



CITY OF BLACK DIAMOND PLANNING COMMISSION AGENDA June 8, 2021

**THIS IS OFFERED AS A ZOOM MEETING ONLY.
CALL IN AND JOINING INFORMATION FOLLOWS:**

Zoom link to join meeting:

<https://zoom.us/j/4254157187?pwd=RE9OV0VoU1RFc3psSHdjem9mMk9hdz09>

(Note: You do not need a web cam to join the meeting, but you will need audio to hear the proceedings.)

Meeting ID: 425 415 7187

Password: PC

Telephone dial in options:

+1 253 215 8782 US (Tacoma)

+1 206 337 9723 US (Seattle)

Meeting ID: 425 415 7187

Password: 941820 (phone in only)

6:00 P.M. - CALL TO ORDER, FLAG SALUTE, AND ROLL CALL

APPROVAL OF MINUTES:

- 1) Regular Planning Commission Meeting on May 11, 2021

PUBLIC COMMENTS: Persons wishing to address the Planning Commission regarding items of new business are encouraged to do so at this time. Please use the "raise your hand" feature and once recognized by the Chair, you may unmute and state your name and city for the record. Please limit your comments to 3 minutes. For those dialing in, please press *9 to raise your hand and *6 to unmute yourself.

PUBLIC HEARING: None

STUDY/WORK SESSION:

UNFINISHED BUSINESS:

NEW BUSINESS:

- 2) Senior Housing Definition
- 3) Fences and Hedges Code Amendments

COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

PUBLIC COMMENTS: Persons wishing to address the Planning Commission regarding items of new business are encouraged to do so at this time. Please use the "raise your hand" feature and once recognized by the Chair, you may unmute and state your name and city for the record. Please limit your comments to 3 minutes. For those dialing in, please press *9 to raise your hand and *6 to unmute yourself.

ADJOURN:

This site is barrier free. People needing special assistance or accommodations should contact the Community Development Department 72 hours in advance of the meeting at (360) 851-4447



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
May 11, 2021, 6:00 PM
Zoom Virtual Meeting

FLAG SALUTE, CALL TO ORDER, and ROLL CALL:

Chair Olson called the meeting to order at 6:00 p.m.

Present: Commissioner Richard La Conte
Commissioner Steve Jensen
Commissioner Crystal Perez
Commissioner Pam McCain
Commissioner Felicia Wheatfall
Commissioner Dave Ambur
Chair/Commissioner John Olson

Staff: Community Development Director, Mona Davis
Deputy City Clerk, Carina Thornquist

APPROVAL OF MINUTES

Regular Meeting Minutes of April 6, 2021

The regular meeting minutes of April 6, 2021 were adopted under unanimous consent.

PUBLIC COMMENTS -

Gary Davis from Black Diamond, WA
Kristen Bryant from Bellevue, WA (stated she will wait for the Public Hearing)

PUBLIC HEARINGS -

Community Development Director Mona Davis gave a brief overview of the 2021 Comprehensive Plan Preliminary Docket and what it consists of. Those would include proposed changes to the Comp Plan, and/or development regulations that the City will evaluate during the annual update cycle. There are 23 items on the docket to consider moving to City Council for approval; 18 were citizen-initiated amendments and 5 amendments were submitted from staff members i.e.: Director Davis, staff, council members, planning commission. Director Davis submitted a staff report which included all of the docket items and her recommendations. Those recommendations were based on need, urgency, appropriateness of the suggested amendment, anticipated cost and budget impact, and staffing needs. After the Public Hearing this evening, the recommended docket items will move forward to the City Council to decide which docket items should be on the final docket. The City Council will consider the Planning Commission's recommendations before they adopt the final docket by Resolution. A

timeline is shown in the staff report as to what actions are needed from the Planning Commission and the City Council before the adoption of the final docket.

Chair Olson opened the Public Hearing at 6:11 p.m. and read the names of those individuals who submitted their request to speak by the deadline to the Deputy City Clerk. Any other individuals not on the list are free to speak after those on the sign-up list. Each speaker has 5 minutes.

Phillip Acosta from Black Diamond, WA – Mr. Acosta expressed his concerns over the revised Comp Plan and especially the safety at 288th and Highway 169. He said this area is overlooked and is a huge concern. He stated that there is talk about a receiver lane to be put in which he believes is even more dangerous than how it is now. He stated that there is supposed to be a stop light installed at this location in 5 years but that's too long; it needs to be installed now for everyone's safety. He further expressed that there is no place to walk on 288th and there needs to be sidewalks. Mr. Acosta feels that both cities, the City of Black Diamond and the City of Maple Valley, should work together to install sidewalks along 288th that makes sense. He reiterated that there needs to be safety for both pedestrians and drivers.

