



CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING MINUTES  
August 11, 2015, 7:00 PM

**CALL TO ORDER**

Co-Chair Brian Weber opened the meeting at 7:00 pm.

**ROLL CALL**

Present: Commissioners Pepper, Senecal, Kuzaro, Davis and Weber (Co-Chair)  
Absent: Commissioners Roth & McCain (Chair)  
Staff: Barb Kincaid, Community Development Director & Andrew Williamson, MDRT Director

**APPROVAL OF MINUTES**

A MOTION WAS MADE BY COMMISSIONER SENECA TO AMEND THE APRIL 7, 2015 MINUTES AND SECONDED BY COMMISSIONER DAVIS ACCEPTING THE MINUTES AS AMENDED. PAGES 2 & 3 SHOULD STATE A 5000FT OVERVIEW, NOT A 5000ft PAGE REVIEW.

A MOTION WAS MADE BY COMMISSIONER DAVIS TO DEFER THE JUNE 9, 2015 PLANNING COMMISSION MEETING MINUTES AND SECONDED BY ANOTHER COMMISSIONER UNTIL THE NEXT MEETING DATE.

**PUBLIC COMMENTS**

None

**PUBLIC HEARINGS**

None

**NEW BUSINESS**

None

**UNFINISHED BUSINESS**

**Item A. – Comp Plan Update**

Community Development Director-Barbara Kincaid stated the grant status of the Comp Plan from the Dept. of Commerce had originally granted City of Black Diamond \$18,000. However the City did not complete it in time and the grant is closed out, so the city is not able to bill & receive \$9,000 of that grant. We did not have to pay anything back, but we did not receive the full grant amount. Since we did not meet the adoption update deadline set by Commerce, the City of Black Diamond is in non-compliance status with the Growth Management Act. The biggest problem of being out of compliance with the Growth Management Act is funding eligibility. Just

to clarify, this does not mean we are ineligible for all grant funds. But we do lose priority funding status.

Barbara said the consultant has delivered draft Chapters for Introduction, Population, Employment & Natural Environment and staff is currently reviewing these and sending comments back to the consulting agency that we are working with. She expects the rest of the draft plan chapters to be delivered by the end of this month. For the Planning Commission we are looking at having work for you to do on this Comp Plan update starting in November, December, January & probably February. That's a tentative schedule so that the Planning Commissioners can anticipate when to start seeing things because it's a lot of reading to go thru. We want to do more public input as well. To date there has only been 1 public open house back in April 2014. Included in your packets are comments from the open house. It gives you what the 35 people who attended had to say about the future of Black Diamond. It shows what they think the vision and Comp Plan ought to be addressing or retaining. It is just for your information.

Part of this schedule is figuring out when and where it would be appropriate to go back out in the public and get more input. We will be going to "Labor Days" to set up a booth to see if we can capture more folks to take a look at the goals and give us some valuable comments to bring back to Planning Commission as you are considering the draft plan chapters.

As an FYI, staff will be presenting a Resolution to Council to demonstrate the City is making a good faith effort in getting the Comprehensive Plan update completed. This is a progress report and it signals the City is serious about complying with the Growth Management Act.

Commissioner Senecal asked if this is going to affect the grant money we received to do the summer project for the bridge & extending the sidewalks (Roberts Drive project). Andy Williamson-MDRT Director answered that we have the grants for that project which have been approved and will not be subject to the Comp Plan being in non-compliance. It will probably be next summer when this project will take place.

Barbara also stated it has no effect on already received grants or anything that we have been awarded. It's anything we want to apply for in the future that we would possibly not be considered for, but it doesn't always go that way. It depends on what the grant is or how competitive it is. We would lose points in the grant scoring.

Commissioner Pepper asked since we are such a small city and we do not have our Comp Plan finished, would we qualify for some kind of an extension because of being so small? Barbara said they asked the representative from the Dept. of Commerce for an extension, they do not grant extensions.

Commissioner Weber wanted to know if the comments that were provided just from the open house or was the online public survey included as well. Barbara stated she is going to go back and check up on that and get back to the Planning Commission.

Commissioner Weber stated they worked on the Public Participation Handbook and asked that a quick link be added to the City's main website page so it is easier to find for the public. It is currently on the Planning Commission/Community Development page, but not easy to navigate to it.

