



**CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING MINUTES  
February 7, 2017 6:00 PM**

**CALL TO ORDER**

Chair Pam McCain called the meeting to order at 6 pm

**ROLL CALL**

**Present:** Commissioners McCain, Ammons, Ekberg, LaConte

**Absent:** Commissioner Ambur

**Staff:** Andy Williamson, Economic Development Director; Scott Hanis, Capital Project Manager; Alex Campbell, Project Planner; Wayne Carlson, Principal of AHBL; Kathy Allen, Deputy City Clerk

**PUBLIC COMMENT**-None

**APPROVAL OF MINUTES**

**A MOTION WAS MADE BY COMMISSIONER LACONTE AND SECONDED BY COMMISSIONER EKBERG TO ADOPT THE MINUTES OF THE JANUARY 24, 2017 PLANNING COMMISSION MEETING.**

**PASSED 4-0**

**PUBLIC COMMENTS**-None

(Andy Williamson, Scott Hanis)

Mr. Williamson spoke about the Low Impact Standards and State Law. He shared that we will have a power point presentation by AHBL this evening.

We recently updated to the new stormwater manual, Western Washington version 2012 with the amendments of 2014 updates into the City's code. The basis is around low impact development. LID means Low Impact Development. This is the methodology to get the water back into the ground.

As part of the stormwater manual update, we need to update certain codes in our Black Diamond Municipal code to allow other people to have the tools to implement those things. The chapters in the code allow the people to have the tools to make those happen. We are attempting code updates.

The methodology here is that we come before the Planning Commission and walk through our presentation of the code update. You will deliberate and make suggestions to staff and then this will go to Public Hearing and full body of the Council. Then we will take this to the full body Council and to Public Hearing for a recommendation.

Mr. Hanis talked about the consultant they hired, AHBL. As part of our stormwater permit –the EBS permit, Department of Ecology required to adopt LID standards. AHBL took us through the process to see where we are lacking as a City. The codes are not overly extensive, because most of the codes were in compliance already. They were able to go through our codes and find where we were deficient and set limits. As you go through these titles you will see definition changes, example tree preservation. As developers bring in new development's they can mitigate impacts and give a one to one ratio and keep that stormwater on site. That greatly helps out the City's stormwater system. It prevents polluted water going into the stormwater system which eventually goes into our creeks, lakes and rivers.

Mr. Williamson shared we are the ones who will have to implement this. Our goal is when we are done with this, that the citizens will understand what we are trying to accomplish. Our end goal is to provide cleanup of the code book ultimately in a handout to give to citizens so that we are in compliance and can make the new updated stormwater manual to be a little bit easier for everybody to understand.

Currently in the City of Black Diamond, you have to control your own stormwater now, with the new construction and development there will be a process in place. This will be a more prescriptive way to control it.

5) CODE UPDATES (Scott Hanis) Information packet was handed out to Planning Commissioners around the code updates.

A power point presentation was shared with the Council regarding LID- a link to updating the stormwater manual so that we are in compliance.

The team is comprised of Mr. Boetcher, Mr. Williamson, Mr. Hanis, Mr. Campbell and Mr. Carlson.

- 1) Why are we here- to discuss integration of LID principles and best management practices into the City of Black Diamond, codes & standards. NPDES is an acronym that stands for National Pollutant Discharge Elimination System. A permit that is issued under the auspices of the clean water act. That authority is delegated to the Department of Ecology here in Washington State. Washington State issues a municipal stormwater permit. There are two Western Washington Permits. One for the largest communities, called Phase I Communities. That would be Seattle, Tacoma, King, Pierce, Snohomish and Clark Counties. The balance of the rest of Western Washington falls under Phase II permit. The City of Black Diamond has to comply with the NPDES Phase II Permit. The permit requires LID practices and BMPS be integrated into local codes and standards. There is a condition within the permit that says prior to the end of last year; permittees are required to integrate in (LID) Low Impact Development practices. The code updates are really to address impervious surface coverage to minimize vegetation loss and minimize stormwater runoff in all types of

development. These are the overall goals of the permit and objectives within the permit. City of Black Diamond needs to incorporate this in that it is consistent with their own vision of the city.