Kelly Sauskojus from Black Diamond, WA - Ms. Sauskojus stated her major concerns are around traffic and safety. She expressed how worried she is about pedestrian safety with the amount of traffic and drivers not obeying the speed limits; she was almost hit herself on Roberts Dr. by a speeding vehicle. She stated that there is not enough site distance and even the police presence isn't working. The flashing sign is ignored by drivers who don't even tap on their breaks when it shows they are going over the speed limit. She expressed that there needs to be something done before something serious happens and that the developers need to be held accountable.

Bob Stuart from Black Diamond, WA – Mr. Stuart spoke to his concern about Affordable Housing and referenced the May 11th Staff Report and docket number 2021-04 which states the potential need to increase Affordable Housing. He feels Ten Trails is creating an imbalance since there is Affordable Housing already in Black Diamond. The Housing Action Plan (HAP) draft and the Comp Plan dockets seem to be designed to let the developers off the hook to provide Affordable Housing by providing Affordable Housing elsewhere in the city. Another concern from Mr. Stuart is growth. He stated that PSRC has pointed out traffic issues and growth target issues with the Comp Plan. For 2031, the Regional Growth Target was 1,900 homes above the baseline (approx. 1,500 homes). But Black Diamond has approved over 6,000 additional homes. He's unclear how we will be able to coordinate with our neighboring jurisdictions when we are over three times the amount. Furthermore, how can we meet the PSRC requirements from last year where they asked us to work to narrow the gap between the anticipated housing and employment growth and align more with the adopted county wide targets. He stated that PSRC had recommended to avoid increases in development capacity that

would significantly surpass adopted targets which we have already done. Given the conditions from the PSRC, Mr. Stuart would be surprised if we could continue with the 2019 FutureLand Use Map which contains an additional 120 acres of denser land use than the 2009 map. He states the changes in the 2019 map were not analyzed, especially regarding the impact of traffic. Mr. Stuart's solution is to move docket number 2021-22 forward to City Council recommending the map should revert back to the 2009 map which is the only one that has had an adequate study. Then there can be a proper zoning review. He concluded by also expressing his concerns over the types of jobs coming to Black Diamond which will bring more traffic. He recommended moving docket number 2021-23 Land Use Designation to City Council.

Kristen Bryant from Bellevue, WA – Ms. Bryant spoke to her concerns regarding transportation. She referred to the Preliminary Docket Staff Report states that existing policies and codes will handle the public's transportation concerns. Transportation Concurrency code 11.11 and Black Diamond code 12.10 that will ensure development will pay for roads and intersection expansion. Walking paths, sidewalks and bicycle options where feasible. She supports including docket items 2021-22, 2021-18, 2021-04, and 2021-16, and in her estimation, these are being pushed because of incorrect assumptions in the 2019 Comprehensive Plan transportation appendix. She asks for consideration keeping docket item 2021-18 because she believes there are excessive areas in the land use map that would add massively more commercial sites. She supported docket item 2021-16 which should be renamed road safety. She also expressed her thought that growth needs to be carefully considered. She finished by also expressing her concerns for the traffic issues and by saying there needs to be a stop sign at Ravensdale because the wait time is 5 minutes.

Angela Fettig from Black Diamond, WA – Ms. Fettig suggested that the Commissioners send docket number 2021-16 and 2021-18 to Council for final docket approval. She expressed frustrations and concerns regarding the traffic in and around Black Diamond, especially on Black Diamond-Ravensdale Rd. which can be backed up 20 to 25 cars at several times a day. She said the traffic concurrency requirements are not sufficient and the traffic concurrency enforcement is weak. She further expressed that a round-about should have already been done since Ten Trails has 10% of their planned housing completed and yet Roberts Dr., as well as the Ravensdale Rd. has been delayed since their original concurrency requirements. She said that she's heard that WSDOT is to blame for the delay, so she has put in Public Record Requests with WSDOT to get more information. From the information that she's received, it's the City and Oakpoint who have not been meeting the requirements. Ms. Fettig gave a timeline with dates and occurrences from WSDOT, City of Black Diamond and Oakpoint to show discrepancies. She further states that the City should stop allowing any new house occupancy if the road improvements are not started on time by the developer. She concluded by supporting docket item number 2021-22.

