 new jobs in the year 2015 and 1,743 new jobs in the year 2025. The CPP 2022 allocation of 2,525 new jobs can be accommodated within the 2006 city limits based on existing land use designations and anticipated development. The City's updated projection is for 2,677 new jobs by 2025. About 833 acres of employment land are proposed in the city limits, including the conversion of interim mineral extraction land that is expected to be depleted.

3.3.3. Allocating Land for Household and Employment Growth

The following Chapters provide the basis for the comprehensive plan to direct and accommodate future household and employment growth within the City and its UGA.

Chapter 4. The Natural Environment

4.1. Introduction

4.1.1. Preserving the Natural Beauty

The first 100 years of the City of Black Diamond's history were based on extraction of the natural resources. The next 100 years of the city's future will be characterized by the preservation of the quality of its natural setting, its scenery and views, and the preservation of its historic treasures.

From the local fishing hole, to the field where deer graze, to the beaver dams, to the eagle flight overhead; these resources are a tangible part of living in the city. The extensive natural beauty and intricate ecosystem of the city form the basis for a natural resource and open space network. The network serves to define the edges for the existing and future development areas.

This Natural Environment Chapter provides the framework for protection of natural resources. The city's forests and fields—along with the natural drainage system and its connections with lakes, streams and forests—form a rich habitat for fish and wildlife that is unlike any other city in King County.

Information contained within the Natural Environment chapter is based upon sensitive areas inventories conducted by the City in the early 1990s to locate, identify, and categorize sensitive areas within the City's jurisdiction. The City uses King County Map data as a basis for developing existing sensitive areas maps. Therefore, the King County Interactive Map Folio was used to provide sensitive areas inventory information for the current city boundaries. The City's current

Environmentally Sensitive Areas regulations (Chapter 19.12, Black Diamond Municipal Code) were adopted in 1993 and are in the process of being updated in 2008.

4.2. Existing Natural Features

4.2.1. Water & Natural Drainage

Drainage within the planning area is an interrelated system of surface water, groundwater, and wetlands. In order to identify existing drainage characteristics and potential impacts from urbanization, an understanding of the site-specific hydrologic interaction among the components of the drainage system is required.

Surface Water Drainage Basins

Nearly all of the planning area is located in the Rock Creek and Ravensdale Creek Drainage Basins. Rock Creek and Ravensdale Creek are two headwater drainage systems of Lake Sawyer and Covington Creek. Rock Creek drains to the south and southwest portion of Lake Sawyer, while Ravensdale Creek drains to the north and northwest portion of the Lake Sawyer area. Lake Sawyer is the fourth largest natural lake in King County. Lake Sawyer's outlet is Covington Creek which flows west into the Big Soos Creek drainage system. The Big Soos Creek discharges into the Green River about one mile east of the City of Auburn and about seven miles west of the city. The southern and western most portions of the planning area touch upon watersheds oriented towards Green River and the Crisp Creek drainage basin (including Horseshoe Lake) respectively. The Lake 12 Annexation Area drains to the middle Cedar River indirectly via the lake and wetlands extending east from the lake.

Types of land cover presently found in the Rock Creek and Ravensdale Drainage Basins include remnant forest stands (second and third generation growth); grass; and limited impervious surfaces (roads and a few structures). Forest covered surfaces typically display higher infiltration capacity and less surface runoff potential than grass covered surfaces because the root system of trees is more extensive and deeper than that of grass. The flat to moderate topography of the Rock Creek Drainage Basin further reduces surface runoff potential.

Surface impoundments caused by lakes, wetlands, and streams influence surface runoff by providing storage that helps attenuate the peak rate of discharge. The storage effect of streams is less pronounced than that of lakes and wetlands. In

streams, increased surface runoff volumes and prolonged duration of peak rates of discharge results in more impact.

The surface water drainage system in the planning area is shown in Figure 4-1.

Basin boundaries were identified from the 1990 King County Soos Creek Basin Plan (1992). Much of the area near the city is designated as Regionally Significant Resource Areas in the Soos Creek Basin Plan because of the relatively pristine condition of the watershed, including the streams, lakes, wetlands and surrounding forested upland areas.

The Rock Creek and Ravensdale Creek drainage basins received special attention in the city's resource planning.

Streams and Lakes

Both the Rock Creek and Ravensdale Creek basins drain to Lake Sawyer and ultimately to the Green River. A small portion of the planning area drains either to the Green River via an unnamed drainage network or via Keevies Lake and Crisp Creek, or to Horseshoe Lake, which has no outlet.

Major creeks in the city were inventoried in 1991 using guidelines provided by the Washington State Department of Natural Resources (DNR), in compliance with the Growth Management Act.

There are eight creeks located in the planning area—Covington Creek, Rock Creek, Jones Lake Creek, Ginder Creek, Lawson Creek, Mud Lake Creek, an unnamed tributary to Black Diamond Lake, and Ravensdale Creek. These water bodies are listed in Appendix A. Stream classifications shown in Appendix A are based on a water typing system used by DNR and are for information purposes only. Stream types are classified in the City's SAO under "Water Typing System," which defines streams from Type 1 to Type 5 depending on the presence of fish, whether intermittent or year round, and other factors. Stream type will be determined using the definitions and criteria of the City's SAO.

Figure 4-1. Surface Water Drainage Basins and Streams

Covington Creek is also classified as a Shoreline of the State, subject to the Shoreline Management Act (SMA). There is only a small segment of Covington Creek where it exits Lake Sawyer within the existing city limits.

In their present state, all of the larger streams are moderately important for water supplies, recreation, fish and wildlife habitat, and protection of water quality. Lawson Creek influences water quality in Jones Lake and the Rock Creek wetlands, and Mud Lake Creek influences the water quality of Ginder Creek. All other drainage courses within the Rock Creek watershed are considered minor.

There are eight existing lakes within the planning area — Lake Sawyer, Jones Lake, Black Diamond Lake, Oak Lake (also known as Lake Marjorie), Frog Lake, Horseshoe Lake, Lake Number 12, and Mud Lake.

Lake Sawyer is the fourth largest natural lake in King County at 286 acres with a watershed of 13 square miles. Lake Sawyer is considered a “shoreline of the state” and is subject to the SMA and the City’s Shoreline Master Program. The lake is fed by the Rock Creek and Ravensdale Creek drainage systems. Lake Sawyer has experienced water quality problems from various sources, including discharge of inadequately treated sewage from the decommissioned City of Black Diamond sewage treatment plant located in the Rock Creek drainage. A lake management plan for Lake Sawyer was completed by King County in 2000. The City and King County have conducted stormwater monitoring in the lake’s watershed to help identify sources of phosphorus. Data collected by volunteer lake monitors indicate that Lake Sawyer is low to moderate in primary productivity with very good water quality.⁵ Ravensdale Creek has a disproportionately high discharge to drainage area ratio likely due to a high influx of groundwater. Although its drainage area is about half that of Rock Creek’s drainage area, Ravensdale Creek has a discharge about 3 times greater than that of Rock Creek during the dry summer months. The phosphorus concentrations in Ravensdale Creek are relatively low during the wet season but exceed those of Rock Creek during the dry season when most of the flow is comprised of naturally phosphorus rich groundwater. Consequently, Ravensdale Creek contributes about half as much phosphorus to Lake Sawyer as Rock Creek. Lake Sawyer is an important migration corridor for a late run of coho salmon that pass upstream shortly after Christmas. The fish spawn in upper Ravensdale Creek. Lake Sawyer also provides year-round recreational fishing for stocked rainbow trout and warm water fish. The lake is also used extensively for boating, water-skiing, and other recreation. Public access is provided at a boat launch on the northwest side of

⁵ King County Lake Monitoring Report, Water Year 2004.

the lake. An undeveloped 168 acre park is located along the southern part of the lake.

Frog Lake is located in the northwestern part of the planning area at the southeastern portion of Lake Sawyer. Frog Lake is approximately 25 acres in size. It is largely a forested wetland with an open water area, identified as Wetland 2 by the City or as Covington Creek 22 by King County's Interactive Map Folio Sensitive Areas layer. As a wetland related to Lake Sawyer, Frog Lake is considered a shoreline of the state regulated by the SMA.

Jones Lake is 23 acres in size with a watershed of 740 acres. It is fed by Lawson Creek and two other unnamed tributaries, but is a highly groundwater-dependent lake that displays a seasonal fluctuation in water level. Jones Lake is classified as a dystrophic lake, characterized by relatively high concentrations of acidic organic materials in solution. These chemical conditions can reduce the rate or prevent the processes of bacterial breakdown that would otherwise recycle nutrients from dead organic material at the bottom. The bottom deposits of Jones Lake consist largely of unrated organic material which accumulates as peat. The area of Jones Lake is identified as a peat deposit in the Tahoma Raven Heights Community Plan. Jones Lake and the surrounding land have been identified and partially acquired by the City using funds from the King County Open Space Bond Fund. Jones Lake has recreational fishing values. Stocking records available for Jones Lake (previously known as Lake 14) show the following plantings: 1915 - yellow perch; 1922, 1926, 1928, 1929 and 1930 - eastern brook trout; 1932 - kokanee; 1950 - rainbow trout; and 1956 - rainbow trout. Bass, crappie and brown bullheads have also been introduced into this system. Warm water species such as yellow perch, bass, crappie, and bullheads can spawn in lakes and establish self-reproducing populations.

Black Diamond Lake is part of an extended high quality wetlands system. Black Diamond Lake is approximately 11 acres in size with an average depth of 6 feet and a maximum depth of 8 feet and is fed by surface water from a roughly 700 acre watershed and groundwater. Black Diamond Lake has recreational fishing values provided by bass and other warm water fish. The lake was stocked with rainbow trout by the Washington Department of Fish and Wildlife in 1958, 1963, and 1965. There is a high quality peat wetland area located upstream from the open water lake. Black Diamond Lake and its associated world-class bog have been extensively researched by the Nature Conservancy and represent a valuable natural asset for the City.

Oak Lake has not been researched other than to identify it as an open water wetland. Oak Lake is approximately 5 acres in size. It is described as a groundwater depression and is isolated from the other lakes and Rock Creek drainage system.

Horseshoe Lake, located just west of the City limits, is situated in a topographic depression with no outlet. It is fed by both surface water and groundwater and is particularly sensitive to local changes in the shallow groundwater table.

Lake Number 12 covers 44 acres and is fed by surface runoff from a 500 acre drainage area and shallow groundwater flow over a less permeable substrate layer. The lake is known to have an aquatic weed growth problem associated with high phosphorus concentrations. Lake 12 is considered a “shoreline of the state” and is regulated by King County’s Shoreline Master Program. Lake 12 is in the City’s Urban Growth Area (UGA) northeast of the current city limits.

Mud Lake is largely a wetland with a drainage basin of 378 acres. This lake is located in an area designated as mineral resource land. It was once part of a mining plan. However, disturbance of the lake is no longer proposed.

Groundwater

Ground water either moves laterally or remains in place as an isolated body of water and slowly moves downward. Shallow groundwater will generally reflect the influence of local precipitation and surface water phenomena. Deep groundwater is generally regional both in terms of size and immunity to local surface water changes. Groundwater characteristics depend largely on subsurface geologic features (stratigraphy) and surficial geologic features (soil type).

Major groundwater sources in the Puget Sound area are found in the glacial and non-glacial deposits formed during the Pleistocene epoch. Subsurface and surficial geologic features in the Rock Creek, Ravensdale Creek, and Crisp Creek watersheds resulted from the Vashon ice flow. The Vashon ice flow left deposits of outwash and till which form the major groundwater sources in the Rock Creek, Ravensdale, and Crisp Creek drainage basins. Glacial outwash is a medium to highly permeable sand and gravel that produces nominal surface runoff. Precipitation and surface discharges infiltrate the outwash, which generally contributes to recharging deep, regional groundwater aquifers.

Groundwater occurs in three aquifer systems beneath the planning area. These aquifer systems include 1) a seasonal shallow or perched unconfined aquifer in the weathered soil and recessional outwash overlying till or bedrock, 2) an intermediate depth, regional unconfined and confined aquifer system within the pre-Vashon glacial and interglacial sediments, and 3) a confined regional aquifer system within the bedrock.

The shallow aquifer system is the primary water resource penetrated by most of the domestic wells in the planning area. At least seven water wells penetrate the intermediate depth aquifer in the planning area. The deep bedrock aquifer is

controlled by fractures in the bedrock. Several domestic wells penetrate the bedrock aquifer in the east portion of the planning area, but are typically very low in yield.

The shallow aquifer is particularly vulnerable to contamination from the surface and may dry out seasonally in some areas. The intermediate depth aquifer is recharged over a very large area and is generally protected from contamination from the surface. The bedrock aquifer often contains water with elevated level of minerals, such as iron and sulfur that may affect water quality.

Ground water flow patterns have both vertical and horizontal components. In the planning area, the primary vertical component of flow is downward percolation from the shallow aquifer, through the underlying till or fractures in the bedrock, and into the intermediate or deep bedrock aquifer. Horizontal groundwater flow in the shallow aquifer discharges to surface water features in the Rock Creek, Ravensdale Creek, and Crisp Creek drainage systems.

Ground water recharge to the shallow aquifer is primarily from precipitation or infiltration of surface water runoff from adjacent areas. As precipitation falls on the ground surface, a portion infiltrates into the soil. Precipitation that does not infiltrate remains on the surface, filling small depressions or moving downslope as surface runoff. Some shallow infiltrated water (soil moisture) is used by plants and returns to the atmosphere by evaporation. When the soil moisture content is high, such as occurs after a long period of rainfall, water within the soil migrates downward. Downward percolation of water is impeded by relatively impermeable till or bedrock that underlies most of the land. Where water is concentrated within topographically low areas, lowlands such as wetlands and streams, there is generally more recharge than in topographically high, upland, areas where the surficial aquifer is dry much of the time. The intermediate depth and deep bedrock aquifer systems are recharged by infiltrating water over an area much larger than the planning area.

Public Water Supplies

Groundwater withdrawal has not been necessary to supply the City's water needs. The City currently obtains all of its municipal water from a series of springs (Springs 1 through 4) located on the east slope of Green River gorge about 2 miles southeast of the city. The City does not maintain any water wells at present. The spring system is located in a geologically active area of the Green River gorge as demonstrated by a large landslide in February 1996 immediately downstream of Spring No. 1. The water quality and quantity are very good; limited only by the approved water rights consumptive allocation of the spring water.

The City has a wholesale contract for water supply from the City of Tacoma that will provide future water supply. The City will also continue to withdraw water supply from its springs source so long as this source remains feasible.

4.2.2. Sensitive Areas

Sensitive Areas (also referred to as critical areas) are environmentally sensitive features of the city for which protection is required by the Growth Management Act. They include wetlands, frequently flooded areas, fish and wildlife habitat conservation areas (FWHCA), geologically hazardous areas, and areas with a critical recharging effect on groundwater used for potable purposes.

The City conducted sensitive areas inventories in its planning area in the early 1990s and is also using King County mapping data as its source of sensitive areas information. The Black Diamond Sensitive Areas Map was produced by King County GIS data. This plan relies on the King County Interactive Map Folio, Sensitive Areas layer to identify locations of known sensitive areas both within the city limits and the City's UGA. This information will be updated in 2008 as a result of the update of the City's current Environmentally Sensitive Areas regulations (Ch. 19.12 BDMC).

Development adjacent to wetlands and streams inside the city is regulated by the City's SAO. The SAO contains requirements for designating, rating and mapping wetlands and streams, requires the establishment of wetland and stream buffers, identifies activities allowed within the buffers and describes applicable performance standards, and outlines appropriate mitigation requirements.

Wetlands

Known wetlands and streams in the city have been identified and classified (i.e., rated on a reconnaissance level) in the 1992 study entitled "City of Black Diamond Wetland and Stream Inventory." The City's SAO designates and rates wetlands according to the Washington State Department of Ecology's (Ecology's) wetland ratings system found in the Washington State Wetland Rating System documents (Western Washington Ecology Publication #93-74). Known wetlands in and adjacent to the City are identified in Appendix A. The wetland classifications listed in the appendix are preliminary and for information purposes only. For project proposals, wetland classifications will be determined using the definitions, criteria and procedures contained in the City's SAO.

The City has classified and designated frequently flooded areas using the Federal Housing and Urban Development flood map (See Figure 4-1). This map identifies the following flood hazard areas inundated by a 100 year flood: along Rock Creek

from Morganville to Jones Lake; the southern portion of Ginder Creek; surrounding Jones Lake and along the east side of Highway 169 (across from Jones Lake). New development in these areas will continue to be regulated by the City.

The 2006 King County Interactive Map Folio Sensitive Areas layer shows a small segment of Section 15 in the 100 year floodplain in the City. The floodplain is generally along the Rock Creek wetlands and Covington Creek Wetland Number 26.

Fish and Wildlife Habitat Conservation Areas

Fish and wildlife habitats in the City were identified and ranked in terms of value in the 1992 “City of Black Diamond Fish and Wildlife Habitat” study. High value habitats include the Rock Creek and Ginder Creek corridors, open water ponds, lakes, and riparian forests. These habitats exist around streams and wetlands, which are identified, classified, and regulated under the City's SAO. The SAO contains requirements for designating and mapping FWHCA, sets buffer requirements and performance standards for activities allowed within FWHCAs and their buffers, and outlines appropriate mitigation requirements. There are areas of high quality habitat that relate closely to the City’s wetland and stream network. Two of these areas may meet the City’s SAO criteria for FWHCAs: 1) Ravensdale Creek and its adjacent wetlands; and 2) Black Diamond Lake and its adjacent wetlands (See Figure 4-2). The City is currently updating its SAO and may revise the criteria for FWHCAs in the update process.

Figure 4-2. Wildlife Habitat Network (Black Diamond Area)

The general habitat types in the Black Diamond area include mixed deciduous and unmanaged evergreen forest, areas of regenerating managed forest, wetlands, lakes, riparian areas, and creeks. Wetlands, riparian areas, and lakes meeting certain criteria are listed as “priority habitats” in the Washington Department of Fish and Wildlife’s (WDFW) Priority Habitats and Species (PHS) program. WDFW has compiled draft maps of priority habitat areas in the City.

Wildlife corridors provide a means for wildlife, particularly species that roam widely or have large home ranges, to move freely within and among habitat types. Creeks and streams and their associated buffers function as wildlife corridors in urban areas. Rock Creek, Ravensdale Creek and the associated riparian habitat, functions as a corridor between the upper and lower Soos Creek basin. The Rock Creek corridor likely serves as a route to the Green River and upper parts of the Green River watershed as well, linking wildlife that use the lower Green River watershed and the upper Soos Creek basin. The following list of drainages and the known fish species are updated from the WRIA 9 Fish Distribution maps (2000, King County DNR):

Covington Creek: Coho, cutthroat trout and steelhead are known to inhabit Covington Creek. The WRIA 9 Fish Distribution Map indicates that Covington Creek also provides good habitat for Chinook, though presence of that species has not been verified.

Lake Sawyer: Covington Creek drains Lake Sawyer, which is fed by Ravensdale and Rock Creeks. Lake Sawyer supports populations of cutthroat trout, steelhead, largemouth and smallmouth bass, yellow perch, and rainbow trout (WRIA 9 2000 and WDFW 1991). The lake is impounded by a small dam at the head of Covington Creek. The dam has a fish ladder that allows passage of migrating coho. Due to low water flows and creekbed infiltration, however, the fish ladder is not typically passable until December. This factor limits coho use of the upper watershed, including Rock Creek.

Ravensdale Creek: Ravensdale Creek has significant fisheries value and is known to support coho and cutthroat trout. The headwater wetlands are important for maintaining perennial flow, as well as maintaining water quality in Rock Creek.

Rock Creek: A small portion of the planning area drains to Black Diamond Lake and the wetlands surrounding it. The Black Diamond Lake wetlands serve as partial headwaters of Rock Creek. Rock Creek is listed as supporting coho salmon, cutthroat trout, and steelhead in the WRIA 9 Fish Distribution Map.

Ginder Creek: The northeast portion of the planning area drains to Ginder Creek, which drains into Rock Creek. Ginder Creek historically provided good habitat for salmonid spawning and rearing. The WRIA 9 Fish Distribution Map (2000) shows Cuththroat trout presence in Ginder Creek. Based on a 1982 sampling, Ginder Lake

supports warm water fish including black crappie, largemouth bass, and pumpkinseed. An obstruction limits the passage of adult salmonids upstream as far as Ginder Lake. Electroshocking done during the 1982 survey indicated that Ginder Creek, above SR 169 may be able to support other species of fish if passage barriers were removed. The survey generally indicated that Ginder Creek is a relatively productive tributary (John Henry Mine, SEIS).

Mud Lake Creek: This stream provides some habitat for spawning and rearing of salmonids. The cascading portion over sandstone bedrock would prevent passage of salmonids. High turbidity was also identified in the 1982 sampling in Mud Creek, especially at the inlet to Mud Lake. Mud Lake Creek, however, represents an important source of water for Ginder Creek below the confluence near SR 169, at least during the winter months. Fish populations were essentially non-existent in Mud Creek (1982) and in the inlet to Mud Lake (John Henry Mine, SEIS).

Crisp Creek: The eastern edge of the Crisp Creek drainage basin crosses into the City. The Crisp Creek basin drains an area approximately 5.0 square miles with the majority of the basin located upstream of the Keta Creek Hatchery. Crisp Creek and Keta Springs are the water supply for the Hatchery. Crisp Creek is also the sole water supply for the state owned rearing ponds, located on the mainstem and upstream of the Hatchery. Coho, chum and Chinook salmon as well as steelhead have been produced at the Keta Creek Hatchery.

Green River: The planning area lies within one mile to the north of the lower end of the Green River Gorge, between river miles (RM) 42 and 47. In this vicinity, the River flows through a steep-sided eroded gorge. The Green River supports significant runs of coho, Chinook, and chum salmon as well as steelhead and sea-run cutthroat trout. These salmonid runs support important sport and retail fisheries in the Puget Sound Region and the Pacific Ocean as well as within the river system.

All of these creeks need highly effective groundwater and storm water protection to maintain the water quality and ensure sufficient supplies of water for natural production or successful hatchery production. Stream buffers and limitations on land uses contained in the City's SAO help protect the functions and values of these streams as critical fish and wildlife corridors.

Geologically Hazardous Areas

Geologically hazardous areas include erosion hazards, landslide hazards, and mine hazards. Areas of abandoned coal mine workings are identified and mapped in Figure 4-3 and are regulated by the City's Sensitive Areas regulations.

Figure 4-3. Coal Mine Hazard Areas and Areas Susceptible to Groundwater Contamination

Areas of steep slopes are similarly identified in City Sensitive Areas maps and regulated by the SAO. The SAO contains designation and mapping requirements, a description of allowed activities and performance standards, and appropriate mitigation requirements for erosion, landslide, and mine hazard areas. Additional geologically hazardous areas not currently regulated by the SAO include seismic hazard areas and steep slopes.

Erosion Hazard Areas

Erosion hazard areas are defined as those areas identified by the U.S. Dept. of Agriculture Natural Resources Conservation Service (NRCS) as having a "severe" to "very severe" erosion hazard.

King County's Interactive Map Folio, Sensitive Areas Layer indicates five small locations within the planning area, including the Ravensdale Creek corridor, as "erosion hazard." Among the Natural Resources Conservation Service (formerly Soil Conservation Service - SCS) soil types identified within the planning area, one is identified by King County as potentially severely erosive. It is shown as AkF and AgD. Relatively small areas of this soil type exist within Sections 22 and 23, but both are located along the edge of wetlands (southwest of Black Diamond Lake and east of Jones Lake). These erosion prone soils are constrained for development, especially the area of AkF near Black Diamond Lake.

Landslide Hazard Areas

Landslide hazard areas are defined in the City's SAO as those areas that are potentially subject to risk of mass movement due to a geologic landslide resulting from a combination of geologic, topographic, and hydrologic factors. These areas are typically susceptible to landslides because of a combination of factors including: bedrock, soil, slope gradient, slope aspect, geologic structure, ground water, or other factors. King County's Interactive Map Folio (IMap) Sensitive Areas Layer delineates no known landslide hazardous areas within the planning area.

Coal Mine Hazard Areas

Coal mine hazard areas include abandoned and improperly sealed mine openings and areas underlain by mine workings shallower than 200 feet in depth (steeply dipping seams) or shallower than 15 times the thickness of the seam or workings (gently dipping seams) may be affected by collapse or other subsidence.

Although the city is underlain by numerous coal mines, the "mine hazard" areas by definition are limited due to the accuracy of past mapping and the depth of most of the shafts. King County's IMap Sensitive Areas Layer identifies one large area of "coal mine hazard" in the central part of the city, and a smaller area to the east in the

Lawson Hill neighborhood. The County map layer appears to locate coal mine areas without specific information on the degree of hazard.

Information provided by Palmer Coking Coal (PCC) indicates that much of the existing city is built over deep underground coal mine working. Most underground coal mining in the Black Diamond area consisted of the "room and pillar" mining technique. "Pillars" of coal were left to provide support for the mining of adjacent areas, creating rooms. Once abandoned, these "pillars" would collapse and the "rooms" would fill with collapsed roof material, coal debris, and water.

There are known coal mine entrances, stockpiles of coal tailings or mine spoil in the planning area. Mining records indicate that underground mining has occurred in Section 2, 10, 11, 12, 13, 14, 15, and 23. Most of these are areas underlain by deep underground coal workings. The coal mine hazards identified in the SAMF are based upon maps available at the Department of Natural Resources. The approximate location of the mine areas is shown on Figure 4-3.

Prior to development in areas of coal mine working and potential subsidence, the City requires studies by geologic engineers detailing the depth to workings, the presence of surface openings or potential sinkholes, and a detailed examination of historic coal mine maps.

Seismic Hazard Areas

Seismic hazard areas are subject to severe risk of earthquake damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction. These conditions occur in areas underlain by cohesion's soils of low density, usually in association with a shallow groundwater table. For the city, these areas are primarily wetlands and saturated soils. According to King County's IMap Sensitive Areas Layer, no seismic hazard areas are identified within the planning area.

Steep Slopes

The County's SAMF does not identify steep slopes (greater than 40%) in the planning area and did not map inside the existing city limits. The steepest slope in the city occurs along the south side of Lawson Hill (a.k.a. Franklin Hill), where isolated portions of the hillside approach 30% slope. Most of Lawson Hill contains 6% to 15% slopes with an area of 16% to 24% slopes. Some isolated slopes which are in the 16% to 24% slope range, are located east of the Black Diamond Lake, along Lawson Road east of Mud Lake, near SE 288th Street and crossing SR-169 north of the city limits. The remainder of the Comprehensive Plan area appears to contain slopes from 0 to 15%. Isolated steep slopes may exist throughout the city.

Ground Water Management Areas

The city is located within the South King County Ground Water Management Area. In the "South King County Groundwater Management Plan," the western and northwestern portions of the city have been identified within the large area of coarse and highly pervious Qvr (Vashon Recessional Outwash) geologic deposits. As a result, the Qvr areas of the city have the potential to serve as aquifer recharge areas but offer little contaminant removal ability leaving ground water susceptible to contamination. The King County Comprehensive Plan mapped these areas as "Areas Highly Susceptible to Ground Water Contamination," that are shown in Figure 4-3. As noted on Figure 4-3 this map is provided for information purposes only and is not specific enough to be used as an integral part of regulations.

This area of Qvr geology contains a shallow aquifer serving as a source of water supply to the City of Kent system and Lake Sawyer. Lake Sawyer, Ravensdale Creek, and Rock Creek are identified as being hydraulically coupled to this shallow aquifer. Mapping provided by King County's IMap shows that areas with high susceptibility to groundwater contamination are located surrounding Lake Sawyer in the northwestern portion of the city, and in the southwestern portion of the city. An area southeast of Lake Sawyer and a small area in the southeastern part of the city are shown as medium susceptibility to groundwater contamination.

To protect critical groundwater recharge areas of domestic water supply aquifers, the City requires that development within the city limits served by city utilities be served by sanitary sewers. Areas served by Soos Creek Water and Sewer District where sewer service is not available are still allowed to use septic systems.

Maintaining the water quality and quantity of storm water runoff is important within aquifer recharge areas so that aquifers are protected from pollutants. Maintaining infiltration of storm water runoff in recharge areas renews the aquifer resource. The City's storm drainage ordinance requires treatment of runoff prior to surface water discharge and encourages infiltration. Utilizing the appropriate treatment and infiltration techniques in aquifer recharge areas will aid in the protection of aquifer recharge areas.

4.2.3. Air Quality

Based upon readings from the nearest monitoring stations in Kent and Enumclaw, air quality in the city is generally considered good.⁶

⁶ 2005 Air Quality Data Summary; Puget Sound Clean Air Agency.

The city and its planning area are located to the southeast of metropolitan Seattle. As a result of prevailing winds, long summer days, and higher inland temperatures, the city experiences relatively higher ozone pollution concentrations than other areas in King County. This is common for much of southeast King County (the city contributes only marginally to this regional pollution). Zone monitoring is conducted at Enumclaw on a seasonal basis.

Particulate Matter (PM¹⁰) consists of very small particles, either solid or liquid, which float in the air and settle very slowly. Soot and dust are examples. PM¹⁰ stands for particulate matter that is smaller than 10 micrometers or one-hundredth of a millimeter. Most particulate comes from wood smoke, road dust, outdoor burning, and industry. In the city and surrounding area, the sources of PM¹⁰ include local mining operations, a smokehouse, and outdoor burning. Inside the City of Black Diamond, the requirements of the Puget Sound Air Pollution Control Agency (PSAPCA) and WAC 173-425-040 prohibit outdoor burning within designated UGAs.

4.2.4. Geology, Soils and Topography

Geology

The city lies in a geographic area known as the Puget Lowlands, a large land trough extending from the Fraser Valley in British Columbia, Canada, to the Willamette Valley in Oregon and from the Cascade Mountains in the east to the Olympic Mountains in the west. Geologic characteristics in the northern portion of the Puget lowlands are the result of glaciation that occurred during the Pleistocene Era (beginning about 20,000 years ago). Glaciers were once as thick as 3,000 feet during the Vashon Period of the Fraser Glaciation (roughly 15,000 years ago). They deposited till, outwash, and material mixed with volcanic ash in the Puget Lowlands on top of a thick sequence of interbedded sandstones, quartzose sandstones, siltstones, and numerous coal beds. The Black Diamond area is located on the Covington Drift Plain. Two types of deposits occur in the planning area: Vashon till which is generally an impervious mix of gravel, cobbles, and clayey, sandy silt (known as "hardpan"); and the Vashon stratified drift deposits (generally, permeable) composed of outwash gravels, rocks, and cobbles. Since the last glaciation, urbanization, rural development, logging, gravel mining activities, erosion, and sedimentation have modified the land surface. Weathering and erosion of native soils has resulted in the development of topsoil at the ground surface. The topsoil in undeveloped areas consists of a few inches of silt and sand with decayed leaves and roots. The weathered soils underlying the topsoil consist of a few inches of organic matter, silt, and sand with roots generally extending to a depth of 2 to 6 feet.

Topographic depressions and low gradient stream channels and wetlands have accumulated organic silt and peat.

Vashon recessional outwash mantles the west portion of the planning area. This soil consists of sand and gravel with variable amounts of alluvial silt and cobbles deposited by rivers emanating from the melting front of the Vashon ice sheet. This soil is considered a valuable gravel resource in this area depending on its thickness and silt content.

Vashon till is at the ground surface in some areas of the east portion of the planning area. Till consists of unstratified silt, sand, gravel, and cobbles that are in very dense condition due to being overridden by the glacial ice. Till is usually 20 to 40 inches thick and probably underlies the recessional outwash but may be absent where eroded during deglaciation meltwater runoff.

Pre-Vashon glacial and interglacial sediments underlie the Vashon till; generally in the west portion of the planning area where bedrock is deep. The pre-Vashon glacial and interglacial sediments consist of interbedded and/or stratified silt, sand gravel and till. These soils are not exposed at the ground surface in the planning area, but are exposed in the upper walls of the Green River gorge south of the planning area and are penetrated by water wells in the west portion of the planning area.

Bedrock of the Puget Group underlies the entire planning area. The bedrock is locally exposed at the surface in the east portion of the planning area and in the walls of the Green River gorge south of the planning area. The bedrock consists of sedimentary sandstone, mudstone, shale, and coal. Based on elevations of surface exposures and water well logs, bedrock underlies the land at a depth of 200 feet or more in the west portion of the planning area.

Soils

Weathered soils derived from native geologic deposits cover the ground surface in most of the planning area. The following soil information was taken from the November, 1973, U.S.D.A. Natural Resources Conservation Service (NRCS) "Soils Survey of King County Area." Because this information is based on mapping from aerial photos and may not be totally representative it is used for comparing the general suitability of areas for different land uses. Field verification may be required for specific sites as part of specific project review.

Specific to the Black Diamond vicinity, weathered gravel, sand, and clay left in glacial till plains, terraces and outwash plains at the end of the Pleistocene Era, have formed the local soils. The NRCS characterizes soils by the mixture of clay, silt, sand and organic materials that make up the soil and the degree of slope where the soils are located.

The soil types mapped in the planning are:

- Alderwood gravelly sandy loam, 6-15% slope (AgC);
- Alderwood gravelly sandy loam, 15-30% slope (AgD);
- Alderwood gravelly sandy loam, with Kitsap Silty Loam (AgF);
- Alderwood and Kitsap soils, 25% to 70% slope (AkF);
- Beausite gravelly sandy loam, 6 - 15% slope (BeC);
- Beausite gravelly sandy loam, 14 to 30% slope (BeD);
- Bellingham silt loam, 0% slope (Bh), hydric;
- Buckley silt loam, 0% slope (Bu), hydric;
- Everett gravelly sandy loam, 0- 6% slope (EvB);
- Everett gravelly sandy loam, 6-15% slope (EvC);
- Everett gravelly sandy loam, 15- 30% slope (EvD)
- Mixed Alluvial, less than 2% slope (Ma);
- Norma sandy loam, less than 2% slope (No), hydric;
- Ragnar-Indianola association, 2-15% slope (RdC);
- Seattle muck, less than 1% slope (Sk), hydric;
- Shalcar muck, less than 1% slope (Sm), hydric, and
- Urban land, filled (Ur).

Alderwood Soils

Alderwood soils (principally AgC) are the most abundant soils present in the planning area. These soils were formed on till plains and roughly correspond with the Vashon Till (Qvt). Alderwood surface and subsoils consist of a very gravelly sandy loam that is moderately deep, averaging approximately 30 inches. Extending downward from depths of approximately 20 - 40 inches, the soil layer has been compacted. This material is known as "hardpan". Alderwood soils have the characteristic of moderately rapid permeability above the hardpan layer and very slow permeability through it. Water has a tendency to perch on top of the hardpan layer. In winter, water moves laterally along the top of the hardpan, or it saturates surface soils in topographic low areas creating local areas of hydric soils and wetlands. These wetlands typically do not contribute to aquifer recharge because water does not percolate easily through the hardpan to the aquifer below.

A notable complex of wetlands in Section 23 occurs in topographic depressions on Alderwood soils. These wetlands are consistently oriented in a northwest to southeast direction presumably related to the direction of glacial movement in the area. According to the Site Evaluation and Land Use Concepts prepared for Plum Creek Timber Company properties (Hewitt Isley, 1991), the regional groundwater table occurs within the preglacial soils that underlie the glacial till. The regional groundwater table is below and hydrologically separate from the glacial till where the perched groundwater occurs and supports wetlands.

Alderwood soils are stony and commonly experience summer drought after seasonally high (winter), perched water tables diminish. The erosion potential on 6-15% slopes (AgC) is moderate due to the relatively unconsolidated nature of the till above the hardpan. The erosion potential on 15-30% slopes (AgD) is severe and slippage is moderate; however, only a small area lying within Section 23 exhibits this soil type. Related to agricultural purposes, Alderwood soils are used mostly for timber. If cleared, the soils are suited to grasses.

According to the NRCS, continuous vegetative cover is important to protect the soils adequately against the hazards of severe erosion and sedimentation to maintain the quality of water in streams, and to control runoff. Alderwood soils are not suited to field crops requiring annual tilling and re-seeding.

In general, glacial drift soils, other than the loose weathered colluvium/topsoil, provide excellent support for buildings and roadways and are generally suitable for development. Development limitations that exist are related to areas of seasonal high water table and steep slopes with erosion potential. The limitations for storm water infiltration and septic tank drainfields are severe due to the very slow permeability in the substratum (hardpan). Urban development on Alderwood soils requires sanitary sewers.

Alderwood Kitsap Soil

Alderwood soils (AkF) is about 50% Alderwood gravelly sand loam and 25% Kitsap silt loam. Slopes are 25% to 70%. The distribution of these soils varies greatly within short distances. Drainage and permeability vary. Runoff is rapid to very rapid, and erosion hazard is severe to very severe. The slippage potential is severe. Alderwood Kitsap soil is located along the west edge of the Black Diamond Lake wetland.

Beausite Gravelly Sandy Loam

Beausite gravelly sandy loam (BeC, BeD) is a well drained soils formed in glacial deposits and are rolling to very steep. Vegetation cover is usually alder, fir, cedar and associated brush and shrubs. Beausite soils are used for pasture, but some areas

have been used for urban development. Beausite soils occur in the Black Diamond center and in the area where the John Henry Mine is located, north and south of the Green River Gorge Road.

Bellingham Silt Loam

Bellingham silt loam (Bh) is a poorly drained soil formed in alluvium. These soils are nearly level and are mostly in depressions on the upland glacial till. Permeability is slow. Runoff is slow and the hazard of erosion is slight. Bellingham soils occur along sections of Ginder Creek and Rock Creek.

Everett Gravelly Sandy Loam

Everett gravelly sandy loam (EvC), 5-15% slopes, is the second most abundant soil type present within the planning area. These soils were formed in glacial outwash on terraces and outwash plains, and were deposited on top of older Alderwood soils described above. Everett soils roughly correspond with Vashon Stratified Drift Deposits (Qvs). These gravelly sandy loam soils are very deep and somewhat excessively well-drained. The surface and subsurface soils can be found to a depth of 60 inches, with a weakly cemented layer in the substratum in some areas.

Rainfall in these soils is quickly absorbed and percolates to the groundwater table. Creeks that drain into areas dominated by Everett soils typically intercept the groundwater table and receive most of their flow from groundwater discharge. Runoff is slow to medium. The erosion hazard is slight to moderate. Everett soils are used for timber, pasture, and urban development. Everett soils are also generally suitable for urban development, except in areas of steep slopes. Limitations for septic tank drainfields exist where Everett soils are present because of the potential for aquifer and stream contamination, particularly where slopes exceed 8%. Urban development on Everett soils requires sanitary sewers. Everett gravels provide sand and gravel resources for the gravel pit located in Section 10.

Mixed Alluvium

Mixed alluvium (Ma) consists of a variety of alluvial soils in areas too small and too closely associated to map at the scale of the NRCS survey. This land ranges from very well drained to poorly drained. The hazard of stream overflow is severe. Mixed alluvium is located east of Jones Lake and Highway 169.

Ragnar-Indianola

Ragnar-Indianola (RdC) soil is about equal parts Ragnar fine sandy loam and Indianola loamy fine sand. Permeability is moderately rapid in the upper part of this soil and rapid in the substratum. Runoff and erosion hazard is moderate. This soil is

used for timber and for urban development. This soil type is located near Morganville.

Urban land

Urban land (Ur) is soil that has been modified by disturbance of the natural layers with additions of fill material several feet thick to accommodate urban development. Urban land is mapped near the intersection of Roberts Road and SR-169.

Hydric Soils

Notable, high value wetlands exhibiting hydric (poorly drained) soils such as *Buckley silt loam*, *Norma sandy loam*, *Shalcar muck* and *Seattle muck* include Black Diamond Lake and the Rock Creek wetland corridors.

Buckley Silt Loam

Buckley silt loam (Bu) occurs in a small, isolated area in the far, southeastern portion of Section 23. Typically, a seasonally high water table occurs at or near the surface of this hydric soil unit and these soils are typically associated with wetlands. Erosion hazard is slight and runoff is slow. The limitations for septic tank drainfields are severe due to the very slow permeability in the substratum (hardpan).

Norma sandy loam

A small, isolated area of Norma sandy loam (No) is located to the north of Black Diamond Lake. This hydric soil is poorly drained and is typically alluvium, in basins and along stream bottoms. Permeability is moderately rapid, and the seasonal water table is at or near the surface. Runoff is slow, and the erosion hazard is slight. This soil is used mostly for pasture and is severely limited for use with septic drainfields due the saturated condition.

Seattle Muck

Seattle Muck (Sk) soils occur in limited areas associated with wetlands adjacent to Black Diamond Lake and Rock Creek. These hydric soils are composed of peaty soils originating mostly from sedges. There is a seasonal high water table at or near the surface, and soil permeability is moderate. Surface water “ponds,” and there is little or no erosion hazard. Like the Norma series, Seattle muck is unsuited for septic drainfields due to saturation and the presence of organic soils. The Seattle muck soil (muck peat, muck, and peat) is generally not suitable for urban development because of the seasonal high water table and organic soils.

Shalcar muck

Shalcar muck (Sm) is located at the connection of Rock Creek to Lake Sawyer. This hydric soil is poorly drained organic soils. They are formed in deposits of sedge peat and alluvium along stream bottoms. Slopes are 0 to 1 percent. Permeability is moderate in organic layers and moderate to rapid in the lower soils. There is a seasonal high water table at or near the surface. Runoff is ponded and there is no erosion hazard. This soil is typically used for pasture and is severely limited for use with septic drainfields due to the saturated condition.

Topography

The planning area is located in a small valley on an upland plateau ranging roughly from 525 to 750 feet in elevation, and includes the hillside east of the city up to an elevation of 1,180 feet. The plateau is approximately 300 feet above the Green River Gorge. Much of the planning area is characterized by rolling terrain with wetlands and drainage courses located in topographically low areas.

4.3. Natural Features Goals, Concepts, Objectives, and Policies

4.3.1. Natural Environment Goals

Natural Environment Goal

Retain Black Diamond's natural environment and scenic beauty.

Natural Systems Goal

Encourage development in areas where natural systems present the fewest environmental constraints while exercising responsible stewardship over natural resources and amenities.

4.3.2. Water Quality Concepts, Objectives, and Policies

Water Quality Concepts

Groundwater is an important resource and a critical source of drinking water, especially in rural areas. It is also used for industrial purposes, power generation, and agricultural irrigation. A finite amount of precipitation is available to replenish local

water resources and most of this occurs during the fall and winter. The portion of precipitation that reaches the ground replenishes groundwater and provides base flow for streams, wetlands, and rivers during the spring and summer dry months. The base flows sustain fish, wildlife, their habitats, and recreational values.

Water Quality Objectives

Objective NE-1: The impact of development practices should not contaminate the natural hydrologic system in a way that may be long lasting and relatively irreversible. The City of Black Diamond strives to ensure the long term protection of the quality and quantity of groundwater resources within its planning area.

Water Quality Policies

Policy NE-1: The City recognizes the need for aquifer protection and will continue to coordinate planning efforts with King County in maintaining the South King County Ground Water Management Plan through the South King County Groundwater Management Committee.

Policy NE-2: Adopt stormwater regulations consistent with the Department of Ecology's Surface Water Management Manual for Western Washington (2005 or as revised).

Policy NE-3: Promote the use of interlocal agreements with other agencies to restrict land use in sensitive aquifer recharge areas in order to minimize possible sources of pollution, potential for erosion, and to maintain infiltration volumes.

Policy NE-4: Condition all development proposals to require sanitary sewer service prior to occupancy.

Policy NE-5: Within areas highly susceptible to groundwater (aquifer) contamination, adopt special protection measures. The special protection measures require businesses that use hazardous chemicals to have containment facilities to capture potential chemical spills, and require the use of best management practices for applying pesticides and fertilizers for business residential, and recreational uses.

Policy NE-6: The special protection measures noted in NE-5 should evaluate and define "high risk" uses and address the siting of such uses in sensitive aquifer recharge areas. The protection measures should

also evaluate and include measures to reduce pollutant loads, including phosphorous discharged to Lake Sawyer.

Policy NE-7: Require temporary erosion control measures to be installed before construction begins and maintenance of those control measures through the stabilization of the site following the completion of construction to control the quantity of sediment entering surface water.

4.3.3. Critical Area Concepts, Objectives, and Policies

Critical Area Concepts

Critical Areas include wetlands, aquifer recharge, fish and wildlife habitat conservation areas (FWHCA), frequently flooded areas, and geologically hazardous areas. These features of the natural environment are critical to maintaining local environmental quality, quality of life, and maintaining the City's character. Some of the critical areas may present potential development constraints, i.e. floodplains, and geologically hazardous areas (including coal mine hazards).

Critical Area Objectives

The City will control development in all critical areas through its CAO. Those areas designated as posing a hazard to life or property will be identified prior to development approvals. Development will not be permitted unless detailed technical studies find the hazardous condition can be safely mitigated. Monitoring of the CAO should result in periodic updates to assure effectiveness of the ordinance.

Objective NE-2: Implement the Natural Resources Management Plan for the Comprehensive Plan planning area.

Objective NE-3: Promote preservation of fish and wildlife habitats of documented threatened and endangered species.

Critical Area Policies

Policy NE-8: Coordinate with King County and the Muckleshoot Indian Tribe in the developing natural resources planning for the areas surrounding the city.

Policy NE-9: Protect sensitive areas from inappropriate land uses, activities, or development through continued application of and periodic

updates to the CAO and development regulations. The City of Black Diamond will monitor the effectiveness of its CAO and will modify this ordinance as necessary, based upon the information gathered during monitoring.

Policy NE-10: Avoid disturbance to valuable fish and wildlife habitat through the proper location, design, construction, and management of new development.

Policy NE-11: Minimize disruption of areas in current use by endangered wildlife species or by unique wildlife populations.

Policy NE-12: Establish an open space network, linking critical habitat areas to enhance their ecological value.

Policy NE-14: Update and enforce comprehensive regulations pertaining to development in critical areas.

Policy NE-15: Manage land uses to be compatible with aquifer recharge areas and to minimize potential groundwater contamination.

4.3.4. Air Quality Concepts, Objectives and Policies

Air Quality Concepts

Because of the surrounding geographic and climatic characteristics, Black Diamond experiences prevailing winds, long summer days and higher inland temperatures. Although there are no air quality monitoring stations in the planning area, southeast King County has a higher ozone pollution concentration than the rest of the County.

Air Quality Objectives

Objective NE-5: Protect the city's air quality by minimizing potential new pollution from new and existing sources. Air quality will be considered in approving new development.

Air Quality Policies

Policy NE-16: Adopt local land use planning and development control procedures designed to avoid and mitigate adverse cumulative air quality impacts prior to project approval and construction.

- Policy NE-17:** Promote infill developments contributing to a better jobs/housing balance and greater non-automobile transportation accessibility to residents and workers, rather than land consuming and car dependent sprawl.
- Policy NE-18:** Discourage wood as a source of heat for residential development in low lying areas susceptible to pollution accumulations.
- Policy NE-19:** Conform to the federal and state Clean Air Acts by maintaining conformity with the Metropolitan Transportation Plan of the Puget Sound Regional Council and by the requirements of the state law (WAC 173-420).

4.3.5. Soils & Geology Concepts, Objectives and Policies

Soils & Geology Concepts

The soils and geology of the planning area are glacial in nature. The most common soils in the planning area are coarse, well-drained soils often overlying a hardpan of more compact material. These coarser soils allow rapid infiltration with little pollutant removal ability. Perched water tables are common above hardpan layers and lateral movement of this shallow groundwater can be relatively rapid. Hydric soils are present in the many wetlands within the planning area. These soils are poorly drained and experience frequent saturation. Soil stability and suitability for supporting structures varies with soil type and slope across the planning area but in general, the soils in the planning area are poorly suited to supporting functioning septic systems and provide minimal protection of groundwater from contaminants in stormwater, septic leachate, chemical spills or other sources of contaminant introduction.

Soils & Geology Policies

- Policy NE-20:** Minimize areas of vegetation loss and grading disturbance to protect water quality and prevent erosion, when developing on moderate and highly erodible soils.
- Policy NE-21:** Permit development in areas with localized geologic or soils problems where it can be demonstrated that conditions can be stabilized through engineering or structural solutions.

Chapter 5. Land Use

5.1. Introduction

The land use chapter is the central element of the comprehensive plan. The plan's land use designations affect the patterns and location of future development and redevelopment, traffic patterns, and determine the overall character of the City of Black Diamond. The comprehensive plan is intended to influence or alter development patterns over time. Decisions about the type and location of land uses will determine where people live, shop, and work. The land use element of the comprehensive plan should also be sensitive to the natural environment and physical constraints of land, and to the wishes and desires of the community.

The Growth Management Act (GMA) requires a Land Use Element to address the following items:

- the proposed general distribution, location and extent of land uses,
- population densities, building intensities and estimates of future population growth;
- protection of the quality and quantity of ground water used for public water supplies; and
- review of drainage, flooding, and storm water runoff in the area and nearby jurisdictions, including guidance for corrective actions to mitigate or cleanse discharges that pollute waters of the state.