Barbara said that is a great suggestion and will make sure to get that link out there. We do need to make sure it is broadly disseminated the state law says.

Commissioner Weber asked if city staff sees any concern with the timeline we have for the public participation as far as the public hearings. Are we going to have adequate time for public comment? He said he knows we are on a rush timeline, but doesn't want to see the public, Council or Planning Commission get squeezed out for the review time.

Barbara stated we need to build into the timeline the opportunity for public input and open house. Also need to allow enough time for the notice before holding the hearing. We are trying to get a schedule built which will include all of that.

#### **Item B. – MPD moratorium extension and rezone schedule**

Barbara stated that August 20, 2015 Council will be extending the moratorium for the 3<sup>rd</sup> time on the parcels that have already been under moratorium. They were designated part of the MPD, but realized that they are not covered under the developer agreement. It was a necessity to put a moratorium on the properties. Planning Commission follow up will be bringing the ordinance rezone hopefully on the Sept 8<sup>th</sup> meeting, maybe a workshop would be good and then making recommendation in October. We are on a tight time line as the law does not allow us to keep extending moratorium. Please entertain setting a public hearing for the rezone for these parcels on Sept 8<sup>th</sup>.

There were questions about how much time would be needed for the workshop. Barbara stated probably 20-30 minutes, it is fairly straight forward.

Barbara asked for a workshop/hearing to be set at this time for the MPD rezone at the September 8<sup>th</sup> meeting. She also asked the Planning Commission to set a workshop/hearing on the concurrency ordinance. There were questions about how much time would be needed to hold the concurrency workshop. Barbara stated that this topic would probably need more time. It was determined that an hour workshop would be needed prior to opening a public hearing. The Commissioners talked about how difficult it would be to fit in both workshops and hearings on the same day. Therefore, it was decided to schedule a special meeting the following Tuesday, September 15<sup>th</sup> to work on the concurrency ordinance.

**A MOTION WAS MADE BY COMMISSIONER DAVIS TO HOLD A WORKSHOP ON MPD REZONE SEPTEMBER 8<sup>TH</sup> AT 6:30 – 7:00PM AND SECONDED BY COMMISSIONER SENEAL. ISSUE PASSED 5-0.**

**A MOTION WAS MADE BY COMMISSIONER DAVIS FOR PUBLIC HEARING ON MPD MORATORIUM REZONE SEPTEMBER 8<sup>TH</sup> AT 7:00PM AND SECONDED BY COMMISSIONER SENEAL. ISSUE PASSED 5-0.**

**A MOTION WAS MADE BY COMMISSIONER SENEAL FOR SPECIAL MEETING/WORKSHOP SEPTEMBER 15<sup>TH</sup> AT 6:00-7:00pm ON CONCURRENCY ORDINANCE AND SECONDED BY COMMISSIONER KUZARO. ISSUE PASSED 5-0.**

**A MOTION WAS MADE BY COMMISSIONER SENEAL FOR SPECIAL MEETING/PUBLIC HEARING ON SEPTEMBER 15<sup>TH</sup> AT 7:00PM ON CONCURRENCY ORDINANCE AND SECONDED BY COMMISSIONER PEPPER. ISSUE PASSED 5-0.**

## **DEPARTMENT REPORT**

Barbara said the Public Participation Pamphlet has not been completed. She read the notes from Aaron Nix (former Director) who was originally going to take a look at it. Commissioners state Aaron Nix was going to make some revisions to the Pamphlet, but was never completed before he left city. Changes were made but Commissioners never received the final from him. Barbara stated she will make the revisions and get it sent out.

The law states the city must have a Concurrency Ordinance for transportation. Seth from Public Works is working on this and Barbara would like the Planning Commission to schedule a workshop and hearing tonight to keep this item moving forward.

Barbara updated the Planning Commission that the vesting ordinance they worked on has since been adopted as Ordinance 15-1053. She also provided a briefing on the ongoing code development regulations. Although these are done independent of the Comp Plan update, it is necessary for regulations to be consistent. The existing code needs some housekeeping as well which she will try and bring thru different pieces of that. The public participation code has already been done which is the first step. We already did vesting as well. Probably permit processing will be next on the list.

