CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING AGENDA
October 12, 2010 7:00 PM
25510 Lawson Street, Black Diamond, Washington

1) CALL TO ORDER, ROLL CALL

2) PUBLIC COMMENTS: Individuals wishing to address the Planning Commission regarding any item not on this meeting's agenda may do so at this time.

3) APPROVAL OF MINUTES – August 10, 2010

4) CONTINUED PUBLIC HEARING ON PROPOSED MISCELLANEOUS AMENDMENTS TO THE ZONING CODE, TITLE 18, BLACK DIAMOND MUNICIPAL CODE (TESTIMONY CLOSED)

5) CONTINUED PUBLIC HEARING ON PROPOSED 2010 COMPREHENSIVE PLAN AMENDMENTS

6) DEPARTMENT REPORT

7) ADJOURNMENT

CITY OF BLACK DIAMOND
PLANNING COMMISSION
25510 Lawson Street, Black Diamond, Washington

MEMORANDUM

Date: September 1, 2010

To: Planning Commission

From: Steve Pilcher, Community Development Director

Re: Continued Public Hearing on Miscellaneous Zoning Code Amendments

At the August Planning Commission meeting, a public hearing was conducted on proposed amendments to the Zoning Code, Title 18 of the Black Diamond Municipal Code. The hearing was closed to further public testimony, after which the Commission deliberated and voted to move forward to City Council the recommended changes (as modified), with two exceptions: 1) Chapter 18.12, Decision Criteria for Permits, and 2) Chapter 18.16, Site Plan Review. Further information is being providing regarding these two sections to aid the Commission in its decision-making.

Chapter 18.12, Decision Criteria
The Commission requested staff provide a side-by-side comparison of criteria proposed for elimination versus what is otherwise provided in the Municipal Code. Attached to this memorandum is a table comparing the decision criteria for preliminary plats and short plats as currently contained in Chp. 18.12 vs. what is contained with the Subdivision Code (Title 17).

The initial staff proposal was to eliminate the criteria in Chp. 18.12 and to instead include defer to that found in the Chp. 17.15. That continues to be the staff recommendation. As can be seen from comparing the two, the two areas are essentially similar in regards to the issues they address. As noted, Chp. 18.12 includes reference to "adequate provision for transit stops," an issue which is not noted in Chp. 17.15. However, since transit stops in most subdivisions would not require any special street configuration (i.e., buses would simply pull over to the side of a street), staff does not find it is necessary to define these at the subdivision stage of a process. Plus, it is not likely that Metro would be making service decisions at the time of plat approval. Typically, transit follows growth, rather than occurring concurrently with growth.

Section 18.12.040 addresses plat layout, in particular in regard to critical areas and other environmental features. Since the City has regulations regarding sensitive (critical) areas and tree preservation, staff does not find this standard to be necessary. Other standards in Chp. 17.15 address environmental concerns in subdivision design.

Finally, note that Chp. 17.15 includes a lot of additional criteria that is not addressed in Chp. 18.12, another reason staff recommends using that list of criteria instead of Chp. 18.12. Also attached is a second table, comparing the Comprehensive Plan amendment criteria of Chp. 18.12 with that contained within Title 16, that section of the Municipal Code that deals with the Comp Plan adoption and amendment process. These two sections are a bit more difficult to compare, as the provisions in Chp. 16.30 are much more extensive than the list in Chp. 18.12. This is partly attributed to Chp. 16.30 addressing both privately-initiated and City-initiated Plan amendments. The majority (if not all) of privately-initiated amendments would likely be parcel-specific (if dealing with a land use issue) or a fairly narrow policy issue. Broader issues are more likely to arise as the result of City-initiated planning programs, where compliance with the GMA, Vision 2040 and King County Countywide Planning Policies would be of greater concern. As noted in the table, there are significantly more criteria contained with Chp. 16.30 than found in Chp. 18.12.

In both instances, staff stands by its initial recommendation to eliminate these sections of Chp. 18.12 and instead, rely upon the decision criteria in Titles 16 and 17.

Site Plan Review, Chp. 18.16

At the public hearing, the Commission received testimony urging that some level of Hearing Examiner review of site plans should be retained, thereby providing a public hearing opportunity to citizens. The Commission requested staff look into some alternatives.

