



CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING AGENDA  
July 19, 2011 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 – June 7, 2011
- 4) REVIEW/INITIATION OF POTENTIAL COMPREHENSIVE PLAN AMENDMENTS SUBMITTED TO THE 2011 DOCKET
- 5) DEPARTMENT REPORT
- 6) ADJOURN

RESOLUTION NO. 11-\_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF BLACK DIAMOND, KING COUNTY,  
WASHINGTON, INITIATING PROPOSED AMENDMENTS  
TO THE CITY OF BLACK DIAMOND COMPREHENSIVE  
PLAN.**

**WHEREAS**, the City of Black Diamond adopted a new Comprehensive Plan on June 18, 2009; and

**WHEREAS**, on the same date, the City adopted Ordinance 912, which amended Title 16 of the Black Diamond Municipal Code (BDMC) to establish procedures for periodic review and update of the Comprehensive Plan; and

**WHEREAS**, BDMC 16.30.060 provides that proposed amendments to the Comprehensive Plan may not be considered more frequently than once each calendar year; and

**WHEREAS**, BDMC 16.30.070.B provides that the Planning Commission may by resolution initiate any type of Comprehensive Plan amendment; and

**WHEREAS**, BDMC 16.30.100 establishes a process whereby any individual, organization or general or special purpose government may suggest changes to the Comprehensive Plan (i.e., the "docket") and that the Planning Commission may choose to initiate formal consideration of any item on the docket; and

**WHEREAS**, two sets of suggested amendments were submitted to the docket by the July 1, 2011 filing date; and

**WHEREAS**, the Planning Commission has reviewed the docket and agreed the suggested amendments meet the criteria established in BDMC 16.30.100.C;

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The attached list of potential comprehensive plan amendments are hereby initiated for formal review during the 2011 annual comprehensive plan amendment process.

**Section 2.** The Community Development Department is hereby directed to conduct requisite SEPA review, staff analysis and forward the proposals to the Washington State Department of Commerce for review as required by the Washington State Growth Management Act.

**PASSED BY THE PLANNING COMMISSION OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, THIS 19th DAY OF JULY 2011.**

CITY OF BLACK DIAMOND:

\_\_\_\_\_  
Bob Kaye, Chairman

Attest:

\_\_\_\_\_  
Steve Pilcher, Secretary

## COMPREHENSIVE PLAN AMENDMENTS

### Future Land Use Plan Map amendments

1. *In-City Forest: change from Low Density Residential/MPD overlay to Public; concurrent change in zoning from MPD to Public*

This 50 acre parcel, located south of the approved Lawson Hills MPD, is being transferred to City ownership to be protected as open space. The origins of the In-City Forest date back to the Black Diamond Urban Growth Area Agreement (BDUGAA) and the Black Diamond Area Open Space Agreement. Staff is recommending this property be designated as "Public" like the majority of publicly-owned land within the city limits.

2. *Correct MPD overlay boundary to conform with Lawson Hills MPD property boundaries*

Staff is recommending a minor change to the map to adjust the MPD overlay boundary to the actual boundary of the approved Lawson Hills MPD. The residual land outside of the approved MPD that still retains the overlay is less than the 80 acre minimum size required for an MPD. Nor is it shown as a potential "expansion area" in the approved MPD permit.

3. *Change water tower site with Lawson Hills from Public to Low Density Residential/MPD Overlay*

This small parcel is currently shown as "Public" on the land use map, but is not under any form of public ownership. It appears to have been erroneously placed in the "Public" category due to the presence of the water tower. It is possible this water tower will be relocated further uphill during the development of the Lawson Hills MPD. Staff is recommending this change since only publicly-owned land should be designated as "Public."

4. *Museum site: change from Town Center to Public*

The City of Black Diamond owns the property on which the Black Diamond Historical Museum is located.

5. *Post Office: change from Town Center to Public; concurrent change in zoning from Town Center to Public*

The post office building is located on property owned by the Enumclaw School District. It is possible that the District may desire to use this site for school-related uses in the future. Unfortunately, the Town Center classification/zone district does not allow school uses. Staff has consulted with the ESD Administration and they concur with the recommended change.