Provisions for protection of the water quality, ground water, natural drainage and flooding are discussed in the Natural Environment chapter. Corrective actions to

protect resources are contained in the Natural Environment and Capital Facilities chapters.

5.2. Land Use

5.2.1. Land Use History

Black Diamond has served as a rural center in southeast King County since its founding in the 1880s. Over its 120-year history, Black Diamond has evolved from one of the earliest and largest towns and employment centers outside Seattle to a local center for resource activities (primarily mineral extraction); then to its current character as a somewhat economically dormant, rural residential center and bedroom community for emerging nearby employment centers; and now to a city poised to experience substantial growth over the next several decades as southeast King County continues to urbanize, and as opportunities for development of large parcels of land within the city materialize.

Black Diamond, originally a “company town,” was the center of a large Pacific Coast Coal Company land holding that included other small communities such as Franklin, Newcastle, and Burnett. The local ownership covered portions of the area lying generally between the existing northerly City limits (including Lake 12) and the present SE Green Valley Road (excluding Northern Pacific Railroad land) and between a line extending southerly from the west shore of Lake Sawyer and the Green River Gorge, and included a large area south of the Green River around Isabel Lake, Deep Lake, and Fish Lake. Between the late 1930s and early 1950s, coal mining declined and the Pacific Coast Coal lands were sold to local residents, Palmer Coking Coal Company, and other large landholders. After a period of being part of unincorporated King County, the residents of Black Diamond voted to incorporate in 1959. The 1959 City boundaries encompassed the original Black Diamond Townsite and Morganville Addition, as well as adjacent lands owned by Palmer Coking Coal Company, Burlington Northern Railroad, the Banchemo family, and a variety of other small and medium size ownership interests.

The City prepared its first comprehensive plan in 1980. This plan proposed future annexation of additional Palmer Coking Coal Company lands to the northwest and east, as well as a small parcel to the southwest. Subsequent annexations completed by 1985 added Palmer Coking Coal Company land to the northwest and southwest. In 1994, the City also annexed 783 acres at the southwest edge of the City. The land was owned by Black Diamond Associates, Plum Creek Timber (successor to Burlington Northern Railroad land), Palmer Coking Coal Company, and the Berklid family.

The City completed its first GMA comprehensive plan in 1996. That same year, the City negotiated a “potential annexation area” (PAA) with King County and nearby property owners that was formalized in the Black Diamond Urban Growth Area Agreement (BDUGAA). Subsequently, the City annexed an additional 786 acres to the northwest, including and surrounding Lake Sawyer, in 1998. This annexation added 1,480 residents to the City, increasing the population by 82.6% in one year.⁷ In December 2005, the City completed annexation of its West Annexation Areas totaling approximately 345 acres.⁸ With the December 2005 annexation, the following PAAs remain to be annexed:

- South Annexation Area: Approximately 233.6 acres in the southern portion of the City’s Urban Growth Area (UGA).
- East Annexation Area: Approximately 50 acres along the eastern boundary of the City in the City’s UGA.
- Lake 12 Annexation Area: Approximately 160 acres in the northeast corner of the UGA, including portions of the Green River Gorge Road connecting the Lake 12 Annexation Area to the City limits.

There is also an area within the King County UGA located west of Lake Sawyer along the Covington-Sawyer road and including Kentlake High School, which is not identified in the BDUGAA. This area, which abuts the City’s northwest boundary, is not formally designated as a Black Diamond PAA, though it is included within the King County UGA and Black Diamond is the only adjacent incorporated entity.

5.2.2. Planning Area Land Use

The Land Use element addresses the existing city limits (approximately 4,179 acres) and the adjacent unincorporated UGA, referred to in this Plan as the PAA. The PAA, which is currently outside the City’s corporate boundaries, will provide capacity for future growth through annexation during and beyond the 20-year planning period. The City’s present land use pattern primarily reflects development of the original company town within the Black Diamond townsite and Morganville settlements. Other residential and commercial growth has been more linear, generally following the major road corridors. The exceptions are a large mobile-home park on the north edge of town and the Lake Sawyer neighborhood, which reflects a more recent development pattern centered on the lake. Existing residences are not concentrated in a single area of the city, but are loosely grouped in four general areas. Similarly,

⁷ Washington State Office of Financial Management. Annexations Approved by OFM 1/1/1990 through 12/31/1999.

⁸ Washington State Office of Financial Management. Annexations Approved by OFM 1/1/2000 through 8/31/2006.

commercial development is dispersed into three areas, rather than concentrated into one “central business district.”

The rolling topography and variety of open pastures and meadows, lakes, wetlands and forested areas in the City reinforce the dispersed spatial pattern of development. The City is surrounded, or “framed,” by large blocks of second and third growth forest stands in various stages of growth. The mixture of existing development and forested or field open spaces helps to define Black Diamond as a community. The variety of land uses in the City include public facilities, commercial, services, mining activities, and several residential neighborhoods: Black Diamond Township, Morganville, Lawson Hill, Lake Sawyer, Black Diamond Lake, and the newly annexed “West Annexation Areas” at the western, northern, and southwestern edges of town.

A large part of land in the City is either undeveloped or underdeveloped, i.e., not developed at the full potential allowed by existing zoning. Significant forested areas, creeks and lakes occur in the City, some of which are identified and regulated as environmentally sensitive areas. A predominance of large undeveloped areas (including open space) integrated with developed areas -- gives Black Diamond much of its “village character” -- clustered development surrounded by open space/rural land uses. Numerous large undeveloped parcels inside the City limits are owned by Yarrow Bay Communities, Palmer Coking Coal, the Banchemo family, the Bryant family, and the Pierotti family. Smaller undeveloped acreage is owned by numerous property owners. In the Black Diamond Lake area, the West Annexation areas, and Lawson Hill area, ownership is concentrated in Yarrow Bay Communities.

Historically, the presence of large parcels and concentrated ownership patterns has impacted the pace of development in the City. Recent ownership changes and currently favorable economic conditions, however, suggest that the rate of development is likely to increase significantly over the next 20 years.

Residential

The residential neighborhoods of the Black Diamond Townsite and Morganville Addition are composed of small lots in traditional grid patterns, developed at a predominant density of about 6 dwelling units per acre. Most of these lots were built without adequate right-of-way width and paved street width, sidewalks, and stormwater retention and detention facilities. Many of the street rights-of-way are 16 feet, 20 feet, 30 feet, and 40 feet in width, smaller than typical public safety standards. This limits the potential of non-single family residential “infill” development in these areas, as these narrow streets are not adequate to accommodate increases in density. Between these neighborhoods and extending up Lawson Hill is a

residential area with homes and lots at a density of 4 dwelling units per acre. A large portion of this area is vacant and suitable for development.

Other areas of the City, such as east of Jones Lake Road, have developed in a non-grid pattern of irregularly shaped, larger lots and narrow streets with unusual angles. These areas also contain narrow rights-of-way, no sidewalks and lack retention and detention facilities. These areas also have limited infill development potential.

Residential areas with larger home sites—generally 1.25 dwelling units per acre—are located south of Lawson Street, on a portion of Lawson Hill, and two areas north of Roberts Drive between Morganville and State Route 169. These large-lot residential areas are not completely developed.

The Lake Sawyer neighborhood is characterized by a variety of single-family houses on lots oriented around the lake. Lot sizes range from less than 0.5 acre to more than 2 acres in size, with the average lot size close to 0.5 acres. Many lots are long and narrow, which limits their potential of being subdivided to create new building lots. This area originally was developed as a rural residential neighborhood in the early 20th century. However, most of the area was subdivided and developed in the last half of the 20th century and reflects a more suburban development pattern. There is little vacant land in this part of the City; however, future installation of sanitary sewer improvements may result in in-fill opportunities or some re-development of larger lots with adequate lot width. The Lake Sawyer area is served by the Covington Water District and Soos Creek for sanitary sewer service.

There are five dispersed pockets of multi-family housing. The maximum density allowed by current zoning is 12 dwelling units per acre. Only about 9 of the 91 acres currently designated for multi-family use is developed, and the developed uses include a mobile home park and a detached single family housing project for the elderly.

Housing prices in Black Diamond have been rising significantly, along with prices in King County as a whole. According to 2006 data, the median home price in Black Diamond was \$418,000, which was higher than prices in Covington (\$295,000) or Maple Valley (\$360,000) but lower than Enumclaw (\$448,000). High priced properties around Lake Sawyer contribute to the overall high median home price. In July 2007, median sales prices in Black Diamond and surrounding areas ranged from \$325,000 to \$387,000. The median housing price in King County as a whole was \$427,000 as of August 2007.

The City of Black Diamond is seeking to attract more medium and high-end market rate housing, particularly in master-planned communities, as a means to help increase the City's tax base and allow for continued provision of adequate city services. The 1994 annexation of the Black Diamond Lake area and the 2005 annexation of the

West Annexation Areas were important steps towards achieving this objective. The City is also committed to meeting its obligation to provide its fair share of affordable housing. Some of the City's older housing also meets this objective.

Commercial

Existing commercial areas are found in four locations:

- An area located along both sides of State Route (SR) 169, north of the intersection with Roberts Drive;
- An area located between SR 169 and Railroad Avenue at Baker Street (Black Diamond Townsite/Old Town);
- A small area along both sides of Roberts Drive at Morganville, and
- A commercial cluster at the intersection of Covington-Sawyer Road and 216th Avenue SE near Lake Sawyer.

Three of the commercial areas are considered partially developed and encompass a mix of small commercial uses.

Currently, the City does not have a central commercial core. The historical Black Diamond Town site commercial area has the famous Black Diamond Bakery and restaurant, antique shops, a museum, the post office, Black Diamond Elementary School, a fire station and some highway-oriented commercial uses (automotive repair and/or auto parts, restaurant, gas station with small convenience store). Single family homes are interspersed within this area, too. The area functions well with a mixed-use character. The small commercial area at Covington-Sawyer Road/216th Avenue SE consists of a small number of lots including a convenience grocery, a restaurant, a retail store, an automotive repair business, and some vacant land.

The commercial frontage along SR 169 contains a mix of commercial uses, including an attorney's office, dentist's office, grocery store, material supply, meat market, Palmer Coking Coal Company office, the Black Diamond Community Center, a church, a sporting goods shop, bakery, and a tavern. Some residential uses are also found intermixed in this commercial area. The area is currently developing as a typical "commercial strip"—a series of individual structures with individual driveways, parking in front of the buildings, little or no vegetation or landscaping, and no pedestrian connections between commercial areas. The 1996 Comprehensive Plan Map designated this area as Business Park & Light Industrial. Annexation of the "north triangle" of the West Annexation Area in 2005 added more Business Park & Light Industrial designated land to this area.

The small commercial area at Morganville encompasses the Dinner House, a small garden nursery, and office uses.

Currently, the city has relatively little vacant land designated for commercial use. However, commercial uses are also permitted, and likely to occur, in future Master Planned Communities to provide jobs and services for local residents.

Industrial

Two areas within Black Diamond are currently zoned for Industrial use: along the south side of Roberts Drive at Morganville, which contains Anesthesia Equipment Supply, the City's only industrial use, the King County-Black Diamond Branch Library and office space; and the area west of SR 169, north of Roberts Drive. For the past 100 years, the latter area has been used for mineral extraction, processing activities, and associated industrial uses (an auto wrecking yard, a meat market, fuel supply station, truck and equipment repair facilities and several storage warehouses). The area is currently available for redevelopment.

5.2.3. A New Direction

The community's vision is for the City to guide and manage growth carefully and creatively, in a manner which protects its sensitive areas and treasured places (e.g., historical structures and sites) and retains open spaces that form the natural beauty of the City. Given the abundance of these features throughout the city, future development is likely to occur in numerous "villages" separated by these features. New development can be accommodated within this framework and landscape.

Preparation of the Land Use element considered and identified areas that are appropriate for development and those which should be protected as sensitive areas and open space. The result is a comprehensive pattern of greenbelts and buffers shaped through a variety of policies, regulations, and incentive programs, such as transfer of development rights (TDR)—i.e., providing development "credits" for constrained or open space areas that can be transferred and used on other, more appropriate lands. The program allows property owners to realize much of the value of lands that cannot be developed to their full potential because of physical constraints. While every square foot of land has value to the land owners, not every square foot has to be built upon to achieve that value.

5.3. Community Design and Character

5.3.1. Fundamental Principles: Village with a View

In the process of developing the comprehensive plan, the community has expressed its strong desire that the City preserve forested areas and open spaces, views of Mt. Rainier, historical buildings, and a strong sense of community. The City will apply several fundamental principles to retain its small town character, as follows:

- Retain the natural setting
- Define features and landmarks
- Provide mixture of uses and continuity of form
- Continue compact form and incremental development
- Maintain pedestrian scale and orientation
- Provide opportunities for casual meeting and socializing

5.3.2. Principles of Small Town Character

Retain the Natural Setting

As settlement patterns consume land in the rural landscape, citizens have become more aware of the need to protect environmentally sensitive areas, forests and open spaces.

Open space occurs in many forms, including wooded hillsides, open meadows, parks, undeveloped lots, school yards, riversides and even cemeteries. In the Black Diamond area, the natural setting is not just an accent, but is intended to be integrated with the built environment. The retention of open space forms the skeletal framework for the village and helps to define the City's neighborhoods.

The most significant open spaces in the City are those that frame the City to the south and west. These open spaces are related to wetlands and previously unusable areas. The City's mining origins meant historically there was not pressure to drain or fill these areas for agricultural uses. The City is committed to protecting its sensitive areas as the basis of the open space network. Retention of sensitive areas and other existing open spaces will be the key to ensuring sufficient open space in the future.

The City will include protected sensitive areas as part of its formal open space network. This will be achieved through buffers required as part of the Critical Areas

Ordinance, by allowing clustered residential development, and by implementing the TDR program. New parks will be located to support and connect to open space areas. Jones Lake trail will be a key park feature. Parks are targeted for the area just west of the Museum, at the “castle” (historical mine entrance), at the trestle (also known as fish pond), and parks south of Morgan Street, north of Roberts Drive and in the Black Diamond Lake area. A major acquisition is Lake Sawyer Park, consisting of approximately 150 acres at the south end of Lake Sawyer. A trail network that relates to natural systems, especially wildlife and wetland corridors, will be an essential part of the open space network.

The Black Diamond Area Open Space Protection Agreement (BDAOSPA), adopted in June 2005, represents a significant step toward achievement of the City’s vision for the establishment of connected open space and recreational facilities within and adjacent to the city. Developed as a tool to achieve the open space requirements of the BDUGAA, the BDAOSPA provides for over 2,500 acres of open space within and adjacent to the city, including the Lake Sawyer Park property and 27 acres of property along Ginder Creek just west of SR 169 and south of Robert’s Drive.

Defining Features and Landmarks

Small towns arise from a time and place (that is, they were located in a specific place and developed in a particular period). They usually have distinguishing features and landmarks. Some of these features are shared by other small towns, while others are unique to the town and often become landmarks.

Individual characteristics result from the geography of the place; the industries and origins of its residents, and many other factors. Landmarks are more specific; they are either places or things that help a community become oriented in location and time.

The city’s distinguishing characteristics include its history as a coal mining town and traditions associated with that history; views of Mount Rainier; and the geography of natural features that define the southern and western edges of the original town site.

Adding to the value of the Historical Museum in town, elements of history may be made visible and tangible through literal and creative reminders located throughout the town. For example, the location of underground mine shafts may be identified at ground level through painted poles or changes in roadway or sidewalk paving.

Mixture of Uses and Continuity of Form

Prior to zoning, the mixture of uses within many small towns was often dictated by necessity and function. Limits in transportation frequently meant that there was a greater mix of uses within a small area.

While zoning is a twentieth century creation, most traditional rural towns are based upon a plan or organizing concept. The “plan” may be as formal as a grid with a town green bordered by a grange hall, school, and church. The town may, on the other hand, reflect its function as, for example, an agricultural, or mining town. Typically, small towns are also characterized by the architecture popular during its periods of economic and social growth. This results in continuity in the arrangement and form of buildings.

The City contains a variety of uses within its corporate limits. Several small commercial enterprises exist along SR 169. Another cluster of commercial uses can be found along Railroad Avenue. Civic facilities are scattered among several locations. For example, the elementary school occupies a central location on the west side of SR 169, while City Hall is a few blocks away on the east side. Although there are several roads that parallel SR 169, the lengths of blocks vary. The Plan provides an opportunity to take advantage of Old Town and Morganville, with their historical significance and cultural potential, and to further enhance civic and commercial uses there.

Continue Compact Form and Incremental Development

Similar to many other rural towns, the city initially developed as a compact community. The Pacific Coast Coal Company built few buildings other than a church. The company allowed the miners to build their own modest houses at the center of town, on land not expected to be used for mining operations. Those businesses locating in town were able to do so because they did not need large amounts of land. Since travel was difficult before the automobile, businesses and residences were conveniently located near each other to facilitate errands and business. As with other older towns, new development often filled in undeveloped parcels or extended the existing pattern. Growth was slow as miners built houses to meet their own needs.

Morganville was built on a parcel of land donated to striking miners. The miners used land efficiently and their houses were modest. Consequently, the pattern of development in Morganville reflects the compact character of the rest of the City.

Large-scale development can dramatically alter the character of the community. To ensure that new large-scale development in the city feels connected to the older sections of town, this Plan encourages the use of techniques that continue the character of compact form and incremental growth. Design guidelines will provide methods and examples of how to achieve design continuity and to reinforce the identity of the city as a rural community. Connector trails, opens space, forested areas, and wildlife corridors will highlight the connection between new, large scale development and the existing city.

Maintaining Pedestrian Scale and Orientation

Walking was the dominant mode of travel in rural towns. Even if one arrived by horse, carriage, or train, in town, one could walk amongst various destinations. Both the networks of streets and scale of buildings reflect this pedestrian orientation. A fine network, often a grid, served to allow efficient use of the land and gave many alternative routes between locations. Structures, particularly commercial ones, were located close to the street to attract walk-in customers. Typically, downtown commercial districts featured amenities including benches and small parks for pedestrians. Boardwalks may have been provided to elevate the pedestrians above the mud and debris in the street. Much of the City has a relatively fine network of streets that functions well as a pedestrian system, but lacks sidewalks, benches and other pedestrian oriented amenities. The newer commercial areas north of Old Town do not function well as pedestrian areas.

Increased traffic in the Old Town commercial area may necessitate the addition of sidewalks and other pedestrian facilities. New commercial uses should be designed to increase pedestrian orientation by providing a fine-grained circulation network, sidewalks, and buildings that focus on the sidewalk environment. New residential areas should incorporate site and street design techniques that support walking. On-road pedestrian facilities should be augmented by a network of off-road facilities including trails that will further connect city residents with the many forested buffers and natural areas which contribute to the City's unique rural character.

Providing Opportunities for Casual Meeting and Socializing

A town center located close to residential areas can provide opportunities for informal socializing. Local residents may go to the bank, or pick up a movie. Small spaces like a cafe or bakery or park encourage residents to stop for a moment where they might meet their neighbors. The Black Diamond Bakery, a favorite local spot, attracts visitors as well as residents. The schoolyard may also function as a formal or informal meeting place. The City Council Chambers, the grocery store, and at church are other places in town where people meet.

As the City grows to its projected size over time, maintaining a sense of community will be a significant challenge. A strong town center where formal interaction and pedestrian activity are encouraged will enable familiarity and community among residents. Providing places for active and passive interaction – such as parks, adult schools, community centers, and clubs -- can also perpetuate the sense of community possessed by the City now. The recently acquired Lake Sawyer Park site provides a unique opportunity for this important social interaction to be centered on a high quality recreational amenity, connected to each of the City's existing and future large-scale development areas by an integrated trail system. Continuing the community bulletin boards and /or newsletters will also help.

New areas for socializing may include a cafe or tavern, community gardens, community center, the Lake Sawyer Park site, the Ginder Creek open space area, or a lakeside park for swimming. To foster a sense of community and history for old and new residents alike, the City could revive the Black Diamond Band, open a speakeasy (specialty brew), revive the City’s community baseball and soccer teams, or create festivals to celebrate the City’s history or celebrate nature’s bounty.

5.4. Implementing the Comprehensive Plan Future Land Use

5.4.1. Extent of Proposed Land Use

The following is a list and description of the Black Diamond Comprehensive Plan land use designations. Complete lists of uses (permitted, conditional, and unclassified) are identified in the adopted development regulations.

The following section identifies the purpose, allowed uses and designation criteria, and helps explain the intent of each designation on the Land Use Map.

Urban Reserve Designation

Purpose: The Urban Reserve designation provides for low-density residential neighborhoods on lands not suitable for more intense urban development because of environmentally sensitive areas, public facility limitations, or natural features that the City is seeking to retain. This designation also recognizes areas that have developed at lesser densities and, due to the configuration of lots and the other factors noted above, have limited opportunity for further development in the foreseeable future.

This designation is also a means to implement the City’s TDR program and to recognize some provisions of the BDUGAA. While low densities are not typically found in cities planning in accordance with the GMA, the City is using TDR, master planned development (MPD), and residential clustering as techniques to achieve urban densities for the city as a whole, while maintaining the character and form of some currently rural lands and protecting environmentally sensitive areas. Much of these lands are designated as TDR “sending areas,” and the higher densities achieved in TDR “receiving areas” will compensate for these reduced densities found within the Urban Reserve designation.

Allowed Use and Description: The Urban Reserve designation allows for single-family residential uses, their accessory uses and public and semi-public uses that meet appropriate development standards. Built residential densities will not exceed 1

unit per gross acre of land. Clustering development away from environmentally sensitive areas is required. Clustering development to retain a natural and open setting is encouraged. At the time of development or subdivision, property owners should be required to locate any new single family residential structure on the property so as to not compromise future development or subdivision when the provision of services allow for urban densities. Alternatively, a landowner could participate in the TDR program and sell development rights at a rate of 4 dwelling units per acre (or as otherwise allowed by the TDR code) for use in identified “receiving areas” elsewhere within the community, thereby preserving a lesser density on the site in perpetuity.

Designation Criteria: Properties designated Urban Reserve should generally reflect one or more of the following criteria.

1. The land has significant environmentally sensitive areas which limit development, including:
 - a. high erosion hazard areas;
 - b. moderate or high landslide hazard areas; or
 - c. forested slopes of more than 15%; or
 - d. concentrations of wetlands.
2. Existing and planned public facilities cannot support a higher density within the 20-year planning horizon.

*The area is designated as a TDR sending area and/or is identified as open space in an interlocal agreement or development agreement.
Transfer of Development Rights(TDR) Receiving Areas Overlay*

Purpose: TDR Receiving Area Overlay is applied to lands that, pursuant to City policies, annexation agreements, or other legal instruments of records, are intended to remain in an undeveloped state until such time that development rights are received pursuant to the City’s Transfer of Development Rights program as outlined in BDMC 19.24. A Master Planned Development overlay may also apply in these areas. In order to maintain a “base line” value to these lands and avoid the necessity of acquiring significant amounts of development rights, a base density of one dwelling unit per acre should be allowed, provided that development at higher urban densities consistent with the underlying plan designation can be achieved through the receipt of transferred development rights from designated “sending areas.”

Allowed Uses and Description: Low density, single family residential uses (not exceeding one dwelling unit per acre) should be allowed in these areas as a basic

development right, pursuant to the same considerations intended for Urban Reserve areas (i.e., clustering of residential units to ensure the ability of future subdivision). The primary distinction between the TDR Receiving Areas and Urban Reserve areas is that in the former, development at urban densities is expected during the planning period, while Urban Reserve areas are not anticipated to develop at urban densities until after the expiration of the planning period.

Designation criteria: Properties to which the TDR Receiving Area Overlay is applied should be those identified through the City's TDR program that are intended to develop as urban densities only after the transfer of development rights. For some of these areas, approval of a Master Planned Development may also be a prerequisite to development.

Master Planned Development (MPD) Overlay

Purpose: The MPD overlay is applied to areas to take advantage of opportunities to create a clustered mix of residential, commercial and civic uses along with open space and public facilities, on large sites in appropriate locations. These sites typically consist of large parcels in common ownership where a master plan will be developed to guide unified development over a period of years. The MPD designation is applied to meet the special needs and opportunities presented by such sites while managing impacts on nearby uses.

Allowed Uses and Descriptions: The MPD overlay is applied to areas that are intended to allow a mix of those land uses and residential densities as depicted on the Future Land Use Map. An MPD may include residential and commercial uses clustered around private and community open space, supported by adequate services and facilities. As part of the process of approving a MPD, a specific development plan or site plan will be prepared and will specify the residential and non-residential uses, densities and intensities, phasing of development, and specific development standards that will apply to the site. Densities will be urban in nature; some MPD sites may be designated as TDR receiving areas. An approved development plan should contain a provision for periodic updates. Significant opportunities for public involvement should be provided in the consideration of any MPD. An MPD is implemented through the provisions of BDMC 18.98 and provisions of any pre-annexation agreement that is in place for properties in this designation.

Designation Criteria: Properties to which the MPD overlay is applied should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support the planned development density.

2. The area is not predominated by environmentally sensitive areas, and/or the development plan contains standards that will allow development while providing appropriate protection to the environmentally sensitive areas. The level of protection must be equal or better than that provided by the City's environmentally sensitive area policies and regulations.
3. There is either a need for or benefits will clearly derive from providing flexibility in zoning that cannot be provided by other mechanisms.
4. The parcel is at least 80 acres in area and in single or unified ownership, or is subject to a pre-annexation agreement that requires master planned development for the parcel.
5. The development plan requires flexibility to meet the requirements of a MPD.
6. The MPD will provide public benefits, in the form of preservation or enhancement of physical characteristics, conservation of resources, provision of employment, improvement of the City's fiscal performance, provision of adequate facilities, and other public benefits identified by the City.
7. At least 50 percent of the MPD site is devoted to open space uses, which may include recreational amenities.
8. Adequate mitigation for adverse impacts on the community, neighborhood, and environment is provided.

Low Density Residential Designation

Purpose: The Low Density Residential designation provides primarily for single family residential neighborhoods on lands suitable for residential development. This designation provides for stable and attractive residential neighborhoods. It should be applied to both existing developed neighborhoods and areas intended for future development. Some of these areas have a Master Planned Development Overlay designation and are also designated as TDR receiving areas. Urban density development in these areas will only be possible upon the receipt of transferred development rights from other areas.

Allowed Uses and Description: The Low Density Residential designation permits single-family residential uses, their accessory uses and public and semi-public uses. Residential densities may range from a base density of 4 units per acre to approximately 6 units per gross acre. Detached single-family residences should predominate, but these areas may also include duplexes, subject to dispersal standards, a determination of consistency with design standards and following public review. Some areas are potentially eligible for additional density through the use of on-site transfer of density (to preserve open space) or the TDR.

Designation Criteria: Properties designated Low Density Residential should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support residential development at this density.
2. The area is free of significant amounts of environmentally sensitive areas, excluding aquifer recharge areas.
3. If the area is undeveloped, it is proximate to a neighborhood of single-family dwellings or is well suited to that use and is not suited to more intense residential development. The area is identified for Low Density Residential development as part of a Master Planned Development.

Medium Density Residential Development

Purpose: The Medium Density Residential Development designation provides for stable and attractive residential neighborhoods of small lot, single-family homes, or attached single- and multi-family residences on lands suitable for these residential intensities. Medium Density Residential areas should be located near commercial services, employment, and arterial roads, and may also be located in mixed-use developments. Some MDR areas may also be subject to a TDR Overlay.

Allowed uses and description: Residential densities will range up to approximately 12 units per gross acre. For some areas, this density may only be attained upon the receipt of transferred development rights. Slightly higher densities may be permitted in appropriate areas to encourage development of senior housing. Zoning may allow increases in density by clustering and retaining open space, TDR transfer, and provision of affordable housing or senior housing.

Designation Criteria: Properties designated Medium Density Residential should generally reflect all of the following criteria:

1. Existing or planned public facilities are adequate to support residential development at this density.
2. If the area is undeveloped and not near the identified employment and commercial service areas, the area should be free of significant amounts of environmentally sensitive areas.
3. The area is separated by topography or another appropriate boundary from incompatible uses. Buffering or a density transition may be used to separate this designation from lower density residential designations.

4. The area meets at least one of the following descriptions:
 - a. The area is located outside of an existing single family neighborhood and fronts an arterial
 - b. The area is developed and consists of a mix of attached and detached housing types. A residential neighborhood that is primarily single family with a strip of multi-family housing along an arterial does not meet this criterion.
 - c. Medium density housing can be developed to be compatible with existing development.
 - d. Identified as a receiving site for density under the TDR program.
 - e. The area is identified for Medium Density Residential development as part of a Master Planned Development.

Commercial Designations

Purpose: The Commercial Designations are intended to lead to the development of several types of commercial areas, and are intended to be implemented through the application of multiple zoning classifications that help distinguish between types of areas based on their desired size and function. There are three types of commercial areas envisioned in this plan, each intended to have distinctive development standards and/or allowed uses:

- a. Town Center;
- b. Community Commercial;
- c. Neighborhood Commercial.

Town Center designation

The Town Center designation recognizes and continues the pattern of development found in the historic “Old Town” center as a community focal point. Uses in this area will include a mix of residential, civic, retail, commercial (including comparison commercial), office, entertainment, services and hospitality services (inns and meeting centers). Low to moderate rise in scale, the Town Center commercial area will be pedestrian oriented and include buildings and nearby parks that symbolize the city’s center. Buildings are intended to be located close to the street to create a pedestrian-oriented environment; required parking may be provided on the street or in lots to the sides or rear of buildings. Bike and pedestrian trails and sidewalks will connect the Town Center to the rest of the city. Upper story residential uses should be encouraged in this area and existing residential uses should be allowed to continue as an integral part of the fabric of the Center.

Community Commercial

Larger, community-scale centers outside of the Town Center are intended to meet the community's growing needs, serve the needs of the surrounding area, and accommodate commercial uses that require larger sites, involve significant areas of outdoor product display and/or storage, or are oriented to the needs of the motoring public. All required parking will be provided on-site, with cross-access provided between sites to reduce the number of driveway locations along arterial streets. Pedestrian connections between sites should also be required. At least a portion of the commercial buildings should be located close to the primary street frontage without intervening parking stalls, with parking lots located to the sides and rear of buildings. Landscaping along street frontages should be sufficient to preserve and enhance the natural beauty of the area and create a distinctive character that distinguishes these commercial areas from those typical of nearby communities. Residential uses should be encouraged as a component of mixed use projects.

Neighborhood Commercial

Other commercial areas will provide for small-scale neighborhood centers with convenience goods and services, while protecting neighborhood character. Permitted uses should primarily serve the neighborhood and should not attract new vehicle trips that pass through neighborhoods. These centers should act as neighborhood focal points. They are also intended to help reduce automobile trip lengths and frequency. New Neighborhood Commercial areas are expected to develop as vital components of Master Planned Developments.

Allowed Uses and Description: The Town Center and Community Commercial areas, should allow comparison retail, restaurants, motels/inns, professional offices, entertainment and cultural uses, public and semi-public uses. Community Commercial areas should also allow land-intensive commercial activities such as automotive sales, lumber yards, and other activities that include outdoor product display and/or storage. Neighborhood commercial areas should emphasize limited retail and service businesses that serve the immediate neighborhood. Permitted uses should include food stores, day care centers, dry cleaning, personal care and medical and dental services, and similar services. Supermarkets and drug stores may also be appropriate if conditions are suitable. The design and scale of these areas, and the size, location and design of parking areas, should be regulated to ensure compatibility with the surrounding neighborhood. The designation will include features to encourage pedestrian and (future) transit access to and within the designation such as shared parking and siting the buildings near sidewalks.

Designation Criteria: Properties designated Commercial should generally reflect all of the following criteria:

1. The designation should provide the opportunity for a commercial area of appropriate size and scale, to serve the community or neighborhood, depending on the type of center, and in view of given its location, market or service area, and intended function.
 - a. Neighborhood-scale centers should be limited in size and provide services to the surrounding neighborhoods. These centers may range in size from 3 acres to a maximum of 10 acres. Neighborhood centers should not be located within one mile of another neighborhood or community center.
 - b. Community commercial areas should be located along major arterial routes in order to serve the broader community with a wider range of goods and services. Sufficient land within the city should be designated to allow for development of uses that provide significant employment opportunities and potential of sales tax generation.
 - c. The Town Center designation is intended to be applied to the historic Old Town center and should only be expanded to additional lands if the historic pedestrian-friendly character can be maintained.
2. Existing or planned public facilities are adequate to support the intended scale of commercial development.
3. If the area is undeveloped, the area should be free of significant amounts of environmentally sensitive areas or development can occur outside those areas. Commercial areas may include aquifer recharge or seismic hazards areas where those areas have previously been designed for urban intensity uses.
4. New Neighborhood Centers should be located at the intersection of two arterial streets. Community Commercial may be located along major arterials such as SR 169, but access to the arterial should be limited to a combined access point, preferably that being an intersecting public street. Interconnectivity for both vehicles and pedestrians should be provided between sites.
5. The area should be capable of being served by transit when available and capable of connecting to existing or planned pedestrian or bikeways.
6. The area shall be located adjacent to the existing or planned bikeway or be connected to a bikeway and have existing or planned pedestrian connections to the neighborhood it serves.

Mixed Use

Purpose: Mixed Use development is intended to encourage complementary land uses that work together for mutual benefit and that contain pedestrian connections and close proximity to encourage walking between activities. Desired Mixed Use areas

are identified in areas also subject to the Master Planned Development overlay. While mixed-use development could potentially occur at numerous locations within a Master Planned Development per the provisions of BDMC 18.94, it is encouraged to occur in specific areas where the anticipated larger commercial component can also serve the broader community. Mixed-use development should exhibit one or more of the following benefits:

- Provide sufficient human activity and/or development intensity to support efficient transportation and land use.
- Positively influence the character of neighboring development by providing services, activity focus, and/or unique development setting thus enhancing the neighborhood qualities.
- Achieve more effective site utilization through shared parking, day and night activity, or other efficiency.

Mixed Use development will be implemented through the approval of a Master Planned Development that identifies areas that meet the criteria noted herein.

Allowed Uses and Description: Mixed-use development may occur in vertical, horizontal or district forms. Horizontal mixed-use allows complementary activities housed side by side or in neighboring buildings. It can include personal and professional services, residences, small retail and offices, eating and drinking establishments all on one site. Vertical mixed-use is the layering of uses one above another. For example, it could include retail frontage, parking below and offices and residences above. Mixed-use districts are typified by several different buildings on different parcels combining to provide a viable mixed-use setting. Many traditional “main streets” are examples of mixed-use districts, for example banks, offices, personal services, restaurants, and retail shops are found, often with residential above. The residential component for mixed use shall achieve at least a minimum density of 4 units per gross acre of a development site, but no more than 12 units per gross acre. Mixed-use districts may include vehicle-related services and gas stations.

Designation Criteria: Properties appropriate for Mixed Use development should generally reflect the following criteria:

1. Be located within a Master Planned Development.
2. Located along or situated to receive primary access from arterials
3. Be of sufficient size to allow a variety of land uses.

Light Industrial/Business Park Designation

Purpose: The Light Industrial/Business Park designation encourages manufacturing activities and manufacturing related businesses, with attractively designed and efficiently used areas for research and development, and high technology manufacturing. To protect the community and the natural environment, allowed uses are those that do not create significant hazards or negative impacts. Performance standards also are used to protect the community and other uses in this designation.

Allowed Uses and Description: Allowed uses and site regulations should provide appropriate opportunities for manufacturing, high technology manufacturing, research and development, light industrial uses, wholesale businesses and essential public facilities, located in a campus-type setting. Corporate and general offices are also allowed uses. Limited commercial and retail service activities that support the employees of the immediate area may also be found in this designation. Uses that require significant amounts of storage (both indoors and outdoors) of materials and equipment may be allowed subject to screening requirements and an evaluation of compatibility with adjacent uses.

Designation Criteria: Properties designated as Light Industrial/Business Park should generally reflect all of the following criteria:

1. Light industrial areas should be located near corridors for transportation of goods, such as arterials and railways or potential railway corridors.
2. The site should be free of significant amounts of environmentally sensitive areas or should adequately mitigate impacts.
3. Existing or planned public facilities are adequate to support light industrial and business park uses.
4. The area is separated by topography, buffers, or other appropriate boundary from incompatible uses.
5. The area is served or capable of being served by transit.
6. Has large undeveloped parcels suitable for the light industrial and manufacturing uses and of sufficient size to allow for campus-like business park development.

Industrial Designation

Purpose: The Industrial designation is intended to provide for industrial enterprises that manufacture and distribute goods for regional, national, or worldwide markets, and that provide jobs and tax base for the economic growth and stability of the community and region. The industrial zone will accommodate changing industrial technology and facility siting requirements under performance standards that protect

nearby properties and environmentally sensitive areas and also protect industrial uses by prohibiting intrusion by non-industrial uses except those accessory to industrial enterprises.

Allowed Uses and Description: Uses and site regulations should provide appropriate opportunities for manufacturing, warehousing and distribution, including outside manufacturing and mineral resource processing, where continuing operations are unlikely to harm surface and groundwater resources. In deciding which uses should be allowed, the City's environmentally sensitive areas and other regulations should be considered. Buildings not used exclusively for warehousing, manufacturing and distribution should not exceed a height of two stories.

Designation Criteria: Properties designated Industrial should generally reflect all of the following criteria:

1. The area should be located near corridors for the transportation of goods, such as highways, arterial streets, and railways.
2. If the area has not been developed for industrial activities, it should be free of significant amounts of environmentally sensitive areas or should adequately mitigate impacts.
3. The existing or planned public facilities are adequate to support industrial uses.
4. The area is outside an existing or planned residential neighborhood.
5. The area is separated by topography, buffers, or other appropriate boundary from incompatible uses and/or existing or planned residential areas.
6. The area is capable of being served by transit.
7. The area has large undeveloped parcels suitable for industrial uses.

Primary and Secondary Open Space Overlay

Purpose: The comprehensive plan's Primary and Secondary Open Space overlay, shown on the Parks and Open Space Map, coincides with the known (approximate) location of environmentally sensitive (critical) areas (Primary Open Space) and lands within close proximity to such areas (buffers), or other desired open space areas (Secondary Open Space). These areas should be preserved and/or used as open spaces and parks, including the City's Treasured Places; some lands may also be targeted to be acquired or otherwise protected through the City's open space plan. Primary and Secondary Open Space will be retained or protected through a variety of public and private development and preservation mechanisms, including conservation easements, environmentally sensitive area tracts, on-site density transfer, TDR, dedication, fee simple purchase, or development as a private park or recreation area.

An Open Space zone may be appropriate for lands that are publicly owned or otherwise restricted in their use (such as through recorded conservation easements). . The comprehensive plan’s Open Space overlay designation does not override the underlying land use and zoning designations, and may also signify a potential Sending Area under the City’s TDR Ordinance.

Allowed Uses and Description: Primary Open Space contains environmentally sensitive (critical) areas, which will be managed through the City’s sensitive (critical) area regulations and should remain largely undisturbed. The Secondary Open Space designation allows for natural undisturbed areas, trails, public and private parks with facilities, public and private open space, public or private recreation uses (e.g., soccer field, golf course, community facilities), as well as the land uses indicated in the underlying land use designation. However, land use regulations should include incentives such as TDR and clustering to encourage Secondary Open Space to be retained for open space use as noted.

Designation Criteria: Lands designated as Open Space areas shall generally reflect one or more of the following criteria:

1. All known environmentally sensitive areas, as regulated by the City.
2. Lands adjoining the Rock Creek, Ginder Creek, Lawson Creek, Ravensdale Creek, and other riparian corridors.
3. The following lakes: Jones Lake, Black Diamond Lake, Frog Lake, Lake Marjorie (Oak Lake), Lake Sawyer, and the land perimeters of those lakes when not subdivided.
4. All existing and proposed public parks and open spaces.
5. Identified Treasured Places.
6. King County and city-identified wildlife habitat corridors

Public

Purpose: The Public designation identifies properties under public ownership, whether by the City or other governmental entities, that are either currently used or intended for unique uses other than parks or elementary schools. Currently, the only property so designated is the City’s watershed, which is located approx. 1.5 miles southeast of the city limits and is otherwise surrounded by unincorporated King County. Lands falling within this category should be those that are intended to remain within public ownership and management for long periods of time.

Allowed Uses and Description: The Public designation could allow a variety of governmental uses, both passive and active. However, government uses and activities

that are similar in character to private enterprises (such as offices) are not intended to be included within this designation. Sensitive environmental areas that are not intended to be incorporated into the City’s parks and open space system are also included within this designation.

Designation Criteria: Lands designated as Public shall reflect one or more of the following criteria:

1. Must be owned by a public government or agency.
2. Are intended to be retained in long-term public ownership.
3. The use of these lands does not logically fit within another land use designation.

5.4.2. The Land Use Map

The Comprehensive Plan Future Land Use Map (Figure 5-1) identifies the approximate location of future land uses and serves as the road map for accomplishing the vision identified in Chapter 1 of the comprehensive plan. The Future Land Use Map embodies the goals, objectives, policies, and the concepts of the comprehensive plan. Existing parks and schools are also shown on the map. Since the majority (if not all) future parks are anticipated to occur within Master Planned Developments, future sites have yet to be identified. The precise location of active and passive open space, parks, and school sites will ultimately be identified prior to development.

The land use designations described in the previous section are shown on the Future Land Use Map to graphically display the City’s planned land use pattern. The approximate acreage for each land use designation within the City and its recognized PAAs is identified in Table 5-1. (Note: The City’s initial Land Use Map, from its 1996 comprehensive plan, is included in Appendix B to help illustrate how the City’s original vision has been incorporated in this plan update.)

Table 5-1. Comprehensive Plan Future Land Use Designations

Land Use	City Acres	PAA Acres	Total Acres
Urban Reserve	189	111	300
Master Planned Development ¹	757	0	757
Low Density Residential	1,584	281	1,865
Medium Density Residential	129	0	129

Land Use	City Acres	PAA Acres	Total Acres
Commercial designations	16	0	16
Mixed Use	233	0	233
Light Industrial/Business Park	479	0	479
Industrial	105	0	105
Park	196	0	196
Undesignated (ROW, Water bodies)	567	86	653
TOTAL	4,255	478	4,733

Note: Table based upon GIS analysis of Draft Comprehensive Plan Future Land Use Map, October 2006. Numbers have been rounded up to the nearest whole number.

† This represents only the areas previously designated as MPD. It does not represent the entire area that will be developed under the MPD Ordinance, which is larger and includes all properties developed at 80 or more acres in size.

PAA = Potential Annexation Area

The Comprehensive Plan Land Use Map and land use policies will guide the City’s development regulations, decisions on public facilities and services, and the decisions of property owners and developers on appropriate land uses. The GMA requires that comprehensive plans and development regulations be consistent.

Figure 5-1. Comprehensive Plan Land Use Map

5.4.3. Open Space Plan

The Open Space Plan is based on the City's vision and land use pattern, in which open space is an essential element of the community. The cornerstone of the Open Space Plan is the identification and preservation of environmentally sensitive areas. Added to the open space network will be parcels adjacent to environmentally sensitive areas which provide community-valued open space and treasured areas, urban/rural buffers, in-city urban separators, public and private parks and recreation and community facilities including a trail network. The open space plan builds upon the naturally occurring open space areas to create a network that serves both people and nature.

The Open Space Plan's underlying concept was first developed in conjunction with the 1994 annexation of 783 acres in the Black Diamond Lake area, when the landowners proposed retaining 50% open space in new development. By planning for and anticipating future development within the city, a commitment was made to preserve for perpetuity significant land area for open space uses. Open spaces would serve a variety of functions, including active and passive recreation, natural resource preservation, water quality protection, and non-vehicular transportation corridors. The open space should be comprised, at a minimum, of environmentally sensitive areas, riparian habitat corridors and an integrated trail system and could include parks, recreation facilities, and community facilities. This concept was furthered in the 1996 BDUGAA and the 2005 BDAOSPA, and will provide additional opportunities for implementation as annexation occurs. The Open Space Plan will include both open space inside the existing city limits and connectivity to open space in the unincorporated area around the Black Diamond area. Within the City's overall planning area, open space and park land will comprise 35% to 40% of the total land area. Known sensitive areas designated as Primary Open Space area should be preserved. Additional land is also needed to enable citizens to enjoy these open spaces. In this way, the impacts from human intrusion near environmentally sensitive areas will be minimized. Parks along the edges of the open space network provide a place for human activity outside sensitive areas.

The Open Space network (see Figure 5-2 for Parks/Open Space) shows conceptually both large and small parcels of land that may be targeted for retention using a variety of methods, including density transfer, clustering, conservation easements, and TDR, which will, over time, create an extensive network. Some parcels are large enough to provide open space on-site in conjunction with development by requiring clustering of the development.

Figure 5-2. Parks/Open Space Map

Small parcels have limited ability to apply on-site density transfer, however, and retention of open space may warrant use of the City's TDR program to transfer density off-site to identified TDR receiving areas.

The conceptual Open Space Map illustrates how open space may be integrated within the City, and how an overall balance between open space and developable lands will be achieved.

5.4.4. Population Densities, Building Intensities and Growth Targets

Existing Population

As of 2000, the City's population was , according to the U.S. Census, 3,970 persons and was estimated to have grown to 4,120 in 2007. Population density was 603 persons per square mile, over the City's 6.78 square miles. This represents a 5% decrease in density since 2000, much of which is due to the annexation of the large vacant parcels as part of the 2005 West Annexation Area.

Target Population

The City's population has basically remained relatively stable for decades. The only significant population increase in the past several decades was a result of annexing the Lake Sawyer neighborhood. Because of the environmental sensitivity of adjacent land areas and the presence of resource extraction activities (forestry and mining), growth through annexation was restricted. In 1994, the city annexed 783 acres located near Black Diamond Lake, followed by annexation of an additional 338 acres in the West Annexation Area north and west of the City in 2005. The proportion of these areas that is considered "developable" is substantial. In 2005, the City amended its development regulations to establish a Master Planned Development process and criteria for development of these newly annexed areas, along with other large sites within the City, and entered into a number of Pre-Annexation and Development Agreements. Development is expected to take the form of residential, recreational, commercial, and mixed-use development with substantial active and passive open space. In addition, the conversion of land currently zoned for Mineral Extraction and Forestry (ME/F) will add new developable land for residential and employment uses in the future.

Table 5-2 indicates the City's internally generated population projections and those of the PAA during the 20-year planning period. Of the 2025 projected population of 16,980, 13,075 are anticipated to be living in areas within the 2006 city limits.

Table 5-2. Population Projections in 5-Year Increments

Year	Total Population	Total Households
2007	4,120	1,578
2010	4,868	1,714
2015	10,437	3,740
2020	15,770	5,776
2025	16,980	6,302

Note: 2007 is an existing estimate from Washington State OFM. The remaining years are projections developed by the City. Projections include population in the City of Black Diamond's PAAs.

Target Dwelling Units and Required Acreage

The GMA requires cities to plan for sufficient lands to meet the population growth allocated through a countywide process. In King County, this is done in accordance with the King County Countywide Planning Policies, which have allocated a year 2022 new households target to Black Diamond of 1,099, which equates to an additional population of 2,945 individuals. The year 2025 growth projection found in Table 5-2 is based upon a City estimate that assumes the development of major planned developments and far exceeds the amount of growth the City is obligated to accommodate during the planning period.

The 2025 population projection exceeds the 2007 population by 12,860 persons. The average size of households in 2025 is assumed to be 2.68 persons, a slight decline in persons per household from 2007. The 2025 population and housing unit projection does account for potential vacant housing units. Table 5-3 assumes a 5% vacancy rate due to households in transition to indicate how many acres of residential land are needed to accommodate anticipated growth.

Table 5-3 Target Dwelling Units and Acreage Requirements, indicates the number of dwelling units and residential acreage needed to accommodate the 2025 population target.

Table 5-3. Target Dwelling Units and Acreage Requirements

2025 Population *	Dwelling Units (2.63persons per unit)	Plus 5% Vacancy	# Acres (4 DU/Acre)
16,980	6,302	6,617	1,654

* Note: The City has updated the existing King County CPP targets both to extend the 20-year planning period, and to reflect known development proposals anticipated to occur by 2025.

To meet the 2025 population projection and accommodate an assumed vacancy rate of 5%, the city will need at least 1,654 acres of developable residential land if an

average residential density of 4 DU/Acre is assumed. Available acres in the city are contained on Lawson Hill; near Black Diamond Lake; at the northern city limits; and in the areas annexed as part of the West Annexation Area in 2005 located in the northern, western, and southwestern areas of the City. Additionally, smaller sites are available in the Black Diamond townsite, north and south of Roberts Road and in Morganville. The comprehensive plan provides 2,891 acres for residential use. Appendix C provides the calculation of the residential development capacity for the study area.

2025 Target Employment

Whereas mining was the employment catalyst for the city in its first 100 years, the natural beauty of the Black Diamond area, the availability of large parcels for potential commercial and industrial use, and the expansion of urban areas into southeast King County are now envisioned to be the drawing cards for businesses for the next several decades. In conformance with GMA and the Countywide planning policies, a number of significant planning decisions were made which will influence employment growth potential within the City. The annexation of the Black Diamond Lake area (1994) and parts of the West Annexation area (2005) for housing and recreation was seen as one catalyst to support additional business and commercial services and industry in the City. In addition, areas annexed to the City in 2005 with frontage on SR 169 and the Auburn-Black Diamond Road will provide additional acreage on arterials for potential commercial and mixed-use development.