Nicole de Leon who is the attorney representing Oakpoint stated that a comment letter was provided to the Planning Commission today. She also wanted to clarify the scope of this hearing is to talk about the Comprehensive Plan Amendment Application and not to debate the terms that govern the MPD. She added that amendment 2021-02 was submitted and paid for by Oakpoint to be on the final docket. It's to evaluate an alternative to the SE Loop Connector; clarification was made that it's not approving it, but just providing the option to explore it further. She stated that they have a lot of the same concerns as the citizens, particularly with 2021-01 and 2021-03 which talks about the area being saturated with commercial development. Ms. de Leon concluded by advising the Commissioners that the Housing Action Plan and the PROS Plan are currently in the process of being completed so she would recommend that amendments 2021-04 and 2021-05 be revisited next year when it's at a more appropriate time when they have been finalized.

Renee Mix from Black Diamond, WA – Ms. Mix expressed her concerns about the safety on Ravensdale Rd. which is very dangerous to walk on. She also stated her frustrations that there are no sidewalks around town and expressed the great efforts that it even took just to get a sidewalk the short distance from Ten Trails to City Hall. She said the neighborhoods of Lawson Hills and Morgan Creek are examples to learn from. She feels they should have been required to do more for walking safety outside of their developments. Ms. Mix further explained that there is no safe pedestrian crossing over Highway 169 and cars don't even stop for the flashing light. She feels there should be no more plans for development until there are pedestrian plans and ways to pay for them; waiting for grants is not enough. She said that Black Diamond needs to limit growth. She further explained about Puget Sound Regions Growth Plan which states that 42 small cities combined should make up 6% of the region's population growth; Black Diamond is one of those 42 cities. Ms. Mix concluded by saying safety over unnecessary growth. She asked for the commission to not renew policy item 2021-16 to prioritize road safety.

Chair Olson announced that they had reached the end of the list for everyone who had asked to sign up to speak.

Bill Bryant from Black Diamond, WA – Mr. Bryant has been a resident for 78 years and he shared his concerns as other have about pedestrian safety along Roberts Dr., Highway 169, etc. He said that people are always walking on Roberts Dr. and he feels the speed limit should be 25 mph. In addition to reducing the speed limit, there should be sidewalks, pedestrian friendly signs and wide bike lanes. He expressed his frustrations of the city taking away the historic feel of Black Diamond and making it like all the other cities which the longtime citizens do not want, including the problems like the big cities have. Mr. Bryant finished by saying they should go back to the 2009 plan

instead of 2019 because it's overbuilt, and the traffic isn't going to get any better. His suggestion is to work on the pipeline road before anything else.

Chris Graff from Black Diamond, WA – Mr. Graff has lived in Black Diamond for a couple of years. He referenced the planned commercial development on the 31 acres on Highway 169 which he is opposed to with the current state of Black Diamond. With the amount of commercial that's coming in Ten Trails, he feels it's not needed. He also stated that it will increase traffic troubles on Highway 169 including the intersection at Roberts Dr. and a roundabout or light is a definite must to make it safe.

Chair Olson asked if there were any others to speak at the public hearing. After three attempts, he closed the Public Hearing at 7:00 p.m.

Chair Olson reported that each docket item number would be read, a synopsis would be given by Director Davis, the Commissioners would discuss it, a motion would be brought forward, and then a vote would be taken. In addition, if the Commissioners feel they don't have enough information or there is a lot of information that needs to be researched further, they can elect to not vote on those item numbers at this time.

1) **2021-01: Reversion to the 2009 Future Land Use Map (FLUM)**

Submitted by a citizen. Director Davis gave a brief history and overview of reverting the 2019 Future Land Use Map back to the 2009 Future Land Use Map because it's inconsistent with the Zoning Map. Director Davis stated that staff recommends putting 2021-01 on the docket. There was extensive back and forth discussion between the Commissioners and Director Davis.

Chair Olson read the motion as follows: A motion to the City Council to recommend item 2021-01: Reversion to the 2009 Future Land Use Map (FLUM) as described and presented tonight be included in the final docket and to authorize staff to forward this recommendation to the City Council on behalf of the Planning Commission.

Commissioner Jensen **Motioned** to move forward with 2021-01 as read by Chair Olson. **Second** Commissioner McCain. **Vote** was taken but unclear, so clarification was asked for.