- 2) What is LID- in the context of the permit, LID is defined as a stormwater and land-use management strategy intended to mimic the pre-disturbance hydrologic processes of infiltration, filtration, evaporation, storage and transpiration by emphasizing conservation and doing so through the use of natural features and conservation planning. This is a stormwater and land use management practice. The amendments that are before you as a planning commission are really the land-use management amendments related to parking or landscaping or tree retention, or impervious surface coverage. The permit also talks about the stormwater management practices. The City in the last two weeks adopted the new Ecologies stormwater Management Manual which will satisfy one half of this project. The stormwater management manual provides the engineering design guidance and criteria associated with the design and construction of bio-retention facilities. The specific design of those practices is dealt with in the stormwater management manual.
  
- 3) Integrating LID Principles & Best Management Practices- the permit distinguishes between permit and best management practices. These are land use principles that you as a planning commission deal with. Amendments that you would find in the zoning code, subdivision code, things related to reducing pervious surface coverage. BMPs are related to specific designs of engineer practice for example, bio-retention. We are trying to infiltrate stormwater where possible, trying to allow for transpiration and minimize surface flow run-off, as if it occurred in the natural eco-system, natural environment. Removes pollutants from stormwater, replenishes streams and wetlands. Infiltration practice from subterranean flow replenishes stream flow during dry summer months and increases open space and can be visually attractive. Landscaping can be used for both landscaping and buffering as well as stormwater management. Can be used in a variety of settings such as a single family home with a raingarden picking up the rooftop drainage and then overflowing to the street. LID is widely used in commercial setting, for example parking lot landscaping. Other LID best practices management includes rainwater harvesting, green roofs. These are not required under the permit and most communities basically allow them based on the market. These can be integrated into street projects as well. The stormwater management manual spells out the technical feasibilities criteria. Facility maintenance is important, traditional or LID that is served, non-residential property –we are required to maintain those facilities. We started this project by doing a GAP analysis, we look at what the permit says and look to the degree which the city's existing codes standards already addressed this Western Washington permit requirement. The city of Black Diamonds' code of standards is already quite compliant with LID practices. We did not have to do broad sweeping amendments because these practices are already being supported. City of Black Diamond already has tree preservation requirements and tree

cutting ordinances. Some of the goals within the permit are already addressed within the existing regulatory structure. We don't want these regulations feeling like another requirement being added to the other standards that are required under growth management. Over the course of the next few years, you will see, as developers, more bio-retention and permeable pavement where it's feasible. Those are practices required by the permit unless they are infeasible. You will begin to see more of these practices. There are a lot of infeasible criteria such as steep slopes, or poorly infiltrated soil.

- 4) Project Schedule- We have done the process of the gap analysis, we are in the process of doing drafts for you as the Planning Commission to consider. We are beginning the adoption phase where we go to you first then the City Council. For guidance, we used the official guidance from the permit. It involved assembling a team and making sure that all different departments of the City were considered and listened to. We looked at various LID topics to address, reviewed existing codes to standards for either gaps or opportunities. The codes in Black Diamond are very supportive of these practices. There were not a lot of big gaps where the Cities codes precluded the use of these practices. Fill the gaps was in the guidance document which really means putting together draft language for you as decision makers to consider. Then review and adoption, this is where we are at now. Implementation will be after the effective date. Reviewing permits can be submitted under the new regulations.
- 5) Amendment Proposals (Alex Campbell-AHBL, City Planner)  
Mr. Campbell shared overall throughout the Municipal code what we want to do is look at each of the definitions and ensure compliance with the definitions and NPDES permit and make sure they align with one another for consistency as developers come in and they have a streamline of understanding of what does LID mean and how is it going to be incorporated in my project.

In Title 17, really the baseline of the amendment proposals is ensuring compliance with the tree preservation ordinance and making sure the applicants are demonstrating their compliance with not only preservation, but tree protection at the time of initial application.

In Title 18- there are multiple amendments that are the bulk of the amendment proposals since it is guidance for land use development are in our single family residential districts; that being R4, R6 and MDR8 which also includes a multi-family potential is establishing an impervious surface limit, where today, there is none currently. Another major amendment proposal is implementation of the base impervious surface coverage. This is not a restriction or reduction of the impervious surface coverage limits that the residents enjoy today. This is more of an incentive to incorporate LID to reach your maximum impervious coverage on an individual site.