Because of these new opportunities, the 2025 employment target was not based on past trends or countywide forecasts. Rather, the employment forecast reflects the City’s desire to create a higher jobs/housing balance, to build a strong economic base, and to recognize its strategic location and the potential provided by large, developable parcels of land. Table 5-4 shows target employment projections to 2025.

Table 5-4. 2025 Target Employment

	2000 Existing Jobs	2025 Additional Jobs	2025 Total Jobs
Black Diamond	427	2,525	2,952

Planned Employment Capacity and Forecast Allocation of Jobs

Development capacity was calculated for commercial and industrial designations within the city, as shown in Figure 5-1. The capacity calculations were based on regionally accepted development assumptions relative to discounts from developable

acreage to recognize public rights of way, market availability, market absorption, commercial and industrial intensity, and open space designations within the commercial or industrial designations. These assumptions are included in Appendix C. The data indicate the City contains the capacity for 5,761 total jobs or 5,334 new jobs (from 2000).

The planning rationale and assumptions considered City policy and market factors such as available infrastructure and site constraints. For example, the Old Town commercial area is anticipated to receive growth. A small supply of commercial lots currently exists in the Old Town commercial area. Mixed use development could add to the commercial use potential of this area. Because necessary infrastructure to serve these lots is in place or located adjacent, it is assumed they will be totally developed by 2025. Similarly, since the other commercial and mixed-use areas already contain partially developed and developed commercial uses or provide access to visible commercial frontage on arterials, it is assumed that a majority of these will be developed within 20 years. The newly annexed commercial and mixed-use areas along SR 169 and Auburn-Black Diamond Road are expected to be mostly if not completely built-out within the planning period. The large light industrial and business park parcels are assumed to grow slowly at first, until there is enough business to attract others. This is a typical pattern of industrial absorption found in new industrial areas.

In conclusion, there is an adequate amount of designated land in the City to meet the employment projection for the next 20 years.

5.5. Shoreline Master Program

When the City annexed the Lake Sawyer neighborhood in 1996, it annexed two sensitive areas that are also considered “shorelines of the state” pursuant to the Shoreline Management Act: Lake Sawyer and Covington Creek. The City plans to update its Shoreline Master Program (SMP) by December 31, 2011 consistent with the requirements of state law. In the meantime, existing shorelines within the City limits are governed by the City Code and by the King County Shoreline Master Program policies and regulations in place as of the date these natural resources were annexed in 1996. The policies of King County’s adopted SMP are incorporated into this Plan by reference as an interim measure, until the City prepares its own SMP.

5.6. Land Use Goals, Objectives, Policies, and Concepts

5.6.1. Overall Development Goal, Objectives and Concept

- Land Use Goal:** Establish a pattern of development that maintains and enhances quality of life within the community.
- Objective LU-1:** Create a diversity of high quality places to live, work, shop, and recreate.
- Objective LU-2:** Create an open space system that frames and separates distinct areas of development both within the existing city limits and within all annexation areas.
- Objective LU-3:** Develop a balance of residential, commercial, industrial/business park and open space uses that create a fiscally sound community while maintaining a small-town atmosphere in a natural setting and meeting the needs of a diverse population.
- Policy LU-1:** Develop and enforce regulations consistent with the character and scale of the community and use design guidelines to help shape development.

Overall Development Concept

The city will develop as a balanced community similar to traditional small towns. Principles and guidelines for community design and character will guide development to ensure it remains a traditional village community (see Section 5.3 above). The city will provide a variety of housing types, retail goods and services and local and regional employment opportunities. Significant population and employment growth are anticipated and encouraged so long as new development is consistent with the City's vision for integration of development and open space areas. The City will take an aggressive stance to attract new employment opportunities.

To achieve the desired balance of places for living, working and recreating, new residential and business park/industrial development will be interspersed with large areas of active and passive open space as the city grows.

Active and passive open space will be preserved within the city through the use of TDR, acquisition, and dedication. The TDR program is an essential element used to preserve the connections between valuable sensitive areas and open space.

The City now has a strong visual identity with clear edges and gateways defined by its natural setting. Preservation of this identity, gateways and edges should continue, and be enhanced. New development in the vicinity of a gateway should strengthen, or at least not diminish, these features. This concept has been further implemented along the City's northern SR 169 gateway through strict view protection requirements on adjacent lands as set forth in the BDAOSPA in 2005.

The principle elements of the natural system (lakes, creeks, forested hillsides, open meadows, and views of Mt. Rainier) will be incorporated into a permanent open space system that separates individual neighborhoods, preserves critical natural functions and provides a visual reminder of the natural landscape. Important community design elements should be retained and/or enhanced.

The small-town atmosphere will be maintained by controlling the scale and character of new development (including within annexation areas), creating pedestrian linkages between the different neighborhoods, building on the city's rich history and encouraging participation in City government and special community events. New development should be designed to encourage residents to become part of the Black Diamond community.

While recognizing the importance of the automobile and efficient circulation, vehicular traffic and associated parking will not become the dominant visual feature as found in many suburban settings. The potential improvement of SR 169 and how this improvement will impact the community is a significant issue to the City.

To improve and maintain the economic viability of City government, it is critical that new development be designed to allow for the efficient provision of public services and utilities. New development must also pay for its share of required new infrastructure, and should proceed only when the necessary public services and facilities are available to serve it, and where it contributes positively to the fiscal health of the community.

5.6.2. Open Space Policies and Concept

Open Space

Policy LU-2: Use the open space system as the primary unifying component of the comprehensive plan.

- Policy LU-3: Preservation of areas designated for primary open space on the Future Land Use Map is a top priority.
- Policy LU-4: Preserve and protect all significant natural areas (wetlands, streams, steep slopes, geologic hazards, 100-yr. floodplains) and integrate these areas into the open space system.
- Policy LU-5: Use appropriate methods of acquisition or long-term protection to preserve sensitive natural areas.
- Policy LU-6: Use the open space system to protect surface and groundwater quality.
- Policy LU-7: Protect and enhance the dominant natural features and open space structure (including gateways, viewpoints, and view corridors) that characterize Black Diamond.
- Policy LU-8: Protect the city's treasured places by connection to the open space system.
- Policy LU-9: Preservation of open space should not remove all rights to develop a property owner's land.
- Policy LU-10: Create an open space system which frames and separates distinct areas of development within the city.
- Policy LU-11: Plan for and retain a natural vegetation buffer around the perimeter of Black Diamond adjacent to unincorporated Rural-designated land. The buffer may vary in width based upon sensitive areas and other constraints. Once established by development, this buffer is to be permanent. Development adjacent to the buffer is encouraged to combine other open space features with the Urban-Rural buffer.
- Policy LU-12: Development on prominent hillsides should retain substantial tree cover to preserve the forested hillside view from the valley floor.
- Policy LU-13: The open space system will be preserved and protected through a variety of approaches that respect the landowner's commitment to their property including: TDR, open space tax incentives, cluster development, public land acquisition, conservation easements and other public and private initiatives.
- Policy LU-14: The City should develop a stewardship plan for open space. A stewardship plan would identify techniques and ways to maintain

and enhance the active and passive open space areas (that lie outside the protected environmentally sensitive areas). The stewardship plan may rely on community involvement to implement the plan.

Policy LU-15: The City will regularly review the Black Diamond Area Opens Space Agreement (BDAOSPA) approved in 2005 and will actively investigate and enforce any violations of the agreement.

Open Space Concept

Existing open spaces provide the city with many benefits. The city is "framed" by large blocks of second-growth forests in various stages of regrowth. The separation provided by the open space and views of the natural rolling topography, forests, open pastures/meadows, lakes, and stream corridors gives the city much of its character. The numerous open spaces also provide significant natural functions. Inasmuch as the City cannot afford to purchase all these lands, mechanisms must be developed to encourage open space preservation and/or require preservation of environmentally sensitive areas. The open space uses allowed within environmentally sensitive areas and buffers include trails, recreational areas and community facilities (under certain conditions), urban separators and utility and road crossings.

The City's parks and open spaces are not necessarily the same. Developed recreational facilities are needed in addition to natural open space. Plans for public parks and recreational facilities are addressed in the Capital Facilities Element of this Plan.

The active and passive open space system will be based on existing stream corridors, lakes, and retention of buffers comprised of mature trees in certain areas. The Rock Creek, Ravensdale Creek, Ginder Creek, Mud Lake Creek, and Lawson Creek are the linear components of the system within the City. These areas lie in proximity to the developed areas of the city; they form the village and neighborhood open space network.

Black Diamond Lake and the tributary to Rock Creek and Ravensdale Creek are the major pristine natural resources that are part of undeveloped areas. They can form the wildlife and habitat corridor part of the open space network. The comprehensive plan recommends further evaluation of these areas for fish and wildlife conservation areas. If designated fish and wildlife conservation areas are designated, these areas should be included in the Critical Areas regulations.

The outer perimeter of the city should be maintained as an open space buffer between the city limits and the County defined rural lands, except where the County has identified permanent open space lands at the edge of the city limits. This buffer is an

important part of the open space plan. The dimensions are to be guided by the comprehensive plan policies and the Open Space Plan. The BDAOSPA (2005) serves as an important example of how the City has started to make the vision for this open space buffer a reality and should be looked to as a model for future open space protection efforts.

To ensure preservation of open space without unduly penalizing property owners, urban zoning will be applied to all lands and density credits should be allowed for land designated as open space as part of a development project. In certain cases, some single-family lot sizes could be reduced below the basic zoning standard to achieve up to the same density that would have been allowed had there been no open space designation required. The City's TDR program will also be used as an incentive for preserving open space.

The City has adopted a TDR program, including development regulations, which is a key element in its Open Space network and Land Use Plan. In addition, the City requires open space dedication and retention as part of its MPD ordinance. The following program guidelines provide policy direction for implementation.

TDR Program Guidelines:

- A. The City will establish a schedule for the careful review and consideration of a Treasured Places TDR program.
- B. The Treasured Places TDR program should support the City's development regulations and comprehensive plan policies by providing a market-based mechanism to encourage the voluntary preservation of designated resource systems and community open spaces and to facilitate the efficient use of lands to be developed.
- C. A Treasured Places TDR program will address the following critical elements:
 1. **Preserved Area** - The sending area which is the land targeted for preservation. It will include:
 - a) Major riparian and open space systems such as Rock Creek, Ravensdale Creek, Ginder Creek, and Jones Lake Creek and neighborhood separators.
 - b) Black Diamond's Community Treasures such as open spaces, view points, habitat, historic sites, and valued natural areas.
 - c) In addition, areas of developed low density residential where roads right-of-way and utilities are insufficient to warrant additional density may be considered as part of the TDR program.

2. **Receiving Area** lands in the City will be targeted for density increases as receiving areas for the TDR Program.

5.6.3. Residential Development Policies and Concept

Residential Development Policies

- Policy LU-16: Encourage a variety of housing types, providing housing for all income levels and all family sizes.
- Policy LU-17: New housing should be compatible with the existing development pattern and the small-town atmosphere - a mix of small and large lots, size and scale.
- Policy LU-18: Require residential development patterns to allow for efficient provision of public services and utilities.
- Policy LU-19: Encourage clustering within new developments to create compact new communities surrounded by open space.
- Policy LU-20: Allow multi-family residential in identified areas or when integrated as part of a planned development.
- Policy LU-21: Require multi-family structures or multiple family complexes with more than 4 units to undergo design review for consistency with adopted Design Guidelines.
- Policy LU-22: New residential developments with more than 25 units that are not part of a MPD should undergo design review for consistency with adopted Design Guidelines
- Policy LU-23: Use the MPD process to review all proposals on sites larger than 80 acres.

Residential Development Concept

The existing pattern of distinct residential neighborhoods should be continued and expanded. While existing neighborhoods may experience some infill, much of the city's new residential growth will be directed towards larger tracts, physically separated from the existing neighborhoods. The City recognizes that individual lot size and density are two important, but different, issues. Whether infill or a new development, residential units should be clustered and neighborhoods separated by elements of the open space system. Within new development, design of the open

space system will be a critical issue. Clustering will guarantee permanent open space and help to preserve environmental amenities such as creeks, wetlands, and significant stands of trees that, in part, give the city its character.

To encourage clustering, the City will examine potential amendments to the Zoning Code to provide incentives for new development that is consistent with appropriate design standards. Design guidelines may include concepts such as:

- Allowing lot size averaging and/or reducing the lot size, as appropriate, while maintaining the overall density established by the zoning district (small lot sizes, with permanent open space are consistent with a small town);
- Creating residences that relate to the neighborhood's character;
- Maintaining, enhancing or replacing existing native vegetation along arterial and collector streets;
- Creating or maintaining substantial vegetative buffers at boundaries of neighborhoods;
- Establishing a significant amount of permanent, common open space;
- Providing space and facilities for active recreation;
- Limiting proposed clearing and grading;
- Respecting the integrity of the character of the site and its natural systems;
- Integrating local cultural or historical elements into the site design;
- Integrating local architectural components;
- Screening parking and garages; and
- Providing incentives to encourage good design such as density increases within the site, and/or transfer of density credits to other appropriate sites.

The lowest residential densities should be applied where environmentally sensitive areas warrant limited development densities, as well as in established lower density residential neighborhoods. Reductions in density based on identified constraints or City policy will be off-set and compensated for on suitable lands in other portions of the City, using TDR, MPDs, mixed-use development and other techniques. In areas with significant environmental constraints that are designated as TDR sending areas, a density not to exceed two units per gross acre can be clustered on the non-sensitive portions of sites. Regulations should also allow for the continuation of existing small scale farming activities.

Within developed areas, a more diverse housing stock will be encouraged to provide housing for a more diverse population, including various types and densities of attached and detached units. While most housing is expected to be single-family, opportunities for attached units, such as duplexes and townhouses, should also be available within single-family areas. Multifamily residential units should be developed at a character and scale consistent with the existing character of the City, shaped by design guidelines. New multifamily development may occur in the form of duplexes, triplexes, fourplexes, townhomes (row houses), and units above commercial (in mixed-use areas). Densities on infill parcels may be higher provided the architectural character of the neighborhood can be maintained. Review of multifamily development proposals should include design review and public hearings. Medium density multi-unit structures (maximum 12 units per acre) should be encouraged to co-locate convenient to retail and service uses, in mixed use areas or as components of master planned developments. Consistent with state law, manufactured housing should be treated the same as site-built housing at comparable densities.

Since the 1996 comprehensive plan was adopted, the City has taken a number of steps to implement its vision for residential development. These steps include adoption of a TDR program; adoption of an MPD ordinance; and preparation of MPD design guidelines. Additional residential development tools that should be to be considered include:

- Provisions for small or moderately sized clustered developments.
- Subject to site plan and design review, allowance for smaller lots and attached units such as duplexes and townhouses in single-family zones, consistent with applicable zoned densities, and contiguous to open space.
- Incentives to encourage clustering and provision of open space and parks.
- Allowance for attached and detached accessory units.

Commercial and Mixed Use Development Policies

Policy LU-24: Retain and enhance the existing commercial areas while providing sites large enough to accommodate significant commercial uses.

Policy LU-25: Provide day-to-day retail goods and services within walking distance of most residential neighborhoods.

Policy LU-26: Permit a limited amount of Neighborhood Commercial sites within those neighborhoods that are not within a convenient walking distance of designated community commercial/mixed-use centers.

- Policy LU-27:** Allow a comprehensively planned mixture of residential, commercial, retail, public and open space uses within MPDs and areas appropriate or designated for mixed-use development.
- Policy LU-28:** Prohibit heavy industrial, and limit light industrial uses within mixed-use areas.
- Policy LU-29:** Encourage well-planned, coordinated commercial development within the SR 169 Community Commercial area and discourage strip retail development. This area is to serve as the primary source of community shopping needs, and should provide those services and activities that support it as a gathering place.
- Policy LU-30:** Strengthen design standards for commercial development to include:
- a. local architecture emphasis,
 - b. streetscape compatibility,
 - c. parking and vehicle access design that discourages strip development,
 - d. service access design,
 - e. landscaping to enhance the building or site,
 - f. sign regulations,
 - g. allowing mixed use development in some commercial designations,
 - h. pedestrian and bicycle linkages.

Commercial and Mixed Use Development Concept

A new commercial and mixed-use area is planned for the area centered on Auburn-Black Diamond Road in the West Annexation area. The three existing commercial areas at Morganville, Old Town, and along SR 169 will be retained and enhanced. These three areas form a triangle reflective of the historical local development pattern. An important objective of new development will be to create linkages between the areas and encouraging appropriate development along them. These linkages will serve a local, rather than "pass through" purpose. However, the SR 169 commercial corridor is planned to expand to the north to encourage the development of uses that serve a broader market than the local community. These areas are intended to serve the day-to-day retail and service needs of residents as the city grows. Additionally, each of the three commercial areas now has an important

community facility. It is intended that community facilities also remain dispersed within this triangle to strengthen it as a focal point for the community.

In mixed-use areas, commercial and business activities may be combined with residential uses, and possible some very limited light industrial activities, in a complementary land use pattern. For example, personal and professional services may serve adjacent businesses and residences. Mixed-use areas should have convenient pedestrian connections and close proximity to encourage walking between activities (generally less than one half mile).

The plan's intent for existing commercial areas is as follows:

Old Town Mixed Use: The historical character of the "Old Town" area should be retained and enhanced, and this area should become the focus of tourist and specialized retail activities. Old Town currently contains City government offices, including City Hall, the Post Office, and Fire Station. The historic district should overlay the area encompassing the existing "Old Town" and to the northwest and south along Railroad Avenue and Jones Lake Road. This land use district should employ historical building design guidelines to insure that new construction or renovation is consistent with the character of the area. The southern tip of the "Old Town" district adjacent to SR 169 will become a primary "gateway" to the city from the south. That portion of the commercial area along SR 169 at Lawson Street (especially east of the highway) may serve a different function.

SR 169 through the original Black Diamond townsite could be envisioned as a tree-lined boulevard serving the historical, cultural and government center of town. The potential impact of any SR 169 improvement/widening is a critical issue to the city and must be carefully studied by both the City and Washington State Department of Transportation (WSDOT) at such time as a specific proposal is identified by WSDOT.

Morganville Mixed Use: The Morganville mixed-use area may be expanded to provide additional land for retail uses and services. Given the unique character of Morganville, a special zoning district overlay should be established. Morganville will be encouraged to keep the eclectic mix of light industrial, retail, services and community facilities that serves the neighborhood.

SR 169 Commercial, North End of Town: Residents have expressed special concern that the existing commercial area along SR 169 should not evolve into a "strip commercial" development. A distinct Community Commercial area should be identified, flanked to the north and south by mixed-use areas.

This commercial area is extended to allow sufficient depth from SR 169 for an expanded commercial area. The area is encouraged to develop with a parallel road to

form a dual or multi-block commercial district, and to emphasize pedestrian access. Development in this area should be subject to design guidelines to ensure coordinated access, parking, landscaping, signage, and pedestrian circulation.

SR 169 Mixed Use, North End of Town: The designation recognizes a variety of commercial, residential, and social uses that occur north of the designated Community Commercial area. Further mixed-use development in this area should be sensitive to retaining existing trees along the road edge, combining access points or driveways and employing site design that is compatible with that of the Community Commercial. Strip commercial development is discouraged and the view protection elements of the BDAOSPA should be strictly monitored and enforced.

Roberts Road Mixed Use: The mixed-use area south of Community Commercial is envisioned to provide new mixed-use retail and services and residences when converted to these urban uses. The area contains existing retail activities on the south side of Roberts Road. This mixed-use area should also allow the existing private recreational airstrip on the north side of Roberts Road to remain until redevelopment occurs. Mixed-use development in this area should be sensitive to retaining existing trees along the road edge, combining access points or driveways and employing site design that is compatible with that of the Community Commercial zone. Strip commercial development is discouraged.

Auburn-Black Diamond Road Mixed Use: The City anticipates that this area, which was annexed in 2005, will be master planned, and will contain a mix of commercial, services, civic uses, and residential. The most intense uses will be located along and near Auburn-Black Diamond Road, with allowed uses becoming less intense the farther away from the main arterial at Auburn-Black Diamond Road.

Neighborhood Commercial Development Concept

To maintain a small town atmosphere, most residential neighborhoods should be located within walking distance of a commercial area (1 mile). Scale, appearance, and character are also important factors.

Zoning regulations, including the adopted MPD process, and design guidelines will guide the planning, location, design, and approval of neighborhood commercial centers.

Lake Sawyer Neighborhood Commercial: The Lake Sawyer neighborhood has a small neighborhood commercial area located at the intersection of Covington-Sawyer Road and 216th Avenue SE. This area consists of approximately 1.6 acres on three lots. This area provides convenience commercial for residents in the area, including a mini-mart grocery store and an auto repair service.

For **all** commercial and mixed-use areas, implementing regulations should include the following general site and architectural design requirements:

- Architecture distinctive to the Black Diamond area, rather than standardized national or regional designs.
- Limiting front yard setbacks, with parking located primarily to the side and rear of buildings.
- Buildings and off-street parking sited to create interesting and attractive spaces and appearance at the streetscape and along building setbacks.
- Visual continuity among adjacent development (include consideration of site design, historical significance, landscaping, building design and signage).
- Provision for pedestrian circulation.
- Joint-use of access drives and off and on-street parking.
- Landscaping that incorporates existing native vegetation.
- Screening of parking and service areas, all mechanical equipment, rooftop equipment, dumpsters, and any outdoor storage.
- Removal or screening of accumulated scrap material or building construction materials.
- Pedestrian/bicycle linkages to adjacent residential neighborhoods.
- Coordinated signage program designed to serve local residents and consistent with the character and scale of the community.

5.6.4. Industrial/Business Park Development Objective, Policies and Concept

Industrial/Business Park Development Objective and Policies

Objective LU-4: For Black Diamond to transition from its history as a company town to a self-sufficient economic center in southeast King County.

Policy LU-31: Provide local employment opportunities that support Black Diamond as a sustainable community.

Policy LU 32: Develop an aggressive economic development strategy, with the cooperation of the City, County, business and property owners.

- Policy LU-33: Strengthen the local economy and the City's tax base.
- Policy LU-34: Ensure that all industrial/business park development is consistent with all appropriate environmental standards.
- Policy LU-35: Ensure that zoning regulations are sufficiently flexible to accommodate changing industrial needs.
- Policy LU-36: Support adequate rail access to the industrial core.
- Policy LU-37: Ensure that all industrial/business park development is functionally and aesthetically compatible with surrounding uses.
- Policy LU-38: Recognize that light industrial and business park uses can be compatible with other less-intensive uses where appropriate performance standards are established.
- Policy LU-39: Require industrial and light industrial/business parks areas to be functionally and aesthetically compatible with existing uses and to buffer impact generating uses from other uses; carefully site them to minimize environmental impacts.
- Policy LU-40: Strengthen design standards for light industrial/business park development to include:
- a. local architecture emphasis,
 - b. streetscape compatibility,
 - c. parking and coordinated vehicle access design,
 - d. loading and service area design,
 - e. landscaping to enhance the building or site,
 - f. sign regulations, and
 - g. pedestrian and bicycle linkages.
- Policy LU-41: Within areas designated interim mineral extraction, require site reclamation and restoration pursuant to state mining laws and local environmental and land use regulations.

Industrial and Light Industrial/Business Park Development Concept

Industrial and Light Industrial/Business Park development, if properly designed, is an important part of the community. The opportunity for local employment and an increased tax base can improve the quality of life for residents. The City will seek to attract new light industrial, manufacturing, office and other businesses to the City as a means to achieve its vision for growth and prosperity.

Light Industrial/Business Parks are targeted to have distribution, assembly, storage, repair, and warehousing uses with some services and offices. Limited retail uses and services intended to serve employees of the area may also locate within the light industrial/business park areas. These areas should have stringent development standards to ensure high quality, compatible development. Special attention should be given to: critical areas protection, landscaping to enhance the building or site, circulation and transit access, service access design, screening of loading docks and mechanical equipment, connection to arterial streets, pedestrian and bicycle linkages, architectural control, parking, and utility needs.

Industrial and light industrial/business park uses may be proximate to but should be separated from commercial uses, to avoid land use conflicts. Circulation plans for adjacent industrial and commercial areas should separate truck traffic from shopping traffic. Certain areas along new principal arterials are suitable for Industrial and Light Industrial/Business Park uses. The existing industrial area is also well situated, but if this area does not develop over the long-term, and a demand for other employment areas can be documented, the City should consider changes to land use.

5.6.5 Forest and Mineral Lands

The city has historically been oriented to resource extraction activities. Coal mining was the initial resource base, but sand and gravel mining and forestry have also played roles. Economic feasibility of resource extraction changes over time with changes in market demand, extraction technology, and environmental consideration. The designation and use of resource lands are now also framed by the requirements of the GMA and the city's planned growth. While resource activities may continue in the future subject to appropriate development regulations, existing resources within the city do not meet the criteria for designation as resource lands of long-term commercial significance.

Forest Lands

In the past, the area surrounding the city, including limited areas near the former Palmer Coking Coal Company and Plum Creek ownerships within the city limits, were considered suitable for commercial timber production. An area outside of the

planning area, on a portion of Lawson Hill east of the city has been designated as Forest Production District by the King County Comprehensive Plan.

The original forest lands in and around the City are in various stages of regrowth. They now provide significant open space which provides many passive values such as scenic views, open space, wildlife habitat, and separation from adjacent developments. These lands are part of a large network that will comprise an open space system for the City and the region.

The City has acquired some former Plum Creek forest lands as documented in the Black Diamond Open Space Protection Agreement (2005). Other forested lands are addressed in the Black Diamond Urban Growth Area Agreement (1996) and are eligible for Transfer of Development Rights. Some future forestry activities will occur on Plum Creek properties subject to the terms of these agreements.

According to GMA definitions and criteria, forest resource lands are those primarily devoted to long-term commercial timber production on land that can be economically and practically managed for such production and that has long-term commercial significance (RCW 36.70A.030(8)). Factors considered in making this determination as set forth in the statute include the proximity of the land to urban, suburban, and rural settlements; the compatibility and intensity of nearby land uses; long-term local economic conditions that affect the ability to manage timber production; and the availability of services and facilities conducive to conversion of forest lands to other uses.

Long term commercial forestry is not contemplated on these lands and would not be economically productive. Moreover, extensive resource activities would conflict with the type and level of growth that is forecast to occur over the life of this plan. While the city will retain elements of its rural character and heritage, it will also become more urban and more populated, as will other cities in this portion of King County.

Mineral Lands

Known mineral resources in the City include coal, sand, gravel, topsoil, and clay. Within the existing city limits, there is currently one sand and gravel operation in Section 10 (Palmer) and one area north of the Green River Gorge Road used in conjunction with the John Henry mine (coal, clay and sandstone). Both areas are currently zoned Mineral Extraction/Forestry. Topsoil is also produced at the sand and gravel operation in Section 10. There are no significant identified rock, clay, or peat resources. The 1996 plan identified aggregate resources within the current city limits and its UGA in Sections 10, 11, 12, 13, 14, and 15.

One other commercial deposit of sand and gravel has been identified in the undeveloped portion of the City. The deposit is located at the south half of Section 22, in the area annexed to the City in 1994. A report prepared by McLucas and Associates, Inc. indicates that about 128 acres contain a commercially viable sand and gravel resource extending to depths ranging from 20 to 90 feet below the surface. For sand and gravel, the potential economic value is determined by quality of the material (proportion of sand and gravel relative to silt or clay, quantity, depth to overburden, and the presence of groundwater).

Currently, approximately 363 acres of land in the City have permits to extract minerals (primarily gravel). The two areas are: 1) north of Morganville to the northern city limits and surrounding Oak Lake; and 2) at Mud Lake and west to SR 169. Gravel is currently being extracted directly north of Morganville and east to the south side of Oak Lake (see Figure 5-1). Based on estimates of the gravel resources, permitted mining is expected to continue until approximately 2025.

Palmer and Plum Creek lands have been evaluated for the presence of such deposits. Palmer's deposit in Section 10 is considered a high quality deposit of clean sand and gravel. The deposit is estimated at 13 million cubic yards. The Section 22 deposit is identified as a high quality, high volume source of construction aggregate. Deposits of silica sand are present on Franklin Hill.

While the extent of remaining coal resources is generally known, the long-term economic viability of the City's coal resources is largely unknown. Black Diamond coal is a high quality, low sulfur coal. The City also has easy access to a port for shipment to overseas users. However, the deep pitching veins broken by faults are difficult and expensive to mine, especially when compared to the "flat" seams of high quality coal in areas such as Wyoming. The potential for further underground mining in general will depend on world energy needs, technology advancements, and environmental and land use considerations.

The John Henry No. 1 mine, located just outside the city limits, has been inactive for more than 5 years. This mine is a unique geologic condition (anticline) in which the coal is located close enough to the surface to allow for more economical surface mining. At the time of this plan update, future operation plans for this mine were unknown. The only other areas in the City with significant deposits of surface mineable coal are within the developed portion of the City.

GMA guidelines for classifying and designating mineral lands of long-term commercial significance, as set forth in WAC 365-190-070, require consideration of a combination of factors, including geology (type of mineral deposit), economics (quality and size of deposit, distance to markets), environmental constraints (critical areas) and a number of land use factors (land use patterns and intensity, proximity to population centers, and availability of services). Consistent with this direction, the

City has considered its planned land use pattern, as reflected on the Comprehensive Plan's Future Land Use Map, including the proximity of mineral resources to designated residential areas. In particular, the City notes that identified mineral resources are located—and therefore future mining would occur—in an Urban Growth Area that is planned for significant growth over the next 20 years at urban densities. Mining could create significant conflicts with this planned growth, depending on its extent, timing, and location.

On balance, based on consideration of these criteria, the City has concluded that identified mineral resources in the City do not meet the criteria for designation as mineral lands of long-term commercial significance. At the same time, the City acknowledges the presence of existing mining operations and mineral resources and the potential for future mining and intends to maintain the ability of property owners to access these valuable resources. The City will use its development regulations and a conditional use process to review applications for mineral extraction and to ensure that such development is consistent with the protection of the environment and accomplishment of other city policies.

Forest and Mineral Resources Concepts, Objectives, and Policies

Forest and Mineral Resources Concepts

Some forestry activity and commercial extraction of mineral resources will continue to play a role in the City's future. The City supports these activities provided that environmental quality is maintained and consistent with adopted standards and that land use impacts are mitigated. The City will implement a review process for mining permits that includes appropriate standards, allows public input, and ensures mitigation of significant impacts. Upon the cessation of mining activities, all mineral lands must be reclaimed consistent with state law.

Forest and Mineral Lands Objectives

Objective LU- 5: Allow use of forest and mineral resources within the city consistent with the Land Use Concept and development regulations.

Forest and Mineral Lands Policies

Policy LU-42: Retain forest resource land until conversion to urban uses is appropriate.

- Policy LU-43: Allow extraction of valuable minerals, including coal, sand, gravel, oil, and gas deposits, when extraction can be conducted consistent with the Future Land Use Map.
- Policy LU-44: Apply a Conditional Use permit process to help ensure that mining operations maintain environmental quality and mitigate impacts. Review of applications should include public notice and comment, specific duration of operations, and authority to condition permit extensions or renewals to address new circumstances and impacts.
- Policy LU-45: Known mineral extraction sites will be identified in the comprehensive plan to notify adjacent property owners and residents of prospective mining activities and to allow long-term planning by mineral and surface owners.
- Policy LU-46: Reclamation plans should be consistent with the land uses indicated on the Future Land Use Map. At the cessation of mineral extraction activities, sites should be converted to their long-term planned land use

5.6.6. Community Design and Character Objectives, Policies and Concept

Community Design Objective and Policies

- Objective LU-6: Use development regulations to enhance and protect the overall appearance and character of Black Diamond.
- Policy LU-47: Retain a sense of place by protecting the community's important natural features.
- Policy LU-48: Old Town should be the primary historical component of the City.
- Policy LU-49: Major entrances into Black Diamond should be given symbolic markers and landscaping to create a gateway effect.
- Policy LU-50: Parks, schools, churches and other public and semi-public buildings should be encouraged to locate on sites to create neighborhood landmarks.
- Policy LU-51: Public buildings should fulfill their role as gathering areas and community resources.

- Policy LU-52:** Building design, zoning regulations and design standards should provide for buildings of a character and scale appropriate to the site, encourage building variety while providing for designs that reflect the distinctive local character, historical character, and natural features.
- Policy LU-53:** Design standards, building design and site design should provide appropriate transitions between dissimilar uses, such as echoing design features and graduating building heights and intensities.
- Policy LU-54:** New developments should be designed to incorporate features to encourage alternative travel modes, such as biking, walking, and transit.

Community Design Concept

What is desired is the “chance to live in a real human settlement with a sense of place and sense of belonging.” (Arendt, 1994 *Rural By Design*)

Community character relates to the types of land uses found in the comprehensive plan. While land use designations describe the dominant uses and overall function of areas in the city, character designations describe the look and feel of different parts of the city. In general, character may be more important than the specific uses, activities, and building types. The character designations describe: key design elements, mixture of uses, related activities and intensities of development. The key design element discusses the relation of the built and natural environment, and building features. The mixture of uses, related activities, and intensities describe the scale and character of a land use.

Traditional “zoning” concerns, including density and setbacks, must be balanced with the intent of the character designations to encourage development that achieves both the described function and character of the respective area.

“Limited” Residential

Key Design Element: This development pattern, generally found in areas subject to significant environmental constraints and open space protection, will reflect the informal rural development typical of many portions of the city. Subdivisions and short plats should provide interconnected streets. Development is encouraged to promote a variety of individual dwelling designs and is discouraged from using walled planned residential techniques common in other portions of King County.

Mixture of Uses, Related Activities, and Intensities of Development: This area is reserved for residential uses. Accessory units may be built on single lots provided they are significantly secondary to the main use.

Village Residential

Key Design Element: The primary design element will be consistency with existing historical development. Some areas may be subject to historic preservation guidelines, while others may have general guidelines that promote the incorporation of historical design features in new development. The development will be predominantly compact single-family buildings with pitched roofs. Structures will be located towards the street edge and generally have building design features such as front porches and overhanging eaves.

Mixture of Uses, Related Activities, and Intensities of Development: Some mixture of small scale retail and professional office will be included with residential uses. Commercial buildings will generally take similar forms to or use residential structures. Multi-family houses in keeping with the historic design elements are allowed. Small inn and bed and breakfast operations are also permitted.

Amenity-Focused Residential

Key Design Element: These areas are to contain a hierarchy of open spaces where private open spaces are linked to public open spaces. Development is to be located on portions of the site away from environmentally sensitive features, but oriented to take advantage of natural amenities. Higher density development resulting from on-site transfer of density is designed to be compatible with single family scale.

Mixture of Uses, Related Activities, and Intensities of Development: Primarily residential uses. There will be a somewhat higher net density allowed for retention of undeveloped open spaces. Some pocket parks or interpretive facilities may be located in these areas.

Mixed Use

Key Design Element: Mixed-use development will include measures to minimize conflict between differing uses through site planning and building design.

Mixture of Uses, Related Activities, and Intensities of Development: Uses will include small scale retail and office, and multi-family residential uses. Uses including gas and service stations and those uses that require large amounts of exterior storage are not targeted for this area.

Commercial

Key Design Element: The commercial development is envisioned to be moderate scale incorporating features that promote an active pedestrian environment.

Buildings will be provided in groupings to approximate a small scale grid found in a traditional rural downtown. Parking is provided in smaller lots dispersed throughout the development site and out of view from the commercial streetfront whenever possible. Larger parcels incorporate an internal circulation scheme and possibly a central focus area such as a “green” plaza. Landscaping enhances the auto and pedestrian circulation system through the provision of street trees along walkways and internal roads. Landscape screening is also used to reduce the impact of parking areas.

Mixture of Uses, Related Activities and Intensities of Development: Commercial activities will include retail, service and office uses. Some auto-oriented retail such as hardware, supermarkets, and feed stores could also locate in the commercial areas.

Industrial and Light Industrial/Business Park

Key Design Element: Industrial uses would be substantially buffered and screened from nearby uses. In addition, industrial uses would be subject to performance standards with respect to noise, dust, and light emissions.

Light industrial/business park uses would incorporate buffering and high landscaping as a part of stringent site design and to provide a corporate campus setting. These uses may serve as a transition from industrial or other less intense uses.

Mixture of Uses, Related Activities and Intensities of Development: Retail and residential uses are not allowed in industrial areas. Light Industrial/Business Parks may have a food service and some limited personal services (e.g., sandwich shop, travel agent) available. Office buildings would be encouraged to be multi-story to retain greater open areas around the buildings.

5.6.7. Historic Preservation Objective, Policies and Concept

Historic Preservation Objective and Policies

Objective LU-7: Maintain those historical qualities in the environment that bring value to the community.

Policy LU-55: The City should provide reasonable flexibility in applying development requirements and building codes to encourage the preservation and rehabilitation of historically and culturally

valuable buildings and sites. Explore alternatives to the demolition of structures and sites that are historically significant or otherwise deemed eligible for the local, state, or national registers to accommodate private or public sector development proposals.

- Policy LU-56: Historically and culturally significant buildings should be protected from demolition or inappropriate exterior modification.
- Policy LU-57: Place new structures, circulation, and utility systems in such a way as to minimize the alteration of the historical character of the Black Diamond landscape.
- Policy LU-58: Expand the existing historical district to the southern edge of Jones Lake Road and SR 169 to provide a southern "gateway" to the City.
- Policy LU-59: Adopt and enforce design guidelines for the areas with historical character.
- Policy LU-60: Encourage land uses and development that retain and enhance significant historical resources and sustain historical community character.

Historical Preservation Concept

The City's historical settlement pattern has resulted in a unique, small town rural landscape. It gives the community a character distinct from that of the more recently urbanized areas in east King County. To maintain this distinct character, while at the same time permitting infill development, important historical elements must be retained as the community grows.

Historical resources contribute substantially to a sense of community, a quality of life, and provide for a source of pride. Historical downtowns and neighborhoods have invigorated local economies, sparked new businesses, generated additional tax revenue, and created new jobs.

These assets should be broadly interpreted to include structures, landmarks, sites, and views.

To assure protection of the City's historical resources, the City entered into an interlocal agreement with King County in June of 1995 to provide landmark designation and protection services. (KC Motion 9584) The 1997 Inventory of Historical Structures and Sites can be found in Appendix D.

New infill development will identify and preserve, wherever possible, existing structures, vegetation or views that are visually important to the community character. Incentives for doing so will be included in development regulations such as zoning, subdivision, and building codes.

Design guidelines should be developed for areas of historical character. Structures and sites with historical designations will follow the community character design guidelines and any of the requirements of being a designated historical structure or site. The intent is to ensure that the renovation and alteration of existing structures, as well as the construction of new buildings, is done in a manner to maintain the character of the district and improve the economic vitality of the district. Design control for commercial structures in historical areas will address exterior building design and materials (new construction and reconstruction), setbacks from the street, signage, sidewalks, and code compliance. Residential new construction guidelines for historical areas will address building bulk and site design, compatible features and materials.

5.6.8. Regional Coordination Objectives, Policies and Concept

Coordination Objective

Objective LU-8: Use the Countywide Planning Policies as a basis for regional coordination and land use decisions.

Monitoring Objective and Policies

Objective LU-9: Monitor implementation of the comprehensive plan for changed conditions in the city's anticipated growth, for consistency with the City's vision, GMA requirements, and Countywide Planning Policies and make amendments as necessary.

Policy LU-61: Report annually to the City Council and general public on implementation of the comprehensive plan, identifying the degrees to which the policies are being implemented.

Essential Public Facilities Siting Objectives and Policies

Objective LU-10: Coordinate with other governmental jurisdictions to site, when necessary, essential land and building uses that are typically difficult to site and which are necessary to meet the needs of Black Diamond's present and future growth.

Objective LU-11: Jointly identify and evaluate alternative site locations that meet the essential locational requirements involved for each facility's function.

Objective LU-13: Conduct appropriate public review and hearing processes, including environmental impact assessments and statements where appropriate, to ensure local residents have an opportunity to comment upon siting alternatives, potential impacts, and mitigation measures prior to the selection of final site and development particulars.

Policy LU-62: Essential Public Facilities sited in Black Diamond shall be sited consistent with the goals, objectives, and policies of the City's comprehensive plan.

Policy LU-63: The City will apply Conditional Use Permit process criteria and additional criteria contained in Black Diamond Municipal Code Chapter 18.28 for the siting of essential public facilities.

Essential Public Facilities Concept

The GMA requires that a process be identified in the development regulations to review the siting of Essential Public Facilities. Essential public facilities include, but are not limited to, airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities.

Chapter 6. Housing

6.1. Existing Housing

6.1.1. Existing Housing Stock

The predominant type of dwelling unit in the City of Black Diamond (the City) is the single-family,⁹ owner-occupied house. Approximately 82%¹⁰ city housing stock is a detached single-family house. According to the 2006 King County Annual Growth Report, approximately 60% of King County residents lived in detached single-family housing. According to the 2000 U.S. Census, approximately 60% of King County residents owned their homes. In contrast, approximately 90% of the City's households lived in owner-occupied housing.¹¹ According to data from the 2006 King County Annual Growth Report, mobile homes constitute 16% of total housing units in the City, and multifamily units 2%.

According to the 2000 U.S. Census, approximately 15% of the city's housing was built prior to 1940 (many during the community's peak mining years, 1890-1915). The original construction of many of these units was considered inferior, even by standards of the times. Most remaining structures have been remodeled, enlarged, and substantially improved and represent a major investment of time and money by

⁹ A 1-unit, detached structure, per 2000 U.S. Census.

¹⁰ 2006 King County Annual Growth Report.

¹¹ 2000 U.S. Census.

the homeowners. However, as a reflection of the growth experienced in the late 20th century, almost 38% of housing in the city was constructed between 1990 and 2000.

Historically, the city's housing market has been lacking in housing appealing to middle- and upper-income households. However, with the annexation of the Lake Sawyer neighborhood in 1998, the stock of middle- and higher-income housing increased within the city. The changes in the city's composition after the 1998 annexation have caused a shift toward a more balanced housing stock.

6.1.2. Housing Characteristics

Value

Housing prices in the city have been rising significantly, along with prices in King County as a whole. In July 2007, median sales prices in the City and surrounding areas ranged from \$325,000 to \$387,000. The median housing price in King County as a whole was \$427,000 as of August 2007. The median monthly rent within the city was \$878, compared to \$758 for King County as a whole (2005).

These figures represent a significant shift in the city's economic conditions over the last decade. In 1990, both home values and median rents were well below those of the County. While home values are still more affordable in the city than the County as a whole, the gap has been reduced significantly. In part, this increase can be attributed to annexations that increased the city's population by more than 80% in the late 1990s, along with the value of its housing stock.

Persons per Household

King County and Black Diamond have both shown a decrease in household size during the last thirty years, particularly in the 1970 to 1980 period. The 1990 City of Black Diamond household size was 2.63 persons per household (pph), compared with 3.21 in 1970. By the time of the 2000 Census, however, the average household size in Black Diamond had increased to 2.73 pph. Over the same period, the average household size for the County as a whole remained stable.

The Puget Sound Regional Council (PSRC) expects a continued increase in household size, followed by a gradual decline during the remainder of the planning period. Forecasts for Forecast Analysis Zone 3310 (Black Diamond/Lake Sawyer area) expect 2.84 pph in 2010, 2.73 in 2020, and 2.63 in 2030.

Vacancy Rates

Vacancy rates for King County and the City are available from the U.S. Census Bureau. In addition, King County updates estimates for vacancy rates in the county periodically – most recently in 2005. Homeowner vacancy rates for the City and County were almost equal in 2000 (0.8% for the City vs. 1.2% for King County), and for both areas vacancy rates for rental units were higher than those for owner-occupied units (4.2% versus. 1.4%).

By 2005, this picture had changed in King County. Most neighborhoods in south King County had apartment rental vacancy rates higher than 6% (the King County average vacancy rate).¹² This was a decline in vacancy rates from the previous three-year period.

6.2. Affordable Housing

6.2.1. King County Overview

By 2030, the PSRC estimates that the number of households in King County will increase by nearly 250,000. Keeping up with forecasted growth will require public and private actions: land zoned for a range of development and redevelopment; adequate infrastructure; and affordable financing to produce about 10,000 new housing units per year within the region.

King County growth management policies call for a significant shift of new residential development to higher densities and infill locations. The success of this vision depends, in large part, on efforts to achieve community and market acceptance of this housing as well as affordability.

Development of housing for very low-income households and people with special needs typically requires local government support, in partnership with housing agencies, nonprofit developers, and private builders and lenders.

6.2.2. Quantifying County-wide Housing Needs

Affordable housing for low and moderate households is defined as "rental and ownership housing for households with incomes up to 80% of the King County median household income, which costs no more than 30% of monthly household

¹² King County Benchmarks 2006; Affordable Housing, King County Office of Management & Budget, 1/07, page 8.

income." This guideline limiting housing costs to 30% of income is standard for most state, federal, and local housing programs.

Based on the 2000 U.S. Census, approximately 219,414 households in King County earned below 80% of the King County median. By 2005 one-third of all owner households (136,800) earned less than King County's median income. In comparison, about three-quarters of all renter households (217,500) earned less than county median income. Thirty-eight percent of King County's households (over 280,000 households) paid more than 30% of their incomes for housing; almost half of these households were renters.¹³

Of all of the households in King County paying more than 30% of their income for housing in 2005 (one-third of all owner households), approximately 60% earned less than median household income. Of the renter households in King County in 2005, about half paid over 30% of their income for housing; more than 97% of those earned less than the King County median income.

Many of these households have difficulty finding adequate affordable housing to meet their needs. These households have housing that is too expensive, overcrowded (more than one person per room), in poor condition, or they may be homeless or unable to live independently without support services. Households paying more than 30% of income for housing (the most common problem) have problems affording food, clothing, medical care, and other necessities. These households are vulnerable to losing their home when a lost job, medical emergency or other crisis hits. The problem of overpaying is most severe for the lowest income households.

In addition to households overpaying for housing, housing assistance is needed for people with no housing at all, and for people who require housing combined with supportive living services. The Seattle King County Coalition on Homelessness conducts an annual one-night count of people who are currently unsheltered, occupying emergency shelters, or engaged in transitional housing programs. On the night of January 27, 2006, the Coalition counted 7,910 people in these various stages of homelessness throughout the urbanized areas of King County.

King County is targeted to grow by 158,000 households by the year 2020. In 2000, 22% of King County households had incomes less than 50% of median. However the U.S. Department of Housing and Urban Development's State of the Cities Data System indicates that approximately 16% of housing was affordable to these households. By 2005 for households with incomes less than 50% of median, 0.4% of the houses sold were affordable, 6.7% of the condominiums and townhomes sold

¹³ King County Benchmarks 2006; Affordable Housing, King County Office of Management & Budget, 1/07, page 4.

were affordable and 39% of rental units were affordable.¹⁴ To meet the rising demand for affordable housing, urban growth must include opportunities for lower cost housing types - single family homes on small lots, townhouses, condominiums, and apartments. Good design will be essential, both to attract residents to higher density housing and to address concerns of neighbors.

Distribution of Low and Moderate Income Housing

With few exceptions, each jurisdiction in King County has residents who are low or moderate income and overpaying for housing. Each jurisdiction can also expect the demand for affordable housing to increase. The existing distribution of low and moderate income households is not uniform, however. Seattle and several suburban cities and unincorporated communities have relatively high proportions of low and moderate income households and low-cost housing. The lack of affordable housing in other communities also restricts housing choices for low and moderate income households, and restricts their access to employment. The County is attempting to reverse the current trends which concentrate low income housing opportunities in certain communities. The affordable housing targets established in the King County Countywide Planning Policies (CPP) include an adjustment for existing concentrations of low-cost housing and low-wage employment.

Countywide Affordable Housing Policies

The Countywide Affordable Housing Policies require each jurisdiction to specify the range and amount of affordable low and moderate income housing to be accommodated in the comprehensive plan. Each city is to plan a number of affordable housing units for households between 50% and 80% of the median household income that is equal to 17% of its projected household growth. In addition, each city is to plan for a number of housing units affordable to households with incomes below 50% of median income that is either 20% or 24% of its projected household growth. For the City, the Countywide Affordable Housing Policies require the City to plan for 20% of its housing units to be affordable under this standard, due to the fact that it already contains a greater proportion of low-cost housing than the County average.

¹⁴ King County Benchmarks 2006; Affordable Housing, King County Office of Management & Budget, 1/07, page 13.

City of Black Diamond Affordable Housing

Table 6-1 shows income trends in King County and the Black Diamond/Lake Sawyer Area, based on data from the 2000 Census and the PSRC. More recent data at the city level for the City is unavailable between census years.