During the time of obtaining the votes, there were more questions brought forward on the motion which prompted a further discussion from the Commissioners and a re-vote.

Chair Olson clarified that the motions [unless altered] recommending the docket items to council are based on the verbiage included by staff under 'recommendations.' He read the recommendation from city staff for item

2021-01 and clarified the recommendation would be based on that, which is an overall investigation into the discrepancies including reverting to the 2009 FLUM as a possible solution. After clarifications were made, it was decided upon to continue with the voting process by doing a Roll Call Vote.

Continuation of voting process. **Roll Call Vote**, Commissioner LaConte-yes, Commissioner Jensen-yes, Commissioner Perez-yes, Commissioner McCain-yes, Commissioner Wheatfall-yes, Commissioner Ambur-yes, Commissioner Olson-yes, Motion **passed** 7-0.

2) 2021-02: Amendments to Comprehensive Plan Appendix 7 (Transportation) to Reflect an Alternative SE Loop Connector Route

Submitted by Oakpoint who submitted all required documentation and paid the amendment fees. Director Davis gave a brief history and overview of the transportation element of the Comp Plan and the request to look at an alternative SE Loop Connector Route. Director Davis stated that staff recommends putting 2021-02 on the docket. There was extensive back and forth discussion between the Commissioners and Director Davis.

Chair Olson read the motion as follows: A motion that item 2021-2: for Amendments to Comprehensive Plan Appendix 7 (Transportation) to Reflect an Alternative SE Loop Connector Route as described and presented tonight be included on the final docket and to authorize staff to forward this recommendation to the City Council on behalf of the Planning Commission.

Commissioner McCain **Motioned** to move forward with 2021-02 as read by Chair Olson. **Second** Commissioner Jensen. **Vote**, Motion **passed** 7-0.

3) 2021-03: Harmonizing the FLUM and City Zoning Regulations

Submitted by Director Davis. Director Davis gave a brief history and overview of the discrepancies with both maps and sees item numbers 2021-01 and 2021-03 working together. Director Davis stated that staff recommends putting 2021-03 on the docket. There was extensive back and forth discussion between the Commissioners and Director Davis.

Chair Olson read the motion as follows: A motion to recommend that item 2021-03: Harmonizing the FLUM and City Zoning Regulations as described and presented tonight be included on the final docket and to authorize staff to forward this recommendation to the City Council on behalf of the Planning Commission.

Commissioner Ambur **Motioned** to move forward with 2021-03 as read by Chair Olson. **Second** Commissioner McCain. **Vote**, Motion **passed** 7-0.

4) 2021-04: Update the Housing Chapter of the Comprehensive Plan to Incorporate Relevant Components of the 2021 Housing Action Plan

Submitted by Director Davis. Director Davis gave a brief history and overview of the housing element of the Comp Plan which includes Affordable Housing. Director Davis stated that staff recommends putting 2021-04 on the docket. There was extensive back and forth discussion between the Commissioners and Director Davis.

Chair Olson read the motion as follows: A motion to recommend that item 2021-04: Update the Housing Chapter of the Comprehensive Plan to Incorporate Relevant Components of the 2021 Housing Action Plan as described and presented tonight be included on the final docket and to authorize staff to forward this recommendation to the City Council on behalf of the Planning Commission.

Commissioner Wheatfall **Motioned** to move forward with 2021-04 as read by Chair Olson. **Second** Commissioner Perez. **Vote**, Motion **passed** 6-1 (Ambur).

5) 2021-05: Update the Parks Chapter of the Comprehensive Plan to Incorporate Relevant Components of the PROS Plan

Submitted by Director Davis. Director Davis gave a brief history and overview of the parks and recreation element of the Comp Plan. Director Davis stated that staff recommends putting 2021-05 on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Chair Olson read the motion as follows: A motion to recommend that item 2021-05: Update the Parks Chapter of the Comprehensive Plan to Incorporate Relevant Components of the PROS Plan as described and presented tonight be included on the final docket and to authorize staff to forward this recommendation to the City Council on behalf of the Planning Commission.

Commissioner McCain **Motioned** to move forward with 2021-05 as read by Chair Olson. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 7-0.

