

**BLACK DIAMOND
PLANNING COMMISSION
MINUTES OF APRIL 10, 2012 MEETING**

CALL TO ORDER

Chair Keith Watson called the meeting to order at 7:01 p.m. with the introduction of the role and duties of the Planning Commission.

ROLL CALL

Present: Commissioners Keith Watson, Sheri Roth, Kyle Danielson, Pam McCain and Greg Thesenvitz
Absent: Darryl Buss and Pam Thurmond
Staff: Community Development Director Steve Pilcher, Associate Planner Stacey Welsh and Natural Resources/Parks Director Aaron Nix

APPROVAL OF MINUTES

Moved by Commissioner Roth, seconded by Commissioner McCain, to approve the minutes of the March 27, 2012 meeting. Passed 5-0.

PUBLIC COMMENTS

Bill Roth discussed a letter from Brian Ross of Yarrow Bay to the Black Diamond City Council regarding The Villages and Lawson Hills Master Planned Developments, possible litigation and consequences. He requested the Commission advise the Mayor and Council that it does not support taking legal action.

Erika Morgan spoke about the EIS that was prepared for the MPDs, Black Diamond Lake, wetlands and stormwater vaults.

George Calbom said that he agrees with Mr. Roth and spoke to the need to move forward and get the MPD projects started.

CONTINUED PUBLIC HEARING (TESTIMONY CLOSED): DRAFT SHORELINES MASTER PROGRAM (SMP)

Chair Watson stated there was no scheduled public testimony and that the Planning Commission would deliberate on the information that had been received.

Mr. Nix reviewed the memo he sent to the Planning Commission on March 14th regarding modifications that had been made to the draft SMP by the City's consultant. Commission members asked questions about voluntary enhancements; setbacks applicable to structures and appurtenances; infiltration and impervious surfaces and pervious pavement. It was agreed that provisions be added to provide built in flexibility related to pervious pavement or infiltration. The Commission and staff discussed mitigation banking and its associated challenges. The Commission continued to review the March 14th memo and agreed with all the changes from the consultant.

The Commission reviewed a document prepared by staff that summarized public hearing testimony and written comments and provided a staff response. Mr. Nix requested input from the Commission on several topics. The first item was replacement of non-conforming structures. Commission members asked staff questions regarding no-net loss, setbacks, conforming vs. non-conforming development and rebuild timelines. Staff asked for clarification from the

Commission, who indicated they would like to see a landward rebuild threshold of 100% and 75% for structures waterward of the OHWM. Staff reviewed WAC 173-27, which contains non-conforming regulations that are effective only if a local government fails to address them in its own regulations. The Commission indicated 2 years would be an acceptable timeframe for someone to make an application to rebuild a destroyed structure.

The second item was the question of allowing primary utilities as a conditional use in the Natural Environment designation. The Commission discussed temporary and permanent utilities and whether the intention was to cross through a sensitive area. Mr. Nix reviewed the Conditional Use Permit (CUP) option and preference for placement within a buffer. The Commission indicated utilities would be acceptable with a CUP, subject to compliance with the Sensitive Areas Ordinance and approval from the Department of Ecology.

The third item was tree removal and use of felled trees for salmon restoration projects. The Commission and staff discussed input from the Muckleshoot Indian Tribe, salmon restoration projects and the Tree Preservation Ordinance. It was agreed to maintain the current City standard of 6 inch dbh, rather than the 4 inch standard advocated by the MIT. The fourth item was related to aquaculture being allowed in all shoreline designations. The Commission agreed with the recommendation from staff on allowing it for native species recovery only.

Chair Watson asked if the Commission members had further comments. Several Commission members had additional questions and items to discuss and agreed to set another date for continued discussion on the SMP. Mr. Nix discussed deadlines and completion of the SMP. The Commission decided to continue the hearing to May 2nd and have their next regular meeting on May 8th. Chair Watson closed the hearing for the night.

WORKSESSIONS

None

UNFINISHED BUSINESS

None

DEPARTMENT REPORT

Mr. Pilcher discussed the upcoming June 15th deadline for individuals/Planning Commission/City Council to initiate changes to the Comprehensive Plan. If the Commission has items they need to compile a list by their 6/12/12 meeting. Mr. Pilcher explained the application options.

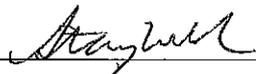
PUBLIC COMMENTS

None

ADJOURN

**Moved by Commissioner Danielson, seconded by Commissioner McCain, to adjourn.
Passed 5-0. The meeting adjourned at 9:06 p.m.**

Minutes prepared by: Stacey Welsh, Associate Planner



ATTEST:



Keith Watson, Chairman



Planning Commission Secretary