Table 6-1. City of Black Diamond/King County 2000 Household Income Comparison

	Total Households	Households Below 50% Median Income	Households 50% to 80% Median Income	Total Households Overpaying (paying more than 30% income for mortgages or rent)
City of Black Diamond	1,456	17%	13%	30%
King County Total	710,916	20%	27%	33%

Source: King County\2000 U.S. Census

Note: In 2000, the City had 1,538 existing housing units and 1,456 households (occupied housing units).

The 2000 Census identified 469 households in the City as low and moderate income. Low and moderate income households comprised 34% of the City’s total households in 2000. In 2000, approximately 31% of King County households met the definition of low and moderate income households.

According to King County, 85.7% of the City’s rental units were affordable to households with 30-49% of median income based on HUD 2003 income estimates; 14.3% were affordable to households with 50-79% of median income. Of all home sales 1.4% were affordable to households with less than 30% of median income, 1.4% were affordable to households with 30-49% of median income, and 53.6% were affordable to those with 50-79% of median income.¹⁵

Using the CPP guidelines for planning for affordable housing, 37% of all new units should be "affordable to households with 80% of King County median income." Specifically, 17% should be affordable to households with 50%-80% of median income, and 20% affordable to households with less than 50% of median income.¹⁶

The city is projected to have 6,302 households in the year 2025. Applying the County identified target for affordable housing to arrive at the City’s goal for affordable housing, 17% or 1,071 housing units should be available to households

¹⁵ King County Comprehensive Plan 2004, Technical Appendix B Housing. Department of Development & Environmental Services, 9/27/04 with 2006 Amendments. Pages B-33 & B-43.

¹⁶ King County Countywide Policy AH-2.

with 50% to 80% of the median income (for 2015) and 1,260 housing units should be available to households with less than 50% of the median income. As of 2007, no jurisdiction is fully meeting these affordable housing goals. Nevertheless, the City should continue to pursue these goals to retain the diversity of housing choices and population that make for a vibrant community.

The 2000 Census estimate of median income in King County is \$53,157. Based upon this, housing at or below a cost of \$106,314 (1999) would be considered affordable. (See Table 6-2) As of the 2000 Census, the median housing value in the city was \$194,200.

Table 6-2. 2000 Affordable Housing Index

Jurisdiction	Median Income	80% Median Income	< 50% of Median Income
King County	\$53,157	\$42,526	\$26,579
Black Diamond	\$67,092	\$53,674	\$33,546

Source: 2000 Census.

The median household income in King County increased to \$60,700 in 2005.¹⁷ As a result, 7.1% of the home sales in the city were affordable to moderate income households. In that same year, 25% of the condominium/townhome sales were affordable to moderate-income households. Also, as of 2005, 83.4% of the 166 rental units were affordable to moderate-income households and 66.7% were affordable to low-income households.¹⁸

As indicated above, median housing cost has continued to increase across the region, and was \$427,000 in King County as of summer 2007. Median household income for the state as a whole increased to \$77,100.

For its existing population, the city has a need for low cost rental housing and programs such as Section 8 and subsidized housing for the elderly. Elderly housing has been built within the city and there is expected to be a growing need for elderly housing as the population ages. The comprehensive plan conditionally allows for accessory units (mother-in-law apartments) and duplexes units in single family residential areas. In commercial areas, apartments may be built on the same site with commercial uses. These measures will allow for new development that may serve as affordable housing. The City expects to continue working with King County to address housing issues for needy households, and special needs populations.

¹⁷ King County Benchmarks 2006; Affordable Housing, King County Office of Management & Budget, 1/07, page 2.

¹⁸ King County Benchmarks 2006; Affordable Housing, King County Office of Management & Budget, 1/07, page 13.

6.3. Housing Development Concept and Goals

Housing Goal: Make housing available to all economic and social segments of the community.

Objective H-1: Promote a variety of residential densities and housing types.

Policy H-1: Work with King County, other local governments and appropriate agencies and programs to maintain Black Diamond's "fair-share" of affordable housing.

Policy H-2: Encourage the preservation of existing housing stock.

Policy H-3: Provide a balance of dwelling unit types, residential densities, and prices within the City.

Policy H-4: Provide flexibility in zoning and subdivision regulations to encourage a variety of housing types.

Policy H-5: Examine ways to eliminate unnecessary or excessive requirements that create barriers to affordable housing, if they exist. This may include any excessive requirements regarding siting and operating special needs housing.

Policy H-6: Coordinate with appropriate agencies to provide programs and services to needy households, special needs populations, and the homeless.

6.3.1. Housing Development Concept

The City will participate with other cities and King County in developing county-wide housing resources and programs to assist the large number of low and moderate income households who currently do not have affordable housing. These county-wide efforts are intended to reverse current trends which concentrate low income housing opportunities in certain communities (such as the City), and achieve a more equitable participation by local jurisdictions in low-income housing development and services. Countywide efforts should give priority to assisting households below 50 percent of median income that are in greatest need and communities with high proportions of low and moderate income residents.

The City is committed to preserving, improving, and developing housing for all income levels and to creating a more balanced housing supply. The City is also committed to working with appropriate agencies to provide assistance programs to

needy households. While the City has limited funds to contribute to housing or housing assistance programs, it will review its land use regulations to ensure that:

- A variety of housing types are permitted, including single-family detached, single-family attached, townhouse and multifamily, mixed uses, accessory living units, and manufactured homes.
- A variety of lot sizes and densities, including clustering, are permitted.
- Sufficient land zoned for residential development is provided.
- Housing for special needs groups (i.e. group homes, foster care, etc.) is accommodated.
- The character of existing neighborhoods is preserved, along with the right of people to live in neighborhoods of their choice.
- New subdivisions and Master Planned Developments are required to provide a “fair share” of the City’s affordable housing needs.

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Figure 5-1
City of Black Diamond
Future Land Use Map
with Proposed Roads

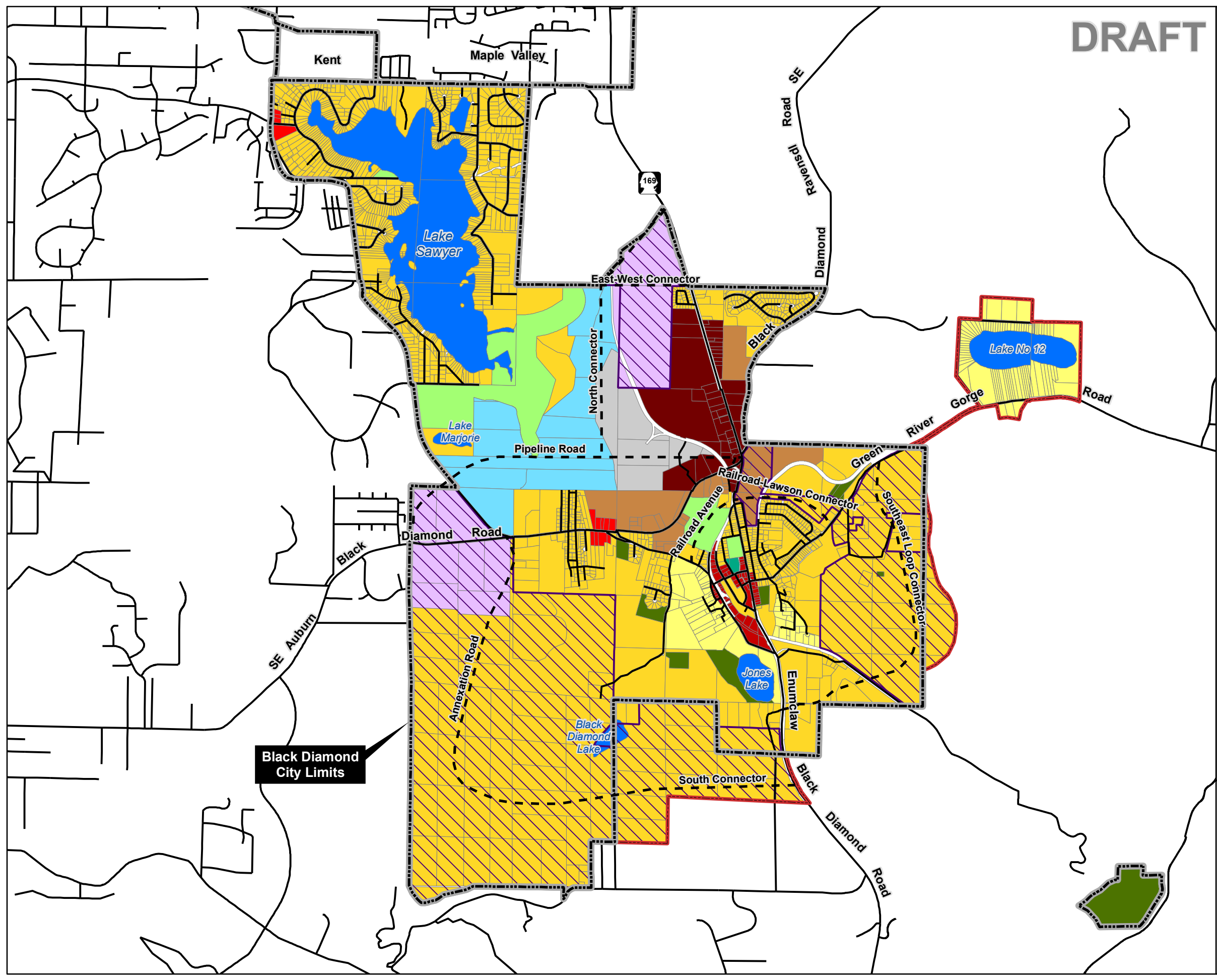
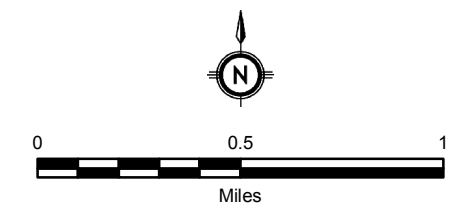
-  City Limits
 -  Potential Annexation Area
 -  Road
 -  Proposed Road
 -  Master Planned Development Overlay
- Future Land Use**
-  Urban Reserve
 -  Low Density Residential
 -  Medium Density Residential
 -  Mixed Use
 -  Business Park & Light Industrial
 -  Neighborhood Commercial
 -  Town Center
 -  Community Commercial
 -  Industrial
 -  School
 -  Park
 -  Public
 -  Water

NOTES:
Any parcel of 80 acres or more that develops is required to go through the Master Plan Development (MPD) process identified in BDMC 18.98.

Some residentially-designated properties with an MPD overlay have a basic density entitlement of either 1 or 2 dwelling units per acre, pursuant to either the Black Diamond Urban Growth Area Agreement or pre-annexation agreements. A maximum of 4 dwelling units per acre may be attained with the Transfer of Development Rights pursuant to City Code.

Sources: King County (2007); City of Black Diamond (2006)

Map Prepared: June 2008



**Chapter 18.04
GENERAL PROVISIONS**

Sections:

18.04.010	Adoption
18.04.020	Title
18.04.030	Intent
18.04.040	Minimum Requirements
18.04.050	Additional Requirements
18.04.060	Land Use or Zoning Districts
18.04.070	Determination of Use Categories
18.04.080	Official Zoning Map
18.04.090	Interpretation of Map Boundaries
18.04.100	Zoning Regulations Applicable Within Districts
18.04.110	Site Plan Approval Required
18.04.120	Building Permit Required
18.04.130	Enforcement and Violations

18.04.010 Adoption.

The zoning code of the city is adopted to facilitate land use control, orderly growth, development, preserve and protect vital aspects of the natural environment, designate land use districts, provide for compatibility between the districts and provide for the administration and enforcement of the regulations.

18.04.020 Title.

This title shall be known as the zoning code of the city of Black Diamond.

18.04.030 Intent.

It is the intent of this title to:

- A. Facilitate orderly growth and development of the city consistent with the requirements of the Growth Management Act, RCW 36.70A, and with the policies, goals and objectives of the City of Black Diamond Comprehensive Plan;
- B. Protect the health and general welfare of the city's residents;
- C. Promote sound economic development;
- D. Preserve and protect vital aspects of the natural environment;
- E. Designate land use districts and provide for compatibility between the several districts;
- F. Provide flexible and innovative development regulations to achieve the city's desired pattern, intensity and character of land use, and to preserve valuable resources and a network of open spaces;
- G. Provide for the administration and enforcement of the regulations.

18.04.040 Minimum requirements.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Nothing in this title is intended to impair, annul or abrogate any easement, covenant or other agreements between parties, public or private; however, whenever the requirements of this title are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or those imposing the higher standards shall govern.

18.04.050 Additional requirements.

- A. The provisions of this chapter apply to the types, location and standards for all development occurring within the city. Other regulations and standards, adopted in other chapters or titles of the Black Diamond Municipal Code (BDMC) may also apply to particular uses or types of development and must be complied with if applicable. These include but are not limited to the following:
1. Design guidelines and standards and associated design overlays;
 2. Master Planned Developments;
 3. Environmental performance standards; and
 4. Transfer of development rights.
- B. In the event of a conflict between general provisions or standards of this title and any other more specific or conflicting provision of this or other titles of BDMC, the more restrictive standard shall apply.

18.04.060 Land use or zoning districts; administration of title.

- A. To carry out the purposes of this title, the city is divided into the following zoning districts:

Residential zones:

1. Urban Reserve – UR
2. Single Family Residential – R4
5. Single Family Residential – R6
6. Medium Density Residential – MDR8

Commercial zones:

7. Neighborhood Center – NC
8. Community Business – CB
9. Town Center – TC

Industrial zones:

10. Business/Industrial Park – B/IP
11. Industrial District – I

Other zones:

12. Public – PUB

- B. This title shall be administered by the director of the community development department, and all references in this title to the “director” refer to that official unless otherwise specified.

- C. Interpretation of Uses. The zoning districts established by this section identify permitted categories of uses, and provide examples of the types of uses within each category in the definitions contained in Chapter 18.100.100. Each zoning district also references “similar or related uses.” The determination of whether a particular use is similar or related and therefore permitted within a particular district shall be an administrative decision made by the director, pursuant to the procedures identified in Chapter 18.08.
- D. Uses other than those identified or described as “permitted uses”, “conditional uses” or “accessory or other uses” within each zone classification are prohibited.

18.04.070 Determination of use category.

- A. All questions of what land use category a particular use falls within shall be determined pursuant to the procedures set forth in 18.08, using the following guidance:
 1. The use shall be consistent with the function of the use category for the particular zone as stated in the Comprehensive Plan and intent statement for the zone;
 2. The use shall exhibit similar environmental impacts as other permitted activities in the use category and zone; and
 3. The use shall exhibit similar operational characteristics such as traffic generation and time of operation as other permitted activities in the use category and zone.
- B. Determinations of use category by the director may be appealed according to the provisions of Chapter 18.12.040-050.

18.04.080 Official zoning map.

The boundaries of the zoning districts are hereby established and delineated on the official zoning map entitled “City of Black Diamond Zoning Map”. The map is hereby incorporated as a part of this title. The official zoning map shall be maintained by the director and an official copy kept on file with the City Clerk and may consist of more than one map sheet for ease of use.

18.04.090 Interpretation of map boundaries.

- A. Rules of Interpretation. When uncertainty exists as to the boundaries of any zoning district shown on the official zoning map, the following rules shall apply:
 1. Where district boundaries are separated by a right-of-way, such boundaries shall extend to the centerline of such right-of-way. Where a district boundary and city limit are separated by a right-of-way, such boundary shall extend to such city limit;
 2. Where a district boundary is indicated as approximately following the centerline of an alley, street, highway, freeway, railroad track, creek or river, such centerline shall be construed to be the district boundary;
 3. Where a district boundary is indicated as approximately following a lot line, such lot line shall be construed to be the district boundary;
 4. Where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the official zoning map.
 5. If a district boundary was created through a site-specific rezone action, the boundary shall be determined by the legal description contained in the ordinance affecting such rezone.

- B. Uncertainty of District Boundary. If, after using the above rules, the director is unable to conclusively identify a district boundary, the planning commission shall recommend and the city council shall determine the location of the district boundary.

18.04.100 Zoning regulations applicable within districts.

- A. Title Compliance. Except as provided elsewhere in this title:
 - 1. No structure shall be erected and no existing structure shall be moved, altered, reconstructed, replaced or enlarged, nor shall any land or structure be used for any purpose or in any manner other than a use listed in this title as permitted in the zoning district in which such land or structure is located.
 - 2. No structure shall be erected, nor shall any existing structure be moved, altered, reconstructed, replaced or enlarged to exceed in height the limit established by this title for the zoning district in which such structure is located.
 - 3. No structure shall be erected nor shall any structure be moved, altered, reconstructed, replaced or enlarged, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the development requirements established by this title for the zoning district in which such structure is located.
 - 4. No improvement, yard or open space on a lot shall be considered as providing improvement, yard or open space for another lot except as provided for by this title.

18.04.110 Site plan approval required.

Site plan review, pursuant to the provisions of BDMC, shall be required for all non-residential development occurring within the city, and for any multi-family building or project containing more than four units.

18.04.120 Building permit required.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the director. No building permit shall be issued by the director unless the use:

- A. Conforms to the requirements of this title; or
- B. Has been approved by the director as a “similar or related” use as described in the several zoning districts; or
- C. Has been approved by the hearing examiner as a conditional or special use as defined in Chapter 18.28 of this title; or
- D. Has been granted a variance by the hearing examiner.

Provided, however, that the installation of a mobile home shall require a city installation (landing) permit and shall be installed and inspected in accordance with the rules and regulations of Washington Administrative Code Chapter 296-150B. Provided, further, that all city-required permits for connection to city utilities and/or permits required for all other activities related to the use of the land or construction within the city shall be acquired in accordance with the rules and regulations of the city prior to connection to city utilities or structural alteration or construction.

18.04.130 Enforcement and violations.

- A. Enforcement. The director shall administer and enforce this title. If the director finds that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any action authorized by this title to insure compliance with or to prevent violation of its provisions.
- B. Violation-Penalty. Whoever violates any of the provisions of this title shall be fined not more than five hundred dollars for each offense. Each day a violation continues may be considered as a separate offense. A violation of this title shall constitute a misdemeanor. In the event an individual or legal entity does not correct the violation within thirty days of receiving notice of the violation, and in addition to the misdemeanor and potential fine, the city, at its discretion, shall seek to stop the violation through civil action in the appropriate courts in the state. In the event a civil action is necessary to abate the violation, the violator shall be responsible for reimbursing the city for all costs including legal fees and court expenses incurred by the city due to the necessity of bringing the action. In addition, the city shall have a lien for any criminal or civil penalty or cost of any work of abatement, against the real property on which the civil penalty was imposed and against any works performed. The civil penalty and/or criminal penalty and cost as set forth herein shall also be the personal obligation of the property owner. The city attorney for the city, on behalf of the city, may collect the civil penalty and criminal penalty and the costs of abatement by use of all appropriate legal remedies. No lien created by this title shall bind the property subject to the lien for a period longer than three years after the claim has been filed with the King County department of records and elections unless an action is commenced in the proper court within that time to enforce the lien. The lien provided for in this section may be foreclosed and enforced by civil action in a court having jurisdiction.

Chapter 18.08
ADMINISTRATION: PROCEDURES, NOTICE & APPEALS

Sections:

18.08.010	Purpose
18.08.020	Supersedence
18.08.030	Decision Types
18.08.040	Ministerial Decisions – Type 1
18.08.050	Administrative Decisions – Type 2
18.08.060	Quasi-Judicial Decisions – Type 3
18.08.070	Quasi-Judicial Decisions – Type 4
18.08.080	Legislative Decisions – Type 5
18.08.100	Application
18.08.110	Determination of Completeness
18.08.120	Notice of Application
18.08.125	Notice Requirements Table
18.08.130	Consolidated Permit Process
18.08.150	Public Notice of Decision.
18.08.180	Notice of Public Hearing.
18.08.190	Effective Date of Decision
18.08.200	Appeal Structure
18.08.210	Administrative Appeals
18.08.220	Appeal Process
18.08.230	Judicial Review

18.08.010 Purpose.

The purpose of this chapter is to establish standard procedures, for public notification and the timing of development decisions made by the City of Black Diamond. These procedures are intended to:

- A. Promote timely and informed public participation;
- B. Eliminate redundancy in the application, permit review, and appeals processes;
- C. Process permits equitably and expediently;
- D. Balance the needs of permit applicants with project neighbors;
- E. Ensure that decisions are made consistently and predictably; and
- F. Result in development that furthers City goals, objectives and policies as set forth in the Comprehensive Plan.

18.08.020 Supersedence.

The provisions of this chapter supersede all other procedural requirements that may exist in other sections of the City Code. Where conflicts occur between provisions of this chapter and/or between this chapter and other City regulations, the requirements of this chapter shall apply.

18.08.030 Decision types.

There are five types of decisions, actions, or permit applications that are reviewed under the provisions of this title. The types are based on who makes the decision, the amount of discretion exercised by the decision making individual or body, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity. This chapter sets forth procedural requirements for applications, decisions, and appeals. Decision criteria and additional standards for specific permit types and for GMA legislative decisions are set forth in chapter 18.12. Decision types are summarized below.

Decision Type	Decision Maker(s)	Types of Permits
Type 1 – Ministerial	Director	Boundary line adjustment Building permit Final short plat Shoreline exemptions Temporary use permits Use interpretation
Type 2 – Administrative	Director or SEPA Responsible Official	Accessory dwelling unit Administrative conditional use Administrative variance Binding site plan minor amendment Critical area buffer reduction and reasonable use exception Formal code interpretation SEPA threshold determination Preliminary short plat Shoreline substantial development permit Site Plan Review (if the only land use permit required) Site plan minor amendment
Type 3 – Quasi-Judicial	Hearing Examiner	Conditional use permit Plat alteration or vacation Preliminary plat Shoreline conditional use or variance Variance Site Plan Review Site plan major amendment Binding site plan
Type 4 – Quasi-Judicial	Hearing Examiner/City Council	Development agreements Essential Public Facility Master Planned Development Rezoning (site specific)

Type 5 – Legislative	Planning Commission/ City Council	Comprehensive Plan amendments (text or map) Area-wide rezones Zoning Code text amendments
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If a proposal requires multiple permits with decisions of different types (e.g., site plan approval and conditional use permit, Type 2 and Type 3), the higher type process applies to the entire proposal. Refer to 18.08.130.

18.08.040 Ministerial decisions – Type 1.

- A. Type 1 decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated in the City Code. These decisions are made by the director, are exempt from notice requirements, and are final actions. Type 1 decisions of the director may be appealed to the Hearing Examiner and then to Superior Court (excepting building permits and related technical code decisions).
- B. The following decisions, actions and permit applications require a Type 1 decision:
 - 1. Building permits and related technical code applications (fire, mechanical, plumbing, etc)
 - 2. Boundary Line Adjustments
 - 3. Use interpretation
 - 4. Shoreline exemptions
 - 5. Final short plat
 - 6. Temporary use permit

18.08.050 Administrative decisions – Type 2.

- A. The Director makes Type 2 decisions based on standards and clearly identified criteria. Type 2 decisions require written documentation that the proposal meets all applicable City standards or is appropriately conditioned to meet requirements. The supporting documentation may be in the form of a checklist, letter, staff report, or combination of forms, reports and checklists.
- B. Type 2 decisions require public notice as set forth in Section 18.08.120.
- C. Type 2 decisions are subject to an administrative appeal to the Hearing Examiner unless specifically modified or excluded pursuant to this Section.
- D. Shoreline substantial development permits and shoreline variances may be appealed only to the State Shorelines Hearings Board.
- E. Administrative appeals of SEPA threshold determinations of significance (DS) are not allowed.
- F. Administrative appeals of the adequacy of an environmental impact statement are not allowed.
- G. Appeal of a SEPA decision associated with a Type 5 legislative action is allowed only in conjunction with appeal of the decision to the Growth Management Hearings Board.
- H. The following decisions, actions and permit applications require a Type 2 decision:
 - 1. SEPA threshold determinations / Use approval with SEPA
 - 2. Preliminary short plat
 - 3. Accessory dwelling unit

4. Administrative Conditional Use Permit (ACUP)
5. Administrative Variance
6. Critical Areas Reasonable Use Exception
7. Shoreline Substantial Development Permit
8. Formal code interpretation
9. Binding site plan minor amendment
10. Site plan minor amendment

18.08.060 Quasi-judicial decisions – Type 3.

- A. Type 3 decisions are made by the Hearing Examiner following an open record public hearing and involve the use of discretionary judgment in the review of each specific application.
- B. Type 3 decisions require public notice as set forth in Sections 18.08.120.
- C. For each Type 3 decision, the Department will forward a recommendation to the Hearing Examiner regarding whether the proposal is consistent with applicable City regulations and policies and whether the proposal should be approved, approved with modifications or conditions, or denied. The Examiner will issue a written decision including findings, conclusions, and conditions, if any.
- D. The Department may require an applicant to participate in a public meeting to provide information and take public comment before the department forwards a recommendation to the Hearing Examiner.
- E. Any administrative appeal of a SEPA threshold determination of non-significance (DNS), mitigated determination of non-significance (MDNS) or other Type 2 decision shall be consolidated with the open record public hearing on a Type 3 proposal.
- F. A Type 3 decision may be appealed to the City Council, except that a Type 3 decision on a shoreline application may be appealed only to the State Shorelines Hearings Board. (See also 18.08.200 regarding consolidated permit processing and appeals).
- G. The following decisions, actions, and permit applications require a Type 3 decision:
 1. Preliminary plat)
 2. Binding site plan
 3. Conditional use permit (CUP)
 4. Shoreline conditional use permit or variance
 5. Plat alteration or vacation
 6. Site plan approval or major amendment
 7. Variance

18.08.070 Quasi-judicial decisions – Type 4.

- A. Type 4 decisions are made by the City Council following a closed record hearing based on a recommendation from the Hearing Examiner. Type 4 decisions proceed in the same way as Type 3 decisions, except that:
 1. The Hearing Examiner makes a recommendation to the City Council rather than making a decision.
 2. The City Council holds a closed record hearing to consider the recommendation from the Hearing Examiner. Only parties of record who testified at the Hearing Examiner hearing may speak at the closed record hearing; however, testimony is limited to

- discussion about the recommendation from the Hearing Examiner. All argument and discussion must be based on the factual record developed at the Hearing Examiner hearing.
3. The City Council will decide the application by motion and will adopt formal findings and conclusions approving, denying, or modifying the proposal.
 4. Appeal of the City Council decision is to Superior Court. There is no administrative appeal.
- B. Type 4 decisions require public notice as set forth in Sections 18.08.120.
- C. The following decisions, actions and permit applications require a Type 4 decision:
1. Rezone (site specific)
 2. Development agreement
 3. Essential Public Facility
 4. Master Planned Development

18.08.080 Legislative decisions – Type 5.

- A. Type 5 decisions are legislative, non-project decisions made by the City Council under its authority to establish substantive policies and regulations pursuant to the Growth Management Act. Type 5 decisions do not include legislation of a procedural nature such as the adoption of fee ordinances or technical issues such as adoption of building codes, engineering standards and related matters.
- B. Type 5 decisions require public notice as set forth in Section 18.08.120 a public hearing before the City Planning Commission who will make a recommendation to the City Council, and broad public outreach prior to a decision by the City Council.
- C. There is no administrative appeal of Type 5 decisions, but they may be appealed to the State Growth Management Hearings Board.
- D. The following actions require a Type 5 decision:
 1. Comprehensive Plan Amendment (text or future land use map)
 2. Sub-area plan adoption or amendment
 3. Area-wide rezone
 4. Amendment of the Zoning code

18.08.100 Application.

- A. Who may apply:
 1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type 1, 2, 3, or 4 decision, or for a site-specific Comprehensive Plan Amendment.
 2. The Mayor, Planning Commission, or City Council may initiate a site-specific rezone (a Type 4 decision) for City-owned or managed property, or an area-wide rezone, a Comprehensive Plan Amendment, or an amendment to the text of the Zoning Code (Type 5 decisions).
 3. Any person may propose a text amendment to the Comprehensive Plan or request that the City initiate an area-wide rezone, or amendments to the text of the Zoning Code.
- B. All applications for Type 1, 2, 3, 4, or 5 decisions, actions, or permits shall be submitted on official forms or as prescribed and provided by the Department.

- C. The Department shall establish, and may revise from time to time, submittal requirements for each type of application.
 - 1. Individual submittal requirements may be waived by the Director, in writing, only if the applicant can demonstrate that normally required information is not relevant to the proposed action and is not required to show that an application complies with applicable City codes and regulations.
 - 2. For project permit applications, the submittal requirements established by the Director shall include a target turn-around period for initial review and an estimate of average turn-around times for permit issuance. Such time periods shall be established administratively and included in application submittal requirements available to the public, but shall not exceed one hundred twenty (120) days.

18.08.110 Determination of completeness.

- A. An application for a Type 1, 2, 3, or 4 decision shall be determined complete when all information required in the applicable submittal requirements has been provided in a manner sufficient for processing the application. Additional information may be required by the City even though an application has been determined to be complete for processing.
- B. The City may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.
- C. If an application is determined to be incomplete, the City will mail written notification to an applicant of what information or material must be submitted to make the application complete. Notice that an application is not complete shall be mailed within 28 days of receiving the application.
- D. The City may choose to notify an applicant by mail, telephone or email that an application is complete. If the City does not notify the applicant of completeness or incompleteness within 28 days of submitting the application, the application shall be considered complete on the 29th day.

18.08.120 Notice of application.

- A. Within 14 days of the determination of completeness, the City shall issue a notice of application for all Type 2, 3, and 4 applications.
- B. The notice of application shall include the following information:
 - 1. The dates of application, determination of completeness, and the date of the notice of application;
 - 2. The location and description of the project;
 - 3. A list of project permits included in the application and identification of other required permits, to the extent known by the department;
 - 4. The identification of existing environmental documents that evaluate the proposal and the location where the application and any other relevant materials can be reviewed;
 - 5. The date, time, and place of an open record hearing, if one is required and has been scheduled;
 - 6. The name of the applicant or project contact and the name of the City staff person assigned to the project, along with City staff contact information;

7. A statement of the public comment period, which shall be 14 days, except for shoreline substantial development, shoreline variance, or shoreline conditional use permit applications, which shall have a 30-day comment period for notice of application;
 8. A statement of the rights of individuals to comment on the application, receive notice, participate in any hearings, request a copy of the decision (once made) and a summary of any appeal rights; and
 9. Any other information the City determines to be appropriate.
- C. The notice of application shall be made available to the public by one or more of the following methods, as specified for each permit application type in Table 18-1:
1. Mail. Mailing to owners of real property located within 300 feet of the subject property. If the owner of the property that is the subject of the application owns other real property adjacent to the subject property, then the 300-foot measurement shall be taken from the boundary of any such adjacently located parcels;
 2. Publish. Publishing in the official City newspaper of record.
 3. Post. Posting the property with a sign or placard as required by the department.
 4. Online. Publishing or posting on the City’s website a notice of the application. If online method is used, the Department will either establish a specific calendar for online publishing or will maintain an email distribution list to alert interested parties that a new proposal has been applied for.
 5. Other. Other methods of notice are supplementary to some primary method and may include press releases, notices to community newspapers, notifying public or private groups known to have an interest in an area or certain type of proposal.

18.08.125 Notice requirements table.

A. Notice shall be provided using the following methods:

Table 18-1

Application	Process Type	Mail	Publish	Post	Online	Other
SEPA Threshold Determination / Use Approval with SEPA, Draft and Final EIS/SEIS publication	Type 2	X	X	X	X	
Short Subdivision	Type 2	X	X	X	X	
Variance	Type 2	X	X	X	X	
Shoreline Variance	Type 2	X	X	X	X	
Shoreline Substantial Development Permit	Type 2		X	X	X	
Administrative Conditional Use	Type 2	X	X	X	X	
Critical Areas Reasonable Use Exception	Type 2	X	X	X	X	
Formal Code Interpretation	Type 2		X		X	X
Binding site plan approval	Type 2	X	X	X	X	

Site plan minor amendment	Type 2	X	X	X	X	
Preliminary Subdivision (Plat)	Type 3	X	X	X	X	
Plat Alteration or Vacation	Type 3	X	X	X	X	
Conditional Use Permit	Type 3	X	X	X	X	
Shoreline Conditional Use Permit	Type 3	X	X	X	X	
Site plan approval, or major amendment	Type 3	X	X	X	X	
Master Planned Development	Type 4	X	X	X	X	
Rezone	Type 4	X	X	X	X	
Development Agreement	Type 4	X	X		X	X
Essential Public Facility	Type 4	X	X	X	X	X
Comprehensive Plan Amendment (map or text)	Type 5	X	X	X	X	X
Zoning Code Text Amendment	Type 5	X			X	X

18.08.130 Consolidated permit process.

- A. If a project requires more than one type of land use application, the applications shall be processed concurrently unless the applicant demonstrates that separate processing will result in a more efficient or effective review process. The Director may, however, require consolidated processing when concerns exist about cumulative impacts, inappropriate piecemealing of the project, or when decision makers need clarity about later phases of a final development proposal.
- B. Type 5 applications may not be consolidated with related project permit applications.
- C. Consolidation of review processes shall modify decision making authority and appeal procedures only as follows.
1. When review of a Type 1 application is consolidated with a Type 2 or higher application, no change in decision making or appeal processes will occur. The effective date of the Type 1 decision shall be no sooner than the date of final City action on the related Type 2 or higher application.
 2. When a Type 2 application is consolidated with a Type 3 or Type 4 application, no change in decision making or appeal processes will occur, except that shoreline applications (variance or substantial development permits) shall be decided by the higher level decision maker. Appeals of Type 2 decisions shall be consolidated into the required open record public hearing for the Type 3 or Type 4 decision.
 3. When a Type 3 application is consolidated with a Type 4 application, the Type 3 decision shall be made as part of the Type 4 application.

18.08.150 Public notice of decision.

- A. Each Type 2, 3, or 4 decision shall be made in writing. The form of a Type 2 decision may be a checklist, annotated checklist, letter, report, memo, or combination of forms. Type 3 and Type 4 decisions shall include findings and conclusions in support of the decision.

- B. Notice of each Type 2, 3, or 4 decision shall be mailed to:
 1. The applicant and applicant’s contact person;
 2. Each person who submitted a comment on the proposal during the public comment period;
 3. Each person who spoke at any required public hearing; and
 4. Each person who requested notice of the decision or who has requested notification of all permit decisions.
- C. Notice of a decision shall include a description of how to appeal the decision.

18.08.180 Notice of public hearing.

Notice of the time and place of an open record hearing for Type 3 and 4 applications shall be provided by the Department no less than 14 days prior to the hearing, through use of the same methods indicated for notice of application. See 18.08.120 and 18.08.125.

18.08.190 Effective date of decision.

Type 1 decisions shall be effective on the date the decision is made. Type 2 and 3 decisions shall be effective at the close of the appeal period, or if appealed, on the date of final City action on the appeal. Type 4 decisions are effective on the date final findings and conclusions are adopted by the City Council. Type 5 decisions are effective on the date of passage of the ordinance or resolution regarding the application by the City Council, or on a later date as may be specified in the resolution or ordinance.

18.08.200 Appeal structure.

Table 18.08.200-1 provides a summary of the appeal structure for Type 1- 5 applications.

Table 18.08.200-1 Summary of Appeal Structure

Process Type	Decision maker	Appeal to	Further appeal
Type 1, except building permit appeals	Director	Hearing Examiner	n.a.
Type 2, except shoreline applications	Director	Hearing Examiner	Court
Type 3, except shoreline applications	Hearing Examiner	City Council	Court
Type 4	City Council	Court	n.a.
Type 5	City Council	Growth Management Hearings Board (GMHB)	Court
Type 2 Shoreline applications	Director	Shorelines Hearings Board	Court
Type 3 Shoreline application	Hearing Examiner	Shorelines Hearings Board	Court

Note that a consolidated permit process may change the initial decision maker for Type 2 shoreline applications and for Type 3 applications consolidated with Type 4 applications.

Table 18.08.200-2 SEPA Appeal Structure

SEPA Action	Decision maker	Appeal to	Further Appeal
a. Determination of Non-Significance (DNS), Mitigated Determination of Non-significance (MDNS) for:			
Type 1, 2, 3, 4 decisions	Director/Responsible Official	Court	
Type 5 decisions	Director/Responsible Official	GMHB	Court
B. EIS Adequacy:			
Type 1, 2, 3 decisions		Court	
Type 4 or 5 decisions		City Council	GMHB and/or Court

18.08.210 Administrative appeals.

- A. Who may appeal. Any aggrieved party of record may file an administrative appeal of a Type 2 or Type 3 decision.
- B. Time and place to appeal. Appeals of a Type 2 or 3 decision shall be addressed to the hearing examiner and filed in writing with the department within 14 calendar days of the notice of decision, except for shoreline appeals and appeals associated with a SEPA comment DNS.
- C. Shoreline appeals. Appeals of a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance decision shall be filed with the state shorelines hearings board pursuant to RCW 90.58.180.
- D. SEPA Determination of Nonsignificance (DNS) or Mitigated Determination of Nonsignificance (MDNS). When a SEPA DNS or MDNS is issued pursuant to WAC 197-11-340 or 350, appeals of the DNS/MDNS and any associated Type 2 decision shall be filed within 21 days of the notice of decision.
- E. Fees. Each appeal filed on a non-shoreline decision shall be accompanied by a filing fee in the amount established in the City’s schedule of fees.
- F. Form of appeal. A person appealing a Type 1 decision must file a written statement setting forth:
 - 1. Facts demonstrating that the person is aggrieved by the decision;
 - 2. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria. An appeal of a SEPA environmental document shall describe any alleged inadequacy in the threshold determination with respect to evaluation of a specific environmental element;
 - 3. The specific relief requested; and

- 4. Any other information reasonably necessary to make a decision on appeal.
- G. Limitation on new appeal issues. No new substantive appeal issues may be raised or submitted after the close of the time period for filing of the original appeal. The hearing examiner may allow an appellant not more than 15 days to perfect an otherwise timely filed appeal.

18.08.220 Appeal process.

- A. Within 14 calendar days following timely filing of an administrative appeal, the department shall mail notice of the date time and place for the appeal hearing to all parties who received notice of the decision.
- B. Appeals shall be heard and decided within 90 days from the date the appeal is filed.
- C. The hearing shall be limited to the issues included in the written appeal statement. Participation in the appeal shall be limited to the City, the applicant, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.
- D. The appellant shall carry the burden of proof in the appeal. The burden of proof shall be met by a preponderance of the evidence in order for the appellant to prevail; provided that in any appeal of a SEPA decision, the decision of the department shall be given substantial weight and may be overturned only if it is clearly erroneous.

18.08.230 Judicial review.

- A. No person may seek judicial review of any decision of the City, unless that person first exhausts the administrative remedies provided by the City.
- B. Any judicial appeal shall be filed in accordance with State law. If there is not a statutory time limit for filing a judicial appeal, the appeal shall be filed within 21 calendar days after a final decision is issued by the City.

Chapter 18.12 DECISION CRITERIA FOR PERMITS

Sections:

18.12.010	Conditional Use & Administrative Conditional Use Permits
18.12.020	Zoning Reclassification (Rezone)
18.12.030	Variances
18.12.040	Preliminary plats & Short plats
18.12.050	Essential Public Facilities
18.12.060	Development Agreements
18.12.070	Comprehensive Plan Amendments

18.12.010 Conditional use & administrative conditional use permits.

- A. Purpose. Conditional uses, which are identified in various zones in this Title, are those uses which require additional review and special conditions to ensure that they are compatible with their site and surrounding area. This chapter sets forth the criteria that the City will use to review such proposals.
- B. Criteria. The City, whether the director or the hearing examiner in the appropriate case, will consider the following criteria in reviewing conditional use permit applications, and may only approve an application if the applicant demonstrates that all of the criteria are met:
1. The proposal is consistent with the goals and policies of the Comprehensive Plan;
 2. Environmental and operational impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions;
 3. The use is designed so as to be compatible with the character of the surrounding area;
 4. The location, size and height of buildings, structures, walls and fences and screening vegetation for the conditional use will not hinder permitted development or discourage the use of neighboring properties;
 5. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
 6. It is not in conflict with the health and safety of the community;
 7. Pedestrian and vehicle traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
 8. The conditional use will be supported by adequate public services and facilities, including any services and facilities that the applicant funds or provides.
- C. Process. Consideration of conditional use and administrative conditional use permit applications shall follow the procedures in Chapter 18.08.
- D. Essential Public Facilities. In addition to the criteria set forth in Chapter 18.58, essential public facilities are also subject to the criteria of this section.

18.12.020 Zoning reclassification (rezone) & zoning text amendments.

- A. Purpose. A reclassification of property or rezone is a mechanism through which the City can ensure that development occurs consistent with the Comprehensive Plan. It also recognizes that conditions applicable to individual properties may change over time in response to new or differing land use needs or practices, or new land use policies. A

zoning text amendment is a mechanism for ensuring consistency between the Comprehensive Plan and development regulations, and a means to recognize new land use policies, implementing techniques, or land use practices.

- B. **Criteria – Map Amendments.** The City will consider the following criteria in reviewing applications for zoning reclassifications, and may only approve an application if the applicant demonstrates that all of the criteria are met:
1. The proposal is consistent with the goals and policies of the Comprehensive Plan, and with the Future Land Use Map;
 2. The subject property is suitable for development in conformance with the standards applicable to the requested zoning designation.
 3. Environmental impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions;
 4. The proposal will not be materially detrimental to properties in the immediate vicinity or the community based on the range of uses allowed in the proposed zoning classification;
 5. Adequate services and facilities, including transportation facilities, will be available to serve the range of uses permitted in the proposed zoning classification;
 6. The proposed reclassification is warranted because of a change in circumstances, or because of a demonstrated need for additional land within the proposed zoning classification;
 7. The reclassification does not reflect special treatment of the subject property; and
 8. The reclassification will promote the general health, safety and welfare of the community.
- C. **Criteria – Text Amendments.** The City will review proposed amendments to the text of the zoning code using the following criteria:
1. The amendment is consistent with and furthers the goals and policies of the Comprehensive Plan;
 2. Amendment of the text of the code would not render the zoning code internally inconsistent;
 3. The amendment corrects an error or omission in the text of the code; and/or
 4. The amendment does not result in the grant of a special privilege to an individual property owner.
- D. **Process.** Consideration of reclassification and text amendment applications shall follow the procedures in Chapter 18.08.

18.12.030 Variances.

- A. **Purpose.** A variance is a mechanism whereby the City may allow variations to the provisions of the zoning code applicable to a specific property where unique conditions exist and make compliance with zoning standards impractical or an unnecessary hardship. A variance is not appropriate, and shall not be granted, to change a use or to allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located.
- B. **Criteria.** The City will consider the following criteria in reviewing applications for variances, and may only approve an application if the applicant demonstrates that all of the criteria are met:

1. Granting of the proposed variance would not allow a use which is not classified as a permitted, accessory, or conditionally permitted use in the applicable zoning district;
 2. The variance is necessary because of special circumstances relating to the unique size, shape, topography, location or surroundings of the subject property;
 3. The need for the variance and the special circumstances applicable to the subject property are not the result of deliberate actions of the applicant or property owner;
 4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
 5. The variance does not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owners;
 6. The variance from height or setback requirements does not infringe upon or interfere with the requirements of any easement or covenant; and
 7. The variance is the minimum necessary to grant relief to the applicant.
- C. Administrative Variance. An administrative variance may be granted if the application complies with the following criteria:
1. The variance would not decrease by more than twenty (20) percent any required front, side or rear yard between buildings;
 2. The variance would not increase by more than ten (10) percent any permitted projection of cornices, sills, eave projections, fences or structures, maximum permitted lot coverage, and unenclosed and uncovered decks into a front, side or rear yard; or
 3. The variance would not increase by more than ten (10) percent the permitted height of a structure.
 4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
 5. The variance would not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owner;
 6. The variance is the minimum necessary to grant relief to the applicant.
- D. Granting of a variance shall not relieve an applicant from complying with any other standard or requirement of this Title unless and only to the extent that such standard or requirement is specifically addressed as part of the decision on the requested variance.
- E. Process. Consideration of variance requests shall follow the procedures in Chapter 18.08.

18.12.040 Preliminary plats & short plats.

- A. The City will consider the following criteria in reviewing applications for preliminary plats and short plats, and may only approve an application if the applicant demonstrates that all of the criteria are met:
1. The proposal is consistent with the goals, policies and map designations of the Black Diamond Comprehensive Plan;
 2. The proposed lots sizes are consistent with those allowed within the applicable zoning classification and is consistent with applicable development standards and requirements of this title;
 3. The subdivision or short subdivision adequately provides for the following facilities: open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops

- (where applicable), potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and school grounds, fire protection, other public facilities and utilities, and consideration of other relevant factors;
4. The layout of lots, and their size and dimensions take into account topography and vegetation on the site, and the presence of regulated critical areas;
 5. The preliminary plat or short plat promotes the public health, safety, and general welfare;
 6. The proposal satisfies the requirements of Title 17 BDMC and any other criteria properly considered by the decision maker.
- B. Consideration of proposed preliminary plats and short plats shall follow the procedures of BDMC 18.08.

18.12.050 Essential public facilities.

- A. Purpose. The purpose of this chapter is to establish standards that the City will apply to guide the review, siting and development of essential public facilities, consistent with the definitions and requirements of RCW 36.70A.200.
- B. Criteria. In reviewing applications for essential public facilities, and in identifying and imposing reasonable conditions of approval, the Hearing Examiner and the City Council will apply the following criteria:
1. The proposal is consistent with the goals and policies of the Comprehensive Plan and applicable provisions of the City code
 2. The proposal supports adopted land use patterns and designations;
 3. The applicant has conducted a site selection process that has evaluated alternative sites within the region;
 4. Appropriate public participation in the siting decision has occurred consistent with state law;
 5. The project site meets the facility's minimum site requirements, including setbacks, access, support facilities, public services, topography, geology, and on-site mitigation needs;
 6. The proposal incorporates specific features to ensure that it responds to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property;
 7. Appropriate environmental review pursuant to SEPA has occurred and has evaluated significant impacts of the proposal to the environment, including economic development programs of the City; and
 8. Reasonable mitigation measures have been developed that are appropriate in light of the project's scope, applicable requirements of the City code, and state and federal law, and impacts identified pursuant to SEPA.
- C. Essential public facilities must also satisfy the criteria in Section 18.12.010 for a conditional use permit.

18.12.060 Development agreements.

- A. Purpose. RCW 36.70B.170 et seq authorizes the City to enter into development agreements with property owners. Development agreements are intended to be used to address and establish development standards, mitigation requirements, vesting provisions

- and review procedures that will apply to and govern large, complex and/or phased development proposals located within the City during the term of any agreement.
- B. **Development Standards Subject to Agreement.** Any development agreement shall be consistent with applicable City development regulations except as such regulations may be modified in the development agreement. For purposes of this chapter, “development standards” include but are not limited to:
1. Project elements such as uses, densities and intensities of land uses and buildings;
 2. Mitigation measures, conditions and other requirements identified pursuant to RCW 43.21C;
 3. Design standards such as maximum heights, setbacks, landscaping and other development features;
 4. Road and sidewalk standards;
 5. Affordable housing;
 6. Water, sewer, storm drainage, water quality, and other infrastructure and utility requirements;
 7. Parks and open space preservation, and recreation facilities;
 8. Phasing of development and construction;
 9. Development review processes, procedures and standards for implementing decisions, including methods of reimbursement to the city for review processes;
 10. A build-out or vesting period for applicable development standards;
 11. A process for amending the development agreement; and
 12. Any other appropriate development requirement or procedure.
- C. **Conformity with Standards.** During the term specified in the development agreement, a development permit or approval issued by the City for the subject property shall be consistent with the standards contained in such agreement. The standards contained in the development agreement shall govern during the term of the agreement and may not be subject to an amendment of City development standards or regulations adopted after the effective date of the development agreement. Provided, that the development agreement shall reserve to the City the authority to impose new or different regulations to the extent required by a serious threat to public health and safety.
- D. A development agreement shall be recorded with the real property documents of King County. During the term of the agreement, it shall be binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area or property subject to the development agreement. Unless terminated, the agreement shall be enforceable by a party to the agreement.
- E. A development agreement shall be reviewed and adopted following a public hearing pursuant to the procedures and requirements set forth in Chapter 18.08.

18.12.070 Comprehensive plan amendments.

- A. **Decision Criteria.** The Planning Commission and City Council shall consider the following criteria in their review of proposed map or text amendments to the Comprehensive Plan:
1. Consistency with the Growth Management Act;
 2. Consistency with the King County Countywide Planning Policies and other regional or inter-jurisdictional plans or agreements;

3. Consistency with the policies of the Comprehensive Plan, particularly land use, natural environment, transportation, capital facilities, public service and utilities;
 4. Furtherance of the Plan's vision statement;
 5. Compatibility with adjacent land uses and Land Use Map designations;
 6. Impacts to the natural environment; and
 7. Whether adopted development regulations will address anticipated impacts of the proposed amendment, or whether additional conditions or regulations are necessary.
- B. Process. Additional requirements and procedures related to Comprehensive Plan amendments are contained in Chapter 18.08

Chapter 18.16 SITE PLAN REVIEW PROCESS

Sections:

- 18.16.010 Purpose**
- 18.16.020 Applicability**
- 18.16.030 Procedures**
- 18.16.040 Criteria for Approval**
- 18.16.050 Amendments to Approved Site Plans**

18.16.010 Purpose.

Site plan review is an evaluation of development plans to identify compliance with applicable regulations, requirements and standards and to ensure that development will protect the health, safety and general of residents of the City.