6) 2021-06: Repeal City Prohibitions on Marijuana Businesses and Update the Land Use Chapter as Needed to Facilitate Appropriate Siting

Submitted by City Council. Director Davis gave a brief history and overview of allowing marijuana businesses which would generate a tax revenue. Director Davis stated that staff recommends putting 2021-06 on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Chair Olson read the motion as follows: A motion to recommend that item 2021-06: Repeal City Prohibitions on Marijuana Businesses and Update the Land Use Chapter as Needed to Facilitate Appropriate Siting as described and presented tonight be included on the final docket and to authorize staff to forward this recommendation to the City Council on behalf of the Planning Commission.

Commissioner Ambur **Motioned** to move forward with 2021-06 as read by Chair Olson. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 6-1 (LaConte).

7) 2021-07: Review ADU and Short-Term Rental Regulations with Potential Changes to the Housing Chapter of the Comprehensive Plan

Submitted by Planning Commission. Director Davis gave a brief history and overview of allowing ADU's, Air BnB's, etc. She suggested combining it with the Housing Action Plan and the Housing Element of the Comp Plan. Director Davis stated that staff recommends putting 2021-07 on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Jensen **Motioned** to move forward with 2021-07. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 7-0.

8) 2021-08: Conduct an Ecological Inventory and Propose Changes to Land Uses and Regulations to Preserve Natural Areas

Submitted by a citizen. Director Davis gave a brief overview of the area's natural resources and sensitive areas which are reviewed any time development is considered. Director Davis stated that staff does not recommend putting 2021-08 on the docket due to lack of funding. There was extensive back and forth discussion between the Commissioners and Director Davis.

Chair Olson proposed amending this recommendation to determine what the study would cost and how long it would take to conduct.

Commissioner Ambur **Motioned** to amend Item 2021-08 - to conduct a feasibility study, including costs and scope of operations, on conducting an ecological inventory to be included in the final 2021 docket. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 6-1 (McCain).

9) **2021-09: Amend the Land Use Chapter to Add a New Zoning Category of “Mineral and Resource Extraction”**

Submitted by a citizen. Director Davis had no detailed information. Director Davis stated that staff does not recommend putting 2021-09 on the docket due to lack of information from the requestor. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Jensen **Motioned** to not move forward with 2021-09. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 7-0.

10) **2021-10: Amend the Land Use Chapter to Add a New Zoning Category of “Forestry”**

Submitted by a citizen. Director Davis had no detailed information. Director Davis stated that staff does not recommend putting 2021-10 on the docket as this designation is usually on state or county land, not city. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Jensen **Motioned** to not move forward with 2021-10. **Second** Commissioner McCain. **Vote**, Motion **passed** 7-0.

11) **2021-11: Add a New Policy to the Land Use Chapter to Require a Formal Application to Amend the FLUM or Zoning Regulations for Changes that would Increase Residential Units or Redesignate Property as “Commercial”**

Submitted by a citizen. Director Davis had no detailed information. Director Davis stated that staff does not recommend putting 2021-11 on the docket as this process is already in place. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner McCain **Motioned** to not move forward with 2021-11. **Second** Commissioner Jensen. **Vote**, Motion **passed** 7-0.

12) **2021-12: Creation of a Conservation Easement Development Credit Program**

Submitted by a citizen. Director Davis didn't have enough detailed information and said it's similar to item 2021-08 where a further study would need to be done. Director Davis stated that staff does not recommend putting 2021-12 on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner McCain **Motioned** to not move forward with 2021-12. **Second** Commissioner Jensen. **Vote**, Motion **passed** 7-0.

13) 2021-13: Redesignate Various Specified Parcels as “Mineral and Resource Extraction,” “Low Density Residential (LDR),” and “Forestry”

Submitted by a citizen. Director Davis said these are similar to items 2021-09 and 2021-10. These were specific parcels that were redesignated in the Future Land Use Map that are inconsistent with the Zoning Map and they do need to be looked at why they are inconsistent. Director Davis stated that staff does not recommend putting 2021-13 on the docket because these designations are generally found in a county, not a city. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Ambur **Motioned** to not move forward with 2021-13. **Second** Commissioner McCain. **Vote**, Motion **passed** 7-0.

Commissioner Ambur **Motioned** to take a 5-minute recess. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 7-0.

Chair Olson called the meeting back to order at 8:30 p.m.