Staff examined codes from some surrounding jurisdictions to determine if there is a consistent approach to this issue. As can be seen from below, there is not:

<u>Buckley – Site Plan Review</u>

- Applies to all residential greater than a duplex
- Applies to all commercial, industrial, public, etc.
- Requires Planning Commission review/City Council approval

<u>Covington – Commercial Site Development Permit</u>

- Applies to all but single family residential
- Administrative review process for all

<u>Auburn – no requirement in any zone</u>

<u>Enumclaw – Site Plan Approval</u>

- Only required in public use and hospital zones

<u>Kent – Design Review</u>

- Exempts single family
- Administrative review

<u>Bonney Lake – Design Review</u>

- Exempts single family
- Design Review Committee

<u>Maple Valley – Design Review</u>

- Required in multifamily, office, commercial, industrial and public zones

- Exempts single family
- Administrative review, unless project requires some other type of public hearing

Attached to this memorandum is a copy of the Site Plan Review section of the former Zoning Code (which was repealed in June 2009). The former code also did not require a public hearing for site plan review. Staff has not been able to determine if there was a conscious decision to add the public hearing requirement when the current Code was developed or if the City's consultant simply added that requirement.

During its discussion at the public hearing, the Commission suggested that perhaps a threshold could be established to delineate when site plan review could occur as an administrative vs. public hearing process. If that is the direction the Commission desires to take, one possibility would be to tie it to the same thresholds that determine when environmental (SEPA) review is required:

- More than four dwelling units; or
- Greater than 4,000 sq. ft. for non-residential uses; or
- Greater than a 20 stall parking lot.

Staff reminds the Commission that even under the current proposal to make Site Plan Review an exclusive administrative process, there is still a requirement to provide notice of the decision to the public and advise them of appeal rights if they wish to have the matter considered by the Hearing Examiner. Our concern remains in creating a regulatory environment that is consistent and efficient, a primary concern to potential developers. Staff strongly supports the concept of focusing energies in writing good development regulations to address community values and concerns, rather than relying upon case-by-case decision-making.

Desired Commission Action
Formulate a recommendation on these two issues and forward on to the City Council for its action.

Comment: Code enforcement provisions are contained within BDMC 8.02, which was adopted independent of the Zoning Code.

Chapter 18.12
DECISION CRITERIA FOR PERMITS

Sections:

18.12.010 Conditional Use & Administrative Conditional Use Permits
18.12.020 Zoning Reclassification (Rezone)
18.12.030 Variances
~~**18.12.040 Preliminary plats & Short plats**~~
~~**18.12.060 Development Agreements**~~
~~**18.12.070 Comprehensive Plan Amendments**~~
~~**18.12.010 Conditional use & administrative conditional use permits.**~~

Comment: Preliminary plat & short plat criteria is located in Title 17; the Development Agreement criteria isn't really decision criteria and is otherwise addressed in the Dev. Agreement chapter of the Code; Comprehensive Plan amendment criteria is addressed in Title 16; the second 18.12.010 in the list is a typographical error.

A. Purpose. Conditional uses, which are identified in various zones in this Title, are those uses which require additional review and special conditions to ensure that they are compatible with their site and surrounding area. This chapter sets forth the criteria that the City will use to review such proposals.
B. Criteria. The City, whether the director or the hearing examiner in the appropriate case, will consider the following criteria in reviewing conditional use permit applications, and may only approve an application if the applicant demonstrates that all of the criteria are met:
   1. The proposal is consistent with the goals and policies of the Comprehensive Plan;
   2. Environmental and operational impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions;
   3. The use is designed so as to be compatible with the character of the surrounding area;
   4. The location, size and height of buildings, structures, walls and fences and screening vegetation for the conditional use will not hinder permitted development or discourage the use of neighboring properties;
   5. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
   6. It is not in conflict with the health and safety of the community;
   7. Pedestrian and vehicle traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

8. The conditional use will be supported by adequate public services and facilities, including any services and facilities that the applicant funds or provides.

C. Process. Consideration of conditional use and administrative conditional use permit applications shall follow the procedures in Chapter18.08.

D. Essential Public Facilities. In addition to the criteria set forth in Chapter 18.58, essential public facilities are also subject to the criteria of this section.

18.12.020 Zoning reclassification (rezone) & zoning text amendments.

A. Purpose. A reclassification of property or rezone is a mechanism through which the City can ensure that development occurs consistent with the Comprehensive Plan. It also recognizes that conditions applicable to individual properties may change over time in response to new or differing land use needs or practices, or new land use policies. A zoning text amendment is a mechanism for ensuring consistency between the Comprehensive Plan and development regulations, and a means to recognize new land use policies, implementing techniques, or land use practices.

B. Criteria – Map Amendments. The City will consider the following criteria in reviewing applications for zoning reclassifications, and may only approve an application if the applicant demonstrates that all of the criteria are met:

1. The proposal is consistent with the goals and policies of the Comprehensive Plan, and with the Future Land Use Map;
2. The subject property is suitable for development in conformance with the standards applicable to the requested zoning designation.
3. ~~Environmental impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions;~~

Comment: the SEPA process addresses environmental impacts; does not need to be repeated here. Also, this would imply there might be site-specific conditions of rezone approval imposed, which are difficult to track over time and generally, should not be imposed.

