

**BLACK DIAMOND
PLANNING COMMISSION
MINUTES OF AUGUST 9, 2011 MEETING**

CALL TO ORDER

Chairman Bob Kaye called the meeting to order at 7:02 p.m. with the introduction of the role and duties of the Planning Commission.

ROLL CALL

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

PUBLIC COMMENTS

Bob Edelman questioned whether individuals would be allowed to address individual items on the agenda. The Chair indicated that the audience would be able to do so.

APPROVAL OF MINUTES

Moved by Commissioner Thesenvitz, seconded by Commissioner Kaye, to approve the minutes of the July 19, 2011 meeting as written. Passed 5-0.

FORMAL INITIATION OF POTENTIAL COMPREHENSIVE PLAN AMENDMENTS

Mr. Pilcher provided a recap of the last meeting and presented the materials related to the formal initiation of the potential comprehensive plan amendments. The requested action to be taken is required by Title 16, and the Commission would then hold public hearing in the future on any items chosen to move forward through the process.

Commissioner Taylor asked and it was confirmed that while action on the amendments would come later, the Commission had to formally decide to initiate them first. Mr. Pilcher explained the various ways in which comprehensive plan amendments are initiated. Mr. Pilcher stated that once initiated, staff will conduct additional analysis, formulate specific recommendations, conduct the SEPA process, and forward the proposals to the State Department of Commerce for 60-day agency review as required by the Growth Management Act. Commissioner Taylor asked about the timeframe for the public hearing and the length of the amendment process. Mr. Pilcher responded that the public hearing will most likely be in October.

Bob Edelman requested to speak and commented on the City's public participation plan required by the GMA. Mr. Edelman urged the City to prepare the plan. Mr. Pilcher explained that the City did solicit comprehensive plan amendments on its website.

The Commission continued discussion and voted on the proposed resolution.

Moved by Commissioner Thurmond, seconded by Commissioner Thesenvitz, to approve Resolution 11-01 to consider the proposed amendments to the comprehensive plan. Passed 5-0.

WORKSESSION ON POTENTIAL COMPREHENSIVE PLAN AMENDMENTS

Mr. Pilcher began the staff presentation and noted the status of the In-City Forest land. Mr. Pilcher then discussed comprehensive plan and zoning designations and the distinction between them. Mr. Pilcher also distributed an e-mail received from Mrs. Wheeler dated 8-9-11.

Mr. Pilcher discussed the park zone and park comprehensive plan designation and the proposed changes to the Comprehensive Plan as contained in the packet materials. Mr. Pilcher distributed Table 1-7 from the City's parks plan related to capital improvement projects and explained that the Lake Sawyer Regional Park proposal is for more than just a passive park. The parks plan was adopted by the Council in December 2008 and represents City policy regarding the regional park.

Commissioner Thurmond asked if the MPDs were going to implement the park improvements. Mr. Pilcher explained that the City has adopted a level of service and other requirements they must follow. The MPDs have not created the desire for ballfields in the community; they have been on the table for the last 5-6 years. Commissioner Kaye asked if King County wanted the ballfields. Mr. Pilcher stated that staff would have to go and look at the records, and he noted that the City did conduct a public process to obtain input on proposed park facilities at Lake Sawyer.

Commissioner Taylor asked about city ownership of parks provided by the MPDs. Mr. Pilcher discussed the option for private ownership with public access.

Mr. Pilcher asked the Commission what they would like to have in a park zone district. Commissioner Buss wanted a "Park" designation to apply to sites that are accessible to the public and a "Public" designation for manned sites like City Hall or the police station. Commissioner Kaye stated that the Park designation should be for sites that will remain parks and not be subject to development in the future.

Mr. Pilcher explained that the City may establish a Parks Board in the future, which could provide a better venue for determining appropriate uses for city parks. Mr. Pilcher cautioned about limiting uses too much and precluding the City's ability to obtain and use park grants. Commissioner Taylor spoke about keeping a Parks zone broad with ballfields, recreation, and unimproved areas, all accessible to the public. Commissioner Taylor wanted to preclude any type of public facilities like police/fire stations in the park zone. Staff will prepare a draft parks zone district.

Mr. Pilcher provided a general discussion of gross versus net density. The residential cluster zone, TDR program and wetlands and buffers were also discussed. Staff and the Commission talked about proposed changes to the comprehensive plan related to density. Mr. Pilcher indicated this is a major policy decision because it could affect basic concepts of the TDR program, such as to allow compensation for lands that could not otherwise be developed.

The Commission discussed the Sensitive Areas Ordinance, its impacts and the compensation provided by the TDR program. Commissioner Kaye observed that the gross to net density change would really impact the regulations and did not see the advantage of making the change. He also noted that minimum lot sizes limit the ability to achieve maximum development and restrict the ability to get a lot of houses. Commissioner Kaye commented that cluster zoning allows for the provision of parks and trails that you may not otherwise get. Mr. Pilcher indicated that staff would continue analysis of gross versus net density and associated legal issues related to the TDR program impacts, past agreements, and projects that were approved that rely on the existence of the TDR program.