14) 2021-14: Amendments to Land Use Chapter Addressing Minimum Open-Space and Clustering Requirements in Zones Allowing Mixed-Use and Commercial Development

Submitted by a citizen. Director Davis gave a brief history and overview of the Open Space and Clustering which is typically found in more rural areas and not in a city. Director Davis stated that staff does not recommend putting 2021-14 on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner McCain **Motioned** to not move forward with 2021-14. Further conversation took place with the Motion on the floor. **Second** Commissioner Perez. **Vote**, Motion **passed** 6-1 (Ambur).

15) 2021-15: Amendments to Land Use Element Addressing Open-Space Requirements and Density Limits for Multi-Family Development.

Submitted by a citizen. Director Davis gave a brief history and overview of the Open Space and Density Limits for Multi-Family Development which is very similar to items 2021-14. Director Davis stated that staff does not recommend putting 2021-15 on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Ambur **Motioned** to send it to City Council. **Motion not seconded; motion failed.**

Commissioner McCain **Motioned** to not move forward with 2021-15. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 6-1 (Ambur).

16) 2021-16: Amend Transportation Chapter to Prioritize Pedestrian and Bicycle Safety Over Motor Vehicle Capacity

Submitted by a citizen. Director Davis gave a brief history and overview of pedestrian and bicycle safety versus motor vehicle capacity which are all important and needs to be studied further. Director Davis stated that staff does not recommend putting 2021-16 on the docket as there are current safety policies in place. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Jensen **Motioned** to not move forward with 2021-16. **Second** Commissioner McCain. **Vote**, Motion **passed** 6-0. (Commissioner Ambur abstained)

17) 2021-17: Delete Policy Ed-4.5 from the Economic Development Chapter or Move it to the Transportation Chapter

Submitted by a citizen. Director Davis gave a brief history and overview of moving a policy from the Economic Development Chapter to the Transportation Chapter. Director Davis stated that staff does recommend putting 2021-17 on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Ambur **Motioned** to move forward with 2021-17. **Second** Commissioner Perez. **Vote**, Motion **passed** 6-1 (McCain).

18) 2021-18: Amendments to the Land Use Chapter to Eliminate Policies Promoting Development of Commercial Areas

Submitted by a citizen. Director Davis gave a brief history and overview of Land Use Chapter, specifically Land Use 42. Director Davis stated that staff does not recommend putting 2021-18 on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Ambur **Motioned** to remove the word “Aggressive” from Land Use Policy 34. **Motion not seconded; motion failed.**

Commissioner McCain **Motioned** to not move forward with 2021-18. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 6-1 (Ambur).

19) 2021-19: Amend the Land Use Chapter to Add New Policies Relating to Conservation of Natural Areas and Native Vegetation

Submitted by a citizen. Director Davis gave a brief history and overview of Land Use Chapter regarding natural areas and native vegetation. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner McCain **Motioned** to not move forward with 2021-19. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 7-0.

20) 2021-20: Amend Land Use Policy LU-18 Concerning Historic Preservation

Submitted by a citizen. Director Davis gave a brief history and overview of Land Use Chapter, specifically Land Use 18. Director Davis recommended to either table it for a while or, recommend including this but only to the extent of adding Historically Significant Sites to our Land Use 18 which is included in the Staff Report. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Jensen **Motioned** to not move forward with 2021-20. **Second** Commissioner McCain. **Vote**, Motion **passed** 6-0 (Ambur abstained).

21) 2021-21: Amend Land Use Policy LU-19 Concerning Public Process on Larger Developments

Submitted by a citizen. Director Davis gave a brief history and overview of Land Use Chapter, specifically Land Use 19. Director Davis recommended to not move forward with 2021-21. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Ambur **Motioned** to not move 2021-21 forward. **Second** Commissioner McCain. **Vote**, Motion **passed** 7-0.

22) 2021-22: Amend Land Use Policy LU-21 Concerning Growth Targets and Present Recommendations to the Planning Commission and City Council in 2022

Submitted by a citizen. Director Davis gave a brief history and overview of Land Use Chapter, specifically Land Use 21 and stated this goes along with item 2021-01 and 2021-03, getting the maps to align. Director Davis recommended that Item 2021-22 be included on the final 2021 Docket, but in combined form with Items 2021-01 and 2021-03. Together, they should be docketed with the description broadened as follows: "Reconsideration of the 2019 FLUM, including possible reversion to the 2009 FLUM, and corresponding updates to the zoning code for consistency with the

Comprehensive Plan and the FLUM, and to begin narrowing discrepancies with PSRC’s VISION 2040 and 2050 (as applicable) and Regional Growth Strategy.” There was back and forth discussion between the Commissioners and Director Davis.