~~4~~3. The proposal will not be materially detrimental to properties in the immediate vicinity or the community based on the range of uses allowed in the proposed zoning classification;

~~5~~4. Adequate services and facilities, including transportation facilities, will be available to serve the range of uses permitted in the proposed zoning classification;

~~6~~5. The proposed reclassification is warranted because of a change in circumstances, or because of a demonstrated need for additional land within the proposed zoning classification;

~~7~~6. The reclassification does not reflect special treatment of the subject property; and

~~8~~7. The reclassification will promote the general health, safety and welfare of the community.

C. Criteria – Text Amendments. The City will review proposed amendments to the text of the zoning code using the following criteria:

1. The amendment is consistent with and furthers the goals and policies of the Comprehensive Plan;

2. Amendment of the text of the code would not render the zoning code internally inconsistent;
3. The amendment corrects an error or omission in the text of the code; and/or
4. The amendment does not result in the grant of a special privilege to an individual property owner.

D. Process. Consideration of reclassification and text amendment applications shall follow the procedures in Chapter 18.08.

18.12.030 Variances.

A. Purpose. A variance is a mechanism whereby the City may allow variations to the provisions of the zoning code applicable to a specific property where unique conditions exist and make compliance with zoning standards impractical or an unnecessary hardship. A variance is not appropriate, and shall not be granted, to change a use or to allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located.

B. Criteria. The City will consider the following criteria in reviewing applications for variances, and may only approve an application if the applicant demonstrates that all of the criteria are met:
   1. Granting of the proposed variance would not allow a use which is not classified as a permitted, accessory, or conditionally permitted use in the applicable zoning district;
   2. The variance is necessary because of special circumstances relating to the unique size, shape, topography, location or surroundings of the subject property;
   3. The need for the variance and the special circumstances applicable to the subject property are not the result of deliberate actions of the applicant or property owner;
   4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
   5. The variance does not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owners;
   6. The variance from height or setback requirements does not infringe upon or interfere with the requirements of any easement or covenant; and
   7. The variance is the minimum necessary to grant relief to the applicant.

C. Administrative Variance. An administrative variance may be granted if the application complies with the following criteria:
   1. The variance would not decrease by more than twenty (20) percent any required front, side or rear yard between buildings;
   2. The variance would not increase by more than ten (10) percent any permitted projection of cornices, sills, eave projections, fences or structures, maximum permitted lot coverage, and unenclosed and uncovered decks into a front, side or rear yard; or
   3. The variance would not increase by more than ten (10) percent the permitted height of a structure.

4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
5. The variance would not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owner;
6. The variance is the minimum necessary to grant relief to the applicant.

D. Granting of a variance shall not relieve an applicant from complying with any other standard or requirement of this Title unless and only to the extent that such standard or requirement is specifically addressed as part of the decision on the requested variance.

E. Process. Consideration of variance requests shall follow the procedures in Chapter 18.08.

~~18.12.040 Preliminary plats & short plats.~~

~~A. The City will consider the following criteria in reviewing applications for preliminary plats and short plats, and may only approve an application if the applicant demonstrates that all of the criteria are met:~~

~~1. The proposal is consistent with the goals, policies and map designations of the Black Diamond Comprehensive Plan;~~

~~2. The proposed lots sizes are consistent with those allowed within the applicable zoning classification and is consistent with applicable development standards and requirements of this title;~~

~~3. The subdivision or short subdivision adequately provides for the following facilities: open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops (where applicable), potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and school grounds, fire protection, other public facilities and utilities, and consideration of other relevant factors;~~

~~4. The layout of lots, and their size and dimensions take into account topography and vegetation on the site, and the presence of regulated critical areas;~~

~~5. The preliminary plat or short plat promotes the public health, safety, and general welfare;~~

~~6. The proposal satisfies the requirements of Title 17 BDMC and any other criteria properly considered by the decision maker.~~

~~B. Consideration of proposed preliminary plats and short plats shall follow the procedures of BDMC 18.08.~~

~~18.12.060 Development agreements.~~

~~A. Purpose. RCW 36.70B.170 et seq authorizes the City to enter into development agreements with property owners. Development agreements are intended to be used to address and establish development standards, mitigation requirements, vesting provisions and review procedures that will apply to and govern large, complex and/or phased development proposals located within the City during the term of any agreement.~~

~~B. Development Standards Subject to Agreement. Any development agreement shall be consistent with applicable City development regulations except as such regulations~~

~~may be modified in the development agreement. For purposes of this chapter, "development standards" include but are not limited to:~~

~~1. Project elements such as uses, densities and intensities of land uses and buildings;~~

~~2. Mitigation measures, conditions and other requirements identified pursuant to RCW 43.21C;~~