18.16.020 Applicability.

Site plan review and approval is required prior to the location, occupancy or use of any commercial or industrial project, building or facility, for any multi-family residential use or structure containing four or more dwelling units, and for any proposal using the clustering provisions of Chapter 18.84. Site plan review shall apply to all new development, expansion or site improvements that will change the physical conditions of a site and is required prior to issuance of building permit. Site plan review is not intended to review and determine the appropriateness of a given use on a particular site.

18.16.030 Procedures.

- A. Site plan review is processed as a Type 3 decision, or Type 2 decision for a minor amendment to an approved site plan, pursuant to Chapter 18.08. Site plan review may be conducted independently or concurrently with any other development permit required by this title, including but not limited to a preliminary plat, short plat or master planned development.
- B. Pre-application conference required. A pre-application conference between the site plan applicant or representative and City staff is mandatory. The purpose of this conference is for the applicant to familiarize the staff with the proposed site plan, and for the staff to review with the applicant the City's submittal requirements, processing procedures, development standards and city requirements applicable to site plans. The City may establish a fee for the pre-application conference.
- C. Application Requirements. An application for site plan review shall include the following.
 - 1. Vicinity map, showing site boundaries and existing roads and accesses within and bounding the site.
 - 2. Site plans, drawn to a scale no less than one inch equals fifty feet, showing the location and size of uses, buffer and open space areas, landscaped areas, areas of disturbance outside building footprints, and any existing structures, easements and utilities,

3. Topographic map, based on a site survey delineating existing contours at no less than 5-foot intervals, and which locates existing streams, wetlands and other natural features.
4. Conceptual landscape plan
5. Parking and circulation plan
6. Preliminary stormwater management plan
7. Utilities plan
8. An open space plan if the clustering provisions of Chapter 18.84 are being used
9. Other reports or studies as determined applicable by the director, including but not limited to geotechnical, critical areas, and/or traffic;
10. SEPA environmental checklist unless the proposal is categorically exempt per BDMC 19.04, SEPA regulations
11. Narrative description of the proposal including: (i) site size, building size, and impervious surface coverage, and amount of area devoted to open space and recreation, landscaping and parking; calculations of gross and net density (ii) Comprehensive Plan and zoning designations; (iii) elevations and perspective drawings of proposed structures and other proposed improvements; (iv) any agreements, covenants or other provisions that affect the proposal; and (v) signatures, mailing addresses and phone numbers of all owners of record or agents of the subject property.

The Director may modify these requirements based on the size, scope and complexity of the proposal.

18.16.040 Criteria for approval.

To be approved, or approved with conditions, a site plan must be consistent with the City's Comprehensive Plan and must comply with all applicable development regulations, codes and other city requirements. Site plans that incorporate clustered development must also meet the criteria of Chapter 18.84.

18.16.050 Amendments to approved site plans.

- A. Minor alterations to an approved site plan are Type 2 administrative decisions that may be approved by the director. "Minor alterations" are defined to mean and are limited to those which may affect the precise dimensions or siting of buildings – such as site coverage, height or setbacks – but which do not affect the basic character, arrangement or density of development, or the amount or quality of open space or landscaping. Such dimensional adjustments shall not vary more than ten percent and shall not exceed the standards of the applicable zoning district.
- B. Major amendments are Type 3 permit applications and are processed in accordance with Chapter 18.08. Major amendments are those which substantially change the character, basic design, density, open space or other conditions or requirements of the site plan. No building or other permit shall be issued unless and until the major amendment has been approved pursuant to applicable procedures.

Chapter 18.24
URBAN RESERVE DISTRICT – UR

Sections:

- 18.24.010 Intent.**
- 18.24.020 Permitted uses.**
- 18.24.030 Conditional uses.**
- 18.24.040 Development standards.**
- 18.24.050 Additional requirements**

18.24.010 Intent.

It is the intent of this chapter to:

- A. Recognize areas of the city that, due to environmental constraints, lack of utilities or other factors, exhibit a rural or semi-rural density;
- B. Anticipate and plan for their future development at urban densities to meet the need for additional urban residential land within the city limits;
- C. Provide opportunities for the permanent retention of these lands through the City's Transfer of Development Rights program
- D. Guide development of these areas so they do not compromise the ability of properties to develop at urban densities in the future.

18.24.020 Permitted uses.

- A. Residential.
 - 1. Single-family detached structures on individual lots
 - 2. Manufactured housing as provided in Chapter 18.90.
- B. Other or Related Uses.
 - 1. Accessory buildings or structures as provided in Chapter 18.50.
 - 2. Temporary uses as provided in Chapter 18.52.
 - 3. Home occupations as provided in Chapter 18.54.
 - 4. Utilities, under-ground.
 - 5. Child day care for up to 12 children.

18.24.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.30.020 may be allowed by approval of a Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Child care for more than 12 children, including nursery schools, day care centers and preschools.
- B. Utilities, above-ground
- C. Public uses/facilities

18.24.040 Development standards.

- A. Site area and dimensional standards.
 - 1. Minimum lot area: 9,600 sq. ft.
 - 2. Maximum Density: One (1) dwelling unit per net acre.

3. Minimum lot width: Sixty (60) feet.
4. Minimum lot depth: Eighty (80) feet.
5. Minimum front yard:
 - a. On minor street: Twenty (20) feet.
 - b. On major street: Twenty-five (25) feet.
6. Minimum side yards: Seven (7) feet.
 - a. Minimum on a flanking street: Ten (10) feet.
7. Minimum rear yard: Twenty (20) feet.
8. Maximum building coverage: Thirty percent (30%).
9. Maximum building height:
 - a. Primary dwelling unit: Thirty-two (32) feet.
 - b. Accessory building: No greater than the height of the primary dwelling unit or twenty-six (26) feet, whichever is less.
- B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.
- C. Landscaping.
 - a. Landscaping shall be planned and provided in accordance with Chapter 18.72.
 - b. Development shall also comply with the tree preservation requirements of BDMC 19.30.
- D. Signs. Regulation of signs is provided in Chapter 18.92.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
- F. Storage and exterior displays.
 - a. Storage or parking of motor vehicles for rental income is prohibited.

18.24.050 Additional requirements.

- A. All structures on a site shall be located so as to not compromise the ability to allow for future development of the property at minimum R4 density (i.e., four (4) dwelling units per acre). At the time of application for a building permit, an applicant shall provide a site plan of the entire property that defines that portion of the property to be developed and exhibits possible future lot lines that could create lots that meet the minimum development standards of the R-4 zone district (18.30.040). The director shall review these proposed future lots to determine their feasibility given site conditions and may direct the applicant to redesign the future plat layout in order to ensure the future development potential of the property. The director is authorized to make determinations regarding required setbacks for the proposed structure from these potential future lot lines.
- B. Alternatively, at the time of building permit application, a property owner may propose to utilize the City's Transfer of Development Rights program as outlined in BDMC 19.24 to transfer the development rights of that portion of the site not proposed for development.

Chapter 18.30
SINGLE-FAMILY RESIDENTIAL DISTRICTS – R4 & R6

Sections:

- 18.30.010 Intent.**
18.30.020 Permitted uses.
18.30.030 Conditional uses.
18.30.040 Development standards.
18.30.050 Additional requirements

18.30.010 Intent.

It is the intent of this chapter to:

- A. Enhance the residential quality of the city by providing a high standard of development for single-family residential areas.
- B. Designate certain areas in which single-family structures on individual lots are the predominant type of dwelling unit.
- C. Guide residential development to those areas where public sewers are in place or can be extended efficiently at reasonable cost.
- D. Guide development of residential areas in such manner as to assure availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation.

18.30.020 Permitted uses.

- A. Residential.
 1. Single-family detached structures on individual lots
 2. Manufactured housing as provided in Chapter 18.90.
- B. Other or Related Uses.
 1. Accessory buildings or structures as provided in Chapter 18.50.
 2. Temporary uses as provided in Chapter 18.52.
 3. Home occupations as provided in Chapter 18.54.
 4. Utilities, under-ground.
 5. Child day care for up to 12 children.

18.30.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.30.020 may be allowed by approval of a Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Child care for more than 12 children, including nursery schools, day care centers and preschools.
- B. Utilities, above-ground
- C. Public uses/ facilities
- D. Religious institutions, not to exceed 10,000 sq. ft. gross floor area.
- E. Duplexes, subject to the following criteria:

1. The minimum lot size for a duplex shall be 1.5 times that required for a single family detached structure. Only one duplex shall be permitted per lot which meets this standard;
2. A lot on which a duplex is proposed shall not be located within 300 feet of any other lot on which a duplex or multiple unit structure is found (accessory dwelling units excluded), or constitute more than ten percent (10%) of the dwelling units in a single block;
3. Duplexes shall be subject to design standards to ensure their compatibility in terms of bulk, scale and architectural style with the surrounding neighborhood.

18.30.040 Development standards.

A. Site area and dimensional standards.

1. Minimum lot area:
 - a. Districts designated R4: Nine thousand six hundred (9,600) square feet
 - b. Districts designated R6: Seven thousand two hundred (7,200) square feet
2. Maximum density.
 - a. R4 district: four (4) dwelling units per acre.
 - b. R6 district: six (6) dwelling units per acre.
3. Minimum lot width: Sixty (60) feet.
4. Minimum lot depth: Eighty (80) feet.
5. Minimum front yard:
 - a. On minor street: Twenty (20) feet.
 - b. On major street: Twenty-five (25) feet.
6. Minimum side yards: Seven (7) feet.
 - a. Minimum on a flanking street: Ten (10) feet.
7. Minimum rear yard: Twenty (20) feet.
8. Maximum building coverage: Thirty percent (30%).
9. Maximum building height:
 - a. Primary dwelling unit: Thirty-two (32) feet.
 - b. Accessory building: No greater than the height of the primary dwelling unit or twenty-six (26) feet, whichever is less.

B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.

C. Landscaping.

1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
2. Development shall also comply with the tree preservation requirements of BDMC 19.30.

D. Signs. Regulation of signs is provided in Chapter 18.92.

E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

F. Storage and exterior displays.

1. Required landscaping or buffer areas shall not be used for storage of any sort.
2. Storage or parking of motor vehicles for rental income is prohibited.

18.30.050 Additional requirements.

- A. All development within the R4 and R6 zones shall comply with applicable environmental performance standards of Chapter 18.80 and, if applicable, the design review requirements of Chapter 18.76.

Chapter 18.32
MEDIUM DENSITY RESIDENTIAL DISTRICT – MDR8

Sections:

- 18.32.010 Intent.**
- 18.32.020 Permitted Uses.**
- 18.32.030 Conditional Uses.**
- 18.32.040 Development Standards**
- 18.32.050 Additional Requirements**

18.32.010 Intent.

It is the intent of this section to:

- A. Enhance the residential quality of the city by providing a high standard of development for multi-family residential areas;
- B. Designate appropriate areas in which medium density residential structures on individual lots are the predominant type of dwelling unit;
- C. Guide medium density residential development to those areas where (i) public sewers are in place prior to building construction, or (ii) where sewers can be extended at minimal cost;
- D. Guide the development of multi-family residential dwellings to such areas and in such manner as to assure availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation, and convenient access to public transportation consistent with City level of service standards;
- E. Encourage the preservation of critical areas and other significant places identified in the City's Transfer of Development Rights Program (BDMC 19.24) by allowing increased densities when the TDR mechanism is used; and
- F. Apply appropriate guidelines to ensure that structures developed for medium density residential use are well designed.

18.32.020 Permitted uses.

- A. Residential:
 - 1. Single-family structures on individual lots, whether attached or detached..
 - 2. Multi-family residential structures, provided that no individual structure shall contain more than twelve dwelling units.
 - 3. Cottage Housing, as provided in Chapter 18.88.
 - 4. Manufactured Housing as provided in Chapter 18.90.
- B. Other or Related Uses.
 - 1. Accessory buildings or structures as provided in Chapter 18.50.
 - 2. Temporary uses as provided in Chapter 18.52.
 - 3. Home occupations as provided in Chapter 18.54.
 - 4. Utilities, under-ground.
 - 5. Child day care for up to 12 children.

18.32.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.32.020 may be allowed by Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Child care including nursery schools, day care centers and preschools for more than 12 children;
- B. Utilities, above-ground;
- C. Public uses/ facilities;
- D. Religious institutions, not to exceed 10,000 square feet gross floor area.
- E. Bed and breakfast;
- F. Senior housing;
- G. Elderly housing – assisted;
- H. Manufactured home parks;
- I. Group homes.

18.32.040 Development standards.

- A. Site area and dimensional standards
 - 1. Maximum density: Eight (8) dwelling units per acre without Transfer of Development Rights; twelve (12) dwelling units per acre with Transfer of Development Rights.
 - 2. Minimum Lot Area:
 - a. Multi-family structures: seven thousand two hundred (7,200) square feet;
 - b. Single-family structures on individual lots: three thousand six hundred (3,600) square feet.
 - 3. Minimum Lot Width: Fifty (50) feet.
 - 4. Minimum Lot Depth: Seventy (70) feet.
 - 5. Minimum Front Yard:
 - a. On minor street: Twenty (20) feet.
 - b. On major street: Twenty-five (25) feet.
 - 6. Minimum Side Yards:
 - a. Minimum on interior lot lines: Seven (7) feet.
 - b. Minimum on a flanking street: Ten (10) feet.
 - 7. Minimum Rear Yard: Ten (10) feet.
 - 8. Maximum Building Coverage: Fifty percent (50%).
 - 9. Maximum Building Height:
 - a. Main building: Thirty-five (35) feet.
 - b. Accessory buildings: The height of the primary building(s) or twenty-six (26) feet, whichever is less.
 - 10. Structure separation: On lots containing more than one structure, there shall be a distance of not less than ten (10) feet, between all buildings, including accessory buildings.
 - 11. Bonus Density. The inclusion of senior or elderly-assisted housing within a project may be granted a bonus density as follows:
 - a. The additional density may be one percent for each one percent of total project dwelling units dedicated to senior or elderly-assisted housing;

- b. The bonus shall be calculated on the total units dedicated, regardless of type; and
- c. The maximum bonus density shall not exceed 20% for a project.
- B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.
- C. Landscaping.
 - 1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
 - 2. Development shall also comply with the tree preservation requirements of BDMC 19.30.
- D. Signs. Regulation of signs is provided in Chapter 18.92.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
- F. Storage and exterior displays.
 - 1. Required landscaping or buffer areas shall not be used for storage of any sort.
 - 2. Storage or parking of motor vehicles for rental income is prohibited.

18.32.050 Additional requirements.

- A. All development within the MDR8 zone shall comply with the applicable environmental performance standards of Chapter 18.80, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.76.

Chapter 18.34
SUPPLEMENTAL RESIDENTIAL STANDARDS

Sections

- 18.34.010 Purpose.**
- 18.34.020 Height.**
- 18.34.030 Yards and open space.**
- 18.34.040 Lots.**

18.34.010 Purpose.

The purpose of this chapter is to ensure adequate light, air and open space within residential areas, while protecting the rights of owners to attain a reasonable use of their property that would be denied by strict adherence to the development standards of the applicable zone district.

18.34.020 Height.

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 (3) feet above the roof line, flagpoles, transmission lines, residential antennas, and other similar structures as determined by the director.

18.34.030 Yards and open space.

Except as provided in this section, every required yard shall be open and unobstructed from the ground to the sky.

A. The following may project from a building into a required yard setback no more than two (2) feet:

1. Fireplace structures not wider than eight (8) feet measured in the general direction of the wall of which it is a part;
2. Bay windows and garden windows which do not require a foundation;
3. Enclosed stair landings;
4. Personal television satellite dishes;
5. Cornices, sills, eave projections and awnings without enclosing walls or screening;
6. Planting boxes or masonry planters not exceeding 30 inches in height.

B. Porches and platforms.

1. Uncovered porches and platforms which do not extend above the floor level of the first floor may project two (2) feet into required side yards and six (6) feet into required front and rear yards;

2. Covered but enclosed porches and platforms which do not extend above the floor level of the first floor and which are no wider than fifty percent (50%) of the building's frontage may project five (5) feet into a required front yard.

C. Special Front Yard Depth. If buildings existing on July 17, 1980 occupy more than fifty (50%) or more of the buildings on one side of a street are set back less than the required front yard of the applicable zone district, then in lieu thereof, the depth of the front yard shall not be less than the average depth of the front yards on that block front, provided that:

1. No building shall be required to set back more than two (2) feet further than a building on an adjoining lot;

2. No front yard shall be less than twenty (20) feet to a garage, either attached or detached.

D. Side yard width reductions. In the R4, R6 and MDR8 districts, where there exists a lot on which it is possible to construct a single family dwelling, and the lot has a width of less than forty (40) feet, then the required interior side yard setback may be reduced to three feet for all portions of the structure, including those noted in (A) above.

18.34.040 Lots.

A. A lot of record in existence at the date of passage of this code with an area and/or width or depth less than that prescribed for the applicable zone district may be developed with a single family residence, provided all other regulations of this title complied with.

B. Special provisions for lot coverage on substandard lots. Lot coverage may be determined by using the following formula: $(A/B) * C = D$ (%)

A = lot area required by the applicable district

B = lot area of existing lot

C = percentage of lot coverage allowed by the applicable district

D = percentage of lot coverage allowed for the substandard lot.

In no case shall the lot coverage exceed fifty (50%), unless otherwise allowed by this title.

C. Special front and rear yard setbacks on substandard lots. Either the front or rear yard setback may be determined by using the following formula: $(A/B) * C = D$

A = depth of the existing lot

B = lot depth required by the applicable district

C = front or rear yard setback required by the applicable district

D = front or rear yard setback allowed for the substandard lot

In no case shall the front or rear yard setback be less than ten (10) feet or twenty (20) feet to a garage, either attached or detached, unless otherwise allowed by this title.

D. Side yard setbacks for substandard lots. Side yard setbacks may be determined by using the following formula: $A = (A/B) * C = D$

A = width of the existing lot

B = lot width required by the applicable district

C = side yard setback required by the applicable district

D = side yard setback allowed for the substandard lot

In no case shall the interior side yard setback be less than three (3) feet for all portions of the structure, including those noted in 18.46.030.A, nor shall a flanking street side yard setback be less than ten (10) feet.

Chapter 18.36
NEIGHBORHOOD CENTER - NC

Sections

- 18.36.010 Intent.**
18.36.020 Permitted uses.
18.36.030 Conditional Uses
18.36.040 Development Requirements
18.36.050 Additional Requirements

18.36.010 Intent.

It is the intent of this section to:

- A. Enhance residents' access to goods and services needed daily in a setting that contributes to neighborhood character, encourages pedestrian activity, reduces automobile use, and serves as a focus of neighborhood life;
- B. Create a complementary mix of neighborhood-serving retail, personal service, general office, entertainment/cultural, public service, and residential uses for a range of lifestyles;
- C. Guide the development of multi-family residential dwellings to such areas and in such manner as to assure availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation, and convenient access to public transportation consistent with City level of service standards;
- D. Allow mixed use developments that integrate residential uses into neighborhood centers, either within the same building or on the same development site, to enhance living convenience;
- E. Encourage orientation to the street and pedestrian amenities to create a pleasant pedestrian environment; and
- F. Ensure that the nature of development is harmonious with the surrounding single family neighborhood in intensity, scale, quality, and character.

18.36.020 Permitted uses.

- A. Retail
 - 1. Supermarket and grocery stores: limited to not more than 40,000 square feet gross floor area.
 - 2. All other typical neighborhood retail uses: limited to not more than 10,000 square feet gross area for each individual use, whether in a separate building or combined with other uses in one building, not to exceed 100,000 square feet gross floor area in total; and excluding drive-through facilities.
- B. Personal services provided primarily to neighborhood residents: limited to not more than 4,000 square feet gross floor area per business.
- C. General offices: limited to not more than 4,000 square feet gross floor area per business and excluding drive-through facilities.
- D. Entertainment/culture: limited to not more than 5,000 square feet gross floor area or capacity of not more than 100 patrons per business, whichever is greater, and excluding drive-through facilities.
- E. Residential uses in attached structures if included as an element of mixed use site development or on upper floors of a mixed use structure.

- F. Utilities, below-ground
- G. Other or Related Uses:
 1. Accessory uses and structures as provided Chapter 18.50.
 2. Temporary uses as provided in Chapter 18.52.

18.36.030 Conditional uses.

The following uses may be allowed by Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Bed and breakfast;
- B. Religious institutions;
- C. Drive through facilities, maximum one (1) per property;
- D. Essential public facilities;
- E. Utilities, above-ground;
- F. Public Uses / Facilities;
- G. Senior housing.

18.36.040 Development standards.

- A. Dimensional Standards:
 1. Bulk limit: For structures without residential uses, floor area ratio (F.A.R.) shall not exceed 1.0 (total gross floor area shall not be greater than total site area); for mixed-use structures containing residential uses, F.A.R. shall not exceed 2.0 (total gross floor area shall not be greater than twice total site area).
 2. Maximum allowed height: thirty-five (35) feet, without residential on upper floors; fifty (50) feet, with residential on upper floors.
 3. Minimum Lot Area, Width and Depth: None.
 4. Maximum Front Yard Setback: At least 60% of the width of any street façade of a primary use shall be set back no more than ten (10) feet from the front property line, provided that the maximum allowed setback is (fifteen) 15 feet for structures with first floor residential uses.
 5. Minimum Side Yard Setback: Twenty (20) feet if abutting a residential zone plus one foot additional setback for each foot of building height over thirty-five (35) feet.
 6. Minimum Rear Yard Setback: If abutting a residential zone, fifteen (15) feet for a building without residential use and twenty (20) feet for a building with residential use plus one foot additional setback for each foot of building height over thirty-five feet.
 7. Maximum Impervious Surface Coverage: eighty percent (80%).
 8. Maximum residential density:
 - (a) Without bonuses: twelve (12) dwelling units per acre in an exclusively residential building; in a mixed use building, none (only as limited by F.A.R., height, parking and other site development standards).
 - (b) Inclusion of senior housing within a project may be granted a bonus density as follows:
 - (c) A one percent (1%) density bonus for each percent of total project dwelling units dedicated to senior housing;
 - (d) The bonus shall be calculated on the total units dedicated, regardless of type; and

- (e) The maximum bonus density shall not exceed twenty percent (20%) for a project.
- 9. Maximum Site Area: 10 acres
- B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.
- C. Landscaping.
 - 1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
 - 2. Development shall also comply with the tree preservation requirements of BDMC 19.30.
- D. Signs. Regulation of signs is provided in Chapter 18.92.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
- F. Storage and exterior displays.
 - 1. Required landscaping or buffer areas will not be used for storage of any sort.
 - 2. There shall be no exterior storage of any items whether or not for sale, other than sidewalk displays of retail items during operating hours only or as otherwise permitted as a temporary use.

18.36.050 Additional requirements.

- A. All development within the NC zone shall comply with applicable environmental performance standards of Chapter 18.80, and the site plan review requirements of Chapter 18.16 and the design review requirements of Chapter 18.64.

Chapter 18.38
COMMUNITY COMMERCIAL DISTRICT – CC

Sections

- 18.38.010 Intent.**
18.38.020 Permitted uses.
18.38.030 Conditional uses.
18.38.040 Development standards.
18.38.050 Additional Requirements

18.38.010 Intent.

It is the intent of this section to:

- A. Encourage the development of retail facilities which offer a relatively wide range of goods to consumers within the community and the broader regional marketplace;
- B. Encourage the clustering of such facilities on sites of sufficient size to provide opportunity for attractive design and arrangement of buildings, safe and convenient access and parking;
- C. Limit location of such sites to major arterials or intersections of major traffic ways in order that said sites may serve the entire community and broader region;
- D. Encourage mixed-use developments that integrate residential uses into commercial projects, either within the same building or on the same development site, to enhance living convenience.

18.38.020 Permitted uses.

- A. Retail, including service stations and uses involving outdoor product display or storage;
- B. Personal and professional services
- C. Entertainment / Cultural
- D. Religious institutions
- E. Drive through facilities
- F. Hotel, motel, and other visitor lodging
- G. Residential, if developed as an element of mixed use site development, either in separate buildings or on the upper floors of a mixed use building; provided that, residential is not allowed at street level within buildings fronting an arterial street.
- H. Public Uses / Facilities
- I. Utilities, below-ground; and
- J. Other or Related Uses:
 - 1. Accessory uses and structures as provided Chapter 18.50.
 - 2. Temporary uses as provided in Chapter 18.52.

18.38.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.38.020 may be allowed by Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Major institutions;
- B. Essential public facilities;

- C. Utilities, above-ground;
- D. Wholesale or retail establishments, or hybrid wholesale/retail establishments, larger than 50,000 square feet; and
- E. Mini storage facilities.

18.38.040 Development standards.

A. Dimensional Standards

1. Floor Area Ratio (F.A.R.) limit: For structures or sites without residential uses, F.A.R. shall not exceed 1.0 (total gross floor area shall not be greater than total site area); for mixed-use structures and/or sites with residential uses, F.A.R. shall not exceed 2.0 (total gross floor area shall not be greater than twice the total site area).
2. Maximum allowed height: forty-five (45) feet.
3. Minimum Lot Area, Width and Depth: None.
4. Maximum Front Yard Setback: At least 40% of the width of any street façade of a primary use shall set back no more than ten (10) feet from the front property line.
5. Minimum Side Yard Setback: Fifteen (15) feet if abutting a residential zone plus one foot of additional setback for each additional foot of building height above 35 feet.
All other zones: none.
6. Minimum Rear Yard Setback: Fifteen feet (15) if abutting a residential zone plus one foot of additional setback for each additional foot of building height above 35 feet.
All other zones: none.
7. Maximum Impervious surface coverage: eighty percent (80%).
8. Maximum residential density: None; only as limited by F.A.R., height, parking and other site requirements. Inclusion of senior housing within a project may be granted a bonus density as follows:
 - (a) Density may be increased by one percent for each one percent of total project dwelling units that are dedicated to senior housing;
 - (b) The bonus shall be calculated on the total units dedicated, regardless of type; and
 - (c) The maximum bonus density shall not exceed twenty percent (20%) for a project.

B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.

C. Landscaping.

1. Landscaping shall be planned and provided in accordance with Chapter 18.86.
2. Development shall also comply with the tree preservation requirements of BDMC 19.30.

D. Signs. Regulation of signs is provided in Chapter 18.82.

E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

F. Storage and exterior displays.

1. Required landscaping or buffer areas shall not be used for storage or product display of any sort.

18.38.050 Additional Requirements

- A. All development within the CC zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.76.

**Chapter 18.40
TOWN CENTER - TC**

Sections

- 18.40.010 Intent.**
- 18.40.020 Permitted uses.**
- 18.40.030 Conditional Uses**
- 18.40.040 Development Standards**
- 18.40.050 Additional Requirements**

18.40.010 Intent.

It is the intent of this section to:

- A. Encourage a range of retail, service, civic, entertainment, recreation, and residential uses to maintain a town center as the primary district of community activity and social interaction;
- B. Provide opportunities for an integration of living, working, shopping, entertainment, civic and recreation activities to serve a variety of lifestyles;
- C. Insure that new development occurs in a manner that is complementary to surrounding uses and neighborhoods;
- D. Encourage street-oriented store frontages and sidewalk amenities to enhance the pedestrian atmosphere;
- E. Reduce the amount of vehicular travel required of the consumer to access goods and services needed in daily living;
- F. Encourage mixed-use developments that integrate residential uses into commercial projects, either within the same building or on the same development site, to enhance living convenience; and
- G. Create a place that serves as the social and activity heart of the community and is recognized as the central venue of community life.

18.40.020 Permitted uses.

- A. Retail
- B. Personal and Professional Services
- C. General Office
- D. Entertainment / Culture
- E. Public Uses / Facilities, limited to general governmental administrative offices.
- F. Residential, if in an attached building and developed as an element of mixed use site development or on the upper floors of a mixed use building; residential is not allowed at street level if fronting an arterial street.
- G. Utilities, below-ground

18.40.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.40.020 may be allowed by Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Child care including nursery schools and day care centers;
- B. Utilities, above-ground;
- C. Major Institution;
- D. Private clubs, fraternal lodges and similar organizations;
- E. Religious institutions;
- F. Public Uses / Facilities not otherwise permitted in 18.40.020;
- G. Parking structures not associated with a primary, permitted use;
- H. Senior housing.

18.40.040 Development standards.

- A. Development within the Town Center District.
 - 1. All new construction and reconstruction of existing buildings shall be designed and built so that the exterior appearance of the finished building complements and enhances the historic character of the district
 - 2. At the time of site plan review, the applicant shall submit a color architectural rendering showing the elevations of the proposed construction including the types of materials to be used.
 - 3. The director shall solicit and the Hearing Examiner shall consider the comments of the Black Diamond Historical Society, and any other agency or entity with expertise, in reaching a decision on the proposed building and site plan.
- B. Dimensional Standards:
 - 1. Floor Area Ratio (F.A.R.) limit: For structures without residential uses, F.A.R. shall not exceed 1.0 (total gross floor area shall not be greater than total site area); for mixed-use structures with residential uses, F.A.R. shall not exceed 2.0 (total gross floor area shall not be greater than twice the total site area).
 - 2. Maximum allowed height: thirty-five (35) feet, without residential; fifty (50) feet, with residential.
 - 3. Minimum Lot Area, Width and Depth: None.
 - 4. Maximum Front Yard Setback: One hundred percent (100%) of the width of any street façade of a primary use shall set back no more than five (5) feet from the front property line, unless a public plaza or similar amenity is provided between the façade and the street. The maximum allowed setback is ten (10) feet for structures.
 - 5. Minimum Side Yard Setback: Ten (10) feet if abutting a residential zone plus one foot additional setback for each foot of building height over thirty-five (35) feet.
 - 6. Minimum Rear Yard Setback: If abutting a residential zone, ten (10) feet for a building without residential use and fifteen (15) feet for a building with residential use, plus one foot additional setback for each foot of building height over thirty-five (35) feet .
 - 7. Maximum impervious surface coverage: one hundred percent (100%).
 - 8. Maximum residential density: None; only as limited by F.A.R., height, parking and other site requirements. Inclusion of senior housing within a project may be granted a bonus density as follows:
 - (a) Density may be increased by one percent for each one percent of total project dwelling units that are dedicated to senior housing;
 - (b) The bonus shall be calculated on the total units dedicated, regardless of type; and
 - (c) The maximum bonus density shall not exceed twenty percent (20%) for a project.

- (d). Parking. Off-street parking is not required for any use in the Town Center zone.
- (e) Landscaping.
- C. Landscaping.
 - 1. Landscaping shall be planned and provided in accordance with Chapter 18.86.
 - 2. Development shall also comply with the tree preservation requirements of BDMC 19.30.
- D. Signs. Regulation of signs is provided in Chapter 18.82.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
- F. Storage and exterior displays.
 - 1. Landscaping or buffer areas will not be used for storage of any sort.
 - 2. There shall be no exterior storage of any items whether or not for sale, other than sidewalk displays of retail items during operating hours only.

18.40.050 Additional requirements.

- A. All development within the TC zone shall comply with applicable environmental performance standards of Chapter 18.80, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.76.

Chapter 18.42
BUSINESS/INDUSTRIAL PARK – B/IP

Sections

- 18.42.010 Intent.**
18.42.020 Permitted Uses.
18.42.030 Conditional Uses.
18.42.040 Development Standards.
18.42.050 Additional Requirements

18.42.010 Intent.

It is the intent of this section to:

- A. Provide areas for the development and growth of non-retail businesses engaged in high technology and software development, research and development, general office, wholesale, distribution and limited manufacturing activities to expand the community's economic and employment base;
- B. Promote concentrated, master-planned developments with cohesive design elements for architecture, landscaping, and circulation; development with high-visual quality and park-like site characteristics; functional and aesthetic compatibility with adjacent uses and neighborhoods; and enhanced opportunities for walking, biking and transit; and
- C. Insure a mix of complementary support uses, including technical consulting, personnel and productivity support services, and limited retail and service uses to support the principal business/industrial uses and reduce off-site vehicle trips to access business support services.

18.42.020 Permitted uses.

- A. Office, research and technology and light manufacturing activities that do not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution ;
- B. General Office, including call centers and other customer service communication centers;
- C. Research and Development;
- D. Technology, biotechnology and medical equipment;
- E. Light Manufacturing, providing all production and storage activity is conducted indoors;
- F. Wholesaling;
- G. Business Support Services, such as technology services and support, copy centers, and eating and drinking establishments to serve the occupants of the business park. The total gross floor area of such uses is not to exceed twenty percent (20%) of the total project gross floor area and a 5,000 gross square feet maximum for any individual use;
- H. Child care including nursery schools and day care centers integrated within a master-planned development;
- I. Utilities, below-ground; and
- J. Other Uses.
 - 1. Accessory uses as provided in Chapter 18.50.
 - 2. Temporary uses as provided in Chapter 18.52.

18.42.030 Conditional uses.

The following uses may be allowed by Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Adult-oriented businesses, consistent with the requirements of Chapter 18.60;
- B. Religious institutions.
- C. Essential public facilities including secure community transition facilities;
- D. Major institutions;
- E. Parks and open space whether public and private;
- F. Public Uses / Facilities;
- G. Utilities, above-ground;
- H. Entertainment / Culture facilities;
- I. Parking structures not associated with a primary, permitted use.

18.42.040 Development standards.

- A. Development Standards:
 - 1. Minimum lot size: One and one-half (1.5) acres.
 - 2. Floor Area Ratio (F.A.R.): 1.0.
 - 3. Maximum allowed height: forty-five (45) feet.
 - 4. Minimum Front Yard Setback: Forty (40) feet.
 - 5. Minimum Side Yard: Thirty (30) feet, and one additional foot for each foot of height above thirty-five (35) feet if abutting a residential zone.
 - 6. Minimum Rear Yard: Thirty (30) feet, and one additional foot for each foot of height above thirty-five (35) feet if abutting a residential zone.
 - 7. Maximum Impervious Surface Coverage: 75 percent (75%).
- B. Parking and Loading.
 - 1. Off-street parking shall be provided in accordance with Chapter 18.80.
 - 2. One off-street loading area shall be provided for each twenty thousand (20,000) square feet of building area, sufficient in size and location so as not to interfere with customer parking areas.
 - 3. Buildings, parking spaces and loading areas are to be so arranged as to make it unnecessary to back out into the public right-of-way to leave the site.
 - 4. There shall be no loading area within 100 feet of any residential zone.
- C. Landscaping.
 - 1. Landscaping shall be provided pursuant to Chapter 18.72.
 - 2. Development shall also comply with the tree preservation requirements of BDMC 19.30.
- D. Signs. Regulation of signs is provided for in Chapter 18.82.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

18.42.050 Other requirements.

- A. All development within the B/IP zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and the design review requirements of Chapter 18.76.

**Chapter 18.44
INDUSTRIAL DISTRICT – I**

Sections

- 18.44.010 Purpose.**
- 18.44.020 Permitted Uses.**
- 18.44.030 Conditional Uses**
- 18.44.040 Development Standards**
- 18.44.050 Additional Requirements**

18.44.010 Purpose.

The intents of this section are to:

- A. Provide areas for the development and growth of general manufacturing and other industrial activities to contribute to the community's economic health, provide employment opportunities for residents, and generate tax revenues to support the provision of public services;
- B. Keep industrial activities within reasonable scale and consistent with the character of the city;
- C. Protect industrial areas from such other uses as may interfere with the purpose and efficient functioning of such areas;
- D. Protect residential and other non-industrial areas from adverse or damaging impact of any kind emanating or resulting from industrial areas; and
- E. Provide standards for development of industrial areas.

18.44.020 Permitted Uses

- A. Heavy manufacturing.
- B. Light Manufacturing,
- C. Research and Development
- D. General office associated with a primary manufacturing use.
- E. Wholesaling;
- F. Warehousing and Distribution;
- G. Business Support Services including eating establishments primarily serving the immediate work force; the total gross floor area of such uses shall not exceed twenty percent (20%) of the total district area and a 5,000 gross square feet maximum area for any individual use;
- H. Utilities;
- I. Public Uses / Facilities; and
- J. Other Uses:
 - 1. Accessory uses as provided in Chapter 18.50.
 - 2. Temporary uses as provided in Chapter 18.52.

18.44.030 Conditional uses.

The following uses may be allowed by Conditional Use Permit in accordance with the requirements of Chapters 18.08 and 18.12:

- A. Adult-oriented businesses, consistent with the requirements of Chapter 18.60;
- B. Major institution;
- C. Essential public facilities

18.44.040 Development standards.

- A. Development Standards:
 - 1. Minimum site area: five (5) acres.
 - 2. Floor Area Ratio (F.A.R.): 1.0.
 - 3. Maximum allowed height: fifty (50) feet.
 - 4. Minimum Front Yard Setback: twenty (20) feet.
 - 5. Minimum Side and Rear Yard Setback: Twenty-five (25)feet, or fifty (50) feet if abutting a residential zone, provided that there are no required setbacks along a property line abutting another I-zoned property.
 - 6. Maximum Impervious Surface Coverage: 90 percent.
- B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.
- C. Landscaping.
 - 1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
 - 2. Development shall also comply with the tree preservation requirements of BDMC 19.30.
- D. Signs. Regulation of signs is provided in Chapter 18.82.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
- F. Storage and exterior displays.
 - 1. Required landscaping or buffer areas shall not be used for storage of any sort.

18.44.050 Other requirements.

- A. All development shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16 and design review requirements of Chapter 18.76.

**Chapter 18.46
PUBLIC – PUB**

Sections

- 18.46.010 Intent.**
- 18.46.020 Permitted uses.**
- 18.46.030 Conditional Uses**
- 18.46.040 Development Standards**
- 18.46.050 Additional Requirements**

18.38.010 Intent.

It is the intent of this section to:

- A. Recognize publicly-owned lands that are not appropriate within other zone districts due their current or intended use.
- B. Limit the use of these properties to protect the public interest in their long-term maintenance.

18.46.020 Permitted uses.

- A. Watersheds;
- B. Utilities, below ground;
- C. Forestry practices;
- D. Agricultural uses;
- E. Public Uses/Facilities;
- F. Parks;
- G. Caretakers' quarters;
- H. Other or Related Uses:
 - 1. Accessory uses and structures as provided Chapter 18.50.
 - 2. Temporary uses as provided in Chapter 18.52.

18.46.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.46.020 may be allowed by Conditional Use Permit in accordance with Chapters 18.08 and 18.12:

- A. Major institutions;
- B. Essential public facilities; and
- C. Utilities, above-ground.

18.46.040 Development standards.

- A. Dimensional Standards. None.
- B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.
- C. Landscaping.
 - 1. Landscaping shall be planned and provided in accordance with Chapter 18.86.
 - 2. Development shall also comply with the tree preservation requirements of BDMC 19.30.

- D. Signs. Regulation of signs is provided in Chapter 18.82.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
- F. Storage and exterior displays.
 - 1. Landscaping or buffer areas shall not be used for storage of any sort.
 - 2. There shall be no exterior storage of any items whether or not for sale, other than sidewalk displays of retail items during operating hours only or as otherwise allowed by a temporary use permit.

18.46.050 Additional requirements.

- A. All development within the PUB zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.76.

Chapter 18.50
ACCESSORY USES AND STRUCTURES

Sections

- 18.50.010 Intent.**
18.50.020 General provisions.
18.50.030 Residential zones accessory uses and structures.
18.50.040 Commercial zones accessory uses and structures.
18.50.050 Industrial zones accessory uses and structures.
18.50.060 Fences and walls.

18.50.010 Intent.

This chapter recognizes activities and structures that are customarily subordinate and incidental to a principal use of the land or building and that are not otherwise regulated by this Title.

18.50.020 General provisions.

A. Accessory structures shall be complementary to the basic architectural character of the main building on the lot, and appropriate to the nature of the accessory use, and are subject to the applicable design guidelines of Chapter 18.76

B. Required setbacks:

1. Accessory structures shall observe the front, side and rear yard setback requirements of the zone in which they are located, except as provided in this chapter.

C. Maximum accessory structure height:

1. Residential zones: twenty-six (26) feet or the height of the principal structure, whichever is less.
2. Neighborhood Commercial, Community Business and Town Center zones: twenty-six (26) feet.
3. Business/Industrial Park & Industrial zones: thirty-five (35) feet or the height of the principal use structure, whichever is less.

18.50.030 Residential zone accessory uses and structures.

A. The following accessory uses/activities are allowed in residential zones:

1. The cultivation of flowers, trees or produce intended primarily for personal use or enjoyment.
2. The keeping of animals is permitted in compliance with the Title 6 BDMC.
3. Accessory dwelling units in accordance with Chapter 18.56.
4. Detached garage(s), carport(s), and parking facilities for the residents of the property.
5. Storage sheds not greater than two hundred (200) square feet in gross floor area.
6. Playhouses, patios, cabanas, porches, gazebos, swimming pools, workshops, garden sheds and incidental household storage buildings.
7. Common recreational vehicle storage facilities limited to serving the development in which they are located.
8. Temporary storage containers used during an active construction project.

B. Detached accessory buildings.

1. For any lot 9600 sq. ft. or less, a detached accessory building not exceeding 26 feet in height may disregard rear and interior side yard setback requirements if such building is no greater than 650 sq. ft. in floor area, is located in the rear thirty percent (30%) of the lot or further than 75 feet from the front lot line, and is no closer than 12 feet from the centerline of an adjacent alley.
2. The total area of all accessory buildings located within a required rear yard shall not exceed twenty-five percent (25%) of the area of the required rear yard.
3. Accessory buildings that exceed the building area, height and locational standards noted above shall comply with all required yard setbacks.
4. No accessory building shall be larger than fifty percent (50%) of the ground floor area of the primary structure on any lot; provided that this limitation shall not apply to accessory dwelling units or for agricultural buildings on lots greater than 35,000 sq. ft. in size.

18.50.040 Commercial zones accessory uses and structures.

The following accessory uses are allowed in the NC, CC, and TC zones:

- A. Storage buildings not to exceed the gross floor area of the principal use and in no case greater than two thousand (2,000) square feet.
- B. Common storage facilities (including outdoor storage of recreational vehicles) limited to serving the residents of a mixed use development.

18.50.050 Industrial zone accessory uses and structures.

The following accessory uses are allowed in the B/IP and I zones:

- A. Caretaker / security guard residence
- B. Storage buildings.

18.30.060 Fences and walls.

The height of the fence or wall shall be determined from the existing, established grade on the property.

A. Fences and walls may be constructed to a height not to exceed the following in each of the required setback areas, as regulated per each zone, or as modified by subsection B of this section:

1. Front yard: 42 inches; provided, that fences constructed of wrought iron or similar materials that provide visibility may be 72 inches in height;
2. Side yard: 72 inches;
3. Rear yard: 72 inches;
4. Street side yard: 72 inches.
5. These limitations do not apply within the Public zone district.

B. Special Height Restrictions.

There shall not be anything constructed or reconstructed, and no obstruction permitted to grow, other than a post, column or tree not exceeding one foot square or one foot in diameter, between a height three feet and 10 feet above the established grade within the triangular areas described below, without the express approval of the public works director:

1. The triangular area formed by a line extending 20 feet along the right-of-way lines of a street and alley or edge of a private driveway, measured from the point of intersection and the line connecting the two ends of the two 20-foot lines;
 2. Fences located at the corner of intersecting streets shall comply with the sight distance requirements of the city public works standards.
- C. In general, no fence, wall, hedge, structure or other obstruction shall act as a sight hazard to traffic, and the public works director may order the removal of such hazard whether or not such object otherwise complies with the provisions of this title.
- D. Other than in the Public, Industrial or Business/Industrial Park zones, no fence may include the use of barbed wire, razor wire, etc.; provided, that pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of and in addition to the height of a 72-inch fence, provided it does not extend more than one additional foot in height.

Chapter 18.52 TEMPORARY USES

Sections

- 18.52.010 Intent.**
18.52.020 General provisions.
18.52.030 Uses allowed only by temporary use permit.
18.52.040 Uses allowed without a temporary use permit.

18.52.010 Intent.

This chapter regulates temporary or seasonal activities that are commonly experienced in the community but are only appropriate for a limited time. Because of their short duration and anticipated limited impact on their surroundings, some temporary uses may be allowed as-of-right if meeting prescribed limits of operation, while others of a more visible nature require review by the director prior to issuing a required permit.

18.52.020 General provisions.

- A. A temporary use conducted in a parking area that is accessory to a permitted use shall not occupy or remove from availability more than 25 percent of the spaces required for that use.
- B. Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with all parking standards of this Title but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.
- C. The temporary use shall comply with all applicable standards of the King County Health Department.
- D. No temporary use shall occupy or operate for more than six months within any calendar year unless approved by the Hearing Examiner under a long-term temporary use permit (Type 3 application pursuant to BDMC 18.08.060). A day of operation shall mean any or part of any day in which the business is conducted. The six months need not run consecutively. The six months may occur at any time within a calendar year as long as each day is designated and approved.
- E. All temporary uses shall obtain, prior to occupancy of the site, all applicable permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.)
- F. The applicant for a temporary use shall supply written authorization from the owner of property on which the temporary use is located.
- G. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.
- H. All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the temporary use may be left on-site overnight between consecutive days of operation..
- I. The director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These

include but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

18.52.030 Uses allowed only by Temporary Use Permit.

- A. The following temporary uses, activities and associated structures are allowed by a Type 1 application Temporary Use Permit, subject to the specific limitations of this chapter and as may be established by the director:
1. Outdoor art and craft shows and exhibits
 2. Retail sales of Christmas trees, agricultural or horticultural products, firewood, seafood, and other items typically marketed seasonally.
 3. Mobile services such as veterinary services for purposes of giving vaccinations.
 4. Group retail sales such as swap meets, flea markets, parking lot sales, Saturday Market, auctions, etc.
 5. A mobile home or travel trailer with adequate water and sewer service used as a dwelling while a residential building on the same lot is being constructed or while a damaged residential building is being repaired.
 6. When elderly or disabled relatives of the occupant of an existing residence require constant supervision and care, a mobile home with adequate water and sewer services located adjacent to such residence may be permitted to house the relatives.
 7. Circuses, carnivals, fairs, or similar transient amusement or recreational activities
- B. The Director may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the provisions of this section.
- C. Temporary uses that exceed any of the standards of this section or are proposed to exist longer than six (6) months shall require approval by the Hearing Examiner (Type 3 application).

18.52.040 Uses allowed without a Temporary Use Permit.

The following activities and structures are exempt from requirements to obtain a temporary use approval:

- A. Mobile homes, residences or travel trailers used for occupancy by supervisory and security personnel on the site of an active construction project.
- B. Guests of residents in recreational vehicles for not more than 14 consecutive days and not more than 60 days per calendar year.
- C. Model homes or apartments and related real estate sales and display offices/activities located within the subdivision or residential development to which they pertain.
- D. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
- E. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year. Allowed in all residential zoning districts only between the hours of 7:00 AM and 7:00 PM.
- F. Fund raising carwashes.
- G. Vehicular or motorized catering such as popsicle/ice cream scooters and self-contained lunch wagons which cater to construction sites or manufacturing facilities.

- H. Weekend (Saturday and Sunday) only, warehouse sales when held no more than once a calendar quarter in an existing facility in Business/Industrial Park or Industrial zoned districts.
- I. Fireworks stands, which comply with the requirements of BDMC 8.04, and subject to the following requirements:
 - 1. Only one sign is allowed.
 - 2. Signage must be attached to the firework stand.
 - 3. No “sandwich” board type signs are allowed.
 - 4. All firework stand operations and sales must take place outside of landscaped areas and public rights-of-way.

Chapter 18.54
HOME OCCUPATIONS

Sections:

- 18.54.010 Intent**
18.54.020 General Requirements
18.54.030 When Permitted as a Right
18.54.040 When Permitted by Administrative Conditional Use Permit
18.54.050 Exemptions
18.54.060 Enforcement
18.54.070 Activities Not Permitted As Home Occupations

18.54.010 Intent.

It is the intent of this section to:

- A. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal/family income.
- B. Protect residential areas from potential adverse impact of activities defined as home occupations.
- C. Establish criteria and development standards for the use of residential structures or dwelling units for home occupations.
 1. "Home occupation" means any activity conducted for financial gain or profit in a dwelling unit, in a building other than a dwelling unit, but located on the property of the dwelling unit, or located on adjacent property to the dwelling unit but having the same zoning as the dwelling unit, or activity conducted on the property, even though not within the structure, and which activity is not generally or customarily characteristic of the activities for which the dwelling units and/or their property surrounding are intended or designed.
 2. The activity is clearly incidental or secondary to the residential use of the dwelling units; and is conducted only by persons residing in the dwelling unit.
 3. A garage sale shall not be considered to be a home occupation.