6. *Elementary school parking lot: change from Town Center to Public ; concurrent change in zoning from Town Center to Public*

This is a similar issue to #5, above. Staff and the ESD Administration both recommend the change be made to ensure future flexibility to the school district.

*7. Eagle Creek Park: change from Low Density Residential to Public; concurrent change in zoning from R6 to Public*

At the time the Future Land Use Plan Map was developed, the Eagle Creek (aka Bruckner's Way) subdivision did not appear on the King County Assessor's base map. This may be why this public park was overlooked at the time of plan adoption. Staff is recommending this change to be consistent with other publicly-owned land and also to clearly communicate that this is a public park.

*8. Change all lands designated "Park" to Public*

The Future Land Use Map designates the Lake Sawyer boat launch, Lake Sawyer Regional Park, Ginder Creek open space and the ballfields at Black Diamond Elementary School as "Park." However, there is not corresponding description of this designation in the text of the Plan. Other lands (such as City-owned open space on Jones Lake) are designated as "Public", even though they may serve the same function as the Ginder Creek site. In order to be consistent, staff is recommending that instead of discriminating between different types of publicly-owned lands, all be grouped in the same category on the Plan Map.

**Other map amendments**

*1. Update all maps to current city limits*

The 2009 Comprehensive Plan was adopted prior to completion of the "South" and "East" annexations in December 2009. Maps throughout the Plan need to be updated to reflect the new city boundaries. Staff considers this to be a "technical adjustment" and recommends the changes be made.

*2. Figures 4-3, 5.2 : ensure consistency with SAO maps and update as needed*

Both these figures are slightly out of date, as they were developed before the City adopted its new Sensitive Areas Ordinance in February 2009. In order to ensure consistency in communication, staff is recommending the maps be updated to reflect the maps prepared as part of the SAO process.

## Text amendments

1. *Consider amending language throughout the Plan to indicate that residential densities are to be calculated based upon "net" instead of "gross" acreage.*

Councilmember Goodwin requested this issue be placed on the docket. Currently, the text that discusses MPDs specifically notes that MPDs are intended to be at least 4 dwelling units per gross acre. "Gross acres" take into account the entire area of a development site. "Net acres" exclude unbuildable lands such as sensitive areas (wetlands, streams, steep slopes, etc.) and their required buffers. Therefore, residential densities calculated on "net" instead of "gross" acreage would result in less density for a development site that featured sensitive areas and/or buffers.

2. *Amend the text concerning Master Planned Developments to eliminate the need for a residential component.*

Councilmember Goodwin requested this issue be placed on the docket. Currently, the Plan requires that a MPD include a residential , in addition to a commercial component. According to the MPD Code, any parcel greater than 80 acres in size must be considered through the MPD process. Therefore, any large project in a commercial or industrial area must include residential uses.

3. *Revise discussion of Primary & Secondary Open Space*

This portion of the text refers to two forms of open space, which relate to both sensitive areas and the City's Transfer of Development Rights Program. It appears to be leftover language from the 1996 Comprehensive Plan. Staff is recommending this section be changed to better reflect the City's approach to this topic at this time.

4. *Addition to Capital Facilities Plan relating to fire impact fees*

Earlier this year, the City Council conducted a work study session regarding the potential of establishing a city-wide fire impact fee to generate revenues to fund new fire stations and apparatus. They directed staff to proceed with developing such a program. One required component is to address this issue in the Capital Facilities Element of the Comprehensive Plan. The City has contracted with Randy Young of Henderson & Young, a firm with regional and national recognition as experts in the areas of impact fees. Mr. Young will assist in developing Plan amendment language.

5. *Revised language relating to private utilities*

Last year, staff presented amendment language concerning private utilities (gas, electricity, other water providers, etc.). Although the Commission acted on those amendments, the City Council did not. Since that time, Puget Sound Energy has updated their planning for future growth in the city and surrounding area, which has resulted in new language. Staff is recommending the Commission consider this new language to reflect PSE's current planning.