~~3. Design standards such as maximum heights, setbacks, landscaping and other development features;~~

~~4. Road and sidewalk standards;~~

~~5. Affordable housing;~~

~~6. Water, sewer, storm drainage, water quality, and other infrastructure and utility requirements;~~

~~7. Parks and open space preservation, and recreation facilities;~~

~~8. Phasing of development and construction;~~

~~9. Development review processes, procedures and standards for implementing decisions, including methods of reimbursement to the city for review processes;~~

~~10. A build-out or vesting period for applicable development standards;~~

~~11. A process for amending the development agreement; and~~

~~12. Any other appropriate development requirement or procedure.~~

~~C. Conformity with Standards. During the term specified in the development agreement, a development permit or approval issued by the City for the subject property shall be consistent with the standards contained in such agreement. The standards contained in the development agreement shall govern during the term of the agreement and may not be subject to an amendment of City development standards or regulations adopted after the effective date of the development agreement. Provided, that the development agreement shall reserve to the City the authority to impose new or different regulations to the extent required by a serious threat to public health and safety.~~

~~D. A development agreement shall be recorded with the real property documents of King County. During the term of the agreement, it shall be binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area or property subject to the development agreement. Unless terminated, the agreement shall be enforceable by a party to the agreement.~~

~~E. A development agreement shall be reviewed and adopted following a public hearing pursuant to the procedures and requirements set forth in Chapter18.08.~~

~~18.12.070 Comprehensive plan amendments.~~

~~A. Decision Criteria. The Planning Commission and City Council shall consider the following criteria in their review of proposed map or text amendments to the Comprehensive Plan:~~

~~1. Consistency with the Growth Management Act;~~

~~2. Consistency with the King County Countywide Planning Policies and other regional or inter-jurisdictional plans or agreements;~~

~~3. Consistency with the policies of the Comprehensive Plan, particularly land use, natural environment, transportation, capital facilities, public service and utilities;~~

~~4. Furtherance of the Plan's vision statement;~~

~~5. Compatibility with adjacent land uses and Land Use Map designations;~~

~~6. Impacts to the natural environment; and~~

~~7. Whether adopted development regulations will address anticipated impacts of the proposed amendment, or whether additional conditions or regulations are necessary.~~

~~B. Process. Additional requirements and procedures related to Comprehensive Plan amendments are contained in Chapter 18.08~~

Chapter 18.16

SITE PLAN REVIEW PROCESS

Sections:

18.16.010 Purpose
18.16.020 Applicability
18.16.030 Procedures
18.16.040 Criteria for Approval
18.16.050 Amendments to Approved Site Plans

18.16.010 Purpose.

Site plan review is an evaluation of development plans to identify compliance with applicable regulations, requirements and standards and to ensure that development will protect the health, safety and general welfare of residents of the ~~City~~city.

18.16.020 Applicability.

Site plan review and approval is required prior to the location, occupancy or use of any commercial or industrial project, building or facility and~~,~~ for any multi-family residential use or structure containing four or more dwelling units~~, and for any proposal using the clustering provisions of Chapter18.84~~. Site plan review shall apply to all new development, expansion or site improvements that will change the physical conditions of a site and is required prior to issuance of building permit. Site plan review is not intended to review and determine the appropriateness of a given use on a particular site.

18.16.030 Procedures.

A. Site plan review is processed as a Type ~~3~~ 2 decision, ~~or Type 2 decision~~ for both new applications and a minor amendments to an approved site plan, pursuant to Chapter18.08. Site plan review may be conducted independently or concurrently with any other development permit required by this title~~, including but not limited to a preliminary plat, short plat or master planned development.~~.

B. Pre-application conference required. A pre-application conference between the site plan applicant or representative and City staff is mandatory. The purpose of this conference is for the applicant to familiarize the staff with the proposed site plan, and for the staff to review with the applicant the City's submittal requirements, processing procedures, development standards and city requirements applicable to site plans. The City may establish a fee for the pre-application conference.

C. Application Requirements. An application for site plan review shall include the following:

1. Vicinity map, showing site boundaries and existing roads and accesses within and bounding the site.
2. Site plans, drawn to a scale no less than one inch equals fifty feet, showing the location and size of uses, buffer and open space areas, landscaped areas, areas of disturbance outside building footprints, and any existing structures, easements and utilities,
3. Topographic map, based on a site survey delineating existing contours at no less that 5-foot intervals, and which locates existing streams, wetlands and other natural features.
4. Conceptual landscape plan
5. Parking and circulation plan
6. Preliminary stormwater management plan
7. Utilities plan

~~8. An open space plan if the clustering provisions of Chapter 18.84 are being used~~

~~9~~8. Other reports or studies as determined applicable by the director, including but not limited to geotechnical, critical areas, and/or traffic;

~~10~~9. SEPA environmental checklist unless the proposal is categorically exempt per BDMC 19.04, SEPA regulations

~~11~~10. Narrative description of the proposal including: (i) site size, building size, and impervious surface coverage, and amount of area devoted to open space and recreation, landscaping and parking; calculations of gross and net density (ii) Comprehensive Plan and zoning designations; (iii) elevations and perspective drawings of proposed structures and other proposed improvements; (iv) any agreements, covenants or other provisions that affect the proposal; and (v) signatures, mailing addresses and phone numbers of all owners of record or agents of the subject property.