18.54.020 General requirements.

- A. Home occupations shall not occupy more than twenty-five percent (25%) of the total floor area of the residence, and in no case shall occupy more than five hundred (500) square feet. Any portion of an accessory building used for a home occupation shall not exceed four hundred (400) square feet; nor shall the total floor area in the residence and/or an accessory building that is occupied with a home occupation exceed five hundred (500) square feet. Bed and breakfast lodging is exempt from the floor area limitation.
- B. Any occupation which may produce waste products of a quality or quantity not normally associated with residential use shall not qualify as a home occupation.
- C. Home occupations shall comply with all other local, state, or federal regulations pertinent to the activity pursued, and the requirements or permission granted or implied by this chapter shall not be construed as an exemption from such regulations.

- D. Any person engaging in a home occupation shall register as a business under Title 5 of this code, and shall be subject to the provisions of the business and occupations tax levied by the city.
- E. Home occupations shall emit no noise, air pollutants, waste products or other effects detrimental to the environment or the neighborhood beyond those normally emanating from residential use.

18.54.030 When permitted as a matter of right.

Home occupations are permitted as a matter of right in any residential district provided that:

- A. No signs, logos, trademarks or other symbols are displayed indicating the nature or location of the business or occupation.
- B. No exterior structural alterations are made to accommodate the occupation.
- C. No merchandise or stock in trade is sold or displayed on any exterior portion of the premises.
- D. No equipment or material is stored on any exterior portion of the premises.
- E. No person or persons other than bona fide residents of the dwelling unit are employed in the home occupation.

Home occupations are permitted as a matter of right in non-residential districts subject to the development standards of the applicable zone.

18.54.040 When permitted by Administrative Conditional Use Permit.

- A. Home occupations which do not comply with all the provisions of Section 18.54.030 and the following activities shall require approval of an administrative conditional use permit:
 - 1. building and construction contractor services;
 - 2. landscaping services;
 - 3. personal service shops;
 - 4. music and dancing studios;
 - 5. craft classes; and
 - 6. animal grooming.
- B. Home occupations which require an administrative conditional use permit shall comply with the following conditions:
 - 1. Only one sign is permitted on the premises. Signs shall not exceed two square feet in area, shall be unlit and shall use nonflashing, nonreflective materials. Such sign may be flush-mounted on the main residential structure, or may be post or pedestal-mounted at a height not exceeding four feet above grade. Such sign shall not be placed in the public right-of-way.
 - 2. Exterior structural alterations or additions or the use of accessory buildings for home occupations shall be so designed and built as to maintain or preserve the residential character of the premises. In no event shall such structural alterations or additions exceed the development standards permitted for structures in the zoning district in which the premises are situated.
 - 3. Traffic generated by home occupations shall not exceed two commercial vehicles per week, excepting parcel delivery services.

4. Parking of customers' or clients' vehicles shall create no hazard or unusual congestion.
5. Off-street parking spaces shall not be reduced in size or number, below the minimum required in the district, nor used for any purpose other than parking.
6. When merchandise, material or equipment is stored or displayed, such storage shall be entirely within the residential structure or in an accessory building which meets the criteria of subsection B.2 of this section, except as provided in Chapter 18.80 of this title pertaining to storage.
7. Employment of more than two persons who are not bona fide residents of the premises is prohibited.

C. In considering these applications, the director shall consider the nature and conditions of all adjacent uses and structures. An administrative conditional use permit shall not be issued unless the director finds that:

1. Authorizing the home occupation will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located; and
2. The authorization will be consistent with the spirit and intent of this title.

D. In authorizing an administrative conditional use permit to allow a home occupation, the director may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces, in addition to those expressly set forth in this title, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

18.54.050 Exemptions.

- A. Home occupations which were in existence prior to the adoption of the ordinance codified in this title shall be exempt from the limitations pertaining to floor area and structural alterations if such alterations and excess floor area were in place prior to the adoption of this ordinance. However, any further expansion of floor area or future structural alterations to the premises shall require a conditional use permit.
- B. Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses are not required to comply with the provisions of this chapter, so long as the use does not operate for more than twenty (20) days in any one calendar year or in violation of any other provision of this title. Provided that garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale.

18.54.060 Enforcement.

- A. The director shall be responsible for the enforcement of this chapter and for the correction of any violations.
- B. The director shall act on his own initiative when violations are detected or suspected; and shall take appropriate investigative and corrective actions, when warranted, if a complaint is filed in writing by any person who feels aggrieved or damaged by such alleged violation.

18.54.070 Activities not permitted as home occupations.

The following uses shall not be permitted as home occupations:

- A. Automobile and motorcycle repair and body work (including painting);
- B. Automobile services, including stereo installation, car alarms and detailing;
- C. Heavy equipment repair and maintenance;
- D. Landscaping services that involve storage, for any duration of time, of lawn clippings, cut sod, branches and other removed organic material.

Chapter 18.56
ACCESSORY DWELLING UNITS

Sections

18.56.010	Definitions.
18.56.020	Where Authorized.
18.56.030	Performance Standards for Accessory Dwelling Units.
18.56.040	Review Process.
18.56.050	Recognition of Existing Accessory Dwelling Units

18.56.010 Definitions.

- A. "Accessory dwelling unit" - a second dwelling unit either attached to or located on a lot occupied by a single-family detached dwelling. This unit provides a separate and completely independent dwelling unit with facilities for cooking, sanitation and sleeping, and has a separate and independent entry/exit than one utilized for the primary residence.
- B. "Owner occupancy" means a property owner, as reflected in the real estate tax rolls, who makes his or her legal residence at the subject lot, as evidenced by voter registration, vehicle registration, or similar means, and actually resides upon the lot more than six months out of any given year.

18.56.020 Where authorized.

Accessory dwelling units shall be permitted within any residential district subject to review and compliance with the standards and requirements of this chapter.

18.56.030 Performance standards for accessory dwelling units.

- A. **Minimum Lot Size.** All performance standards, including minimum yard setbacks and overall building coverage as set forth for the applicable zoning district shall be met with respect to the accessory dwelling unit. An accessory dwelling unit shall not be permitted upon any lot that is nonconforming due to lot size.
- B. **Number.** No more than one accessory dwelling unit shall be permitted on a lot.
- C. **Location in Relation to Principal Residence.** The accessory dwelling unit may be either detached or a part of the principal residence or an accessory building.
- D. **Zoning/Building Code Compliance.** All new construction associated with an accessory dwelling unit shall meet the development standards for the applicable zone, except as modified by this chapter, and shall comply with all applicable city codes, including requirements for an efficiency dwelling unit as set forth in the International Building Code adopted by the city.
- E. **Owner Occupancy.** An owner of the property for which an accessory dwelling unit permit is requested must occupy at least one dwelling unit located on the property.
- F. **Future Subdivision.** Parcels upon which an accessory dwelling unit has been approved shall not be subdivided or otherwise segregated in ownership in a manner that would separate the accessory dwelling unit from the principal dwelling.
- G. **Maximum Size.** An accessory dwelling unit shall not exceed fifty percent (50%) of the size of the primary dwelling on the lot or 800 sq. ft., whichever is less. Accessory

- dwelling units shall comply with the required site coverage, yard area requirements or building code setbacks as provided within the subject property's zone.
- H. Scale. A detached accessory dwelling unit or accessory structure containing an accessory dwelling unit shall not exceed the maximum height allowed for a detached accessory building per the underlying zoning district.
 - I. Additions. Additions to an existing structure or newly constructed detached structures created for the purpose of creating an accessory dwelling unit, shall be designed in a manner consistent with existing roof pitch, siding and windows for the principal dwelling unit.
 - J. Detached Structures. An accessory dwelling unit may be permitted in a detached structure, subject to compliance with the requirements of this chapter.
 - K. Parking. At least one off-street parking space in addition to the minimum required off-street parking from the primary dwelling unit shall be provided for an accessory dwelling unit of nine hundred square feet of living area or less. All accessory dwelling units greater than nine hundred square feet of living space shall provide the minimum off-street spaces required for a single-family residence.
 - L. Utility Connections. Utility accounts for accessory dwelling units shall be maintained in the name of the property owner. Accessory dwelling units may be served by the same water meter and sewer connection utilized for the primary residence if approved by the city, but shall be assessed a monthly service fee as established by the city's fee schedule or applicable ordinance. The city may require an applicant to provide documentation demonstrating capacity availability prior to allowing a joint connection. The city may require upgrades to a utility connection and the cost of such upgrades shall be borne by the applicant. Accessory dwelling units having nine hundred square feet or greater of living area shall pay for the cost of a separate single-family water and sewer service connection in accordance with the city's adopted fee schedule regardless of whether separate physical connections are required. If water or sewer service is not provided by the city, then the rules of the water or sewer district shall apply as to whether an additional hook-up and connection fees are required. Any water or sewer service as referenced in this section is subject to water or sewer availability.
 - M. Number Permitted. A maximum of one accessory dwelling unit shall be permitted on a lot otherwise meeting the requirements of this chapter.
 - N. Design and Appearance. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building is consistent with that of the primary residence. At a minimum, the new exterior construction associated with creating an accessory dwelling unit should match the existing exterior materials and design of the principal residence, and the pitch of any new roof should match that of the principal residence. New landscaping shall conform with or improve existing landscaping.
 - O. Entrance Location. An attached accessory dwelling unit shall have a separate entrance to the outside from the entrance for the primary dwelling. For attached accessory dwelling units, the entrance to the accessory dwelling unit shall be located in such a manner as not to appear as a second primary entrance to the structure which contains the principal residence in an effort to maintain the appearance of a single-family residence.

18.56.040 Review process.

- A. Application. An applicant for an accessory dwelling unit shall submit an application on a form as provided by the department, including all application fees as set forth in the city's fee schedule. At a minimum, an application for accessory dwelling unit permit shall include plans for creating the accessory dwelling unit, evidence of current ownership and a certification of owner occupancy.
- B. Certification of Owner Occupancy. The certification of owner occupancy shall be in the form of a notarized affidavit completed by the property owner as reflected in title records affirming that they make their legal residence upon the subject lot.
- C. Review by the director. Accessory dwelling unit permit applications shall be processed as Type 2 permit pursuant to Chapter 18.08. Upon receipt of a complete application for an accessory dwelling unit, the director shall review and either approve, disapprove or approve with conditions an application for an accessory dwelling unit. As a condition of approval, the applicant shall record a covenant in a form approved by the city attorney with the King County department of records and elections, providing notice to future owners for the subject lot of the existence of the accessory dwelling unit, the owner occupancy requirements of the city, any conditions imposed as a part of the approval of the accessory dwelling unit and notice of the requirements for continued use of an accessory dwelling unit as set forth in this chapter.

18.54.050 Recognition of existing accessory dwelling units.

Accessory dwelling units that existed on or before the effective date of the ordinance codified in this chapter may be granted an accessory dwelling unit permit subject to the provisions of this section.

- A. Time Limit. An application for an accessory dwelling unit permit for a pre-existing unit must be filed with the city for review by the planning commission within eighteen months of the effective date of the ordinance codified in this chapter.
- B. Construction Code Compliance. Any space used for or included in the accessory dwelling unit shall have been constructed pursuant to a building permit issued by the city, and in compliance with the building and other construction codes that were in effect when construction was completed. The applicant must provide written documentation to verify construction code compliance. Alternatively, the applicant may verify code compliance for existing construction through the building department.
- C. Development and Use Standards. Development and use of the pre-existing accessory dwelling unit shall comply with all provisions of this section.

18.58 ESSENTIAL PUBLIC FACILITIES

Sections:

- 18.58.010** **Purpose**
18.58.020 **Review Procedures**
18.58.030 **Decision Criteria**

18.58.010 **Purpose**

The purpose of this chapter is to establish standards that the City will apply to guide the review, siting and development of essential public facilities, consistent with the definitions and requirements of RCW 36.70A.200. The City's review procedures and criteria are intended to ensure that it has an opportunity to identify and address the scale and nature of essential public facilities that serve a regional or state-wide interest.

18.58.020 **Review Procedures**

- A. The process for reviewing proposed essential public facilities will be consistent with the direction in the King County Countywide Planning Policies.
- B. Essential public facilities are processed as conditional uses according to the procedures and criteria in BDMC 18.08 and 18.12, respectively.

18.58.020 **Decision Criteria**

In reviewing applications for essential public facilities, and in identifying and imposing reasonable conditions of approval, the Hearing Examiner and the City Council will apply the following criteria:

- A. The proposal is consistent with the goals and policies of the Comprehensive Plan and applicable provisions of the City code;
- B. The proposal supports adopted land use patterns and designations;
- C. The applicant has conducted a site selection process that has evaluated alternative sites within the region;
- D. Appropriate public participation in the siting decision has occurred consistent with state law;
- E. The project site meets the facility's minimum site requirements, including setbacks, access, support facilities, public services, topography, geology, and on-site mitigation needs;
- F. The proposal incorporates specific features to ensure that it responds to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property;
- G. Appropriate environmental review pursuant to SEPA has occurred and has evaluated significant impacts of the proposal to the environment, including economic development programs of the City; and

- H. Reasonable mitigation measures have been developed that are appropriate in light of the project's scope, applicable requirements of the City code, and state and federal law, and impacts identified pursuant to SEPA.

18.59
SECURE COMMUNITY TRANSITION FACILITIES

Sections:

- 18.59.010** **Purpose**
18.59.020 **Review procedures**
18.59.030 **Decision criteria**
18.59.040 **Development requirements**

18.59.010 **Purpose.**

The purpose of this chapter is to establish standards that the City will apply to guide the review, siting and development of any secure community transition facility (SCTF), consistent with the definitions and requirements of RCW 71.09 as well as community well-being. The City’s review procedures and criteria are intended to ensure that it has an opportunity to identify and address the location, security and impacts of any SCTF that may be sited within the City at the direction of the State Department of Social and Health Services.

18.59.020 **Review procedures.**

- A. An application to site a SCTF within the City is processed as a conditional use according to the procedures of BDMC 18.08.
- B. A City decision to approve a SCTF as a conditional use may include reasonable conditions of approval to address operational issues or mitigate potential impacts to the community as identified in 18.12.010.

18.59.030 **Decision criteria.**

An application for a secure SCTF may be approved only if all of the following criteria are satisfied:

The proposal satisfies the decision criteria of BDMC 18.12;

- A. No other SCTF as provided in Chapter 71.09 RCW has been approved for siting within King County;
- B. The proposed location for a SCTF complies with all provisions of state law, including requirements for public safety, staffing, security, and training, and those standards must be maintained for the duration of the use;
- C. The proposed location for a SCTF is not adjacent to, immediately across the street or parking lot from, or within line-of-site of a “risk-potential activity/facility.” A “risk-potential activity/facility” is a public or private school, school bus stop, licensed day care, licensed pre-school, public park, publicly dedicated trail, sports field, playground, recreational and/or community center, church, synagogue, temple, mosque, or public library. A “risk-potential activity/facility” does not include bus stops established primarily for public transit; and

- D. An analysis of the proposed site and alternative locations, prepared by the applicant, concludes that the proposed site is the most appropriate. The analysis shall include, at a minimum, the following:
 - 1. Each site's capability to meet the basic siting criteria for the facility, such as site area, physical characteristics of the site, access, availability of necessary utilities and support services, and the location-relevant criteria in 18.5x.030;
 - 2. An assessment of the need for the proposed facility in the selected location, compared to identified alternative sites that meet the applicant's basic siting criteria. This evaluation shall give greater weight to sites that are farther from risk-potential activity/facilities as identified in 18.5x.030F. Potential response time by law enforcement agencies shall also be included in the assessment of the proposed and alternative locations; and
 - 3. Proposed mitigation measures to alleviate or minimize significant potential impacts to adjacent properties and the community in general.

18.59.040 Development requirements.

- A. A SCTF shall be located on property of sufficient size and frontage to allow the residents an opportunity for secure, on-site recreational activities typically associated with daily needs and routines for group living;
- B. The State Department of Social and Health Services shall execute a mitigation agreement with the City if State funds are available to train, educate, and inform local law enforcement and governmental staff in coordination, emergency procedures, program and facility information, legal requirements, and resident profiles;
- C. No SCTF shall house more than four persons or the number of persons requested by DSHS after DSHS both demonstrates a need for additional beds in compliance with Chapter 71.09 RCW and it demonstrates compliance with Chapter 71.09 RCW's "equitable distribution" requirements; and
- D. The SCTF shall be located in relation to transportation facilities in a manner appropriate to the transportation needs of the SCTF residents.

Chapter 18.60
ADULT-ORIENTED BUSINESSES

Section	
18.60.010	Definitions
18.60.020	Location of adult-oriented businesses
18.60.030	Conditional use permit requirements
18.60.040	Business operation-advertising restrictions

18.60.010 Definitions.

For the purposes of this chapter, the following terms shall have the meaning respectively ascribed:

- A. “Adult arcade” means a movie arcade or game “penny” arcade which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- B. “Adult bookstore” means an establishment which, as a principal business purpose, offers to customers books, magazines, films or videotapes “whether for viewing on or off premises,” periodicals, or other printed or pictorial materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- C. “Adult cabaret” means an establishment whose primary business is offering live entertainment to customers which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- D. “Adult novelty shop” means an establishment which, as a principal business purpose, sells products which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- E. “Adult-oriented business” means any arcade, adult bookstore, adult theater, adult novelty shop, adult cabaret, massage parlor, nude modeling studio, or any other similar commercial enterprise whose major business is the offering of service which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- F. “Adult theater” means an establishment which, as a principal business purpose, exhibits to customers motion pictures which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- G. “Specified anatomical areas” means:
 - A. Less than completely covered (1) human genitals or pubic region, (2) buttocks, and (3) female breasts below a point immediately above the top of the areola;
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- H. “Specified sexual activities” means:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy;

- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

18.60.020 Location of adult-oriented businesses.

- A. Permitted Where. An adult-oriented business shall only be allowed as a conditional use in the B/IP Business/Industrial Park or “I” Industrial Zones, or as a component of a Master Planned Development.
- B. Relation to Other Adult-Oriented Businesses. Adult-oriented businesses shall not be located on any lot within one thousand feet of any lot on which there is located another adult-oriented business.

18.60.030 Conditional use permit requirements.

An application for a conditional use permit for an adult-oriented business must meet the requirements of Chapter 18.08. In addition to such requirements, an application for a conditional use permit shall not be granted unless information is permitted by the applicant and/or is presented in a public hearing substantiates the following findings:

- A. The requested use at the proposed location will not adversely affect the use of religious institution, school, park, playground or similar use within a one-thousand foot radius; and
- B. The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect said areas; and
- C. The exterior appearance of the structure will not be inconsistent with the external appearance of the commercial structures already constructed or in the course of construction within the immediate vicinity, so as to cause blight, deterioration or substantial depreciation in property values within the area.

18.60.040 Business operation - advertising restrictions.

For the purposes of this chapter, the following regulations shall apply to all adult-oriented businesses.

- 1. Advertisement, displays or other promotional materials for an adult-oriented business which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semipublic places.

18.66 DEVELOPMENT AGREEMENTS

Sections:

- 18.66.010 Intent**
18.66.020 Applicability and Procedures

18.66.010 Intent.

The purpose of this chapter is to authorize the use of development agreements, as authorized by state law, as a means to document conditions and procedures for certain types of development and to thereby provide greater certainty to the City, applicants and the public regarding how property will be developed. Development agreements may be used for any type of proposals but are anticipated to be applied most often to Master Planned Development, per BDMC 18.98, and to other large, complex, phased, and/or sensitive development proposals where useful.

18.66.020 Applicability and procedures.

- A. The City may enter into development agreements with property owners as authorized by RCW 36.70B.170 et seq. Development agreements are intended to be used to address and establish development standards, mitigation requirements, vesting provisions and review procedures that will apply to and govern large, complex and/or phased development proposals located within the City during the term of any agreement.
- B. Any development agreement shall be consistent with applicable City development regulations except as such regulations may be modified in the development agreement. For purposes of this chapter, “development standards” include but are not limited to:
 1. Project elements such as uses, densities and intensities of land uses and buildings;
 2. Mitigation measures, conditions and other requirements identified pursuant to SEPA (RCW 43.21C);
 3. Design standards such as maximum heights, setbacks, landscaping and other development features;
 4. Road and sidewalk standards;
 5. Affordable housing;
 6. Water, sewer, storm drainage, water quality, and other infrastructure and utility requirements;
 7. Parks and open space preservation, and recreation facilities;
 8. Phasing of development and construction;
 9. Development review processes, procedures and standards for implementing decisions, including methods of reimbursement to the City for review processes;
 10. A build-out or vesting period for applicable development standards;
 11. A process for amending the development agreement; and
 12. Any other appropriate development requirement or procedure.

- C. During the term specified in the development agreement, a development permit or approval issued by the City shall be consistent with the standards in such agreement. The standards contained in the development agreement shall govern during the term of the agreement and may not be subject to an amendment of City development standards or regulations adopted after the effective date of the development agreement. Provided, that the development agreement shall reserve to the City the authority to impose new or different regulations to the extent required by a serious threat to public health and safety.
- D. A development agreement shall be recorded with the real property documents of King County. During the term of the agreement, it shall be binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area or property subject to the development agreement. Unless terminated, the agreement shall be enforceable by a party to the agreement.
- E. A development agreement shall be reviewed and adopted following a public hearing pursuant to the procedures and requirements set forth in BDMC 18.08.

Chapter 18.68
NONCONFORMING USES, STRUCTURES AND LOTS

Sections:

- 18.68.010 Intent**
18.04.020 General Provisions
18.04.030 Nonconforming Uses
18.04.040 Cancellation or Revocation of an Administrative Conditional Use Permit Granted for a Nonconforming Use
18.68.050 Nonconforming structures.
18.68.060 Nonconforming lots of record.

18.68.010 Intent.

Within the districts established by this title, there exist uses, lots and structures which were lawful before the adoption of this title, but which would be prohibited, regulated, or restricted under the terms of this title. It is the intent of this chapter to permit these nonconformities to continue until they are removed. It is also the intent of this chapter to, under certain circumstances and controls, and subject to public review, to potentially allow the enlargement, intensification or other modification of nonconforming uses and structures, consistent with the objectives of maintaining the economic vitality of such uses and structures, and protecting the rights of other property owners to use and enjoy their properties.

18.68.020 General provisions.

- A. Abandonment or Discontinuance. A nonconforming use shall be deemed abandoned by discontinuance or abandonment for a period of one year or more, and any subsequent future use of such land or buildings shall be in conformity with the provisions of this title. In general, evidence of abandonment or discontinuance shall be based upon cessation of use of public water, sewer and/or other utilities; if a business use, failure to obtain a city or state business license; or by corroborated observation.
- B. Restoration of Structures which Contain a Nonconforming Use After Damage or Destruction. Any structure which contained a nonconforming use that is damaged or destroyed by fire, earthquake, explosion or other casualty, may be repaired or restored and the occupancy or use which existed prior to such destruction or damage may be re-established, provided the extent of damage does not exceed seventy-five percent (75%) of current replacement cost. Such activity shall not increase the extent, floor area or physical dimensions of the original structure or increase the nonconformance of the original pre-existing use unless an administrative conditional use permit has been issued pursuant to the standard contained within this chapter. Any actions to rebuild, repair or restore shall commence within twelve months from the date of such damage and shall be completed within eighteen months of the date that the damage occurred.
- C. Hardship. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building for which a complete

building permit application has been accepted prior to adoption of this chapter and for which construction is conducted such that the permit remains valid.

18.68.030 Nonconforming uses.

- A. Nonconforming uses are declared to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, and land in combination shall not be extended or enlarged after the effective date of the ordinance codified in this chapter, by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved except as provided for in this chapter.
- B. 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 an administrative conditional use permit.
- C. Normal upkeep, repairing and maintenance of a structure which contains a nonconforming use is allowed, provided such activities shall not increase the usable floor area, height, or alter the physical dimensions of the structure.
- D. A nonconforming use of a structure may continue and may be transferred to a new owner of the property.
- E. A nonconforming use of a structure may be changed outright and at any time to a use permitted in the zone classification in which the use is located, provided the standards generally applied to the zone classification and which allow occupancy are met.
- F. A nonconforming use of a structure may be changed to another nonconforming use in the same or less intensive use category as defined in this title provided the following conditions are met:
 - 1. the change will not increase the cumulative generation of vehicle trips by more than 10 percent, as determined by the director after consulting the most recent version of the Institute of Transportation Engineers Trip Generation Handbook or review of a trip generation data submitted by a professional traffic engineer;
 - 2. the change will not increase the amount of required parking by more than 10 percent;
 - 3. the change in use will not result in an increase in noise perceptible at the boundary lines of the property;
 - 4. the change will not result in any additional light or glare perceptible at the boundary lines of the property;
 - 5. the change will not result in an increase in outdoor storage of goods or materials.
 - 6. A proposed change in use that does not meet all of criteria 1-5 above may be approved by the granting of an administrative conditional use permit.
- G. A nonconforming use that has been determined to have been abandoned or discontinued may potentially be re-established to the same use or a use in the same or less intensive use category as defined by this title, subject to the granting of an administrative conditional use permit and conformance with the criteria noted in 18.68.030.F.1-5. The director may require an applicant to furnish financial surety to ensure compliance with any conditions of approval.

18.68.040 Cancellation or Revocation of an Administrative Conditional Use Permit Granted for a Nonconforming Use.

- A. An administrative conditional use permit granted to allow a nonconforming use to re-establish, be changed in use, or expand pursuant to 18.68.030 may be cancelled by the director after receiving written request from the property owner. Said permit shall become null and void within 30 calendar days thereafter.
- B. Any affected individual may petition the hearing examiner to revoke an administrative conditional use permit granted to allow a nonconforming use to re-establish, be changed in use, or expand pursuant to 18.68.030. Following a public hearing, the hearing examiner may revoke or add additional conditions to any issued permit on any one or more of the following grounds:
 - 1. the approval was obtained by fraud or that erroneous information was presented by the applicant and considered in the granting of the permit;
 - 2. that the use for which the permit was granted is not being conducted;
 - 3. that the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
 - 4. that the permit granted is being, or recently has been, conducted contrary to the terms of conditions of approval, or in violation of any statute, ordinance, law or regulation;
 - 5. that the use for which the permit was granted is being conducted so as to be detrimental to the public health, safety or general welfare or so as to constitute a nuisance.

18.68.050 Nonconforming structures.

- A. A structure which is nonconforming only by reason of substandard yards, open spaces or other development standards may be structurally altered, enlarged or repaired provided such activities shall not increase the extent of the nonconformity except through the granting of a variance or as otherwise allowed in subsection C.
- B. A structure which is nonconforming only by reason of height may be structurally altered, enlarged or repaired provided such activities shall not increase the height of the structure except through an approved variance.
- C. Enlargement or modifications of a nonconforming structure may be permitted if the extent of encroachment is not increased as a result of the enlargement or modification and the requested structural addition does not result in more than a 25 percent increase in the square footage of all structural floor area currently within the setback area.

18.68.060 Nonconforming lots of record.

- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in existence on the date of adoption of this title, notwithstanding limitations imposed by other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.
- B. This provision shall apply even though such lot fails to meet the requirements for lot area or minimum lot depth or width, that are applicable in the district. Variance of yard requirements shall be obtained only through action as provided in this title.
- C. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be

used or sold in a manner which diminishes compliance with lot width and area requirements established by this title; nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

Chapter 18.70
LIGHTING/DARK SKY

Sections:

18.70.010	Intent
18.70.020	Applicability
18.70.030	Exemptions
18.70.040	General Standards
18.70.050	Types of Lighting Prohibited
18.70.060	Required Submittals
18.70.070	Additional Definitions

18.70.010 Intent.

The intent of the Lighting/Dark Sky regulations is to manage and/or limit outdoor lighting in order to preserve and recover the visibility of the night sky; prevent light pollution, light trespass, and glare; to conserve energy and protect natural resources; and to facilitate safety and security of persons and property.

18.70.020 Applicability.

- A. All exterior lighting fixtures within the City of Black Diamond, installed after the effective date of this code, regardless of zoning classification or ownership, shall comply with the requirements of this chapter, unless expressly exempted herein.
- B. Streetlights installed prior to the adoption of this ordinance must be replaced with a compliant luminaire when the streetlight becomes inoperable.
- C. All exterior lighting fixtures established or permitted as of the date of this code, shall be brought into conformance with the standards herein within one (1) year for multifamily, commercial or industrial properties and three (3) years for residential properties.

18.70.030 Exemptions.

The following types of lighting shall be exempt from the provisions of this chapter.

- A. Federally funded and state funded roadway construction projects, are considered exempt from this ordinance only to the extent that it is necessary to comply with State and Federal requirements.
- B. Full cutoff street lighting, which is part of a federal, state, or municipal installation.
- C. Holiday lighting and other seasonal decorations do not have to be shielded provided they are not in use for more than 60 consecutive days.
- D. Specialized lighting necessary for safety, such as navigation or runway lighting of airports, temporary lighting associated with emergency operations, or roadway hazard warnings, etc.
- E. Traffic control signals and devices.
- F. Sports field lighting, subject to the provisions contained in the general standards.

- G. Lighting of the United States flag pursuant to U.S. Flag Code guidelines.
- H. Motion-activated, intermittent home security lighting within residential zones.

18.70.040 General standards.

The following general standards apply to all outdoor lighting fixtures and accent lighting, unless otherwise exempt.

- A. All light trespass is prohibited.
- B. All area lights, including street lights and parking area lighting, shall be full cut-off fixtures.
- C. In all zones except residential districts, accent lighting shall be directed downward onto the illuminated object or area, and not upward into the sky, or onto adjacent properties. Direct accent light emissions shall not be visible above the roofline, building, or other associated structure.
- D. Canopy lights shall be recessed sufficiently so that no light spills onto adjacent property or right-of-ways.
- E. Illumination levels and uniformity ratios shall be in accordance with current recommended standards set by the Illumination Engineering Society of North America (IESNA), and not exceeded.
- F. The developer or builder must be able to verify to the City in writing that all outdoor lights were installed as described on the approved photometric plans.
- G. All non-essential exterior commercial and residential lighting is required to be turned off after business hours or when not in use. Light timers or sensors are required when existing lighting is replaced.
- H. Outdoor lighting fixtures and accent lighting may not illuminate non-navigable public bodies of water.
- I. All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, a white strobe light may be used, and for nighttime, only red lights shall be used.
- J. Uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky, and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, except as specifically permitted in this chapter.
- K. New and existing service stations are required to have lighting levels no greater than 30 footcandles, as set by the IESNA for urban service stations. Existing service stations shall comply with this standard within one (1) year of the effective date of this code.
- L. External illumination for signs shall conform to the provisions of this Ordinance.
- M. Illumination for outdoor recreation facilities must conform to the shielding requirements of this chapter, except when such shielding would interfere with the intended activity (including, but not limited to, baseball, softball, and football). For such facilities, partially-shielded luminaries are permitted, and may operate only with a permit from the City recognizing that steps have been taken to minimize glare and light trespass. Where fully-shielded luminaries are required (including but not limited to tennis, volleyball, racquetball and handball courts, and swimming pools), the light fixtures must also conform to the requirements of light trespass. Illumination for outdoor recreation facilities shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.

18.70.050 Types of lighting prohibited.

- A. The provisions of this chapter are not intended to prevent the use of any design, material or method of installation unless specifically prohibited as follows.
- B. The following fixtures and luminaries are not allowed:
 - 1. Newly installed fixtures which are not full-cutoff fixtures.
 - 2. Search lights, laser source lights, and other high-intensity lights, are not permitted except in emergencies by police, fire fighters and other emergency or rescue operations.
 - 3. Uplighting unless specifically permitted by this chapter.

18.70.060 Required submittals.

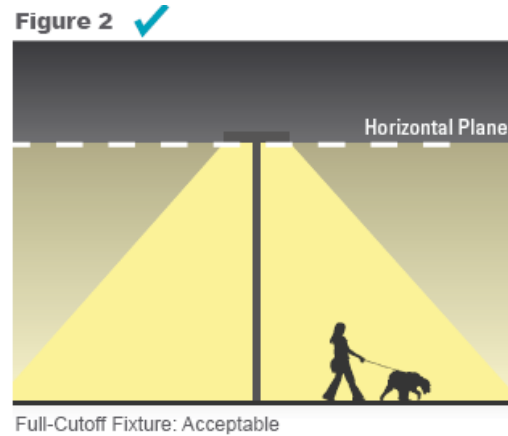
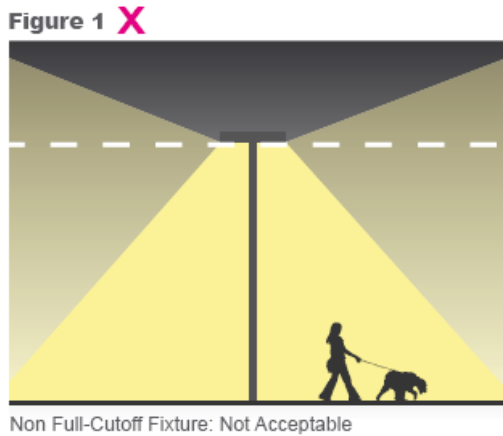
- A. All projects requiring site plan review per BDMC 18.16, and MPDs being reviewed pursuant to 18.64, shall include a photometric plan as part of the required application.
- B. The plan shall include the following information:
 - 1. The location of all light standards or wall fixtures;
 - 2. The manufacturer and model number of each fixture; and
 - 3. A drawing that shows the light footprint of each fixture.

18.70.070 Additional definitions.

The following definitions shall apply to implementation of this chapter:

- A. Accent lighting: Lighting used to emphasize or draw attention to a special object or building.
- B. Area Light: Area lights include, but are not limited to, street lights, parking lot lights and yard lights.
- C. Bulb or Lamp: The source of electric light (to be distinguished from the whole assembly (see luminaries)). The term “lamp” is often used to denote the bulb and its housing.
- D. Cutoff-Fixture: A fixture that provides a cutoff (shielding) of the emitted light.
- E. Exterior Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this code.
- F. Fixture: The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
- G. Floodlight: A fixture or lamp designed to “flood” an area with light. Generally, floodlights produce from 1000 to 1800 lumens.
- H. Footcandle: A measure of light falling on a surface. One foot candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away (Lux is the metric equivalent of footcandles). The Illuminating Engineering Society of North America (IESNA) provides lighting standards for typical applications.
- I. Full-cutoff fixture: A fixture which, as installed, gives no emission of light above a horizontal plane. See Figures 1 and 2.
- J. Glare: Intense and blinding light that may impair visibility.

- K. Light pollution: Any adverse effect of man-made light. Often used to denote urban sky glow, but also includes glare, light trespass, visual clutter, and other adverse effects of lighting.
- L. Light trespass: Light falling where it is not wanted or needed; or shines beyond the property on which the luminaries is installed. See figures 3 and 4.
- M. Lighting: Any or all parts of a luminaries that function to produce light.
- N. Lumen: A measure of light energy emitted by a light source. Measured by a light meter.
- O. Luminaries: The complete lighting unit, including the lamp, the fixture, and other parts.
- P. Recessed: When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.
- Q. Shielded: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.
- R. Uplighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.



Examples of Full-Cutoff Fixtures ✅






				
<p>AAL Flex Applications: Parking Pedestrian Roadway</p>	<p>Leotek Electronics LED Outdoor Luminaire Applications: Parking Roadway</p>	<p>Lighting by Branford Glare Buster GB-1000 Applications: Residential Utility Security</p>	<p>Selux Plane Projector Applications: Parking Roadway Sports/Events</p>	<p>AAL Promenade Applications: Residential Pedestrian</p>

Figure 3 X

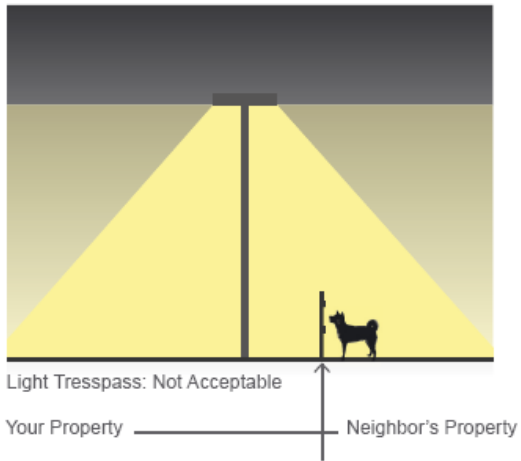
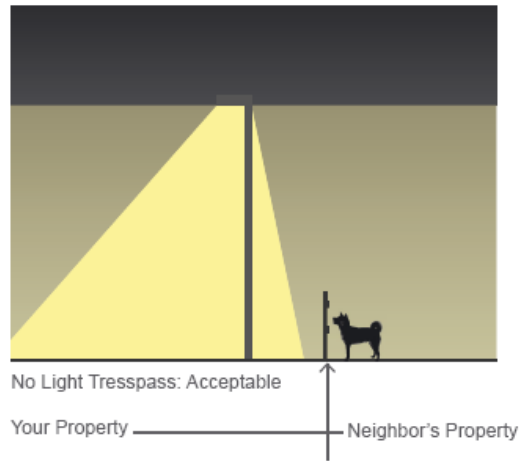


Figure 4 ✓



Chapter 18.72
LANDSCAPE REQUIREMENTS

Sections:

- 18.72.010 Intent.**
18.72.020 Landscape plan required
18.72.030 Landscaping requirements
18.72.040 Maintenance and irrigation
18.72.050 Landscape plan modification and appeals

18.72.010 Intent.

- A. It is the intent of this chapter to:
1. Protect natural habitats, air quality, and groundwater recharge;
 2. Improve the appearance of the community;
 3. Provide shade and wind protection;
 4. Reduce storm water discharge; and
 5. Conserve water supplies; and
 6. Provide buffering and/or screening of potentially incompatible land uses.
- B. This chapter is intended to help achieve these purposes by:
1. Retaining trees and other significant native vegetation , without reducing development densities from those indicated in the comprehensive plan;
 2. Requiring landscaping as specified;
 3. Reducing the need to irrigate by retaining and encourage the use of native vegetation; and
 4. Requiring that landscapes be adequately maintained and irrigated.

18.72.020 Landscape plan.

- A. A landscape plan that shows the landscape improvements required by this chapter shall be prepared and submitted for approval under the site plan review procedures of this Title.
- B. Exemption. Landscaping standards do not apply to residential uses within the UR, R4 and R6 zones, except that all undeveloped areas of exempt properties shall be landscaped and continually maintained or retained in a natural undisturbed state.
- C. Landscaping plans for any residential project of greater than twelve (12) dwelling units or any commercial or industrial development of greater than 10,000 sq. ft. in building area or one-half acre of site size shall be prepared by a professional landscape architect licensed in the State of Washington or by a Washington State Nurseryman;
- D. New landscaping materials shall include species native to the coastal regions of the Pacific Northwest or non-invasive naturalized species that have adapted to those climatic conditions, in the following amounts: seventy-five percent (75%) of groundcovers and shrubs; and fifty percent (50%) of trees.
- E. At least sixty percent (60%) of new landscaping materials shall consist of drought-tolerant species.

- F. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
- G. The Director may waive or reduce any requirement(s) of this chapter if:
 1. The remodel of an existing building results in the expansion of floor area that is ten (10) percent or less of the existing floor area; or
 2. An expansion of a use results in no modifications (except normal maintenance and repair of the structure) to the outdoor area of the site.
- H. Alternative Landscaping Plan. The requirements of this chapter may be modified to encourage better landscaping design as follows:
 1. A request for approval of an alternate landscaping shall be submitted and accompanied by a landscape plan as required above;
 2. An application for an alternative landscaping plan shall include a description of the superior site development that an alternative landscape design will produce, including identification of the specific public benefit to be gained.
 3. An alternative plan shall only be approved during site plan review if supported by written findings of public benefit and that the total area of landscaping shall be equal to or exceed that created by adherence to the standard requirements of this chapter.

18.72.030 Landscaping requirements.

Proportion of landscape areas: a portion of the land surface of new development shall include the following site landscaping:

- A. The minimum portion of a site which must be a landscaped area or maintained as native vegetation depends on the zone district as follows:
 1. UR, , R4 and R6: thirty (30) percent;
 2. MDR8: thirty (30) percent;
 3. NC, CC: twenty (20) percent;
 4. Light Industrial/Business Park: twenty-five (25) percent
 5. Industrial: ten (10) percent .
- B. All required setback areas shall be landscaped unless other activities are authorized by this Title.
- C. All portions of a site not devoted to buildings, parking and loading, or outdoor storage areas as permitted in this Title shall be landscaped.
- D. Critical areas, public parks, and land designated as open space shall not count toward this requirement. All other lands, including lands devoted to meeting other requirements of this chapter, shall count toward this requirement.
- E. A portion of the required percentage of landscape areas may be met by leaving land in its natural state including not disturbing grade and native vegetation, providing that the provisions of this chapter are otherwise satisfied.
- F. Landscaping requirements for non-residential site perimeters and parking lots:
 1. Street Trees. At time of street construction, or time of development of the adjoining land, street trees and related landscaping shall be provided in medians and parking strips within the street right-of-way in accordance with the city's public works standards. Street trees shall be:
 - (a) provided at least one per thirty (30) lineal feet of frontage;
 - (b) located within the street right-at-way;

- (c) of the same species as other street trees in the same streetscape or as otherwise specified on a City-approved street tree planting plan;
 - (d) spaced to accommodate sight distance requirements for driveways; and
 - (e) at least three-inch caliper DBH (diameter at breast height) at the time of planting.
2. Buffering of non-residential uses abutting residential zones: for non-residential uses, all required side and rear yard areas shall be landscaped with densely planted, evergreen vegetation to provide full visual screening of any adjacent residentially-zoned properties to a height of four feet at time of planting and at least 8 feet high at maturity. Minimum planting width is equal to the required yard setback.
 3. Parking areas:
 - (a) all parking areas for multi-family and non-residential uses shall include a minimum six (6) foot wide perimeter of landscaping, including trees, groundcover and shrubs, to provide full visual screening to a minimum height of forty-two (42) inches at maturity; trees shall be planted at no more than twenty-five (25) foot intervals.
 - (b) the interior of all parking lots with twelve (12) or more stalls shall include landscape islands comprising not less than ten percent in area of the total parking lot exclusive of required perimeter landscaping. Individual islands shall not be less than 150 square feet in area and not separated by more than 120 lineal feet in any direction from another island. Landscaping of these islands shall consist of trees, shrubs and groundcovers.

18.72.040 Maintenance and Irrigation.

To the extent necessary to remain healthy and attractive, all non-native landscaping shall be watered, weeded, pruned, freed of pests, and replaced if necessary. Shrubs near parking lots or driving lanes shall be cropped to prevent blockage of vision necessary for safe driving. Shrubs shall not be allowed to grow so as to block public sidewalks or required pedestrian walkways.

18.72.050 Landscape plan modification.

Procedures applicable to modification to an approved landscape plan, or appeal of a denial of landscape plan, shall follow the procedures of Chapter 18.08 and 18.16.

**Chapter 18.74
DESIGN STANDARDS**

18.74.010 Design Standards adopted by reference.

There is hereby adopted by reference, the City of Black Diamond Design Guidelines applicable to the following types of development and/or geographic areas:

- A. Multi-family development;
- B. Town Center;
- C. Commercial development;
- D. Business Park/Industrial development;
- E. Master Planned Developments;
- F. Historic village residential.

A copy of these guidelines shall be maintained by the City Clerk and in the Community Development Department.

18.74.020 Compliance with design standards and guidelines.

All development shall comply with the design standards and guidelines applicable to the type of use and/or the district in which the proposed development is located. The director shall have the authority to apply the standards to specific development proposals.

18.74.030 Amendments to Design Standards.

Amendments to these standards shall be considered as a Type 5 Legislative decision per 18.08.080 and shall follow all procedures provided therein.

Chapter 18.76
GATEWAY CORRIDOR OVERLAY DISTRICT

Sections:

- 18.76.010 Intent.**
- 18.76.020 Area of application.**
- 18.76.030 Definitions.**
- 18.76.040 Exemptions from standards.**
- 18.76.050 Submittal requirements and administration.**
- 18.76.060 Site design standards.**
- 18.76.070 Incentives.**
- 18.76.080 Driveways, paths and parking.**

18.76.010 Intent.

It is the intent of this section is to provide standards to:

- A. Protect the scenic character of the City’s gateways along 1) the State Route 169 corridor, with its commanding views of Mount Rainier and other attractive natural features and 2) the Auburn-Black Diamond Road, where the transition into the heart of the city from the adjacent rural unincorporated area is now seamless.
- B. Protect views from these corridors to natural conditions and other features with historic quality;
- C. Regulate the development of land so it preserves, enhances and complements, rather than detracts, from a scenic experience;
- D. Provide tree canopies;
- E. Allow a gradual transition into a more urban environment

18.76.020 Area of application.

The Gateway Corridor Overlay District shall apply to all parcels, all or a portion of which are:

- A. Within 200 feet of the State Route 169 right of way, commencing at the city’s northern most boundary to the north side of the Roberts Drive intersection; and
- B. Within 200 feet of Auburn Black Diamond Road from the western city limits eastward to its first intersection with an arterial street.
- C. Development shall comply with all provisions of this district in addition to those prescribed by the underlying zone. In case of conflict between the provisions of the Gateway Corridor Overlay District and the underlying zone requirements, the provisions of the overlay district shall apply. In case of conflict between the provisions of the Gateway Corridor Overlay District and an existing development agreement, condition of annexation, or recorded conservation easement, the provision that provides the greatest amount of buffering of development from the public right of way shall apply.

18.76.030 Definitions.

A. Development: The division of land into two or more parcels, or ownerships in the case of a condominium; the construction, reconstruction, conversion, structural alteration,

relocation or enlargement of any structure; and mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

B. Development Setback: The minimum distance by which any building or site improvement must be separated from the SR 169 or Auburn-Black Diamond Road right-of-way boundary.

C. Multi-modal path: An eight-foot (8') wide concrete path developed to Americans with Disabilities Act (ADA) standards and connecting to adjacent properties and other internal sidewalks or pathways.

D. Scenic corridor: A roadway and its accompanying right-of-way that offers the traveling public an unobstructed opportunity to observe scenic views and scenic sites in one or more directions, and which usually has a high percentage of open landscape and mature trees within and alongside it. A corridor may include adjacent private property, depending on the context.

E. Scenic view: A scene that offers significant viewing opportunities beyond a maximum distance of one-quarter mile.

F. Sustainable design: Design in which the impact of a building on the environment will be minimal over the lifetime of the structure. Buildings should incorporate the principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, high standards of indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse.

G. Topping: The severe cutting back of tree limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy, disfigure the tree, and/or threaten its continued health or growth.

18.76.040 Exemptions from standards.

All new development within the Gateway Corridor Overlay District shall comply with the provisions of this chapter, except that the following shall be exempt:

- A. Farm or agricultural-related structures and activities occurring outside the development setback.
- B. Single-family dwellings, manufactured homes and allowed accessory uses on existing lots of record.
- C. All developments existing on the effective date of this code, provided that expansions or additions to existing development on or after the effective date of this code shall not be exempt.
- D. Existing lots of record that are one (1) acre or less in size are not exempt, but the director may grant an administrative deviation from the strict application of this code to the minimum extent that is necessary to allow a reasonable use of the parcel while not compromising the intent and purpose of the overlay district.

18.76.050 Submittal requirements and administration.

All non-exempt development shall submit with the appropriate application, an existing conditions map, a site plan of the proposed development and a landscaping plan as specified in 18.76.060.C. When a preliminary plat is required to be filed for a subdivision in accordance with this code, this chapter shall be administered and enforced at the time a preliminary plat is filed as part of the subdivision review process by the director and the

Hearings Examiner. In other cases such as a grading permit, development permit or building permit, this chapter shall be administered and enforced by the director.

18.76.060 Site design standards.

A. Development Setback: All development shall maintain a minimum twenty-five (25) foot setback for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings. With the approval of the director, the development setback may be reduced to 20-feet for one-half of the principal street frontage, with the remaining frontage setback to 30-feet.

1) Retention of significant vegetation. Where existing trees and significant vegetation exist within the development setback, they should be retained as determined appropriate by the director. Setback areas where existing trees and significant vegetation is sparse may require re-vegetation with native species, as determined by the director. Vegetation within a setback area that is required to remain may be pruned and/or removed only if necessary to ensure proper sight visibility for traffic safety, to remove safety hazards or dying/diseased vegetation, or for other good cause. In all cases, it shall be unlawful to top or severely prune any tree within the development setback unless determined necessary by the director for purposes of protecting existing overhead utility lines or other safety considerations.

2) Allowed uses and activities within the Development Setback: For sites with an underlying non-residential zone designation or that are planned for non-residential use as part of a Master Planned Development, limited portions of the development setback may be used for public plazas with seating, sidewalk café outdoor seating areas, and similar uses and activities. Signage shall be limited to directional signage and to monument signs as allowed herein. Other minor accessory features of the development may be included within the setback if compatible with the purpose of the setback or essential to the identification of the development, subject to the approval of the director. Maximum encroachment for all uses within the development setback (other than for signage) is five (5) feet.