*6. Adoption of a Trails element to the Comprehensive Parks Plan*

Approximately two years ago, the City retained an outside consultant to develop a trails plan. The Plan was developed with citizen input through a series of lightly-attended meetings and workshops. Due to health reasons, it took the consultant longer than expected to produce the final plan document. Once it was presented to the Parks Committee of the City Council, they expressed concern with the ambitious scope of the plan and it has never progressed further.

At this time, staff is recommending consideration of a scaled-back version of the plan, to better reflect fiscal reality. The Trails Plan would be added to the Parks Comprehensive Plan (an element of the City's overall Comprehensive Plan, but a stand-alone document).

### **SUGGESTED AMENDMENTS FROM THE DOCKET**

*1. Transportation concurrency standard for SR-169.*

Peter Rimbo and a group known as the Citizens' Technical Team submitted this request (attached).

*2. Revisions suggested by Save Black Diamond*

On July 1, staff received the attached email and suggested revisions to various portions of the text from a group known as Save Black Diamond.

## ***Black Diamond Comprehensive Plan***

### ***Proposed Amendment--Transportation Concurrency***

#### **PURPOSE OF PROPOSED TEXT AMENDMENT**

Although the State designates SR-169 as a Highway of Statewide Significance (HSS) and, thus, exempt from Transportation Concurrency testing, King County interprets that exemption to **only** pertain to "limited access" HSSs, of which SR-169 is not. Currently the Black Diamond Comprehensive Plan simply parrots State provisions. Consequently, we believe **a change in the Comprehensive Plan is in order to mirror the King County interpretation shown above**. Our proposed text amendment would give the City more control and allow Transportation Concurrency testing of the most critical piece and backbone of its Transportation infrastructure--SR-169.

#### **PROPOSED TEXT AMENDMENT**

##### **7.2. Level of Service**

A level of service (LOS) standard measures the performance of an existing transportation system and the adequacy of the planned future improvements. Additionally, LOS standards establish the basis for the concurrency requirements in the GMA. Agencies are required to "adopt and enforce ordinances which prohibit development approval if the development causes the LOS on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with development." (RCW 36.70A.070(6)(b)). Therefore, setting the LOS standard is an essential component of regulating development.

##### **7.2.2. LOS and Concurrency**

The concurrency provisions of the GMA require that local governments permit development only if adequate public facilities are—or can be guaranteed to be—available within 6 years to support the new development. The GMA requires each local jurisdiction to identify future facility and service needs based on its LOS standards. To ensure that future development will not cause the City's transportation system performance to fall below the adopted LOS, the jurisdiction must do one or a combination of the following: modifying the land use element, limiting or "phasing" development, requiring appropriate mitigation, or changing the adopted standard.

The requirements of Black Diamond's Transportation Concurrency Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as 'highways of statewide significance.' The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test.

##### **7.2.4. Level of Service Methodology**

The City has established specific methods to calculate the LOS for evaluating the performance of the roadway intersections and transit service and facilities. This section describes those methods.

###### ***Intersection Level of Service***

For signalized and unsignalized intersections, the LOS is calculated using the procedures described in the latest edition of the *Highway Capacity Manual* (2000 edition). At signalized and all-way stop-controlled intersections, the LOS is based on the weighted average delays for all movements, whereas the LOS for two-way stop-controlled intersections is defined by the weighted average delay for the worst movement.

###### ***State Highway Level of Service***

1998 amendments to the GMA require local jurisdictions to address state-owned transportation facilities, as well as local transportation system needs in their comprehensive plans. House Bill (HB) 1487 requires that the transportation element of local comprehensive plans include the LOS standards for Highways of Statewide Significance (HSS). HB 1487 clarified that the concurrency requirement of the GMA does not apply to HSS or other transportation facilities and services of statewide significance. HB 1487 also requires local jurisdictions to estimate traffic impacts to state-owned facilities resulting from land use assumptions in the Comprehensive Plan.