The Director may modify these requirements based on the size, scope and complexity of the proposal.

18.16.040 Criteria for approval.

To be approved, or approved with conditions, a site plan must be consistent with the City's Comprehensive Plan and must comply with all applicable development regulations, codes and other city requirements. ~~Site plans that incorporate clustered development must also meet the criteria of Chapter18.84.~~

18.16.050 Amendments to approved site plans.

~~A. Minor a~~Alterations to an approved site plan ~~are Type 2 administrative decisions that~~ may be approved by the director, subject to the same procedures required for the initial site plan approval. ~~"Minor alterations" are defined to mean and are limited to those which may affect the precise dimensions or siting of buildings—such as site coverage, height or setbacks—but which do not affect the basic character, arrangement or density of development, or the amount or quality of open space or~~

~~landscaping. Such dimensional adjustments shall not vary more than ten percent and shall not exceed the standards of the applicable zoning district.~~

~~B. Major amendments are Type 3 permit applications and are processed in accordance with Chapter 18.08. Major amendments are those which substantially change the character, basic design, density, open space or other conditions or requirements of the site plan. No building or other permit shall be issued unless and until the major amendment has been approved pursuant to applicable procedures.~~

Chapter 18.30

SINGLE-FAMILY RESIDENTIAL DISTRICTS – R4 & R6

***Sections*:**

18.30.010 Intent.
18.30.020 Permitted uses.
18.30.030 Conditional uses.
18.30.040 Development standards.
18.30.050 Additional requirements

18.30.010 Intent.

It is the intent of this chapter to:

A. Enhance the residential quality of the city by providing a high standard of development for single-family residential areas.
B. Designate certain areas in which single-family structures on individual lots are the predominant type of dwelling unit.
C. Guide residential development to those areas where public sewers are in place or can be extended efficiently at reasonable cost.
D. Guide development of residential areas in such manner as to assure availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation.

18.30.020 Permitted uses.

A. Residential.
   1. Single-family detached structures on individual lots
   2. Manufactured housing as provided in Chapter 18.90.
B. Other or Related Uses.
   1. Accessory buildings or structures as provided in Chapter 18.50.
   2. Temporary uses as provided in Chapter 18.52.
   3. Home occupations as provided in Chapter 18.54.
   4. Accessory dwelling units as provided in Chapter 18.56.
   Comment: Helpful cross-reference.
   ~~4~~5. Utilities, under-ground.
   ~~5~~6 Child day care for up to 12 children.

COMPARISION OF DECISION CRITERIA FOR PRELIMINARY PLATS AND SHORT PLATS

17.15.020 Approval criteria. A. The following criteria must be met to approve any subdivision. The criteria may be met by conditions imposed by the hearing examiner as conditions of approval: 1. The proposed subdivision meets all city zoning regulations and is consistent with the city's comprehensive plan maps and policies, and with the Black Diamond design standards and guidelines where applicable;	**18.12.040 Preliminary plats & short plats.** A. The City will consider the following criteria in reviewing applications for preliminary plats and short plats, and may only approve an application if the applicant demonstrates that all of the criteria are met: 1. The proposal is consistent with the goals, policies and map designations of the Black Diamond Comprehensive Plan;	**Comments on 18.12 vs. 17.15** Essentially the same in each code section.
2. The proposed subdivision results in a net density that is equal to or less than the allowable maximum density established by the zoning regulations, and is greater than or equal to any applicable minimum density requirement;	2. The proposed lots sizes are consistent with those allowed within the applicable zoning classification and is consistent with applicable development standards and requirements of this title;	Consistency with min. lot size is addressed in 17.15.020.A.1.
3. The public use and interest is served by the establishment of the subdivision and dedication. In considering this criteria, it shall be determined if appropriate provisions are made for all relevant matters, including, but not limited to, the public health, safety and general welfare, open spaces, storm drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds;	3. The subdivision or short subdivision adequately provides for the following facilities: open spaces, drainage ways, streets, roads, alleys, other public ways, transit stops (where applicable), potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and school grounds, fire protection, other public facilities and utilities, and consideration of other relevant factors;	Transit stops could be added to Sub. Code. Fire protection is covered under "public safety." Unclear what "other public facilities and utilities" may be.
4. The physical characteristics of the proposed subdivision site, as conditioned, do not increase the risk of flood or inundation conditions on- or off-site;	4. The layout of lots, and their size and dimensions take into account topography and vegetation on the site, and the presence	Tree preservation is addressed in 17.15.020.A.14.