In chapter 18.34-Supplemental Residential Standards- this is where we can implement LID practices within required setbacks and landscaping and giving residents credit for that. It's going to be required and it's going to handle stormwater management.

In our public district what we wanted to do was establish development standards, where today there are currently none. The takeaway from that is the implementation of impervious surface limit to make sure the developer doesn't come in and pave the entire site, where under current codes, they would be allowed to with the exception of site plan review process. Landscape requirements are similar to the supplemental residential standard just ensuring that LID can be counted for the landscape requirements.

The gateway corridor overlay district in the City of Black Diamond –the amendments we are proposing for this area is just making sure that development is in accordance with the LID principals and NPDES Permit guidelines, mainly oriented around pervious surfaces and minimizing parking and incorporating these LID facilities in screening areas.

The off street parking and loading requirement , this is where the establishment of maximum parking ratios would reduce the amount of impervious surface, especially for retail stores that typically plan for their maximum load throughout the year and have a lot of underutilized stalls. The maximum ratio that is established at 150 percent could be exceeded by the developer upon the production of parking study. If a developer comes in and shows they actually need more parking and has a traffic engineer to produce this type of report, then the City can go ahead and exceed that amount based on the results of the traffic study. It is up to the applicant to demonstrate the need.

Chapter 18.100-Definitions –ensuring compliance with the NPDES as Phase II definitions for consistency across the board.

- 6) Resources and Questions for us- we will email out a PDF copy of this presentation. Links are easily accessible. These are great resources to get more background information; not only LID but the NPDES Phase II permits itself.

There were Council questions and discussion around the code updates.

Mr. Williamson stated that he would like to have a recommendation by next month from the Planning Commission Members. Moving forward, we can make sure we are staying in compliance. We have reposted the vacant Planning Commission Vacancy. We are going through that process, and hopefully will be bringing you another Planning Commission Member here shortly.

**PUBLIC COMMENTS**

Robin Taylor, Black Diamond spoke to the Planning Commission Members

Commissioner McCain shared that perhaps a letter could be drafted up and circulated to the Commissioners and respectfully let the public know that it is our intention to move things forward in a timely basis and to offer additional assistance.

Commissioner McCain also shared her concern that the minutes of those joint council meetings and planning commission meetings have not been approved. We have had six joint meetings and it's frustrating when the public doesn't see that.

**ADJOURNMENT**

**A MOTION WAS MADE BY COMMISSIONER AMMONS AND SECONDED BY COMMISSIONER LACONTE TO ADJOURN THE MEETING. MOTION PASSED 4-0 THE MEETING ADJOURNED AT 7:48 PM**

These minutes were respectively recorded by Kathy Allen, Deputy City Clerk

ATTEST:

  
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Pam McCain, Chairperson

  
\_\_\_\_\_  
Katherine A. Allen  
Planning Commission Secretary

March 7, 2017

Mayor Carol Benson  
City of Black Diamond  
P.O. Box 599  
Black Diamond, Wa 98010

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MAR 07 2017

BY: \_\_\_\_\_

As Chairman of the Planning Commission of the City of Black Diamond I wanted to let you and the public know about the status of the Comp Plan approval from the prospective of the Planning Commission.

- Most of the Comp Plan is complete
- The key remaining task is the Transportation Element
- Much of the work of the Transportation element has been completed by the City's Transportation Planning Consultant
- Funding is needed in order to pay for the consultant to complete the remaining work on the Transportation element
- Under the Growth Management Act, the Transportation element is REQUIRED to be included in the City's Comp Plan
- If the transportation consultant chooses to NOT finish the work (due to delays and concerns about being paid for future work) there would be further delays and INCREASED COSTS TO THE City (according to the information the City's Professional Planning Staff has already provided to BOTH the Planning Commission and the City Council).
- The State of Washington is now putting pressure on the City to complete the required work on the Transportation element.
- The Planning Commission is ready and willing to do the work, but is unable to do so without renewed contracts with consultants and funding for said contracts.

So, respectfully, why has the City failed to approve the funding to complete the work needed so that the City's Comprehensive Plan (which is now way past due) can be completed?

Sincerely,



Pam McCain  
Chairman  
Black Diamond Planning Commission