

**BLACK DIAMOND
PLANNING COMMISSION
MINUTES OF AUGUST 10, 2010 MEETING**

CALL TO ORDER

Chairman Bob Kaye called the meeting to order at 7:30 p.m. with the introduction of the role and duties of the Planning Commission.

ROLL CALL

Present: Commissioners Bob Kaye, Pam Thurmond, Ron Taylor, Sheri Roth, Greg Thesenvitz, Keith Watson
Absent: Darryl Buss (excused)
Staff: Community Development Director Steve Pilcher; Associate Planner Stacey Borland

APPROVAL OF MINUTES

Chairman Kaye noted that on page 1, 2nd line from the bottom, the word “to” should be changed to “no” in the phrase regarding a size limitation. **Moved by Commissioner Thurmond, seconded by Commissioner Watson, to approve the minutes of the July 13, 2010 meeting as amended. Passed 6-0**

PUBLIC COMMENTS

Brian Derdowski, 70 E. Sunset Way #254, Issaquah, WA, introduced himself to the Commission, offering himself as a resource. He stated he was a former King County Councilmember during the 1990s who chaired the Growth Management Committee and sponsored several items of legislation, including the County’s Critical Areas Ordinance. He noted that while a Councilmember, he had voted against adoption of the Black Diamond Urban Growth Area Agreement.

Mr. Derdowski praised the Commission for its work, although the Commission process is sometimes “messy.” He urged a good Commission process that is both proactive and includes a good iterative process with staff. He stated that he felt the role of the Commission in crucial to the health of the city.

Cindy Procter, 718 Griffin Ave., #241, Enumclaw, noted that the Commission had previously conducted a hearing on proposed changes to Chapter 18.08. However, a newer version of the proposal was posted on the City’s website, which included an addition of the City Council considering final assessment rolls for LIDs or ULIDs. She stated that the Commission’s Rules of Procedures allows them to re-open a public hearing and requested that they do so if this addition is to be included. She also stated there has never been a satisfactory resolution of the issue of whether the proposed SEPA amendments would apply retroactively.

Troy Coby, Lawson St., Black Diamond, testified that he desires to build a garage larger than currently allowed by the code and is hoping the code will be changed to allow him to build as planned.

PUBLIC HEARING ON MISCELLANEOUS ZONING CODE AMENDMENTS

Mr. Pilcher noted the Commission had discussed these amendments at its last two meetings. He reminded the Commission that it has been one year since the new Zoning Code was adopted and since then, staff had identified a number of problems with various provisions. A good number of

these are simply erroneous cross-references (i.e., wrong chapter citations) and are now included in the packet provided for the public hearing.

One primary issue discussed at the two worksession meetings concerned the current size limitation for accessory buildings. The current proposal will allow an accessory building to be as large as the ground floor area of the primary structure on the lot and will place no size restriction for accessory buildings when located on properties greater than 35,000 sq. ft. in size.

The Chair then opened the hearing to public testimony.

Brian Derdowski, 70 E. Sunset Way, #254, Issaquah, expressed concern that the proposed changes to Chapter 18.12 will eliminate the required findings for Plats and Short Plats; Development Agreements; and Comprehensive Plan Amendments. He suggested the Commission should do a side-by-side comparison to verify staff's statement these will not be significant changes.

In terms of 18.12.020, Mr. Derdowski advocated the continued use of site-specific rezone standards. He stated there is no benefit to eliminating this requirement, that there are instances where a zone change may be viable, but only if properly conditioned. Mr. Derdowski also advocated retaining a public hearing requirement for Site Plan Review above a defined site or development size. He does not support a blanket exemption of all types of projects from a public hearing process.

On another issue, Mr. Derdowski questioned the advisability of limiting the potential of bonus density in the MDR8 zone. He also objected to eliminating 18.32.010.C, which directs multifamily development to locations where sewers are available. He expressed concern that developers could "leap frog" past undeveloped properties with sewers and thereby force intervening properties to hook-up. Mr. Derdowski provided a procedural recommendation for numbering proposed code amendments.

Commissioner Taylor asked what threshold for public-hearing Site Plan Review he suggests. Mr. Derdowski stated the Commission needs to decide what works best for Black Diamond.

Commissioner Thesenvitz asked staff to clarify the sanitary sewer issue. Mr. Pilcher replied that the question of which sites are appropriate for multifamily development is a policy issue, that would be addressed in the Comprehensive Plan. Since all zoning must be consistent with the Comp Plan, it would not be possible to rezone a site to MDR8 if the Future Land Use Map did not support that zoning designation. Presumably, areas would not be planned for multifamily development if they did not have sewer readily available.

Karen Watling, 32326 Hammond Place, Black Diamond, stated she owns 1.3 acres and is in support of the proposed change to allow larger detached accessory buildings in residential zones.

Cindy Proctor, 2950 Sun Mountain Drive, Enumclaw, expressed her concern regarding the potential of incremental extension of sewers and how that could impact individuals in the city whose homes are not currently connected.

Troy Coby, 25808 Lawson St., Black Diamond, stated he hoped to build a larger garage than the code currently allows. His house isn't large enough to entitle him to a reasonable sized garage under the current limitations.

Chair Kaye asked about his desired garage size.

Lisa Garvich, 29625 232nd Ave. SE, Black Diamond, thanked the Commission for their work and expressed her concern with the proposed amendments to the Site Plan Review process, which would eliminate opportunities for public input.