	of regulated critical areas;	
5. Applicable city development standards are met or exceeded;	5. The preliminary plat or short plat promotes the public health, safety, and general welfare;	Similar to 17.15.020.A.1, 3 & 6
6. All environmental impacts have been addressed consistent with the public health, safety and welfare and city goals and policies;	6. The proposal satisfies the requirements of Title 17 BDMC and any other criteria properly considered by the decision maker.	Essentially a cross-reference to the Subdivision Code
7. Concurrency exists for all utilities and transportation system improvements prior to occupancy of any structures;	B. Consideration of proposed preliminary plats and short plats shall follow the procedures of BDMC 18.08.	Title 17 contains its own procedural requirements
8. If the proposal is in an approved MPD, the proposed subdivision shall be consistent with the approved MPD, the MPD conditions of approval, the MPD design standards, and the MPD development agreement;		The following sections of Title 17 are not addressed in Chapter 18.12.040
9. There shall be connectivity of motorized and nonmotorized transportation routes, open spaces and wildlife corridors with existing or proposed routes or corridors on adjacent properties;		
10. The use of cul-de-sacs and other dead-end streets shall be minimized to the fullest extent possible;		
11. Appropriate provision has been made for the dedication of land to any public body, and provision of public improvements has been made as necessary to serve the subdivision. This shall include appropriate provision for payment of any impact fees imposed in accordance with the provisions of RCW 82.02.050 through 82.02.090, and applicable city		

codes and regulations. Dedications shall clearly be shown on the final plat;		
12. The streetscape and public open space amenities shall be compatible with any adjacent project that has been developed or approved for development as an MPD;		
13. The proposed subdivision provides safe walking conditions for students who walk to and from school; and		
14 The proposed subdivision provides for tree preservation consistent with the provisions of chapter 19.30.		

COMPARISION OF DECISION CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS

16.30.080 Decision criteria for privately-initiated plan amendment proposals.	**18.12.070 Comprehensive plan amendments.**	**<u>Comments on 16.30 vs. 18.12</u>**
A. In consideration that the comprehensive plan was developed and adopted after significant study and public participation, the principles, goals, objectives and policies contained therein shall be granted substantial weight when considering any proposed amendment. Therefore, the burden of proof for justifying a proposed amendment rests with the applicant, who must demonstrate that the request fully complies with subsections (1) and (2) and/or (3) of this section as follows: 1. The proposed change will further and be consistent with the goals, objectives and policies of the comprehensive plan;	A. Decision Criteria. The Planning Commission and City Council shall consider the following criteria in their review of proposed map or text amendments to the Comprehensive Plan: 1. Consistency with the Growth Management Act;	16.30 has separate criteria for private party applications vs. those initiated by the City has part of its on-going Plan maintenance responsibilities. In that regard, maintaining consistency with the GMA, KCCP, Vision 2040, etc. is required by the GMA and other rules and regulations. Although perhaps helpful to have in local code, it is not absolutely necessary to list them here. 16.30.080.A.1 requires individual amendment requests to be consistent with the overall goals, etc. of the Comp Plan, which would have already passed the GMA, KCCP and Vision 2040 consistency tests.
2. If the request is to change the land use designation of a specific property on the future land use map, the applicant must demonstrate either of the following: a. The existing land use designation was clearly made in error or due to an oversight; b. There has been a change in conditions	2. Consistency with the King County Countywide Planning Policies and other regional or inter-jurisdictional plans or agreements;	16.30.080.A.2 is worded to make individual map amendments more difficult to attain, thereby indicating a preference for map amendments through a City-initiated process, which would undergo a higher degree of scrutiny for GMA, KCCP and Vision 2040 consistency.