Commissioner Jensen **Motioned** to move 2021-22 forward but combined with 2021-01 and 2021-03. **Second** Commissioner Ambur. **Vote**, Motion **passed** 7-0.

23) 2021-23: Add a New Policy to the Land Use Chapter Concerning New Land Use Categories

Submitted by a citizen. Director Davis didn’t have enough detailed information; therefore, she does not recommend that item 2021-23 be put on the docket. There was back and forth discussion between the Commissioners and Director Davis.

Commissioner McCain **Motioned** to not move 2021-23 forward. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 7-0.

Director Davis concluded by thanking the Planning Commission for taking the time to listen to all the items that were submitted. She reported that a proposed timeline of this entire process is included in the Staff Report. She expects Chair Olson to submit the written recommendations from the Planning Commission to the City Council for their June meeting. All of the written comments that came in have been forwarded to the City Council for them to review before their next meeting and it’s anticipated that City Council will also hold a Public Hearing.

STUDY/WORK SESSION – None

UNFINISHED BUSINESS – None

NEW BUSINESS - None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT -

Director Davis reported briefly on the continued efforts to increase the staff in the Community Development Office to include a Sr. Planner and a Permit Tech. The Housing Action Plan (HAP) is going to City Council on Thursday, May 13 for approval.

PUBLIC COMMENT –

Kristen Bryant from Bellevue, WA
Gary Davis from Black Diamond, WA
Bob Stuart from Black Diamond, WA
Phillip Acosta from Black Diamond, WA

ADJOURNMENT –

Commissioner Jensen **Motioned** to adjourn the meeting. **Second** Commissioner McCain. **Vote, Motion passed 7-0.**

The meeting ended at 9:24 p.m.

These minutes were respectively recorded by Carina A. Thornquist, Deputy City Clerk

ATTEST:

John Olson, Chairperson

Planning Commission Secretary

DRAFT



CITY OF BLACK DIAMOND

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Meeting Date: June 8, 2021

To: Planning Commissioners

Staff Contact: Mona Davis, AICP – Community Development Director

Subject: Senior Housing Code Amendments

Findings of Fact

Age-limit

The definition of senior housing is found in Black Diamond Municipal Code section 18.100.655. Within this definition senior housing is limited to an age-restriction of sixty-five years or older. Staff is recommending amending the code to change the age-restriction to fifty-five years or older. This allows senior housing within the City more options for how they choose to age-restrict their communities.

The U.S. Department of Housing and Urban Development (HUD) Fair Housing Act includes three types of housing “exemptions” where communities can lawfully refuse to sell or rent dwellings to families with minor children due to certain restrictions. The Housing for Older Persons exemptions apply to the following housing:

1. Provided under any state or federal program that the Secretary of HUD has determined to be specifically designed and operated to assist elderly persons (as defined in the state or federal program);
2. Intended for, and solely occupied by persons 62 years of age or older; or
3. Intended and operated for occupancy by persons 55 years of age or older.

HUD specifically states that the 55 or older exemption is the most common of the three.

There are numerous senior housing developers and property management companies that run senior housing developments with an age-restriction of fifty-five years or older. For instance, SHAG (Sustainable Housing for Ageless Generations), a large provider of senior housing in the Puget Sound region is frequently restricted for 55+.

Nearby cities including Orting, Enumclaw, Milton and Buckley either define a senior citizen, senior housing or the like as 55+. Some other communities limit senior housing to 62+, and some city’s regulations more generally state senior housing is “age restricted” with no specific age limit stated in the code.



Cottage Housing

In addition to the amendment to the age restriction on senior housing, staff is recommending that senior housing also be permitted as detached cottage housing (in addition to multi-family and attached single family). Cottage housing can provide a great option for senior housing as it has all the benefits of single-family homes, just in a smaller space, and often with community amenities. The senior housing cottages would still need to be developed in accordance with the City's current cottage housing regulations found in BDMC Chapter 18.88 to be permitted. This includes a zone restriction to the MDR8 zone, minimum and maximum project size, location restrictions, and development standards (density, height, coverage, open space, parking, etc.). By allowing senior housing in cottage developments it provides a detached housing option for these developments that is currently not allowed per the code, providing a more independent living option. Examples of this type of senior housing can be seen in Issaquah and Maple Valley.

Proposed Code Amendments

18.100.655 Senior housing.

Multifamily, cottage housing, 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 ~~sixty-five~~ fifty-five years or older and that does not provide on-site life-care services and staffing for living support and health care.