Mr. Pilcher discussed the proposed language that will provide a policy foundation for eventual adoption of fire impact fees. He explained that the fee would apply to new development and the funds would go towards capital expenses, not staffing. Mr. Pilcher explained that staff worked with the firm Henderson & Young and Fire District #44 on the proposed language. A joint work session on this topic will be scheduled later for the City Council and the Planning Commission. Commissioner Taylor discussed the proposed text and the existing service need in the city.

Mr. Pilcher reviewed proposed changes to the utilities section including text from Puget Sound Energy (PSE). Commissioner Taylor noted that language proposed by a utility provider could constitute a conflict of interest. The Commission indicated they would like someone from PSE to come and discuss their plans and proposed text.

Mr. Pilcher then presented the Draft Trails Plan and explained that the City hired a consultant several years ago to work on the plan. The City Council's Parks Committee had reviewed it, but thought it was too ambitious and no further action has occurred. The Commission reviewed and briefly discussed the Draft Trails Plan Map. Mr. Pilcher explained that the trails system would be developed over time and would like it to connect to the trails network outside the City.

Commissioner Kaye observed that it is good to have an overall plan and do what can be done in the meantime with what funds are available. Mr. Pilcher explained the Trails Plan would be adopted as an element of the Parks & Recreation Plan. The City's Parks and Natural Resources Director, Aaron Nix, will come to discuss the plan with the Commission.

Mr. Pilcher indicated that a public hearing will be held on the proposed amendments to the comprehensive plan in October.

Bob Edelman requested to speak and provided comments concerning the parks plan and the active elements in Lake Sawyer Park, gross vs. net density and the MPDs' density, and asked a question about the TDR bank. Mr. Pilcher directed Mr. Edelman to Title 19.24 for information on the bank. Mr. Pilcher clarified that the TDR supply in the bank is not associated with a parcel; it was done to make the program feasible.

Sheila Hoefig requested to speak and stated that she has not seen a document that specifies active use for Lake Sawyer Park and that citizens want a passive park. She wanted to know the location of the eagle nests in Lake Sawyer Park. Commissioner Thurmond expressed an interest in the active use directive for Lake Sawyer Park. Mr. Pilcher indicated staff will review the documents and reference the parks plan to determine how the ballfield plan was developed. Bob Edelman stated he found a grant application that discussed the possibility.

WORKSESSION ON POTENTIAL AMENDMENT TO BDMC 18.08 CONCERNING LAND USE APPEAL PROCEDURES

Mr. Pilcher distributed an email received from Ms. Proctor dated 8-9-11. Mr. Pilcher presented the proposed text changes on the appeal structure. Mr. Pilcher then informed the Commission that staff does not recommend the current proposal and that some members of the City Council have indicated they are not interested in being involved in the quasi-judicial process. Mr. Pilcher also discussed quasi-judicial versus legislative decisions. Mr. Pilcher stated that if the Commission wanted to conduct a public hearing on the matter then one could be arranged.

Commissioner Taylor asked what would be the point of a citizen talking to City Council if the Council played no role in the review. Mr. Pilcher responded that it could result in changes to the code to affect future development. Mr. Pilcher explained the appearance of fairness doctrine and city insurance coverage. Commissioner Taylor asked if there was a way to obtain consensus from the City Council now about how they feel about the proposed code change.

Mr. Pilcher explained that the Commission could hold a public hearing on the code item on the same night as the comprehensive plan amendment public hearing. Mr. Pilcher explained that an appellant hearing examiner is another option that staff will research -- who uses it, cost, frequency of use, and rate of reversal.

Bob Edelman requested to speak and commented on the Master Planned Development, Development Agreement, and Hearing Examiner processes and the City Council decision that can vary. There are two different processes in the existing code, which needs to be resolved, and he noted that the Planning Commission is an independent body.

Tamie Deady requested to speak and stated she would want to see what other cities are doing who have experienced growth. Mr. Pilcher discussed the use of TDRs in other cities, including the idea of importing TDRs from unincorporated King County.

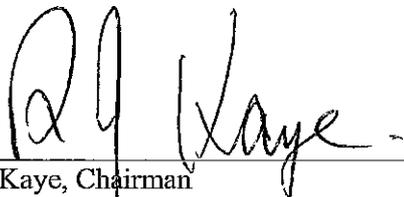
Robbin Taylor requested to speak and stated that the City Council is in a quasi-judicial state and could not make changes to code. The MPDs go to the City Council and then court, which she noted seems like a backward process.

DEPARTMENT REPORT

Announcements included an upcoming Planning Short Course in Snoqualmie scheduled on 9-6-11. Commission members need to notify staff if they will be attending since their regularly scheduled meeting is on the same night. Commission members should also save the date of 10-6-11 for an upcoming Joint Planning Commission Meeting between the cities of Black Diamond, Covington, and Maple Valley to be held at 6:30 pm in Covington (pizza provided).

ADJOURNMENT

Moved by Commissioner Taylor, seconded by Commissioner Buss, to adjourn. Passed 5-0. **The meeting adjourned at 9:13 p.m.**



Bob Kaye, Chairman

ATTEST:


Planning Commission Secretary