since the plan was adopted/last amended;		
3. Any of the criteria listed in Section 16.30.100.		
16.30.090 Periodic assessment of comprehensive plan amendment needs. A. The director will monitor the comprehensive plan and regulatory procedures that implement the plan, and may add potential changes to the docket as specified in 16.30.100. This assessment shall be based on, but not limited to: 1. Whether growth and development are occurring at a faster or slower rate than envisioned in the plan;	3. Consistency with the policies of the Comprehensive Plan, particularly land use, natural environment, transportation, capital facilities, public service and utilities;	18.12.070.A.3 is similar to 16.30.080.A.1.
2. Whether the capacity to provide adequate services is diminished or increased;	4. Furtherance of the Plan's vision statement;	#4 is similar to 16.30.080.A.1.
3. The availability of land to meet demand;	5. Compatibility with adjacent land uses and Land Use Map designations;	#5 essentially repeats 18.12.070.A.3.
4. Assumptions upon which the plan is based are found to be invalid;	6. Impacts to the natural environment; and	#6 essentially repeats 18.12.070.A.3. At a Plan level, internal consistency will ensure impacts to the natural environment are addressed, as will the SEPA process, which is required for all Plan amendments.
5. The effect of the plan on land values and	7. Whether adopted development regulations will address	#7 – this should not be an issue for privately-initiated Plan amendments. This issue would

housing is contrary to the plan goals;	anticipated impacts of the proposed amendment, or whether additional conditions or regulations are necessary.	be addressed during any City-initiated planning process.
6. A determination that sufficient change or lack of change in circumstances dictate the need for a recommended amendment; or	B. Process. Additional requirements and procedures related to Comprehensive Plan amendments are contained in Chapter 18.08	
7. A determination that inconsistency may exist between the comprehensive plan and Chapter 36.70A RCW, the Countywide Planning Policies for King County, and Vision 2040: Growth and Transportation Strategy for the Central Puget Sound Region.		
16.30.100 Docketing. C. Proposed amendments on the docket may be considered appropriate for action if the following criteria are met: 1. A proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the plan; 2. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the plan; 3. The proposal addresses the interests and		

changed needs of the entire city as identified in the plan; 4. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the mayor; 5. The proposal can be reasonably reviewed and evaluated, given existing staff and budget resources; and 6. The proposal has not been voted on by the city council in the last three years. This time limit may be waived if it is demonstrated that a) the proposal addresses an obvious technical error in the existing plan or b) a change in circumstances justifies the need for the proposed amendment.		
A. In accordance with RCW 36.70A.470, suggested changes to the comprehensive plan which are not site-specific may be submitted by any individual, organization or general or special purpose government and shall be coordinated by the director. The director shall create appropriate forms for such submittals that require the submittal to address the criteria outlined in subsection C of this section. The director shall maintain a list of all submittals; this list shall be known as the "docket" and shall be the official method		

of tracking all known requested changes or additions to the comprehensive plan that are not site-specific. An item may be submitted to the docket at any time during the calendar year. There is no fee associated with submitting an item to the docket. B. Annually, the director shall review such suggestions with the planning commission, which may choose to initiate formal consideration as part of the amendment process. C. Proposed amendments on the docket may be considered appropriate for action if the following criteria are met: 1. A proposed comprehensive plan text amendment addresses a matter appropriate for inclusion in the plan;		
2. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the plan;		
3. The proposal addresses the interests and changed needs of the entire city as identified in the plan;		
4. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the mayor;		

5. The proposal can be reasonably reviewed and evaluated, given existing staff and budget resources; and		
6. The proposal has not been voted on by the city council in the last three years. This time limit may be waived if it is demonstrated that a) the proposal addresses an obvious technical error in the existing plan or b) a change in circumstances justifies the need for the proposed amendment.		

Chapter 18.32

SITE PLAN REVIEW PROCEDURE

Sections:

18.32.010	**Intent.**
18.32.020	**Filing and hearing.**
18.32.030	**Review by community development director.**
18.32.050	**Appeal of decision to hearing examiner.**
18.32.060	**Summary site plan.**
18.32.070	**Contents of application.**
18.32.080	**Additional information for review.**
18.32.090	**Amendment of site plan.**
18.32.100	**Performance bond.**

18.32.010 Intent.

Site plan review and approval shall be required prior to the use of land for the location of any commercial, industrial or public building or activity, and for the location of any building in which more than two dwelling units would be contained. (Ord. 231 § .06 (part), 1980)

18.32.020 Filing and hearing.

An application, in completed form, shall be filed for site plan review and approval with the community development director. An application shall not be in completed form under this section if it fails to contain any of the information and material required under Section 18.32.070. (Ord. 857 § 39, 2008: Ord. 231 § .06(A) (part), 1980)

18.32.030 Review by community development director.

A. The community development director shall have the prerogative of refusing to rule on a site plan if in the opinion of the director the site plan and related data submitted by an applicant are inadequate.

B. 1. The completed site plan review application shall be routed for review and comment to the fire chief, public works director, the health department and such other public agencies as the director may deem appropriate.

2. The director shall within forty-five working days approve, disapprove, or approve with conditions any site plan. Failure to act within the specified period shall constitute approval of the site plan and the applicant shall be entitled to apply for a building permit.

3. Any time required to develop and review an environmental impact statement as required under the provisions of SEPA shall not be counted under the time constraints of this chapter.