However, since SR-169, a 'highway of statewide significance,' does not have limited access and, thus, functions like a city arterial, it may be included in the Black Diamond concurrency test. Such a 'highway of statewide significance that does not have limited access and, thus, functions like a city arterial' means those 'highways of statewide significance' that:

1. Allow driveways and side streets to connect directly to the highway;
2. Provide primary connections between major centers of activity; and
3. Function as high traffic corridors for intra-area travel between business districts and communities.

## ***Black Diamond Comprehensive Plan***

### ***Proposed Amendment--Transportation Concurrency***

The City shall adopt a LOS standard for State highways to the maximum extent of its authority. The LOS shall be based on local mobility requirements, and shall be consistent with other traffic standards within the City.

The Washington State Department of Transportation (WSDOT) adopted LOS standards for HSS facilities is LOS D for urban areas (RCW 47.06.140). The LOS target is established for Comprehensive Plans and for reviewing developer impacts along urban HSS facilities.

The WSDOT also analyzes "screen lines" for deficiencies along state routes using a standard of 70% of the posted speed. This screen line analysis allows WSDOT to identify the "most congested" locations along its HSS facilities. A speed of approximately 70% of the posted speed equates to conditions where a highway achieves the maximum throughput of vehicles.

In 2007, the WSDOT added SR 169 to the list of HSS facilities. The State's *2007-2026 Highway System Plan* indicates that SR 169 is expected to operate below the 70% speed threshold (termed 'operating less than efficiently') during peak hours in 2030.

Peter Rimbos  
425-432-1332  
Citizens' Technical Team Leader  
[primbos@comcast.net](mailto:primbos@comcast.net)

**Steve Pilcher**

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**From:** Save Black Diamond <saveblackdiamond@gmail.com>  
**Sent:** Friday, July 01, 2011 4:56 PM  
**To:** Steve Pilcher  
**Cc:** Stacey Borland; verngpre-paid@comcast.net; sawyerstewarts@comcast.net  
**Subject:** Changes for the city of Black Diamond Comprehensive Plan  
**Attachments:** ChangesforBDCompPlan.doc

Dear Mr. Pilcher,  
Please accept the attached changes for the docket for the City of Black Diamond Comprehensive Plan for 2011. We look forward to providing any additional information as needed to facilitate the process of your review and the Planning Commission's review.

Thank you,  
Vern Gibson and Monica Stewart for Save Black Diamond

July 1, 2011

We submit the following changes to the city of Black Diamond Comprehensive Plan. Please send to the Planning Commission for Review.

Thank you,

**Vern Gibson**, 32800 1st Ave, Black Diamond, WA. P.O. Box 581, Black Diamond, WA  
[verngpre-paid@comcast.net](mailto:verngpre-paid@comcast.net), 360-886-6974

**Monica Stewart**, 22516 SE 300th ST, Black Diamond, WA.  
[sawyerstewarts@comcast.net](mailto:sawyerstewarts@comcast.net), 253-653-5408

and members of **Save Black Diamond**.

## **Requested Change 1**

### **Section:**

#### **1.5.1. King County Countywide Planning Policies**

**Page: 1-9**

### **Text:**

For King County, the CPPs established a UGA. Most future growth and development is to occur within the UGA to limit urban sprawl, enhance open space, protect rural areas and more efficiently use human services, transportation and utilities. The intent of these policies is to reduce future infrastructure costs and maintain a high quality of life by encouraging concentrated development in those areas where services already are or are planned to be provided. Cities are expected to absorb the largest share of future growth. Each city has the authority to make decisions regarding its local character and density.

The City finds that this comprehensive plan is consistent with ~~the purpose and intent~~ of the King County CPPs. The City includes the UGA agreed upon in the BDUGAA, and is consistent with the King County CPPs updated in July 2006. The City is also updating its population and employment targets to reflect growth that is anticipated over the next 20 years.

### **Change:**

Change is to remove “the purpose and intent of”, as shown in strikethrough above.

### **Additional Information:**

Eliminate any possible time spent trying to define the “purpose and intent of” the King County CPPs. It is more appropriate to be consistent with the actual CPPs.