3) Exceptions to development setback for scenic viewshed protection: When the application of the development setback requirement of this chapter would have the practical effect of screening from view important scenic sites, natural qualities or historic qualities, the director may modify these provisions so that views of such sites or qualities are retained. The intent of this provision is to preserve lines of sight to view distant scenery from scenic corridors. In requiring the modification, the director shall impose such other conditions as are necessary to mitigate the effect of the deviation to ensure the purpose and intent of the overlay district is met. Any modification that is allowed or imposed under this provision shall be supported by written findings setting forth the factual reasons supporting the modification.

B. Access: All development within the Gateway Corridor Overlay District shall provide for internal vehicle and pedestrian connectivity to abutting properties, including the opportunity for shared driveway access. Only one access point to SR 169 or the Auburn-Black Diamond Road shall be allowed for every 300-feet of frontage. Access shall be designed and constructed to accommodate future shared access when abutting properties are developed. The director may allow a reduced distance between access points if access to an existing lot

would not be possible due to lot size, topographical or other conditions, and there is no reasonable way to provide access through adjoining properties.

C. Landscaping Plan: A landscaping plan shall be submitted with all applications for development, showing all existing and proposed features, including existing significant trees and other relevant features. Significant trees should not be removed unless their removal is necessary for placement of a structure or approved parking or access corridor, or as otherwise as approved by the director. . =In general, native plant materials are required, although the use of ornamental plant materials may be approved if planted in a naturalistic manner and allowed to develop in their natural form. The landscape plan must also demonstrate pedestrian connectivity within the development, to the required multi-modal path, and to future access roads and path systems. These landscaping requirements are in addition to any landscaping required in the underlying zone.

1) Tree Requirement: In addition to the preservation of significant trees, all development shall provide an additional two (2) trees, with an expected height at maturity of at least thirty (30) feet, per each twenty (20) linear feet of road frontage along either SR-169 or Auburn-Black Diamond Road. These trees shall be planted within the development setback in a staggered or clustered configuration to ensure maximum canopy development when not in conflict with scenic view protection. These trees shall be a mixture of both native evergreen and deciduous trees, with deciduous trees preferred near buildings to allow for winter solar access. Trees shall have a minimum caliper of three (3) inches at planting, as measured two (2) feet from base of tree.

2) Screening: If the required development setback does not provide adequate screening of parking lots and service and loading zones from the public right-of-way, there shall be additional landscaping, walls, fences, hedges, shrubbery and/or earthen berms to provide the screening of utilities and loading areas.

18.76.070 Provisions regarding buildings and structures.

A. Building height: No building or structure shall exceed the following heights limits, which are intended to create a “step-back” effect to preserve view sheds. Cross-section drawings demonstrating how proposed structures meet the height requirements may be required to ensure compliance with this section.

Distance from ROW	Description	Maximum Building Height if Permitted*
0 to 25'	Development Setback	Not permitted
Edge of setback	Development Area	15'
45' or more	Development Area	35'

* Additional height may be permitted if the applicant meets the sustainable technologies or public amenities incentives as described below.

B. Architectural Features: Building facade modulation is required for all facades facing a public street at intervals of no greater than thirty (30) feet. Street-facing windows shall vary in size and height; clerestory and storefront windows are encouraged. Buildings shall have a

minimum of 50 percent transparency into first floor commercial, working space or public areas.

C. Utilities: All utility lines including electric, telephone, data and cable television, shall be installed underground. Underground utility trenches within landscaped areas must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground, shall be shielded from view from the right-of-way with existing vegetation and/or revegetation. Any above-ground boxes and cabinets shall, in addition to the required vegetative screening, be painted black or an earth tone color to otherwise blend in with its surroundings.

D. Signage: Monument signs shall be permitted within the required development setback in accordance with provisions of this section and subject to the approval of the director. Pole signs are not permitted. Signs located beyond the setback area and not visible from the public right-of-way are not subject to the requirements of this section, but shall comply with the requirements of the underlying zone.

(1) The total allowed sign area of all signage permitted within the development setback on any one (1) lot shall not exceed fifty-four (54) square feet. A double-faced sign shall be considered a single sign. No more than two signs shall be permitted within the development setback area per lot, provided that this limitation shall not apply to signs pertaining to the identification of the corridor and those signs and/or interpretive panels identifying and directing the traveling public to archaeological sites, historic sites and other similar non-commercial places and features of interest.

(2) All signage shall be designed with a theme compatible with the architectural style of the development and have a brick, stone or similar masonry base. Signs should be painted a single neutral or earth tone color as determined by the director to be compatible with the architectural theme or style of the development. Signs may be indirectly lit.

(3) In general, no internally illuminated signs shall be permitted, nor shall any flashing, blinking, fluctuating or otherwise changing light source be permitted. Provided, an internally lit sign may be allowed if the sign face only allows light to illumine the lettering of the business or development name.

(4) The main supporting structure of all signs shall be set back at least five (5) feet from the edge of the public right-of-way.

(5) If a business entrance opens onto the development setback, then a pedestrian oriented sign may be allowed, not to exceed twelve (12) square feet, at the entrance to the business.

E. Walls and Fences: Walls within or along the development setback shall not be allowed, except for low-lying decorative stone walls (maximum 36 inches in height) for enhancement of the scenic corridor, or walls that are needed for slope stabilization. Where permitted, walls shall be located so that scenic views are maintained. Walls must consist of natural materials and shall only be of colors that blend with the vegetation or abutting landscape features. Privacy fences shall not be permitted within or along the development setback area.

18.76.070 Sustainable Design Incentives.

In an effort to encourage the more widespread use of sustainable design, building heights may be increased as noted below for use of one or more of the following elements:

Sustainable Design Technology	Criterion
Solar panels	Must be sufficient to reduce estimated energy consumption by 20%.
Green roofs on commercial buildings	Must be constructed to National Roof Construction Association standards.
The installation of storm water runoff collection systems to re-circulate runoff as landscaping irrigation	Designed and stamped by a civil engineer.
The planting of at least 25 percent more trees than required by code	Landscape plan must be submitted with additional trees identified by species and location.

Sustainable Design Bonus:

Distance from ROW	Description	Maximum Building Height if Permitted	Maximum Building Height Bonus, if one or more Technologies employed
0 to 25'	Development Setback	Not permitted	Not applicable
25' to 45'	Development Area	15'	Additional 10' with one technology employed
45' or more	Development Area	35'	Additional 20' with two technologies employed

18.76.080 Driveways, paths and parking.

- A. Internal roadways within a development shall be designed and constructed to contribute to the scenic character of the corridor and shall be the minimum width allowed. Internal roadways shall provide connectivity to abutting properties. If an abutting property is undeveloped, the site shall be designed and constructed so connectivity can occur when the abutting property develops.
- B. Stormwater runoff shall be collected in bio-swales per city standards or best management practices.
- C. Pedestrian-scale lighting shall be employed for internal circulation and shall use horizontal cut-off fixtures. Lighting shall be installed to provide a consistent two (2) foot-candles along any path.
- D. A continuous eight-foot (8') wide concrete, ADA accessible, multi-modal path shall connect all properties and shall be constructed either within the development setback or public right-of-way (or both). This path may meander as needed to protect existing significant vegetation and/or provide interest. The multi-modal path shall be connected to the front doors of all commercial development by a minimum five-foot (5') wide walkway.
- E. Parking. Parking lots shall not be visible from public right-of-way. Buildings should be used to screen parking whenever possible. In the case of access points where buildings at or near the setback cannot screen parking areas, internal lot landscaping shall be used to screen parking areas from view.

Chapter 18.78
ENVIRONMENTAL PERFORMANCE STANDARDS

Sections:

18.78.010	Intent
18.78.020	Environmental Performance Standards-Generally
18.78.030	Noise
18.78.040	Emissions
18.78.050	Storage and Appearance
18.78.060	Other Ordinances Applicable
18.78.070	Enforcement

18.78.010 Intent.

It is the intent of this section to:

- A. Protect public health and general welfare;
- B. Establish minimum standards for the control of environmental pollution;
- C. Minimize the adverse effects of contaminants which may result from the use of land by any activity or person.

18.78.020 Environmental Performance Standards-Generally.

It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the director may require to demonstrate that the use or activity is, or will be, in compliance with the performance standards of this chapter.

18.78.030 Noise.

- A. The maximum allowable noise levels as measured at the property line of noise impacted uses or activities shall be those set forth in WAC Chapter 173-60, entitled "Maximum Environmental Noise Levels," which chapter is incorporated by reference.
- B. The "Environmental Designation for Noise Abatement" (EDNA) for the several land use classifications of this title shall be as follows:
 1. All living areas (single-family, multifamily, etc.): A;
 2. All commercial areas: B;
 3. Industrial: C.

18.78.040 Emissions.

- A. Air pollution, including the emission of odors, shall be controlled by the operator and/or proprietor of any land use or activity; and the ambient air quality standards of the Puget Sound Clean Air Agency shall apply to all air contaminants listed therein.
- B. Toxic substances shall be kept to concentrations not exceeding one-fiftieth of interior standards by use of the best available control methods and technology in all phases of plant operation and handling of materials, and by an active commitment to good housekeeping practices.

1. Toxic substances not listed in Regulation I of PSCAA, but released into the air shall be limited in accordance with the most current publication entitled "Threshold Limit Values", of the American Conference of Governmental Hygienists.
- C. Liquid wastes shall be disposed of through local sanitary sewer systems only upon approval of affected sewer district authorities.
- D. Liquid or solid wastes unacceptable to public sewer authorities shall be disposed of on a regular basis in keeping with the best operating characteristics of the industry, and in compliance with the regulations and requirements of local, regional, state or federal agencies having jurisdiction in waste disposal and environmental health and safety.
- E. Heat and Glare. Any operation producing intense heat or glare shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line.
- F. Radioactive Materials and Radiation Devices. The use, storage, transportation and disposal of all radioactive materials and radiation machines shall be subject to the regulatory jurisdiction and control of the Radiation Control Agency of the Washington State Department of Social and Health Services as amended.
- G. Vibration and Concussion. No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines, with the exception of the temporary vibration produced as a result of construction activity. Such temporary construction activity shall be restricted to the hours between seven a. m. and six p.m.

18.78.050 Storage and appearance.

In the conduct of any business, the storage of merchandise, raw materials, equipment, fixtures, scraps or solid wastes shall comply with the following requirements:

- A. Every reasonable effort shall be made by persons operating a business to store all such materials within an enclosed building, with the following exceptions:
 1. Where such inside storage is not practical or desirable for reasons related to health, fire or safety codes.
 2. Where the outside storage of merchandise, manufactured products, or raw materials is normal and standard practice, such as in the sale of automotive equipment, mobile homes, lumber, gardening materials, nursery stock and the like, or on the site of construction projects.
 3. When materials or products are temporarily stored outside incidental to shipping, delivery, loading or unloading thereof.
- B. Outside storage shall be maintained in an orderly manner and shall create no:
 1. Visual offense to the premises, adjacent properties or the public right-of-way;
 2. Fire, safety, health or sanitary hazard.
- C. Storage in residential areas shall comply with the same requirements as those specified for business establishments and shall, in addition, comply with the following:
 1. Motor vehicles, appliances, and any other mechanical equipment which is no longer operable shall not be stored outside for a period exceeding thirty days.
 2. Operable motor vehicles, boats, trailers, recreational vehicles and the like may be stored on the premises provided that they do not obstruct the use of public right-of-way or interfere with traffic visibility, especially the visibility of and at intersections of streets. Vehicles so stored shall not be used as living quarters.
- D. Storage in or on the public right-of-way is prohibited.

18.78.060 Other ordinances .

- A. All uses in every zoning district shall be in compliance with the city's Shoreline Master Program.
- B. Wherever applicable, all construction, site preparation, drainage and erosion controls and the like, shall comply with the requirements of the International Building Code and International Residential Code or as those codes may be amended.

18.78.070 Enforcement.

- A. The director is authorized and required to enforce the minimum standards of this chapter.
- B. In the enforcement of this chapter, the director may require the operator or owner of an existing or proposed activity or use to submit reasonable evidence and technical data to demonstrate that the use or activity is or will be in compliance with the performance standards of this chapter.
- C. The director may undertake independent studies and engage such technical assistance as may be needed for such studies or to evaluate data or information submitted by an applicant in connection with the performance standards of any activity.
- D. The applicant, owner, operator or developer shall pay for or reimburse the city for the costs incurred in the conduct of such tests as the city may require and for costs incurred by the city to engage technical consultants for review and interpretation of data and findings submitted by or on behalf of the developer.

Chapter 18.80
OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections

- 18.80.010 Intent**
18.80.020 General Requirements
18.80.030 Minimum Requirements
18.80.040 Off-street Loading
18.80.050 Development Standards

18.80.010 Intent

It is the intent of this section to:

- A. Assure that space is provided for the parking, loading and unloading of motor vehicles on the site of premises or uses which attract motor vehicles.
- B. Provide minimum standards of space and parking arrangements, and for the movement of motor vehicles into and out of such spaces.
- C. Avoid or reduce traffic congestion on public streets by:
 1. Minimizing the need for on-street parking; and
 2. Controlling access to sites.
- D. Enhance safety for pedestrians and motor vehicle operators.
- E. Encourage the creation of an aesthetically pleasing and functionally adequate system of off-street parking and loading facilities.

18.80.020 General requirements.

- A. Off-street parking spaces and driveways shall not be used at any time for purposes other than their intended use, e.g., the temporary storage of motor vehicles used by persons visiting or having business to conduct on the premises for which the parking is provided, unless a temporary use as been authorized by this title.
- B. Minimum parking spaces required and intended for use by occupants or users of specific premises shall not be leased or rented to others, nor shall such space be made unavailable through other means to the users for whom the parking spaces are intended. This, however does not preclude shared parking arrangements.
- C. Except where specifically permitted in certain zoning districts, off-street parking spaces shall not be used for loading or unloading of commercial vehicles larger than those vehicles for which the parking spaces are intended.
- D. Whenever a building or a parcel of land is put to a use different from the immediately preceding use, or when a building is remodeled, reconstructed or expanded, adequate off-street parking shall be provided consistent with the new use, reconstruction or expansion of the premises.
- E. Site development activities are prohibited if they would either render a site or land use nonconforming as to the standards of this chapter or make the site more nonconforming.
- F. These regulations shall not be retroactive to include any building or use existing at the time of passage of this code, except as follows:

1. When a building is located on a different site, off-street parking spaces shall be provided as required for a new building;
2. Within any three (3) year period, when an addition to a building or expansion of an existing use would result in the requirement to provide five (5) or less additional parking stalls, then additional off-street parking need not be provided.
3. Whenever any existing nonresidential use is changed to another use in the same building, the requirements of this chapter shall only apply in full to the new use if the change in parking requirements between the old and new use is greater than five (5) spaces.

18.80.030 Minimum requirements.

- A. The requirements for off-street parking and loading facilities and their design shall be regarded as the minimum; however, the owner, developer, or operator of the premises for which the parking facilities are intended shall be responsible for providing adequate amount and arrangement of space for the particular premises even though such space or its arrangement is in excess of the minimum set forth in this Title.
- B. For Conditional Uses permitted under this Title that are not within a category in the Table at 18.80.030 E., the parking requirement shall be as provided by the applicable decision maker in the conditions of approval.
- C. There shall be no parking or loading allowed in any required side or rear yard that abuts a residential zone.
- D. The parking requirement tables (E., F., and G. below) group uses in the zone in which they are most commonly found, but these uses may also be permitted in other zones and are subject to the same parking standards.
- E. Parking requirements in Residential zones, unless otherwise modified by other provisions within this Code.

USES	REQUIRED SPACES
	(*Gross sq ft of primary building area)
Single-family dwellings	2
Multi-family structures (3 or more dwellings)	1.75 per unit
Multi-family studio/efficiency dwellings	1 per unit
Senior housing	¾ per unit
Manufactured home on individual lot	2
Manufactured or mobile home in a manufactured home park	2 per home, of which one may be located in on-site, shared parking areas
Religious Institutions, less than 10,000 gsf*	0.5 per seat or 4 lineal feet of pew space or 1 per 4 seats

F. Parking requirements in Commercial zones.

USES	REQUIRED SPACES (*Gross sq ft of primary building area)
Retail, 10,000 gsf* and less	1 per 350 gsf*
Retail, over 10,000 gsf*	1 per 300 gsf*
Entertainment / Culture	
Restaurant	1 per 150 gsf*
Theaters and places of public assembly	1 per 4 seats
Other Entertainment / Culture	1 per 4 seats
General Office	1 per 500 gsf*
Personal and Professional Service	1 per 400 gsf*
Public Uses / Facilities	Depends on use and determined at site plan review
Major Institution	Depends on use and conditions of approval
Multi-family residential structures in a mixed-use project	1.5 per unit in a free-standing building; 1 per unit if within a mixed-use building
Day Care Center serving more than 12 children	Minimum of 6, plus one for each employee
Religious Institutions, 10,000 gsf* or larger	0.7 per seat or 4 lineal feet of pew space or 1 per 4 seats

G. Parking requirements in Business / Industrial Park and Industrial zones.

USES	REQUIRED SPACES (*Gross sq ft of primary building area)
Research and Development	1 per employee, plus 0.5 per 1,000 gsf*
Light Manufacturing	1 per employee, plus 0.25 per 1,000 gsf*
Heavy Manufacturing	1 per employee, plus 0.25 per 1,000 gsf*
Business Support Services	1 per 400 gsf*
Warehousing and Distribution	1 per 1,000 gsf, plus 1 per 400 gsf* of office
Wholesaling	1 per 1,000 gsf, plus 1 per 400 gsf* of office or display

18.80.040 Off-street loading.

Off-street loading shall be provided as follows:

Total Gross Floor Area of Building(s)	Space Required
Less than 5,000 sq. ft.	1
5,000 sq. ft. to 25,000 sq. ft.	2
25,000 sq. ft. to 50,000 sq. ft.	3
Each additional 50,000 sq. ft. or fraction thereof in excess of 25,000 sq. ft.	1 additional

All off-street loading and unloading spaces shall be of adequate size and with adequate access thereto to accommodate a vehicle forty-five feet in length, eight feet in width, and fourteen feet in height. Each loading space shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water.

18.88.050 Development standards.

- A. Parking lot construction shall provide surfaces sufficient for the function and loads for which such lots are intended.
1. Within residential zones, required parking shall be accessed by a driveway improved with an all-weather surface (crushed rock, gravel, asphalt or concrete). Driveway approaches within the public right-of-way to the public street shall be improved in compliance with the City's Public Works Standards.
 2. In all zones, parking areas for more than four vehicles shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water.
- B. Parking Area Design.
1. Ingress and Egress. The location of all points of ingress and egress to parking areas shall be subject to the review and approval of the city.
 2. Backing Out Prohibited. In all commercial and industrial developments and in all residential buildings containing five or more dwelling units, parking areas shall be so arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way; provided that, the Director may approve direct individual parking stall access to private or public alleys.
 3. Parking Spaces - Access and Dimensions. Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles. Maneuvering aisles and parking stall dimensions shall be as shown in Diagrams 1, 2, and 3 of this chapter.
 4. Compact Car Parking Spaces. In all parking facilities containing twenty-five or more parking spaces, a maximum of twenty-five percent of the required parking spaces may be reduced in size for the use of compact cars, provided these spaces shall be clearly identified markings containing the notation, "Compact" Spaces designed for compact cars may be reduced in size to a minimum of seven and one-half feet in width and fifteen feet in length.
- C. Location of parking.
- The following provisions shall apply in all zoning districts:
1. Single-family dwellings: required parking shall be located on the same lot as the building it is to serve.
 2. Multifamily dwellings: required parking may be on a contiguous lot in the same zone if located within a walking distance of 500 feet of dwelling units. The lot shall be legally encumbered by an easement or other appropriate means to ensure continuous use of the parking facilities. Documentation shall require review and approval of the city attorney.
 3. Other uses: may be in areas other than on the premises if the required amount of parking area is set aside for a particular use in such a lot, and such area is located

within a walking distance of 500 feet from the premises and is in the same zone as the use. The lot or area to be utilized shall be legally encumbered by an easement or other appropriate means to ensure continuous use of the parking facilities. Documentation shall require review and approval of the city attorney.

4. Whenever required parking facilities are located off-site, sidewalks, or an approved pedestrian facility, shall be provided connecting the satellite parking facility to the development being served. If lighting is provided, it shall be installed in conformance with Chapter 18.70.

D. Mixed Occupancies and Shared Uses.

1. In the case of two or more principal uses in the same building or when a residential use is located on the same development site as a commercial use, the total requirements for off-street parking facilities shall not exceed 75 percent of the sum of the requirements for the principal uses computed separately.
2. Other than for residential uses, in order for a use to be considered a separate principal use under the terms of this section, the uses must be physically and managerially separated in a manner which clearly sets the principal uses apart as separate businesses or operations. Various activities associated with single businesses shall not be considered separate uses.

E. Reduced Parking Demand Study.

1. The director may be allow a development to provide less than the required parking spaces by submitting a parking study that describes how parking demand can be met with a reduced parking requirement. Reasons for reducing the parking requirement under this section may include, but are not limited to:
 - (a) unique characteristics of the use,
 - (b) location adjacent to transit facilities, or
 - (c) adoption of an approved transportation demand management plan.

DIAGRAM 1

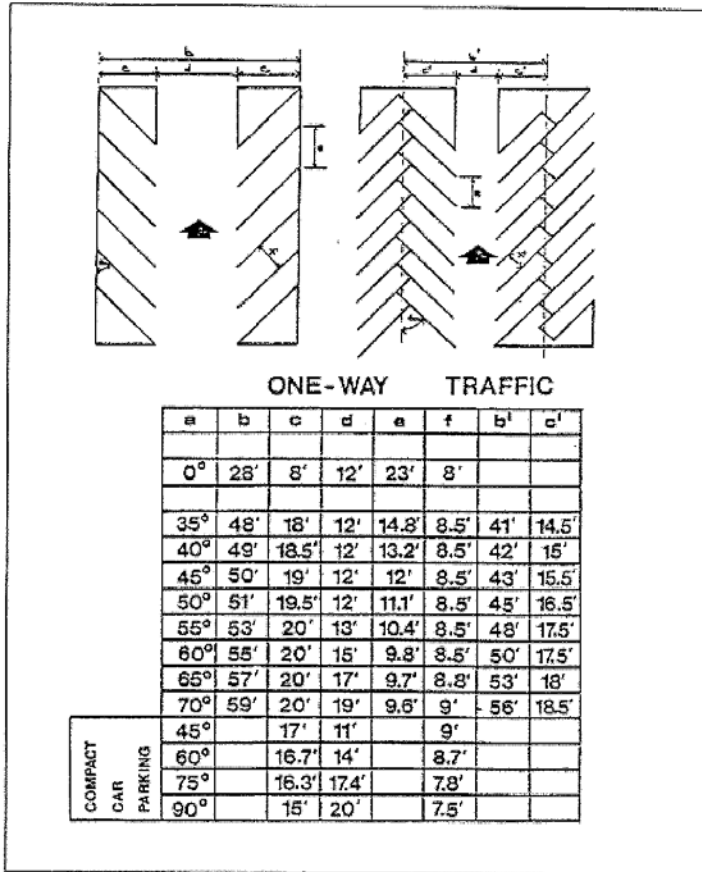


DIAGRAM 2

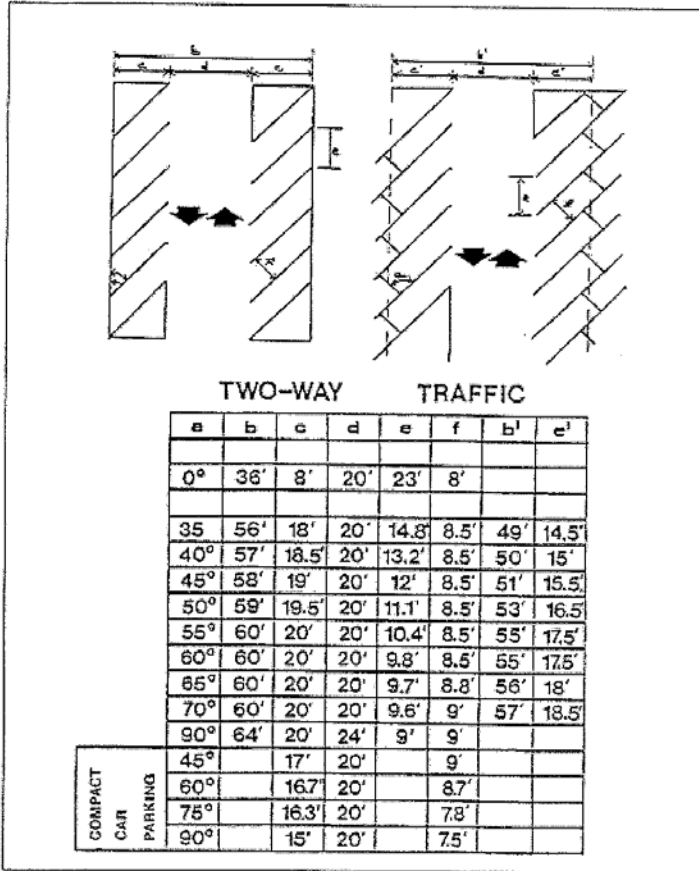
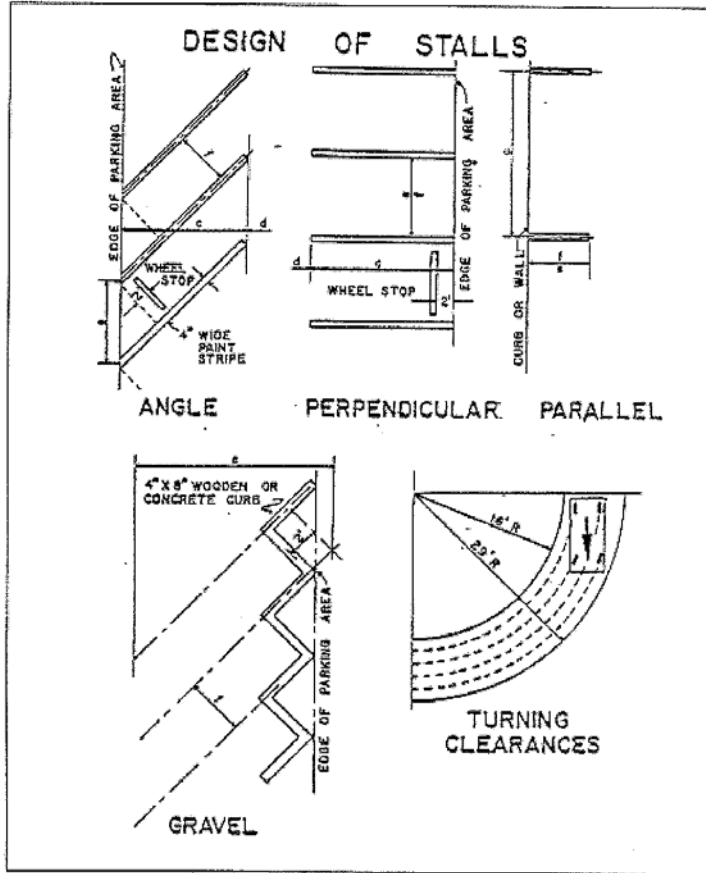


DIAGRAM 3



Chapter 18.82 SIGNS

Sections

18.82.010	Purpose and Scope
18.82.020	Definitions
18.82.030	Minimum Requirements
18.82.040	Off-street Loading
18.82.050	Development Standards
18.82.060	Temporary signs.
18.82.070	Additional standards for specific signs.
18.82.080	Permits not required when.
18.82.090	Prohibited signs.
18.82.100	Administration and enforcement.
18.82.110	Liability.

18.82.010 Purpose and scope.

- A. Purpose. It is the purpose of this chapter to promote a quality visual environment by establishing reasonable standards for the size, placement, height and maintenance of outdoor signs, graphics and advertising. It is further intended to encourage quality design and material composition which create an attractive community and business climate. Special emphasis should be placed on achieving harmony with building design, settings and the character of the surrounding areas.
- B. This chapter shall not regulate traffic and directional signs installed by a governmental entity; signs not readable from nor intended to be viewed from a public right-of-way; merchandise displays; point of purchase advertising displays, such as product dispensers; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site plaques; gravestones; structures intended for a separate use, such as phone booths, bus shelters, donation containers and recycling containers; or lettering or symbols painted directly onto or flush-mounted magnetically onto a motor vehicle operating in the normal course of business.

18.82.020 Definitions.

The following definitions shall apply for the purpose of this code.

- A. "Abandoned sign" - a sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located.
- B. "Advertising copy" - any letters, figures, symbols, logos or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.
- C. "Building" - a roofed and walled structure built for permanent use.
- D. "Bulletin board" - a board or small sign on which notices, community events or hours of operation are posted.

- E. “Change” - a change to a sign consists of relocating the sign, or replacing fifty percent or more of the structural material in the sign area. Normal maintenance and a change of name are not changes which require a permit.
- F. “Code administrator” - the community development director or his appointee, who shall be authorized to enforce all of the provisions of the sign code.
- G. “Double-faced sign” - a sign that has advertising copy on opposite sides of a single display surface or sign structure.
- H. “Electrical sign” - a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.
- I. “Facade” - the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.
- J. “Flashing signs” - a sign or a portion thereof which changes light intensity or switches on and off in a constraint pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered flashing signs.
- K. “Freestanding sign” - a sign attached to the ground by a sign structure and supported by uprights placed on or in the ground.
- L. “Gas station price sign” - a sign advertising the price of motor fuel and contains no other business advertising.
- M. “Grade” - the elevation as measured at the relative ground level in the immediate vicinity of the sign.
- N. “Ground sign” - a sign of limited height (maximum of twelve feet) constructed and affixed on a foundation upon or in the ground. Also known as a monument sign.
- O. “Incidental sign” - a small nonelectric information sign four square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on the premises.
- P. “Institutional sign” - a sign to identify educational, civic and religious institutions.
- Q. “Landscaping” - the planned use of trees, shrubs and other living plant materials used in conjunction with a sign and other decorative features.
- R. “Lot identification sign” - a sign to identify the occupants of the premises.
- S. “Mansard roof” - a sloped roof or roof-like facade architecturally able to be treated as a building wall.
- T. “Marquee” - a permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. This also includes canopies.
- U. “Neighborhood identification sign” - a sign to identify a particular residential area or development four acres or greater in size.
- V. “Neon sign” - a symbol, logo, or message comprised of illuminated neon tubing used to attract attention for advertising purposes. Neon signs shall not flash, oscillate or revolve.
- W. “Off-premises directional sign” - a permanently installed sign which provides directional information to a business or service, but not located on the same property as the sign in question.

- X. “On-premises directional sign” - a permanent sign that directs the public to a specific place such as an entrance, exit or parking or service area, or a particular aspect of a business establishment.
- Y. “Off-premises sign” - a sign relating, through its message and content to a business activity, use, product or service not available on the premises on which the sign is erected.
- Z. “On-premises sign” - a sign which carries only advertisements and messages strictly applicable to a lawful use of the premises on which it is located.
- AA. “Portable sign” - a sign made of any material, which by its design is readily movable and is not permanently affixed to the ground, structures or buildings.
- BB. “Projecting sign” - a sign which is attached to and projects more than one foot from a structure, building face or marquee.
- CC. “Readerboard” - a sign face consisting of tracks to hold readily changeable letters allowing frequent changes of copy.
- DD. “Revolving sign” - a sign which rotates or turns in a circular pattern.
- EE. “Roof sign” - a sign supported by and erected on and above a roof or parapet of a building or structure (shall not include a sign erected on the face of a mansard roof).
- FF. “Sign”- any visual communication device, structure or fixture which is visible from any right-of-way and is intended to aid the establishment in question in promoting the sale of products, goods, services, events or to identify a building, using graphics, letters, or figures. Signs or patterns which do not represent a product, service or registered trademark, or which do not identify the user, shall not be considered signs. If a design or pattern is combined with a sign, only that part of the design or pattern which cannot be distinguished from the sign will be considered as part of the sign.
- GG. “Sign area” - the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, excluding simple support structures. Sign-supporting structures which are part of the sign display shall be included in the area rectangle.
- HH. “Temporary construction sign” - a sign jointly erected and maintained on premises undergoing construction, by an architect, contractor, subcontractor and/or materialman, upon which property such person is furnishing labor or material.
- II. “Temporary sign” - any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard or other light materials, with or without frames, intended to be displayed for a limited time only and not permanently attached to a building or site.
- JJ. “Wall sign” - a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign.
- KK. “Wall graphics” - a wall sign of which color and form are part of an overall design on the building.

18.82.030 Permits -general regulations.

No sign shall be installed, constructed, -, structurally altered, posted or applied without first obtaining a sign permit unless exempted by this chapter. A single permit shall be required for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate permit.

18.82.040 Permit requirements.

- A. Applications/Fees. Applications for signs shall be accompanied by:
1. Two site plans showing the location of the affected lot, building(s) and sign(s), showing both existing and proposed signs;
 2. Two copies of a scale drawing of the proposed sign or sign revision, including size, height, proposed copy, structural and footing details, material specifications, method of attachment, illumination, front and end views of marquees, calculation for dead load and wind pressure, photograph or building elevation marked to show where sign or marquee is proposed and any other information required to ensure compliance with appropriate laws;
 3. Written consent of the owner of the building, structure or property where the sign is to be erected;
- B. Administrative Requirements. The city shall ascertain that the sign installer has a valid Washington State contractors license, unless the sign is being installed by the owner of the sign.
- C. Variances.
1. Any person may apply to the hearing examiner for a variance from the requirements of this chapter. Before the hearing examiner may grant, amend or deny an application for a variance, the hearing examiner shall hold at least one duly noticed public hearing. Upon the filing of a complete application for a variance by a property owner or by a lessee, the director shall set a time and place for said public hearing to consider the application. A written notice thereof shall be mailed to all property owners of record within a three-hundred-foot radius of the external boundaries of the subject property. In addition, notice shall be posted on the property at least ten days prior to the hearing. Said notice shall include the time, date, place and purpose of the hearing and shall identify the subject matter property by address, written description, legal description or vicinity sketch.
 2. Upon completion of the public hearing, the hearing examiner shall grant, deny or amend the application in accordance with the provisions of this chapter. Before any variance can be granted, the hearing examiner shall make findings of fact setting forth and showing that the following circumstances exist:
 - (a) The granting of the variance would not be materially detrimental to the property owners in the vicinity and the variance sought is of minimum sign size, height and scope to meet the conditions and needs of the applicant; and
 - (b) The granting of the variance would not be contrary to the objectives of this chapter; and
 - (c) The signage of the property in question cannot be adequately met under the literal interpretation and strict application of this chapter; and
 - (d) The granting of the variance is necessary because of special circumstances relating to property location, topography, shape and size; site distance and limited

view to property; and/or dependency of business to visual access of freeway traffic in the interchange area.

3. Within twenty-one days of the date of the public hearing, the hearing examiner shall issue its written findings, conclusions and decision setting forth the reasons for its decision to grant, amend or deny the application. A copy of said decision shall be promptly mailed to the applicant by first class mail addressed to his or her last known address.
 4. The applicant, the property owner or any person aggrieved or adversely affected by a final decision of the hearing examiner under this chapter may appeal said decision to the King County Superior Court pursuant to Chapter 36.70C RCW. A petition for judicial review must be filed within 21 days of the issuance of a decision.
- D. Administrative Waiver—Off-Premises Signs. Off-premises commercial signs are prohibited, unless a waiver is granted by the director for an off-premises directional sign. Waivers shall only be granted upon a clear demonstration that the applicant's business or property is not visible from any streets or roads or on-premises signing cannot adequately convey the location and identity of the business to consumers who would normally use the business.
1. Such signs shall be directional only (no advertising other than name and location).
 2. No more than two such signs for each business shall be approved.
 3. The total area of the sign shall not exceed twenty-four square feet, such sign(s) must be permanently installed on private property, and the application must be accompanied by written permission of the owner of the property where the sign is to be located.
 4. Such sign shall meet all other applicable provisions of this chapter.
 5. If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.

18.82.050 Sign standards and conditions.

A. General Regulations.

1. No sign or any part of a sign shall be designed or constructed to be moving by any means, and shall not contain items such as banners, ribbons, streamers and spinners. These devices, when not part of any sign, are also prohibited. Limited use of thematic flags, banners and pennants, which are complementary to a specific location or structure may be permitted upon approval of the director. This is not intended to permit the use of numerous types of devices which as a result of wind pressure may move to a point of attracting attention of vehicular and pedestrian traffic.
2. Exposed braces and angle irons are prohibited. Guywires are prohibited unless there are no other practical means of supporting the sign.
3. No sign shall have blinking, flashing, fluttering or moving lights or other illuminating device which has a changing light intensity or color; provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed.
4. No window signs above the first floor shall be illuminated.
5. The structure and installation of all signs shall comply with the latest adopted edition of the Uniform Building Code.
6. Such sign shall meet all other applicable provisions of this chapter.

7. All signs, together with all of their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean and attractive condition.
 8. The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on private or public property or pedestrians on a public right-of-way. Electric signs shall not use incandescent bulbs for internal illumination. Lighted signs visible from nearby residential zones shall have low or soft illumination or be shielded in a manner to not adversely affect such residents.
 9. Portable signs shall not exceed twelve square feet in area and no more than one such sign may be displayed per business. Portable signs must be located on the premise to which they relate, except real estate directional signs.
 10. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located after the business or service advertised is no longer conducted on the premises.
- B. Freestanding and Ground Signs.
1. Sign height is the vertical distance from the highest point of the sign to the finished grade at the base of the supports.
 2. Freestanding signs shall not be permitted in any zone.
 3. Height standards:
 All non-residential zone districts: Ground signs shall not exceed twelve feet in height.
 Residential zones: Ground signs shall not exceed six feet in height.
 4. Sign area standards:
 All non-residential zone districts: Fifty (50) sq. ft. for a single side or one hundred (100) sq. ft. total both sides.
 Residential zones: Twenty-four (24) sq. ft. for a single side or forty-eight (48) sq. ft. total both sides.
 5. Location: Ground signs shall be set back a minimum of five feet from a front property line. Placements in these locations are subject to approval by the public works director. The placement of ground signs shall be in such a fashion and location as to not obstruct the view of signs of adjacent property owners.
 6. Number:
 (a) One ground sign shall be permitted on each street frontage of property on which the business is located.
 7. Landscaping:
 (a) Each sign shall have a landscaped area at the base of the sign equal to twice the size of the sign area. The landscaping and sign base shall be protected from vehicles by substantial curbing.
 (b) Permits for signs shall not be granted until required landscaping is installed or a bond or assigned funds in the amount of one hundred fifty percent of the estimated cost of the landscaping is provided.
 (c) These requirements may be waived if the sign is located in an area that is part of an approved overall site landscape plan.
- C. Wall-Mounted Signs.
1. Total Area. Painted or attached signs on any wall shall not exceed the following ratios:

- (a) Community Commercial District: Two square feet of sign area to one lineal foot of building front; provided, however, fifty square feet of sign area is guaranteed each business frontage. Those businesses with both a building front and one side wall exposure to vehicular and pedestrian traffic may, as an option for purposes of calculating total wall sign area, add the lineal footage of the building front and side wall then divide by two.
 - (b) Town Center District: One and one-half square feet of sign area to one lineal foot of building front. Those businesses with both a building front and one side wall exposure to vehicular and pedestrian traffic may, as an option for purposes of calculating total wall sign area, add the lineal footage of the building front and side wall then divide by two.
 - (c) Area 3 (all other non-residential zone districts or for non-residential uses in residential districts): One square foot of sign area for every lineal foot of wall upon which the sign is mounted or fifty square feet, whichever is less.
2. Wall signs shall not project above roof lines.
- D. Window Signs.
- 1. Where a window sign is utilized in place of a wall sign, the area standards contained in subsection (C) (1) of this section shall apply.
 - 2. In addition to the area requirements of subsection (D)(1) above, businesses are allowed one painted window sign identifying the business or proprietor and hours of business. The maximum area of these signs is six square feet.
 - 3. Window signs above the first floor are not included in the maximum sign area of a site, and are allowed to businesses located above the first floor with a maximum area of one square foot of sign area for each lineal foot of window frontage.
- E. Projecting Signs.
- 1. Surface area:
 - (a) Commercial zone districts: Thirty-two (32) square feet total both sides.
 - (b) All other non-residential districts: Eighteen (18) square feet total both sides
 - 2. All projecting signs must be at least eight feet above sidewalks and walkways and fifteen feet above vehicular ways.
 - 3. Sign shall not project more than three feet or one-third the width of the sidewalk or walkway.
 - 4. Businesses choosing to use projecting signs shall reduce the amount of allowable wall mounted or window sign area by the proportionate amount of sign area allowed under subsections (C)(1) and (D)(1) of this section.
- F. Shopping Center Identification Sign(s). Each shopping center having eight or more tenants may be permitted one shopping center identification ground sign. Any shopping center having eight or more separate tenants may have one shopping center identification sign that includes identification of each of the separate tenants, if and only if, all of the following conditions are met:
- 1. All existing signs in the shopping center must be brought into conformance with the city sign standards in effect at the time of application, prior to issuance of a sign permit for the shopping center identification sign. Provided, however, existing roof signs shall be removed within eighteen months from issuance of the shopping center identification sign;

2. Individual tenants/businesses within a shopping center using a shopping center identification sign shall only be allowed to use wall signs;
 3. The shopping center identification sign shall be consistent with the city's adopted design standards and guidelines with regard to height, size and design;
 4. The sign may only contain the names of the tenant businesses, and the name of the shopping center;
 5. The tenant business names shall be of uniform type and size; and
 6. The landscape requirements for ground signs shall be met.
- G. Office Building Identification Sign. In addition to those signs permitted by this chapter, each office building consisting of at least four tenants may be permitted a building identification sign. The sign shall be architecturally compatible with the design of the building to be identified. The office building identification sign shall be limited to one sign per street frontage, and subject to the height and size requirements of the zone in which the building is located. One such sign(s) shall be permitted per office building or any institutional use, and the copy shall include only the name of the office building or institutional use. A directory or other exclusively informational listing of tenant's names may be attached, provided the area does not exceed twelve square feet.
- H. Sidewalk/Sandwich Board. In non-residential zones, one sidewalk or sandwich board sign per business shall be permitted subject to the following:
1. Signs shall be located entirely on private property in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones or pedestrian traffic.
 2. Signs shall be located on the same site as the business they advertise and during business hours only.
 3. Owners of such signs shall assume liability for damage resulting from their use.
 4. No sign shall be located so as to create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.
 5. Maximum allowable sign area shall be twelve square feet.
- I. Wall Graphics. There are no area restrictions on wall graphics if they do not constitute advertising of a business or product normally subject to the provisions for painted signs.

18.82.060 Temporary signs.

No permit is required for temporary signs except open house sandwich boards, which shall each have a yearly sticker affixed to them. Stickers are required for each board, per agent and are not transferable.

18.82.070 Additional standards for specific signs.

- A. Business opening signs: Maximum duration shall be one month. Maximum area, per site, shall be twenty square feet.
- B. Sale signs: Maximum duration shall be one month. Maximum area, per site, shall be twenty square feet.
- C. Quitting business, fire sale and similar signs: Maximum duration shall be not more than two months. Maximum area, per site, shall be twenty square feet. D. Real estate (on- and off-premises signs):
 1. Residential "For Sale" and "Sold" Signs. Such signs shall be limited to one sign per street frontage not to exceed six square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six feet.

2. Residential Directional Open House Sandwich Board Signs. Such signs shall be limited to sandwich board signs or similar portable signs and shall be limited to a maximum of one sign per street frontage on the premises for sale and three off-premises signs. However, if a broker/agent has more than one house open for inspection in a single development or subdivision, he is limited to four off-premises open house signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the broker/agent or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area per side. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device.
3. Undeveloped Commercial and Industrial Property “For Sale or Rent” Signs. One sign per street frontage advertising undeveloped commercial or industrial property for sale is permitted while the property is for sale. The sign shall not exceed thirty-two square feet in sign area per side and six feet in height.
4. Developed Commercial and Industrial Property “For Sale or Rent” Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from a setback line, the sign shall be placed on the building or in a window. If freestanding, the sign shall not exceed six feet in height; it shall be located more than fifteen feet from any abutting property line and a public right-of-way line; and shall not exceed thirty-two square feet in sign area per side. For rental space in multi-occupancy buildings, one sign, four square feet in area, is allowed per window.
- E. Construction Signs. Sign copy shall be limited to information about a building under construction or being remodeled. Maximum duration shall be until construction is completed or one year, whichever is shorter. Maximum area shall be thirty-two square feet.
- F. Campaign/Political Signs. Campaign/political signs are permissible on the edge of public rights-of-way (provided they are not hazardous to pedestrian or vehicular traffic). It shall be the responsibility of the candidate to have his or her campaign/political signs removed within five days after the election, or the city will remove such signs at the candidate’s expense. Campaign/political signs may not otherwise be placed on public property and rights-of-way. Maximum sign area shall be twelve square feet.
- G. Signs Advertising a Public Event. Maximum duration shall be from one month before the event to five days after the event. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoter’s expense.

18.82.080 Permits not required when.

The following shall not require a permit; provided, however, these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this chapter or any other law or ordinance:

- A. The changing of the advertising copy or message on a lawfully erected, painted or printed sign, reader-board or similar sign specifically designed for the use of replaceable copy;
- B. Painting, repainting or cleaning of a lawfully erected sign or the changing of the advertising copy, thereof and other normal maintenance unless a structural or electrical change is made;

- C. Temporary decorations customary for special holidays erected entirely on private property;
- D. On-premises directional signs when not exceeding sixteen square feet in area and the distance from the ground level at the base of the sign to the top of the sign is not greater than eight feet;
- E. Incidental signs;
- F. Political signs;
- G. One nonelectric on-premises bulletin board not exceeding twelve square feet in area for each charitable or religious organization;
- H. One temporary construction sign per street frontage;
- I. Institutional identification signs not exceeding eighteen square feet on all faces. The top of the sign shall not be higher than six feet from the ground level;
- J. One emblem of organization sign per city entrance and the total area of the sign on all of its faces shall not exceed twenty-four square feet;
- K. One lot identification sign with the total area not to exceed: (a) two square feet per residential dwelling unit, not to exceed a maximum of eighteen square feet for multifamily projects; and (b) eighteen square feet for nonresidential uses.
- M. One neighborhood identification sign not exceeding a total of twelve square feet on all its faces and the height from the base of the sign to the top shall not exceed six feet;
- N. One temporary sign not exceeding thirty-two square feet and displayed for thirty-one days per calendar year;
- O. One nonelectric portable sign not exceeding four square feet located on-premises.

18.82.090 Prohibited signs.

The following signs are prohibited:

- A. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;
- B. Signs which the director of public works determines to be a safety hazard for pedestrian or vehicular traffic. Such signs shall be removed if they already exist;
- C. Flashing signs or lights;
- D. Signs or parts of signs which revolve;
- E. Portable signs exceeding six square feet each side;
- F. Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision;
- G. Off-premises signs, except real estate directional signs, political signs, public service civic event signs, garage sale signs;
- H. Any sign affixed to or painted on trees, rocks or other natural features or utility poles;
- I. Roof signs.

18.82.100 Administration and enforcement.

The director shall be responsible for enforcing the provisions of this code.

- A. **Removal of Signs.** The director may order the removal of any sign erected, installed or maintained in violation of this chapter. He/she shall give written notice specifying the violation to the holder of the sign permit, or the owner of the property where the sign is erected, to correct said violation specifying the violation to the holder of the sign permit, or the owner of the property where the sign is erected, to correct said violation or remove the sign within thirty days. In the event the violation is not corrected within thirty days, a citation shall be issued to the owner of the sign or the owner of the property where the sign is located. If, in the opinion of the city engineer/designee, the condition of the sign presents an immediate threat to the safety of the public, the city engineer may cause immediate removal of the sign at cost to the owner of the premises.
- B. **Cumulative Civil Penalty.** Any person found in violation of this chapter shall incur a cumulative civil penalty in the amount of one hundred dollars per day from the date set for correction thereof until the violation is corrected.
- C. **Nonconforming Signs.** Nonconforming signs which are permanently installed and were legally installed prior to the adoption of this chapter shall be allowed to continue in use as long as such signs are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way. A nonconforming sign(s) shall be required to be brought into compliance upon: abandonment of the premises, change in the use of the property where the sign(s) is located, or destruction of the sign beyond fifty percent of its value, provided that the director may allow for the re-establishment of a nonconforming sign damaged beyond fifty percent of its value where the reason for the nonconformance is limited to height and/or size of the sign, upon a finding that the cause of damage to the sign was the result of a significant natural event such as a wind storm or earthquake, and a complete sign application to repair or reconstruct the sign is submitted within six months of the natural event.

18.82.110 Liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing or removing any sign for damages to anyone injured or damaged either in person or property by any defect or action therein, nor shall the city, or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized herein or a certificate of inspection issued by the city or any of its agents.

Chapter 18.84
WIRELESS TELECOMMUNICATIONS FACILITIES

Sections

- 18.84.010 Intent.**
18.84.020 General Provisions.
18.84.030 Permits Required.
18.84.040 Priority of Locations.
18.84.050 Application Submittal Requirements.
18.84.060 Development Standards.