C. 1. The director shall review a site plan and approve, or approve with conditions, if the director finds the site plan conforms to the standards, provisions, and policies of the city as expressed in its various adopted plans and ordinances.

2. Whenever the director disapproves a site plan, the director shall set forth in writing findings which shall specify the particular standards, provisions and policies to which the site plan fails to conform and the reasons why it fails to conform.

D. The decision of the director shall be final unless appealed to the hearing examiner by the applicant, aggrieved citizen, or other governmental agency, pursuant to Section 18.32.050. (Ord. 857 § 40, 2008: Ord. 231 § .06(A)(1), 1980)

18.32.050 Appeal of decision to hearing examiner.

A. Appeals of all site plan review decisions may be taken to the hearing examiner by any person aggrieved. Such appeals shall be filed in writing, in duplicate, with the city clerk-treasurer within fourteen days of the date of the decision being appealed.

B. The hearing examiner shall consider the matter at a public hearing in accordance with Chapter 2.30 of the Black Diamond Municipal Code.

C. The hearing examiner's decision shall be the final decision of the city. The decision may be appealed by a party withstanding to the King County superior court pursuant to Chapter 36.70C RCW. A petition for a judicial appeal must be filed within twenty-one days of the issuance of a decision.

D. The hearing examiner shall not approve or disapprove a site plan different from that approved or disapproved by the director. The intent of this section is to insure that the hearing examiner and the director make decisions based on the same set of plans. If the hearing examiner receives a site plan different from that considered by the director, the site plan shall be referred to the director for further consideration. (Ord. 857 § 41, 2008: Ord. 556 § 4, 1995; Ord. 231 § .06(B), 1980)

18.32.060 Summary site plan.

Prior to applying for site plan review, a developer may file with the community development department a summary site plan, which shall contain in a rough and approximate manner all of the information required in the site plan application. The purpose of the summary site plan is to enable a developer filing the plan to obtain the advice of the department as to the applicability of the intent, standards and provisions of this chapter to the plan. After the filing of a summary site plan, the department shall make available to the developer its written advice regarding the compatibility of the preliminary site plan with the intent, standards and provisions of this chapter. (Ord. 857 § 42, 2008: Ord. 231 § .06(C), 1980)

18.32.070 Contents of application.

Each application for site plan review shall contain the following information in clear and intelligible form:

A. The title and location of the proposed development, together with the names, addresses and telephone numbers of the record owner or owners of the land and of the applicant, and, if applicable, the names, addresses and telephone numbers of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant.

B. The proposed use or uses of the land and buildings.

C. A site plan drawing or drawings at a scale of not less than one inch for each fifty feet which shall include or show:

1. The location of all existing and proposed structures, including, but not limited to, buildings, fences, culverts, bridges, roads and streets on the subject property;

2. The boundaries of the property proposed to be developed;

3. All proposed and existing buildings and setback lines;

4. All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of this or any other city ordinance, information regarding percentage of area covered, locations and general types of landscaping;

5. All existing and proposed easements;

6. The locations of all existing and proposed utility structures and lines;

7. The storm water drainage systems for existing and proposed structures;

8. All means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets and roads;

9. The location and design of off-street parking areas showing their size and locations of internal circulation and parking spaces;

10. The location of all loading spaces, including, but not limited to, loading platforms and loading docks where trucks will load or unload;

11. Location and area, in square feet, of all signs.

D. Topographic map or maps which delineate contours, both existing and proposed, at intervals of two feet, and which locate existing lakes, streams and forested areas.

E. The existing zoning district of the proposed development site and any other zoning district within three hundred feet of the site.

F. All special districts, including, but not limited to fire, school and water districts, in which the proposed development shall be located and all such districts within three hundred feet of the proposed development.

G. The proposed number of square feet in paved or covered surfaces, whether covered by buildings, driveways, parking lots, or any other structure cover-

ing land; and the total amount of square feet in the entire proposed development site.

H. The proposed number of dwelling units and number of bedrooms in the development.

I. The proposed number of square feet in gross floor area for each commercial and industrial use.

J. A description of each commercial and industrial use.

K. The written recommendations of the King County health department, if a septic system is proposed or a sewer system is not available to the subject property, and of the fire department and any other appropriate public agencies as to any portion of the site plan application which covers matters within their respective jurisdictions. (Ord. 576 § 1, 1995; Ord. 231 § .06(D), 1980)

18.32.080 Additional information for review.

The director or hearing examiner may require the applicant to submit any additional information or material which they find is necessary for the proper review and hearing of the application. (Ord. 857 § 43, 2008: Ord. 231 § .06(E), 1980)

18.32.090 Amendment of site plan.

An approved site plan may be amended by the same procedures provided under this chapter for original site plan approval. (Ord. 857 § 44, 2008: Ord. 231 § .06(F), 1980)