## Requested Change 2

Section:

### **2.3. UGA Policies**

Page: 2-17

Text:

#### **UGA Utilities and Public Services Objectives and Policies**

UGA Objective U 1: Integrate all public facility and service plans for the UGA into appropriate City plans and programs.

UGA Policy U 2: The mix of residential and employment land uses in the UGA, should achieve the "economies of scale" needed to support quality public services and schools in a cost-efficient manner.

UGA Policy U 3: City revenues should not be used to fund private facility extension in the UGA.

UGA Policy U 4: The City Capital Improvement Program should integrate public facility and service

#### **Change UGA Policy U 3 as follows:**

UGA Policy U 3: City revenues, imminent domain, or tax authority shall ~~should~~ not be used to fund private facilities ~~facility extension~~ in the UGA.

#### **Additional Information on UGA Policy U3:**

This adjustment will further define the intent of the plan and benefit city residents by protecting their tax dollars. It eliminates the meaningless legal term "should." It is consistent with the intent of the plan to add tax authority to the statement regarding city revenues. It is also consistent to recognize that acquiring land through imminent domain is effectively the same or worse than using city residents' financial resources to fund private facilities.

## Requested Change 3

Section:

### **4.3.2. Water Quality Concepts, Objectives, and Policies**

Page: 4-24

Text:

#### ***Water Quality Policies***

Policy NE-1: The City recognizes the need for aquifer protection and will Continue to coordinate planning efforts with King County in Maintaining the South King County Ground Water Management

Plan through the South King County Groundwater Management Committee.

### **Change Policy NE-1 as follows:**

Policy NE-1: The City shall designate a sole source aquifer for all groundwater resources that qualify for that designation. ~~The City recognizes the need for aquifer protection and~~ The City will continue to coordinate planning efforts with King County in maintaining the South King County Ground Water Management Plan through the South King County Groundwater Management Committee.

### **Additional Information on Policy NE-1:**

A sole source aquifer (SSA) is an underground water supply designated as the "sole or principal" source of drinking water for an area. Underground water resources are currently relied upon by a substantial number of residents in and near the city. In addition, most future residents will rely on groundwater resources. It is critical that those underground resources be protected. Those resources are part of an aquifer that needs protection. Without this protection, residents risk groundwater contamination leading to illness, and the city faces the risk of large financial liability for those groundwater problems.

### **Additional Information**

From the city's posting regarding Comprehensive Plan changes comes the following text:

"...Proposals may be considered appropriate for action if:

1. A proposed 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 goals and policies of the plan;
3. The proposal addresses the interests and changed needs of the entire city;
4. The proposal does not raise issues that a more appropriately addressed in an on-going work program of the City;
5. The proposal can be reasonably evaluated, given staff resources; and
6. The proposal has not been subject to a prior vote in the last 3 years. Items on the docket are reviewed by the Planning Commission once each year. The Commission will decide which proposals will receive further consideration as part of the overall annual amendment process. "

For all of the above criteria, the following applies to address these points

- Addressing criteria #1: The text is appropriate for inclusion as it directly addresses items already deemed appropriate for the plan.

- Addressing criteria #2: The proposed text strengthens or improves points already in the plan that serve the public interest. The public is served better by the changes that strengthen wording and make the intent of the plan into firm requirements.
- Addressing criteria #3: The city needs to protect itself by having firm language that does not allow too much room for interpretation. As the city prepares for growth, it is ever clearer that language that is open to interpretation as to the “intent” versus the “actual wording (for example, “should” vs. “shall”) only wastes time for various parties that may disagree over the interpretation and application of the plan later.
- Criteria 4-6 are more appropriately addressed by the city staff and planning commission.

At the time of this writing, it is expected additional information on the proposed changes may be needed by staff or the Planning Commission or both. Due to time constraints of the once-a-year submission deadline of July 1, the above changes are being sent prior to that deadline.

Additional detail can be provided over the coming days or weeks, especially if needed to better follow the comprehensive plan change process. We would be happy to respond to any request of the planning commission, city staff, or to simply add detail if needed.