The Chair closed the hearing to further testimony.

Commissioner Thurmond asked staff to prepare a comparison of the proposed amendments to Ch. 18.12 as suggested during public testimony. The remainder of the Commission concurred. Staff agreed to provide a chart comparing the various sections of code.

Commissioner Thesenvitz asked why staff was recommending eliminating the code language regarding the difference between minor and major site plan amendments. Mr. Pilcher replied that, should the decision be to make site plan review an administrative process only, then there would be no need for a distinction, as all amendments would be considered administratively. However, should the Commission wish to have some level of Hearing Examiner review, then it would make sense to include the distinction.

It was noted that if the decision is to make all site plan review administrative, there is an extraneous "minor" in section 18.16.030.A.

Commissioner Kaye noted some minor corrections to the order of letters under section 18.56.030.

Moved by Commissioner Thurmond, seconded by Commissioner Taylor, to table further consideration of Chapter 18.16 until the next meeting. Passed 5-1.

Moved by Commissioner Thurmond, seconded by Commissioner Watson, to table further consideration of Chapter 18.12 until the next meeting. Passed 6-0.

Moved by Commissioner Taylor, seconded by Commissioner Thurmond, the move the remainder of the proposed code amendments forward to the City Council. Passed 6-0.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 19.04, SEPA REGULATIONS

Mr. Pilcher noted this set of amendments was initially presented to the Commission earlier this year in conjunction with proposed amendments to Chapter 18.08, but staff did not advertise the matter for public hearing. Therefore, the proposal is being presented at this time.

He noted the proposed changes are primarily "housekeeping" in nature, recognizing existing practice and also clarifying how public notice of SEPA actions is to occur. The proposed changes also address the process by which the City bills for preparation of Environmental Impact Statements.

The Chair opened the hearing for public testimony.

Cindy Proctor, 2950 Sun Mountain Drive, Enumclaw, stated that in terms of public notice, the code should be changed to ensure that all methods of notification are employed, rather than "at least one," as the text currently states. At a minimum, she feels that items 1-3 all need to be enforced.

Brian Derdowski, 70 E. Sunset Way # 254, Issaquah, stated that requiring mailed notice only to individuals within 300 feet of a site could be a problem if large properties are involved. He suggested using a King County standard that also required a minimum of 20 property owners to be notified. He also stated his concern with relying upon the website too much for notification.

The Chair closed the hearing to public testimony.

The Commission concurred with the suggestion to expand the minimum notification standards to include “at least all” in section 19.04.180.C. The Commission also indicated it wished to have at a minimum the nearby 20 property owners advised by mail.

Moved by Commissioner Thesenvitz, seconded by Commissioner Watson, to approve the proposed revisions to Chapter 19.04, with the following two revisions:

1. **In section 19.04.180.C, modify the first line to states “at least all of” instead of “at least one of...”.**
2. **In section 19.04.180.C.3, add “with a minimum of 20 of the nearest property owners being notified.”**

Passed 6-0.

PUBLIC HEARING ON PROPOSED COMPREHENSIVE PLAN AMENDMENTS

Due to the late hour, the Chair suggested the Commission provide an opportunity for those in attendance to speak, but with the intention of continuing the public hearing (and additional opportunity for testimony) to its next meeting.

Mr. Pilcher gave a brief staff presentation, noting the changes were mainly to update certain background information in the Plan, plus to add verbiage addressing privately-owned utilities. The latter was being done at the request of Puget Sound Energy, which apparently had submitted suggested language several years ago while the Plan was being updated. Mr. Pilcher stated that it appeared the revised language had never been put forth for consideration. Mr. Pilcher noted that there were no individual amendment requests filed by members of the public.

Commissioners Kaye and Watson noted some minor grammatical corrections to the amendments.

Brian Derdowski, 70 E. Sunset Way, # 254, Issaquah, asked whether the Commission would be continuing the hearing. The Chair answered in the affirmative.

Mr. Derdowski stated the Commission should ask staff how the SEPA process was accomplished for this proposal, as the planned new electrical and natural gas projects could have a major impact. He also suggested the Commission should submit the proposal for review by the King County Growth Management Planning Council. He also stated his concern that the Plan appeared to be adopting the King County Shoreline Master Program (SMP).

Mr. Pilcher replied that the Lake Sawyer area has been under the jurisdiction of the King County SMP since being annexed into the City, as the City has yet to update its SMP. That process is currently underway. The proposed language changes to the Comp Plan simply reflect the current situation.

**Moved by Commissioner Thesenvitz, seconded by Commissioner Taylor, to continue the public hearing until the next regular Planning Commission meeting, September 7, 2010.
Passed 6-0.**

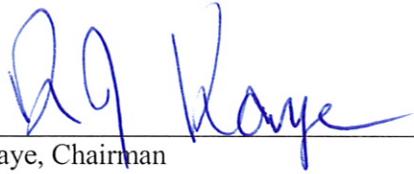
DEPARTMENT REPORT

Mr. Pilcher briefly discussed the City Council's deliberation on the proposed Master Planned Developments.

ADJOURNMENT

Moved by Commissioner Thurmond, seconded by Commissioner Watson to adjourn. Passed 6-0.

The meeting adjourned at 10:05 p.m.



Bob Kaye, Chairman

ATTEST:


Planning Commission Secretary