Barbara emailed the planning commission quarterly newsletter which Commissioner Pepper wanted a copy so if you would be interested in receiving it, please let her know and she will add you.

In the 3 weeks Barb has been here, department is really busy non-stop. Calls, walk-ins, permit activity is just busy, lots of code enforcement calls. Starting budget sessions, Revenue forecast has already been met. So it truly is a busy office and the crew does a terrific job.

Commissioner Weber asked how does the Code revisions get decided to be put thru Planning Commission versus when some don't.

Barbara said anything with zoning & land use revisions come thru Planning Commission, anything other than that does not.

Commissioner Weber asked in their packet they received a map, and said the maps on the website are not up to date and when will they be updated?

Barb said the website is updated with the most current one. The map provided for the meeting is the future land use map. It is part of the comp plan when it is done. They can potentially change but not necessarily. On the city website is the official zoning map.

## **PUBLIC COMMENTS**

Craig Goodwin-29044 222<sup>nd</sup> PI SE One of the early issues, there is confusion from council for concurrency. We need clarification and resolution for the transportation as this isn't land use per say. I am not arguing one way or another, but just clarification. I am not trying to raise any issue.

Brian Derdowski-1420 NW Gilman Blvd Issaquah let the Planning Commission know that having a workshop before a hearing is a great idea. It makes the public think that the Commission and elected officials have not yet made their decision or already have their minds made up on the issues at hand. The quality of the public hearing will be better if there is public involved. They

will feel better about it and get better input with better deliberations. So he thinks the Planning Commission should reconsider their scheduling for a workshop on one evening and their hearing on another day. To be able to go home and think about the topic, having some separation in the two meetings, it may serve your purposes better.

Brian also said they respect our moratorium and rezone. He thinks if you adopt the moratorium rezoning prior to completing the Comp Plan there may be a disconnect, concern or a tangible issue. One option is that your moratorium zoning could be a potential zone. Then next year after the Comp Plan is approved you can go back in and revisit that zoning that you placed on those parcels. Therefore the zoning is then formed by your Comp Plan update which is the way it should be, and then take action. To meet your deadline put a zone down that is reasonable and then let that Comp Plan play out so you can consider it. After all those parcels are large and significant I don't know how you can consider the zoning outside the Comp plan update. Put a potential zone or threshold where you have met the legal tests to give them the legal zone requirements to make the deadline. Allow a couple months and then the Comp Plan update will be done and then fairly consider or decide what needs to be done.

Commissioner Davis said there was an event up in the hills above Botts Drive by the old water tank that was not adequately explained to the city. The problem was that at times there was so much traffic with large transporters taking cars up in the hills and buses. It ended up being Toyota Company had hired a company to set up demonstrations for their new Toyota Tacoma Truck. They were doing their off-road demonstrations up there. They had to build an infrastructure which had to stable the soils to get the vehicles up there. But the main thing is if he hadn't had a talk with the guy who was running it, they wouldn't know what was going on. People had a hard time being able to get out of the road because of the amount of traffic. It is going to be over on the 15<sup>th</sup> of August. If this is going to impact city streets for the access to get up there, we need to be informed properly about this. It is King County property, but if this impacts the city traffic to get up there and is extensive, it needs to be properly noted. It needs to go thru the city to do this so it can be more proactive.

Commissioner Weber asked if there is any type of protocol between the city & county when there is such a major event going on. Especially when it impacts the city's traffic?

Andy Williamson stated generally when agencies permit an event going thru city roads, there would be an outreach. I am not sure how the county division permitted this event. We are trying to work thru some issues so this doesn't happen again.

Commissioner Davis asked about the access to the water tank. Heard there were some people up there trying to locate underground phone cables. What they were doing, he doesn't really know.

Andy Williamson stated the city has an easement, but it is owned by Yarrow Bay. We don't own the road, but we have access to it.

#### **ADJOURN**

**A Motion was made by Commissioner and seconded by Commissioner to adjourn. This issue was voted on by the Commission and Passed 5-0. The meeting adjourned at 8:21 p.m.**

Minutes Respectively Prepared By: Meri Jane Bohn, Deputy City Clerk

ATTEST:



Brian Weber, Co- Chairperson



Barbara Kincaid, Comm Dev Director