18.84.010 Intent.

- A. The intent of this section is to provide specific regulations for the placement, construction, modification and removal of wireless communication facilities, consistent with federal regulations and community values. To meet these conditions, the regulations are intended to:
1. Satisfy the guidelines of Section 704 of the Federal Telecommunications Act of 1996, 47 U.S.C. Section 332©(7), which promote the accessibility of wireless communications to the general public;
 2. Not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless telecommunications facilities nor be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless services;
 3. Distinguish between telecommunications towers on their relative height and consequential visual impact on the community; and
 4. Provide for the distribution and installation of necessary wireless communication facilities in a way that does not adversely impact the health, safety and welfare of the community including aesthetic values.

18.84.020 General provisions.

- A. Wireless telecommunications facilities shall not be considered or regulated as essential public facilities as provided in Chapter 18.58.
- B. For the purposes of this Chapter, there are two classes of telecommunication towers:
 Class I, not to exceed 60 feet in height, and
 Class II, over 60 feet in height.
- C. Exemptions. The following are exempt from the provisions of this section:
1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);
 2. Antennas and related equipment no more than fifteen (15) feet in height that are displayed outdoors for sale;
 3. Facilities used for the purpose of public safety by public or semi-public entities including, but not limited to, police communications, hospital communications and 911 system communications;
 4. Wireless radio utilized for emergency communications in the event of a disaster;
 5. Licensed amateur (ham) radio installations;

6. Satellite dish antennas less than two (2) meters in diameter, including direct home satellite services, when an accessory use of the property;
 7. Routine maintenance of otherwise permitted wireless telecommunications facilities; or
 8. Subject to compliance with all applicable City, state, and federal standards, an emergency repair of a wireless telecommunications facility; provided, that a permit is applied for within thirty (30) days after completion of such emergency repair.
- D. Wireless telecommunications facilities may be either a principal or accessory use. A different use of an existing structure on the same lot shall not preclude the installation of a wireless telecommunications facility on that lot.
- E. Prohibited use in Single-family zones. Other than licensed amateur (ham) radio installations, any wireless communication structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including but not limited to self-supporting lattice towers, guy towers or monopole towers, is prohibited in the UR, R4 and R6 zones.
- F. Reimbursement of Costs. In addition to the application fee, the applicant shall reimburse the City for costs of professional engineers and other consultants, mutually acceptable to both the applicant and the City, hired by the City to review and inspect the applicant's proposal when the City is unable to do so with its existing staffing resources. By way of illustration and not limitation, these professional services may include engineering and technical review, legal review, planning review, hearing examiner services, environmental review, critical areas review, financial and accounting review, soils review, and mechanical and structural engineering review. In the event that a project requires professional services beyond that which is included in the base fee, the applicant shall reimburse the City per the adopted fee schedule.

18.84.030 Permits required.

Approval of a permit(s) is required to site a wireless communication facility in accordance with the following and the procedures set forth in Chapter 18.08:

- A. Type 1 decision is required for:
 1. Co-location of antennas on existing towers per this section in nonresidential zones;
 2. Co-location of antennas on existing support structures per this section, excluding towers, in any zone.
- B. Type 2 decision is required for a Class I tower and associated equipment and antennas in non-residential zones.
- C. Type 3 decision is required for any wireless telecommunications facility not stated above, including the following:
 1. Any Class I tower in a MR12 zone and associated antenna and equipment enclosures;
 2. Any Class II tower and associated antennas and equipment enclosures in any zone where permitted.
- D. Expiration of Permits. A permit shall expire consistent with the provisions of the building code, except that the permit for construction of a wireless telecommunications facility shall expire one (1) year after the effective date of the permit approval.

18.84.040 Priority of locations.

The order of priorities for locating new personal wireless service facilities shall be as follows:

- A. Combine service into existing antennas where possible.
- B. Co-locate antennas on existing structures, such as buildings, towers, water towers and smokestacks.
- C. Place antennas and towers on public property where consistent with adjacent planned development.
- D. Place antennas and towers in districts zoned Community Commercial (CC), Business/Industrial Park (B/IP), or Industrial (I).
- E. Place antennas and towers in other zone districts which do not adjoin or adversely impact residential neighborhoods.
- F. Only after an applicant has provided an alternative sites report as specified in subsection 18.84.050 D.15 that demonstrates that priority sites have been investigated shall other sites be approved.

18.84.050 Application submittal requirements.

- A. Application Submittal Requirements. Application for any Type 1 or Type 2 permit and other related requests shall include any combination of site plans, surveys, maps, technical reports, or written narratives necessary to convey the following information, unless waived or modified by the director as unnecessary. The following information shall be submitted with a permit:
 1. A site or combined site and vicinity plan clearly indicating the site location, type and height of the proposed tower (if any) and antenna, on-site and nearby land uses and zoning, roadways, proposed means of access, and setbacks from property lines, sufficient to demonstrate that setbacks and other pertinent requirements have been met. Such drawings shall specifically include elevation drawings of the proposed tower (if any), and any other proposed structures.
 2. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, and the proposed color(s) of the facility, the method of fencing, finished color and, if applicable, the method of camouflage and illumination. The director may adjust these requirements when co-locating on an existing support structure.
 3. A completed Federal Aviation Regulation (FAR) 7460-1 Airspace Form with applicable agency comments if the facility is located within five (5) miles of any airport. The City may incorporate comments provided in the FAR Part 77 Airspace Form into its decision as conditions.
 4. Photo simulations of the proposed facility from affected residential properties and public rights-of-way at varying distances.
 5. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Paragraph 1.1307, or, in the event that an FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

6. A legal description of the parcel.
7. A signed statement indicating that:
 - (a) The applicant and landowner (if different) agree they will diligently negotiate in good faith to facilitate co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and
 - (b) The applicant and/or landlord agree to remove the facility within one hundred eighty (180) days after abandonment per subsection (i) of this section.
 - (c) A letter signed by the applicant stating the tower will comply with all FAA regulations and EIA standards and all other applicable federal and local laws and regulations.
 - (d) Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions.
 - (e) The telecommunications provider must provide documentation that it is licensed by the FCC or has received FCC approval to proceed with construction if it is required to be licensed under FCC regulations.
 - (f) The telecommunications provider must supply documentation that it has consulted with local emergency and government services, hospitals, medical clinics, and other similar medical uses within a radius of one thousand (1,000) feet of the proposed wireless telecommunications facility and that such local emergency and government services, hospitals, clinics and medical uses verify that the wireless facility will not cause interference, malfunctions, or improper operation of any emergency and government services, diagnostic, analytical, or therapeutic equipment uses in the care, treatment, or diagnosis of medical patients.
 - (g) The applicant, if not the telecommunications service provider, shall submit proof of lease agreements with an FCC-licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC.
 - (h) An agreement between the applicant and the City shall be provided establishing that if technology should change and a wireless telecommunications facility becomes obsolete, and the use of the facility abandoned or discontinued, the applicant shall remove facilities per subsection (i) of this section.
 - (i) A technical report demonstrating the service requirements of the applicant and demonstrating need for the proposed facility at the location proposed. At a minimum, the technical report shall include:
 - a. A map of the area to be served by the tower or antenna;
 - b. Its relationship to other cell sites in the applicant's network including technical data related to frequencies, range, capacity, etc.; and
 - c. An evaluation of existing buildings taller than thirty (30) feet, within one-quarter (1/4) mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals. The technical report should demonstrate how the proposed site fits into the provider's overall network.
8. An alternative sites report must be submitted. The report shall discuss all potential sites investigated, including at a minimum all nearby priority locations as listed in subsection (d) of this section; summarize technical data and other rationale as to

why a potential site was not appropriate and considered further; and include a demonstration that:

- (a) The applicant has contacted the owners of structures in excess of thirty (30) feet high within a one-quarter (1/4) mile radius of the site proposed and which from a location standpoint could provide part of a network for transmission of signals;
 - (b) The applicant asked for permission to install the antenna on those structures; and
 - (c) Access/location was denied for reasons other than economic feasibility.
 - (d) When there is a technical disagreement relating to location, height or related issues, the City and the applicant may retain a mutually acceptable technical expert in the field of RF engineering to provide technical advice to the City on the proposal. The cost for such a technical expert will be at the expense of the applicant.
9. Engineering specifications indicating the maximum load the structure may bear and how much reserve capacity remains. Applications to load a structure beyond its original specification or to modify the structure to increase its capacity, must include a new structural analysis prepared by a licensed engineer.

18.84.060 Development standards.

A. Wireless with the development :

1. A Class I or Class II tower shall be set back a distance equal to one and one-half (1.5) times the height of the tower from a nonconforming residential use as measured from the wall of any supporting equipment enclosures of building or the base of the tower, whichever is nearer. The setback shall be measured to the nearest property line of the parcel upon which the nonconforming residential use is located.
2. A Class I or Class II tower shall be set back a distance equal to three (3) times the height of the tower from any conforming residential use as measured from the wall of any supporting equipment enclosures of building or the base of the tower, whichever is nearer. The setback shall be measured to the nearest property line of the parcel upon which the conforming residential use is located.
3. Wireless telecommunications facilities shall be screened or camouflaged by employing the best available technology. This may be accomplished by use of compatible materials, location, color, stealth technologies, and/or other techniques to minimize visibility of the facility as viewed from public streets or residential properties.
4. Tower bases, equipment enclosures and cabinets and related security fencing shall be screened from public view. This screening requirement may be met in a number of ways, including use of a solid masonry wall, earthen berms, or landscaping. If landscaping is employed, it shall meet all applicable requirements of Chapter 18.72.
5. In reviewing the proposed placement of a wireless facility on the site and any associated landscaping, the City may make a condition of the permit that the applicant supplement existing trees and mature vegetation to more effectively screen the facility.

6. Class I and Class II towers, antennas, and any associated hardware and equipment shall be painted a non-reflective color or color scheme appropriate to the background against which the facility would be viewed from a majority of points within its viewshed.
 7. Security fencing, if used, shall conform to the following:
 - (a) No fence shall exceed eight (8) feet in height;
 - (b) Security fencing shall be effectively screened from view through the use of appropriate landscaping materials; and
 - (c) Chain-link fences shall be painted or coated with a non-reflective color, and shall have a minimum three (3) foot deep area to be planted with approved plant species in a manner that will completely screen the fencing.
 8. No wireless equipment enclosures reviewed under this section shall be located within required yard setback areas.
 9. Class I and Class II towers shall not be illuminated nor have lights located upon them except as required under Federal Aviation Administration (FAA) or other state or federal regulations.
 10. No equipment shall be operated so as to produce noise levels above forty-five (45) dB as measured from the nearest property line on which the wireless telecommunications facility is located, except temporary generators used during power outages and natural disasters.
- B. Class I and Class II towers shall be designed to accommodate co-location. The following provisions shall apply:
1. All new Class I towers shall be designed to accommodate at least one (1) additional provider. Class II towers shall be designed to accommodate at least two (2) additional carriers. The City may deny a project for a wireless telecommunications facility if co-location is not provided.
 2. Additional tower height provided for co-location shall be the minimum needed. Separation between existing and potential additional antenna arrays shall not exceed fifteen (15) feet unless a technical rationale for a larger separation, acceptable to the City, is provided during permit approval for initial tower construction or for any modification of existing towers adding tower height.
 3. An owner of a Class I or Class II tower approved under this chapter may not deny a wireless provider the ability to co-locate on their facility at a fair market rate or at another cost basis agreed to by the affected parties.
 4. In the event co-location is found to be not feasible, a detailed written statement or report demonstrating the reasons for the unfeasibility shall be prepared by the applicant. The City and the applicant may retain a mutually acceptable technical expert in the field of RF engineering to review the applicant's unfeasibility report. The technical expert will provide comments on the unfeasibility report and provide comments on how the facility could be designed to accommodate co-location if possible. The cost for such a technical expert will be at the expense of the applicant.

C. Wireless telecommunications facilities may be co-located on existing or proposed support structures other than Class I or Class II towers under the following conditions:

1. Class I and Class II towers may not be placed on any other existing or proposed support structure;
2. Whip antennas may exceed the structure height by a maximum of fifteen (15) feet, and other omni-directional antennas may exceed the structure height by a maximum of ten (10) feet;
3. Wireless telecommunications facilities may be mounted on one (1) or more building facades or on one (1) or more sides of a mechanical equipment enclosure;
4. The wireless telecommunications facilities of one (1) provider, including all appurtenances and screening, shall not exceed five (5) percent of any facade of a building. The wireless telecommunications facilities of all providers located in the support structure shall not exceed ten (10) percent of the building facade;
5. Exterior equipment structures placed on existing support structures may not exceed five hundred (500) cubic feet with a five (5) foot height limit above existing building height in residential zones; and
6. Antennas may be attached to ball field light standards, electrical transmission towers, water tanks or existing utility poles; provided, that:
 - (a) In residential zones, supporting equipment enclosures and structures shall be in side or rear yards and otherwise adhere to the building setback requirements of the zone; and
 - (b) Utility poles in any zone shall not be extended or replaced such that overall height is increased more than twenty (20) feet above the preexisting pole or the average height of existing poles within three hundred (300) feet, whichever is less.

D. Abandonment or discontinuation of use.

1. At such time that a provider plans to abandon or is required to abandon the operation of a wireless telecommunications facility, such provider will notify the City by certified U.S. mail of the proposed date of abandonment. Such notice shall be given no less than thirty (30) days prior to abandonment.
2. In the event that a licensed provider fails to give such notice, the personal wireless facility shall be considered abandoned.
3. Upon abandonment, the provider shall physically remove the wireless telecommunications facility within ninety (90) days from the date of abandonment. Removal shall include, but not be limited to:
 - (a) Removal of antennas, mounts, equipment cabinets and security barriers from the subject property.
 - (b) Removal of Class I or Class II towers.
 - (c) Transportation of the antennas, mounts, equipment cabinets, security barriers, and towers to a location outside of the City.
 - (d) Restoring the location of the personal wireless facility to its natural condition, except any remaining landscaping and grading.

E. Maintenance.

Wireless telecommunications facilities shall be maintained, including but not necessarily limited to the following:

1. Keeping of all plant materials used for screening in a live and healthy condition;
2. Regular painting of towers, enclosures, fences and all paintable items on the site such that rust, peeling paint, or oxidation is not evident;
3. Repair of any loose or hanging equipment or parts; and
4. Replacement of missing plants, fencing or fencing parts, or other portions of towers, enclosures, and other equipment.

Chapter 18.86

RESIDENTIAL CLUSTER DEVELOPMENT (RCD)

Sections:

- 18.86.010 Intent**
- 18.86.020 Applicability**
- 18.86.030 Procedures**
- 18.86.040 Development Standards**

18.86.010 Intent

The intent of the residential cluster development (RCD) provisions is to accommodate the overall density of the underlying zoning district while allowing residential development to utilize less land area. The RCD standards are intended to allow for innovative design, and promote the City's vision of a "Rural by Design" development pattern.

18.86.020 Applicability

- A. All residential zoning districts are eligible to apply for approval of residential cluster development.
- B. Cluster development may be applied to both multi-family and attached/detached single-family residential developments of three (3) or more dwelling units.

18.86.030 Procedures and Criteria

- A. Review Procedures. RCD applications are processed as a Type 3 Hearing Examiner decision (site plan approval) pursuant to the provisions set forth in Chapter 18.08. Proposals for clustering shall be subject to and consolidated with the provisions and procedures for site plan review, Chapter 18.16.
- B. Criteria for Approval. The Hearing Examiner may approve a RCD only if it is found that:
 - 1. The location, design, and uses are consistent with the goals and policies of the Comprehensive Plan, the City's development codes and other City plans and ordinances;
 - 2. The residential development integrates with its surroundings and is designed to harmonize with existing or proposed development in the neighborhood, including the project's response to F of this section;
 - 3. The traffic generated by the development can be accommodated safely and within adopted level of service for affected streets;
 - 4. All development will be served by existing or planned facilities and services;
 - 5. The development makes provision for the preservation of the natural environment and/or identified open space or trails per the Comprehensive Plan.
- C. Scope of Approval.
 - 1. Approval of an RCD occurs as an element of site plan review and is not a separate permit. Through a RCD, modifications to the setbacks, height, lot area, building coverage and development coverage standards of the underlying zone district may be granted.
 - 2. Approval of an RCD shall constitute a deviation of standards on the design of the site for only those designs and standards that are specifically included. Such revision of

standards shall remain in effect until the residential development is constructed, or until its approval expires, at which time the underlying zoning standards automatically return to effect.

18.86.040 Development Standards

- A. The following standards are applicable to an RCD application:
1. Density. The maximum density of the underlying zone shall apply. Maximum density is determined by multiplying the allowable maximum density of the underlying by the gross acreage of the site prior to development.
 2. Minimum Lot Size. The minimum lot area by underlying zone classification is:
 - (a) R4 Zone: 6,000 square feet.
 - (b) R6 Zone: 4,000 square feet.
 - (c) MR8 Zone: 2,800 square feet.
 3. Height. The maximum building height of the underlying zone may be increased, provided the height of buildings is compatible with the scale of the surrounding neighborhood, does not adversely affect existing scenic views, and ensures a reasonable balance of light and shadow on adjacent properties. Increased setbacks and location of structures may be used to mitigate effects of increased height and to insure compatibility.
 4. Other lot standards. Deviations may be granted to the underlying zone development standards including setbacks, lot area, building coverage, and development coverage, as provided in section B.1.
- B. Perimeter Setbacks. At a minimum ,structures shall comply with the setbacks of the underlying zone along all perimeter lot lines of the site.
- C. Circulation.
1. All streets within the development and rights-of-way shall be designed and constructed in accordance with City street standards.
 2. Provision shall be made for a functional pedestrian circulation system that assures the safe movement of pedestrians both on the site and between nearby properties and activities.
 3. All streets and parking areas shall contribute to the overall aesthetic design of the project while minimizing traffic congestion and the amount of impervious surface area.
 4. The provision for adequate parking, loading, access and circulation facilities within the RCD shall be those contained in the parking requirements as set forth in Chapter 18.80. The Hearing Examiner may modify these standards to best meet the needs and objectives of the project, provided project parking will not spill over into nearby neighborhoods.
- D. Screening. All utility facilities, loading areas, trash containers, and outdoor storage areas shall be screened from surrounding properties. Solid fences, walls, and blank walls of buildings shall be softened through the use of trees and/or other landscaping materials if their impact cannot be minimized through architectural design or orientation.
- E. Open Space.
1. Open Space Designation. The remaining land not developed for a permitted use shall be maintained as common open space. Open space areas shall be located on a separate tract or tracts and shall be developed for recreational uses or set aside to preserve environmentally sensitive areas. Open space shall not include land for streets,

driveways, parking or other infrastructure improvements, unless such facilities are integral to providing public accessibility to an open space amenity.

2. Development. Facilities and other improvements that enhance recreational use may be located in an open space.
3. Open Space Plan. An open space plan is required to identify all improvements including trails and other active and passive recreational facilities and areas, environmentally sensitive areas, significant trees pursuant to Chapter 19.30, other vegetation to be preserved, and designation of areas and access for general public access. A management plan outlining maintenance responsibility shall be included as part of the plan.
4. Guarantees. A legal instrument approved by the City and recorded with King County, which shall include a notice on the title referencing the legal instrument, shall be executed by the property owner. The legal instrument shall include the following types of guarantees:
 - a. Retention of the open space per the open space plan prescribed in section E.3.;
 - b. Provision for perpetual maintenance of the open space and commonly owned facilities;
 - c. Grant to or reservation for the use of property owners of all open space and commonly owned facilities within the development;
 - d. Conveyance to a property owner association or corporation;
 - e. Execution of a conservation easement in favor of the city; and
 - e. Conveyance by deed or easement for public use.

F. Site design elements reflecting the setting and community heritage. An RCD application shall indicate how the RCD proposal responds to the following community interests:

1. Maintaining, enhancing, or replacing existing native vegetation along arterial and collector streets;
2. Integration of local cultural or historical features into site design; and
3. Integration of local architectural components as identified in Chapter 18.74 Design Guidelines.

Chapter 18.88 COTTAGE HOUSING

Sections

18.88.010	Intent
18.88.020	Applicability
18.88.030	Procedures
18.88.040	Development Standards
18.88.050	Additional Requirements

18.88.010 Intent.

It is the intent of this section to:

- A. Provide an alternative type of detached, single-family housing that is designed for the changing demographics of age and household size;
- B. Provide a form of medium-density housing development that is an alternative to traditional multi-family structures, adds to the diversity of available housing types, and responds to a broader range of lifestyles;
- C. Foster an increased sense of community and shared social experiences of a small neighborhood by promoting a form of housing development with features, such as a common central open space, that bring residents together in daily living; and
- D. Enable a type of high-efficiency housing that responds to the increasing costs of land, construction materials, and energy, while maintaining compatibility with existing neighborhoods.

18.88.020 Applicability.

- A. Cottage Housing development is a permitted use in the Medium Density Residential (MDR8) zone;
- B. The minimum Cottage Housing project size is four dwelling units on a minimum 14,400 square foot site;
- C. Cottage Housing is limited to no more than 12 dwelling units in any single project; and
- D. No Cottage Housing project shall be developed contiguous with another Cottage Housing project.

18.88.030 Procedures.

- A. Review Procedures. A Cottage Housing development is processed as a Type 2 Director's decision pursuant to the provisions set forth in Chapter 18.08. Proposals shall be subject to and consolidated with the provisions and procedures for site plan review, Chapter 18.16.
- B. Cottage Housing is subject to all development standards and requirements of the zone in which it is developed unless superseded by the standards of this Chapter.

18.88.040 Development standards.**A. Density and minimum lot area.**

1. Maximum permitted density: one dwelling unit per 3,600 square feet of lot area (12 dwelling units/acre).
2. Minimum unit lot area: 2,800 square feet.
3. On a parcel to be developed for Cottage Housing, one existing detached single-family residence, which may be nonconforming with respect to the standards of this section, shall be permitted to remain.

B. Height limit and roof pitch.

1. Maximum height for structures: eighteen (18) feet.
2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty (25) feet.

C. Lot coverage and floor area.

1. Maximum lot coverage permitted for all structures: forty-five percent (45%);
2. Maximum impervious surface coverage for the total project: seventy percent (70%).

D. Maximum first floor or main floor area for an individual principal structure:

1. For at least fifty percent (50%) of the units, the floor area may not exceed 650 SF.
2. For no more than fifty percent (50%) of the units, the floor area may be up to 800 SF.
3. The total floor area of each dwelling unit shall not exceed 1.5 times the area of the main floor area.
4. Maximum garage floor area (if on individual lot): fifty percent (50%) of principal structure main floor area.

E. Yards.

1. Minimum Front Yards: an average of ten (10) feet throughout the project and shall not be less than five (5) feet.
2. Minimum Rear yards: Ten (10) feet.
3. There shall be a minimum fifteen (15) foot yard on any frontage with a public street, provided that for garages facing a public street, the minimum setback shall be twenty (20) feet.

F. Required open space.

1. A minimum of 250 square feet of common open space per dwelling unit is required. Open space with a dimension of less than twenty (20) feet shall not be included as common open space.
2. A minimum of 250 square feet of private open space shall be provided with no dimension less than 10 feet on one side. Private open space shall be located contiguous to each cottage and oriented toward the common open space.

G. Unit orientation

1. At least 50% of the dwelling units shall abut the common open space;
2. All of the dwelling units shall be within sixty (60) feet walking distance of the common open space;
3. The common open space shall have dwelling units abutting at least two sides; and
4. The main entry of all abutting dwelling units shall be oriented towards the common open space.

H. Parking.

1. One and one quarter (1.25) spaces per dwelling unit shall be required.

2. All required parking shall be provided within the boundaries of the development.
3. Parking may be in or under a structure or outside a structure, provided that parking is:
screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping; not located in a front yard; allowed between structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway; and / or located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street side lot line.
4. No more than five (5) stalls shall be located in a single parking area on the site.

Chapter 18.90 MANUFACTURED HOUSING

Sections

- 18.90.010 Intent**
- 18.90.020 Applicability and Procedures**
- 18.90.030 Development Standards for Home on Individual Lot**
- 18.90.040 Development Standards for Manufactured Home Parks**
- 18.90.050 Manufactured Home Subdivision**
- 18.90.060 Additional Requirements**

18.90.010 Intent.

It is the intent of this chapter to:

- A. Provide choices for single-family factory-built housing in various community settings as a part of the spectrum of affordable or cost-efficient housing;
- B. Establish standards for the location and development of manufactured homes on individual lots and in manufactured home parks;
- C. Insure consistency with Washington State law; and
- D. Insure minimum standards of development to protect community aesthetics and property values.

18.90.020 Applicability.

- A. Manufactured homes are permitted in all zones where a single-family dwelling is a permitted use, subject to the development standards of Section 18.90.030.
- B. Manufactured home parks are permitted in the MDR8 zone district as a Conditional Use as provided in Chapters 18.08 and 18.12, subject to the standards of Section 18.90.040.

18.90.030 Development standards for home on individual lot.

- A. Manufactured homes are permitted on one (1) individual parcel, lot, or tract in residential zones; provided, that the home is:
 - 1. Approved by the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development, and the appropriate certification insignia is affixed to the unit, in accordance with the provisions of Chapter [43.22](#) RCW;
 - 2. Comprised of at least two (2) fully enclosed parallel sections each of not less than twelve (12) feet wide by thirty-six (36) feet long;
 - 3. Set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;
 - 4. Compliant with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
 - 5. Thermally equivalent to the State Energy Code;
 - 6. Originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal three to twelve (3:12) pitch or greater;
 - 7. Sided with exterior siding similar in appearance to materials commonly used on conventional site-built International Building Code single-family residences; and

8. A new manufactured home as defined in RCW [35.63.160\(2\)](#).
- B. A manufactured home which was legally placed and maintained prior to the date of adoption of this chapter, and does not meet the requirements of this chapter, shall be deemed to be a nonconforming structure. If a legal nonconforming manufactured home is partially or wholly destroyed, replaced, or altered, it shall be required to meet the relevant requirements set forth in the nonconforming provisions of this title.
- C. The Building Official or designee shall inspect the installation of manufactured homes prior to occupancy and issue certificates of occupancy for manufactured homes placed in accordance with this Chapter. No manufactured home shall be occupied until after the City issues a valid certificate of occupancy.
- D. If a manufactured home is replaced by another manufactured home, a new certificate of occupancy shall be required for the installation of any manufactured home completed after the date of adoption of this chapter.
- E. Age and dimension limitations do not apply to mobile homes or manufactured homes within a mobile home park or manufactured housing community, as defined in RCW 59.20.030, which were legally in existence before June 12, 2008.

18.90.040 Development standards for manufactured home parks.

- A. Permitted uses.
Manufactured homes or mobile homes, on a condominium basis, or on leased lots.
- B. Accessory uses. A manufactured home park may include:
1. Accessory buildings, such as laundry, grounds maintenance shop, recreation, restroom and swimming pool, subject to Chapter 18.50.
 2. Secure areas for shared storage of motor homes, recreational or camping vehicles and trailers.
- C. Minimum project area: ten (10) acres.
- D. Setbacks.
All manufactured homes, and extensions thereof, accessory structures and other buildings must be set back as follows:
1. Twenty feet from the boundary of the park.
 2. Twenty feet from a public street.
 3. Ten feet from an interior private street, walking or parking area; and
 4. Ten feet from any other manufactured home.
- E. Open Space.
1. At least fifteen percent of the gross site area must be in open space or recreational areas available for use by all residents.
 2. Parking, driving and setback areas and open areas less than five thousand square feet do not count as required open space.
- F. Density: minimum density is four (4) units per acre; maximum density is ten (10) units per acre.
- G. Buffer Strips.
1. A twenty foot strip around the boundary of the park must be landscaped to provide a visual screen.
 2. All open spaces and other unimproved areas must be suitably landscaped. All landscaping must be maintained and furnished with an automatic irrigation system.

- H. Landscaping Areas shall be provided in accordance with Chapter 18.72 and the tree preservation requirements of Chapter 18.74.
- I. Signs.
One monument identification sign may be erected at each park entrance from a public street so long as such sign:
1. does not exceed an area of fifteen (15) square feet;
 2. does not exceed six (6) feet in height;
 3. is set back from the street at least ten (10) feet; and
 4. is indirectly lit; internal illumination is prohibited.
- J. Parking.
1. Paved off street parking must be provided at the ratio of one and one half space per manufactured home.
 2. At least one space must be at the individual manufactured home site.
 3. Other spaces may be in a common parking area as long as each space is within two hundred feet of the manufactured home or mobile home stand to which it relates.
- K. Pedestrian Access.
There shall be a paved or graveled system of walkways, which gives safe and convenient access to every manufactured home and all common facilities; sidewalks developed in conjunction with public or private streets may meet this requirement.
- L. Utilities.
The park must be connected to the public water and sewer systems.
Utility lines are required to be underground.
- M. Streets.
1. Each lease lot, space or unit must be about a public or private street;
 2. All interior public streets shall be approved by the City and shall meet the standards for streets, curbing, sidewalks, lighting, pedestrian buffer strips and other adopted street standards. Private streets shall comply with fire access standards.
- N. Each manufactured home or mobile home shall be securely installed upon a stand and shall be skirted to conceal the undercarriage.
- O. Lighting. On-site lighting shall comply with the requirements of Chapter 18.70.

18.90.050 Manufactured home subdivisions.

- A. Any manufactured home development involving a subdivision of land into separately owned parcels or lots must be platted as provided by Title 17 BDMC.
- B. A manufactured home subdivision is subject to the minimum lot size requirements of the underlying zone.

18.90.060 Additional requirements.

- A. All development shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.76.
- B. Sites located within a Master Planned Development overlay shall also comply with the requirements of Chapter 18.64.

Chapter 18.100 DEFINITIONS

18.100.005 Intent and interpretation.

- A. It is the intent of this chapter to:
1. Promote consistency and precision in the interpretation of this title.
 2. Define (and illustrate, where necessary) certain words, terms and phrases in the interest of reducing to a minimum the misunderstanding which may occur in the absence of such definition.
- B. General Rules Regarding Use of Language and Interpretation.
1. Words, terms and phrases not specifically defined in this section or in other sections of this title (where more special terms may be defined) shall have the meaning as defined in any recognized, standard dictionary of the English language.
 2. Words, terms and phrases defined herein may have meanings more specific than their meanings in common usage, standard dictionaries or other ordinances.
 3. The meaning and construction of words and phrases, as set forth in this section shall apply throughout this title except where the context of such words or phrases clearly indicates a different meaning or construction.
 4. Rules of Construction.
 - a. Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.
 - b. Shall and May. "Shall" is always mandatory and not discretionary. "May" is discretionary.
 - c. Tenses and Numbers. Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - d. Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - i. "And" indicates that all connected items or provisions shall apply.
 - ii. "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - iii. "Either . . . or" indicates that the connected items or provisions shall apply singly but not in combination.
 - e. Gender. The masculine gender "he" includes the feminine gender "she" and the feminine gender "she" includes the masculine gender "he."
 5. General Terms.
 - a. "Planning commission" means the city planning commission of the city of Black Diamond
 - b. "City" means the city of Black Diamond.
 - c. "County" means King County.
 - d. "Federal" means the government of the United States.
 - e. "State" means the state of Washington.

f. “Comprehensive plan” or “the plan,” means the comprehensive land use plan of the city as adopted, and as amended from time to time.

g. “Section” means any of the various sections of this title unless otherwise clearly indicated by the context.

18.100.010 Generally

In addition to the words and terms defined in this chapter, several sections of this title contain definitions specifically related to those sections. In the event of conflict between definitions in this list and those shown in other sections of this title the definition in the other section shall govern within the context of the section within which it appears. (See sections on Home Occupations, Special Uses and Mobile Homes.)

18.100.020 Abutting.

Having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

18.100.030 Accessory building.

A building, or structure, or portion of a building, devoted to an activity subordinate to the principal use of the premises. Detached accessory buildings in residentially zoned districts not exceeding one story of fifteen feet in height and not occupying greater than fifty percent of the area of a rear or side yard and not closer than ten feet to each other or the principal building are permitted.

18.100.040 Accessory living quarters.

Living quarters, which may include kitchen facilities, within an accessory building or the main building for the sole use of persons employed on the premises and not rented or otherwise used as a separate dwelling.

18.100.050 Accessory.

A use customarily incidental and/or subordinate to the principal use of the land or building site, or to a building or other structure located on the same building site as the accessory use.

18.100.060 Acres or acreage, gross.

The total area of a parcel of land, may be expressed in square feet or fractions of an acre.

18.100.070 Acres or acreage, net.

The area of a parcel of land, less the area devoted to streets, roads or alleys, public or private; may be expressed in square feet or fractions of an acre.

18.100.080 Alley.

A public or private way not more than twenty feet wide permanently reserved as a secondary means of access to abutting property.

18.100.090 Amendment.

Any change, modification, deletion, or addition to the wording, text or substance of the zoning title, or any change, modification, deletion, or addition to the application of the

zoning title to property within the city, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the city council.

18.100.110 Automobile wrecking.

The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of five or more motor vehicles which for a period exceeding thirty days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

18.100.120 Basement.

That portion of a building between floor and ceiling, which is partly below and partly above the finished grade, but so located that the vertical distance from the finished grade to the floor below is less than the vertical distance from the finished grade to the ceiling. If a basement has a ceiling height of seven feet or more, it shall be considered a story unless it is used exclusively for parking, storage, and/or housing of mechanical or central heating equipment.

18.100.130 Billboards.

Any board, fence, sign or structure upon which any advertisement is shown, or whereupon any poster, bill, printing, painting, device or other advertising matter of any kind whatsoever may be placed, stuck, tacked, pasted, printed, or fastened.

18.100.135 Bed and breakfast.

A lodging use, within a single family dwelling unit that is the principal residence of the proprietors, where short-term overnight lodging and meals are provided to unrelated individuals for compensation.

18.100.150 Buffer.

An area of land or a structure used or created for the purpose of insulating or separating a structure or land use from other uses or structures in such manner as to reduce or mitigate any adverse impacts of one on the other.

18.100.160 Buildable area.

That portion of the land that remains after required yards and buffers have been excluded from the building site.

18.100.170 Building.

Any structure built for the support, shelter or enclosure of persons, animals, or property of any kind.

18.100.180 Building coverage.

The amount or percentage of ground area covered or occupied by a building or buildings; usually expressed in square feet or percentage of land on the lot, and measured horizontally at the foundation. (See also, Development Coverage.)

18.100.190 Building height.

The vertical distance from average grade level to the highest point of a building or structure, excluding any chimney, antenna or similar appurtenance.

18.100.210 Business Support service.

An establishment primarily engaged in providing services to businesses on a fee or contract basis, such as advertising, mailing, consulting, protection, equipment rental, leasing, convenience retail, financial services, and restaurants.

18.100.220 Carport.

A roofed structure, or a portion of a building, open on two or more sides; primarily for the parking of automobiles belonging to the occupants of the property.

18.100.230 Conditional uses.

Certain uses which because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property and for other similar reasons may be allowed in certain use districts only by the granting of a conditional use permit by the either the director or hearing examiner.

18.100. 235 Cottage housing.

A form of residential development consisting of small, detached dwelling units, with one or more units on a lot. A cottage housing development has the following characteristics: 1) each unit is of a size and function suitable for a single person or very small family; 2) each unit has the building characteristics of a single family house; 3) units may be located on platted lots or as units in a condominium and may share use of common facilities such as a community room, tool shed, garden, orchards, workshop or parking areas; and 4) the site is designed with a coherent concept in mind, including: shared functional open space, off-street parking, access within the site and from the site, and a shared, consistent landscape design.

18.100.240 Density.

The number of dwelling units per acre.

18.100.245 Department.

The Community Development Department or such other department as designated by the City Administrator.

18.100.250 Development coverage.

The amount or percentage of ground area covered by impervious surfaces (i.e., surfaces which do not absorb moisture, specifically rain water). Impervious surfaces include rooftops and all paved surfaces such as parking areas, roads, driveways, walkways and the like.

18.100.255 Director.

The Community Development Director of the City of Black Diamond or his/her designee; or such other individual that may be appointed by the City Administrator.

18.100.260 Dwelling.

A building, or portion thereof designed exclusively for residential purposes, with sleeping and cooking facilities, including one family, two family, multiple family or apartment dwellings and manufactured homes.

18.100.270 Dwelling unit.

A building or portion thereof designed exclusively for residential purposes providing complete housekeeping services for one family.

18.100.287 Easement.

A grant by the property owner for use by the public, a corporation, or person(s) of land for specified purposes, such as vehicular access, pedestrian paths, bicycle paths, utility easements, or drainage facilities; and within which the owner is prohibited from placing any permanent above-ground structures.

18.100.285 Elderly housing, assisted.

A shared multifamily residential living environment that combines living, support services, personalized assistance, and varying degrees of health care; includes assisted living, congregate care, life care, and residential care facilities, but not facilities for active seniors who require no outside assistance for daily living.

18.100.290 Entertainment/cultural use.

A venue, either indoor or outdoors, that offers entertainment, cultural experiences or places of social gathering, that may serve food and/or beverages; includes theaters, nightclubs, art galleries, taverns, restaurants, brew-pubs, arcades, wine bars, and other civic and commercial premises for entertainment or cultural experiences.

18.100.295 Essential public facilities.

Those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140; state and local correctional facilities; solid waste handling facilities; and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

18.100.300 Family.

One or more persons (but no more than six unrelated persons) living together as a single housekeeping unit. For purposes of this definition, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h), will not be counted as unrelated persons.

18.100.310 Floor area.

The sum of the gross horizontal area of the floor or floors measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet or more, but excluding all parking and loading spaces, unroofed areas, roofed areas open on two sides, areas having ceiling height of less

than seven feet and basements or portions thereof used exclusively for storage or housing of mechanical or central heating equipment.

18.100.315 General office uses.

A business that as a principal activity provides direct, non-retail business services to the general public or private clients, including office activities such as administration, consulting, real estate sales, accounting, legal services, financial advisors, professional design services, insurance companies, post offices, customer service and call centers and governmental offices.

18.100.320 Grade, average.

The average of the natural or existing topography at the midpoint of all exterior walls of a building or structure to be placed on a site.

18.100.325 Heavy industry.

Manufacturing, materials storage or other activities with significant external environmental or operational effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other processes. Includes any manufacturing or industrial activity that cannot be considered "light manufacturing."

18.100.330 Home occupation.

See Chapter 18.54.

18.100.340 Hotel.

Any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation,

18.100.355 Light manufacturing.

An establishment engaged in manufacturing predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare and vibration resulting from the manufacturing activity are confined entirely within the building.

18.100.370 Lot.

A platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with all yards, open spaces and setbacks required by this title.

18.100.380 Lot area.

The total land space or area contained within the boundary lines of any lot, tract or parcel of land; may be expressed in square feet or acres.

18.100.390 Lot line, front.

That boundary of a lot which is located along an existing or dedicated public street, or, where no public street exists, along a public right-of-way or private way. For corner lots, the boundary line with less frontage on a public street shall be considered the front lot line unless otherwise specified on a recorded subdivision.

18.100.400 Lot line, rear.

The lot line which is opposite and most distant from the front lot line, except in the case of a triangular or pie-shaped lot, it shall mean a straight line ten feet in length which:

- A. Is parallel to the front lot line; or,
- B. Intersects the two other lot lines at points most distant from the front lot line

18.100.410 Lot depth.

The horizontal distance between the front lot line and the rear lot line measured within the lot boundaries

18.100.420 Lot width.

The horizontal distance between side lot lines measured at right angles to the lines comprising the depth of the lot at a point midway between the front lot line and the rear lot line.

18.100.430 Lot, corner.

A lot that abuts two or more intersecting streets.

18100.440 Lot, interior.

A lot that has frontage on one street only.

18.100.450 Lot, through.

A lot that fronts on two parallel or nearly parallel streets.

18.100.460 Mobile home.

See Chapter 18.90.

18.100.470 Manufactured home park.

See Chapter 18.90.

18.100.480 Manufactured home subdivision.

See Chapter 18.90.

18. 100.490 Motel.

A building or group of buildings containing guest rooms which may or may not contain cooking facilities, and where lodging with or without meals is provided for compensation. Motels are designed to accommodate the automobile tourist or transient, and parking spaces or garages are conveniently located near each guest room.

18.100.500 Nonconforming building or structure.

A building, structure, or portion thereof that was legally in existence, either constructed or altered prior to the effective date of this title, which does not conform with the requirements of this title.

18.100.510 Nonconforming lot.

A parcel of land, in separate ownership, and of record prior to the effective date of this title, which does not conform to the dimensional or area requirements of this title.

18.100.520 Nonconforming use.

An activity in a structure or on a tract of land that was legally in existence prior to the effective date of this title, which does not conform to the use regulations of the use district in which it is located.

18.100.530 Open space.

An area or portion of land, either landscaped or predominantly unimproved, which is used to meet human recreational or spatial needs or to protect the natural environment.

18.100.540 Open space, common.

Open space dedicated or shared in ownership among multiple parties for common use and benefit.

18.100.550 Open space, useable.

Undeveloped or unbuilt portions of land designed and maintained in a manner which makes said open space accessible and usable by and for the persons for whom the space is intended.

18.100.560 Parcel.

A contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person.

18.100.570 Parking area.

An open area, other than a street or alley, which contains one or more parking spaces, and the aisles which provide access to such spaces.

18.100.580 Parking space.

An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle.

18.100.590 Person.

An individual or any group of individuals, acting as a unit, whether or not legally constituted as an association, company, corporation, estate, family, partnership, syndicate, trust or other entity.

18.100.595 Personal and professional service uses.

Personal services include establishments that provide frequent, needed services to individuals such as barbers, beauticians, health clubs, massage parlors, instruction studios,

dry-cleaning, shoe repair, tanning salon, space and tailor/seamstress. *Professional services* include consulting, real estate sales, accounting, legal services, financial advisors, professional design services, insurance companies and medical and dental offices providing out-patient care.

18.100.600 Premises.

An area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit.

18.100.610 Principal use.

The specific and primary purpose for which land or building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

18.100.620 Property line.

A line bounding and indicating the ownership, or intended ownership, of a parcel of land.

18.100.630 Religious institution.

A building, together with its accessory buildings and uses, which primary use is for persons to regularly assemble for religious purposes and related social events, and which is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. Other associated activities such as child care, community services, etc. may also occur.

18.100.640 Research and development.

An establishment that conducts research, development, testing, or controlled production of high technology electronic, industrial or scientific products or commodities for sale; or laboratories conducting educational or medical research or testing; includes such industries as bio-technology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, and computer hardware and software.

18.100.645 Resource use.

Mineral extraction and processing, including asphalt or concrete plants and facilities and structures related to such activities; and forestry.

18.100.650 Retail use.

A commercial enterprise that provides goods available for immediate purchase or rental and removal from the premises directly to the consumer; includes both indoor and outdoor product display and storage.

18.100.655 Senior housing.

Multifamily or attached single family housing for seniors that is age-restricted to occupancy or ownership by residents of which at least one in each dwelling unit is 65 years or older and that does not provide on-site life-care services and staffing for living support and health care.

18.100.658 Shoreline.

A line determined by the “ordinary high water mark” as defined in the Shoreline Management Act of 1971.

18.100.660 Street, flanking.

A street, alley or right-of-way other than the one on which a corner lot has its main frontage.

18.100.670 Street, major.

A state highway, county road or city thoroughfare designated as a primary or secondary arterial in the transportation element of the comprehensive plan.

18.100.680 Street, minor.

A street or road not designated as a primary or secondary arterial.

18.100.690 Structure.

Anything erected, the use of which has fixed location on or in the ground, or attachment to something having fixed location on the land, including but not limited to buildings, fences, signs and walls.

18.100.700 Use district.

A specific zoned area or district designated on the official zoning map. Such area is subject to all the regulations applicable to the district that are contained in this title.

18.100.710 Utilities.

Facilities, either publicly or privately owned, for the conveyance of power, water, waste and storm water, and communications, whether “above ground” or “below ground” installations.

18.100.715 Variance.

A modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, where the literal enforcement of this title would pose undue hardship unnecessary in carrying out the spirit of this title.

18.100.720 Warehousing and distribution uses.

Storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or characteristics commonly recognized as offensive.

18.100.725 Wholesaling.

An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers and not the general public; to industrial, commercial, institutional or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

18.100.730 Yard.

An open space unoccupied from the ground to the sky of uniform depth or width which lies between the property line and building line, or between the shoreline and the building line. The inside boundary shall be considered parallel to the nearest property line.

18.100.735 Yard, front.

A yard extending across the full width of the lot from one property line to another and measured as to depth at the least horizontal distance between street line and the required setback applicable to the particular zone district.

18.100.740 Yard, rear.














A yard extending from one property line to another except in the case of corner lots when the rear yard shall extend from the interior side property line to the opposite side yard. A yard is measured as to depth at the least horizontal distance between the rear site line and the required setback applicable to the particular zone district.

18.100.745 Yard, side.

A yard extending from the front yard to the rear yard except in the case of corner building sites when the side yard on the flanking street shall extend to the rear property line.

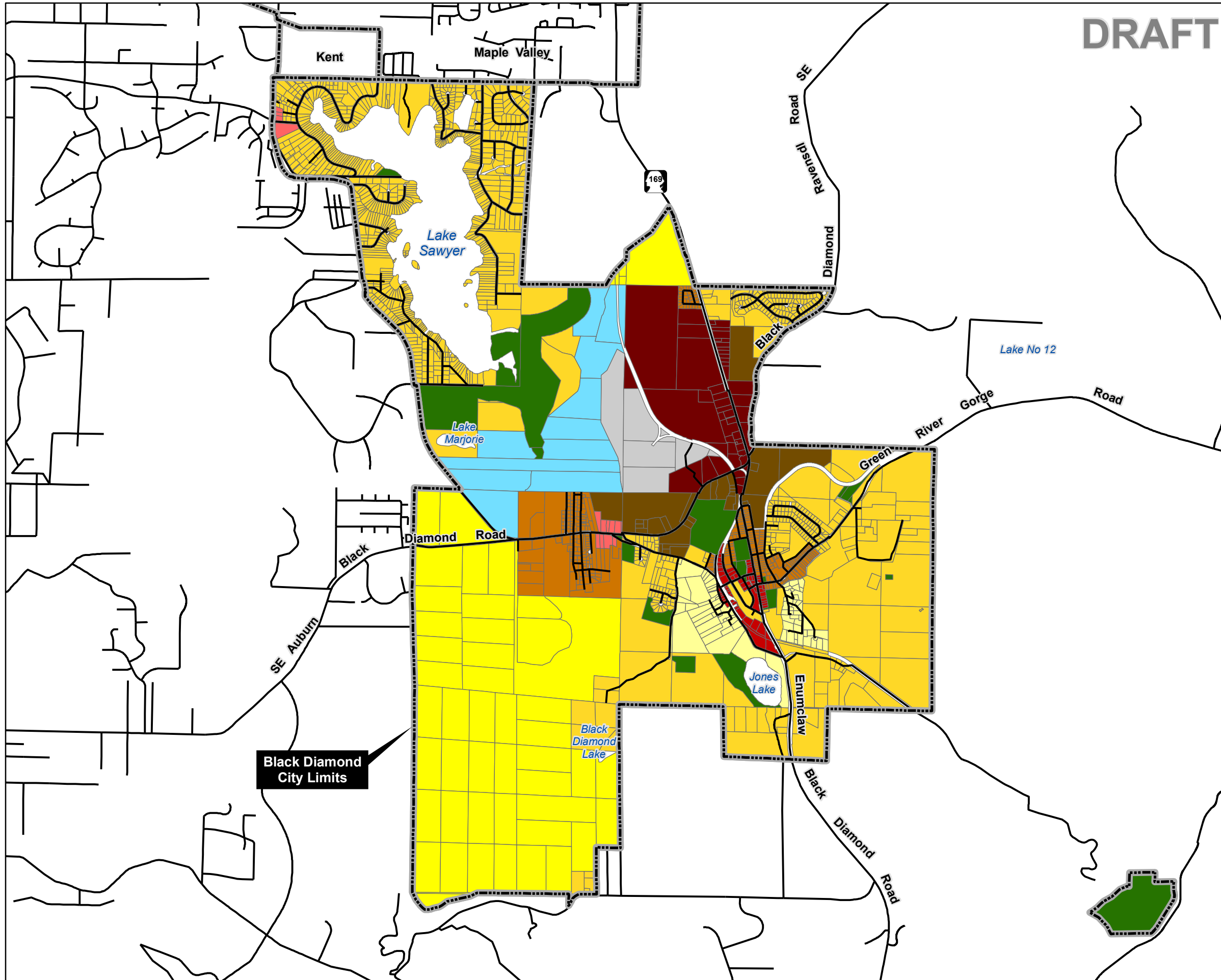
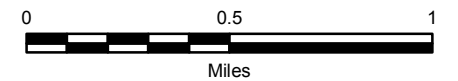
DRAFT

City of Black Diamond Draft Zoning Map

-  City Limits
-  Road
-  MPD
-  Urban Reserve
-  R4
-  R6
-  MDR8
-  NC
-  TC
-  CC
-  Bus Pk/Light Ind
-  IND
-  Public

Sources: King County (2007); City of Black Diamond (2006)

Map Prepared: August 2008



**Black Diamond
City Limits**