Staff Recommendation

The purpose of tonight's meeting is to get Commissioner's input and feedback on the proposed amendments. Should the Commissions support these amendments, they will move forward to the next meeting's agenda for a public hearing and recommendation to City Council.

Staff recommends approval of the code amendments as proposed.

Process and Appeal

Code amendments are a Type 5, legislative decision made by the City Council. The process includes a public hearing before the planning commission, which will make a recommendation to the City Council. There is no administrative appeal of Type 5 decisions, but they may be appealed to the Washington State Growth Management Hearings Board.



CITY OF BLACK DIAMOND

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Meeting Date: June 8, 2021

To: Planning Commissioners

Staff Contact: Mona Davis, AICP – Community Development Director

Subject: Fences and Hedges Code Amendments

Findings of Fact

Currently, the City code regulates the height of fences and walls, but not of hedges. Hedges often function as a fence, providing a sight-obscuring screen or barrier between houses or the like. Therefore, the following regulations have been developed to include hedges with the fence and wall regulations. The proposed regulations promote public safety and aesthetically pleasing neighborhoods and can also help to preserve the views of neighbors (where applicable) by limiting the height of hedges.

The City will not require permits for hedges, as is required for fences and walls, but hedges meeting the proposed definition will need to comply with the height requirements pursuant to setbacks. Property owners will be responsible for removing or trimming hedges to bring them into compliance with these regulations.

There are some exceptions for the hedge height limit in compliance with the City code's current landscaping requirements for non-residential uses abutting residential uses, and exceptions may be allowed through the subdivision approval process.

Proposed Code Amendments

Chapter 18.100 DEFINITIONS

18.100.330 HEDGE

"Hedge" means trees, shrubs, bushes and/or any living green fence which are planted in a substantially uniform configuration, grown and joined together in some definite manner that form a screen, barrier, or boundary which encloses land, divides land into distinct portions, separates contiguous properties, obstructs the passage of light and air into adjacent land or obstructs the vision of motorists on or near public roads.

18.50.060 FENCES, HEDGES, AND WALLS.

The height of the fence or wall shall be determined from the existing, established grade on the property. These regulations are primarily intended to regulate height of fences, hedges, and retaining walls to promote traffic and public safety and to maintain or create aesthetically pleasing neighborhoods,



encourage safe access to and from properties, encourage the feeling of spaciousness along neighborhood streets, and reduce conflicting interests between abutting property owners.

- A. Fences, hedges, and walls may ~~be constructed to a height~~ not ~~to~~ exceed the following heights in each of the required setback areas, as regulated per each zone, or as modified by subsection B of this section:
1. Front yard: Forty-two inches; provided, that fences constructed of wrought iron or similar materials that provide visibility may be seventy-two inches in height. Exception: Fences protecting a swimming pool, agricultural use or community garden may exceed forty-two inches in height, provided they are at least seventy-five percent open;
 2. Side yard: Seventy-two inches;
 3. Rear yard: Seventy-two inches;
 4. Street side yard: Seventy-two inches.
 5. These limitations do not apply within the public zone district.
- B. Exceptions:
1. The height and design of landscaping hedges may be modified through the subdivision approval process, provided the design allows for visual access.
 2. The buffering of non-residential uses abutting residential zones may exceed the height limits listed above in accordance with BDMC 18.72.030.F(2) landscaping requirements.
 3. For properties located in the shoreline jurisdiction, all fence and hedges located in the Ordinary High Water Mark (OHWM) setback must comply with the height limit in the City of Black Diamond adopted Shoreline Master Program (SMP) Chapter 4, C.8.c.9(a) in order to maintain visual access to the waterfront.
- C. 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 ten 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 twenty 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 twenty-foot lines;
 2. Fences located at the corner of intersecting streets shall comply with the sight distance requirements of the city public works standards.
- D. In general, no fence, wall, hedge, structure or other obstruction shall act as a sight hazard to traffic, and the public works or community development director may order the removal of such hazard whether or not such object otherwise complies with the provisions of this title.
- E. Other than in the public, industrial or business/industrial park zones, no fence may include the use of barbed wire, 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 seventy-two-inch fence, provided it does not extend more than one additional foot in height.
- F. The height of the fence or wall shall be determined from the existing, established grade on the property. Hedges shall be measured from the topmost portion of vegetation to the ground.



Staff Recommendation

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