



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING AGENDA
August 11, 2015 7:00 PM
25510 Lawson Street, Black Diamond, Washington

- 1) CALL TO ORDER, ROLL CALL
- 2) INTRODUCTION OF NEW STAFF MEMBERS
- 3) APPROVAL OF MINUTES: April 7 & June 9, 2015
- 4) PUBLIC COMMENTS: Individuals wishing to address the Planning Commission regarding any item not on this meeting's agenda may do so at this time.
- 5) PUBLIC HEARINGS
None
- 6) NEW BUSINESS
None
- 7) UNFINISHED BUSINESS
 - a. Comprehensive Plan Update
 - A. Grant status and schedule
 - B. "Good Faith" Resolution
 - C. Open House comments
 - b. MPD moratorium extension and rezone schedule
- 8) DIRECTOR'S REPORT
- 9) PUBLIC COMMENTS: Individuals wishing to address the Planning Commission regarding any item not on this meeting's agenda may do so at this time.
- 10) ADJOURN



**CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
April 7, 2015, 7:00 PM**

CALL TO ORDER

Chair Pam McCain opened the meeting at 7:00 pm.

ROLL CALL

Present: Commissioners Roth, McCain (Chair), Pepper, Senecal, Kuzaro, Davis and Weber (Co-Chair)
Absent: N/A
Staff: Aaron C. Nix, MPA - Community Development Director

APPROVAL OF MINUTES

A MOTION WAS MADE BY COMMISSIONER ROTH TO ACCEPT THE MARCH 10, 2015 PLANNING COMMISSION MEETING MINUTES AND SECONDED BY ANOTHER COMMISSIONER. ISSUE PASSED 5-0.

PUBLIC COMMENTS

Collin Lund-Yarrow Bay 10220 NE Pointes Dr. Kirkland, WA 98033 stated his concerns with the draft Concurrency Ordinance. It states traffic reports will be ran on every application submitted. Collin stated with limited staff how that will be possible? Also he would like to know if the City has done a Traffic Demand Model.

The draft Ordinance also states the city needs the Hydraulic Model to be filled out, in which he believes that should actually be coming from the City itself. Collin does not feel a lot of these questions pertain to the City of Black Diamond's unique plan; rather they have been copied from another City. Homeland Security has concerns about being able to get into the City's water/sewer systems. His main concern is that the questions need to be answered before the project moves much farther forward.

PUBLIC HEARINGS

Repealing Chapter 18-14 (Vesting) and Replacing with New Language.

Collin Lund-Yarrow Bay the main concerns for them is the time frame which isn't consistent with Code. They don't understand the Vesting portion that seems very contradictory to Washington State Laws in vesting laws. Would be very helpful to have a list of what vests and what does not. Yarrow Bay believes this still has significant issues with moving forward.

Commissioner Senecal said he found page 4, letter F very confusing & bothersome. Absolutely no indication of a time frame or how long it will take or can it go forever? The whole paragraph is ambiguous. It needs to have more clarity.

Commissioner Pepper wants to make sure that the City of Black Diamond still has rights to make decisions. How Black Diamond is set up now, she feels it is way too easy to Vest. Commissioner/Chair McCain stated the process for permit applications are very extensive and property owners just want some assurance knowing they can move forward and build. Adding definitions and a more clearer understanding for Vesting.

Mr. Nix stated that the language under Letter F is a bit vague and contradictory as well. Once the project is deemed complete, it needs to be approved and a certain amount of time should be given. He also stated the notice of applications there is laws you have to go thru. Typically 14 days after something is deemed complete you have to have a notice of application to notify the public. In most cases the timelines are dictated by state law and cannot be changed. Mr. Nix plans to do a memo to city Council to include Mr. Lund's letter so they can review the comments & concerns that have been brought up.

NEW BUSINESS

Traffic Concurrency Ordinance

Mr. Nix sent a list to all the Commissioners after the last meeting of areas within the Code that need to be updated. Comp Plan & Development Regulations; permit processing Chapter; Subdivision Code; additional uses: variances; non-conforming uses & structures, the Plan unit Development chapter and the vested rights in the zoning code.

Mr. Nix stated an issue that needs to be addressed is the notion of concurrency. We are required to have a concurrency ordinance as it relates to transportation. Concurrency is being able to supply a certain level of service that has to be maintained for water, sewer & transportation as development occurs here in the city. The City of Black Diamond does not currently have a Concurrency Ordinance in place, but needs to sooner than later. Mr. Nix provided a large 5000 page review from a different jurisdiction but stated it can be scaled down to fit the city needs, this is purely an introductory piece to understand Concurrency. Concurrency needs to be in our Comp Plan Update which needs to be submitted by June 30th. The time frame will not be met as we are still working on it but at this point we are looking in the July/August time frame for this to be submitted to Council for review.

UNFINISHED BUSINESS

None

DEPARTMENT REPORT

It has been extremely busy & Mr. Nix just finished the reporting on the Census Data that we are required to do for new development that has occurred.

We are still seeing a lot of new single family homes coming in the door especially around Lake Sawyer.

Comp Plan is moving forward, just submitted chapter 1 & likes the consultants' style that we are dealing with.

We have scaled back our planner to 1 day a week and only a part time permit tech, both are very busy when they are here. Code Enforcement has a lot of cases lately and is busy as well.

The offsite water line has been completed since last time we met.

PUBLIC COMMENTS

Collin Lund – Yarrow Bay 10220 NE Pointes Dr. Kirkland, WA 98033 asked Aaron Nix to post up on the website to the Planning Commission the list of page changes to codes. He feels very discouraged about the amount of effort their firm put in for tonight’s meeting to find out a large 5000 page Concurrency awaited. He is not opposed to the plan, but would like to make sure it is good for them, the city and the residents.

ADJOURN

A Motion was made by Commissioner and seconded by Commissioner to adjourn. The meeting adjourned at 8:41 p.m.

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

ATTEST:

Pam McCain, Chairperson

Planning Commission Secretary



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
June 9, 2015, 7:00 PM

CALL TO ORDER

Chair Pam McCain opened the meeting at 7:00 pm.

ROLL CALL

Present: Commissioners Roth, McCain (Chair), Pepper, Senecal, Kuzaro, Davis and Weber (Co-Chair)
Absent: N/A
Staff: Andrew Williamson, MDRT Director

APPROVAL OF MINUTES

None

PUBLIC COMMENTS

None

PUBLIC HEARINGS

None

NEW BUSINESS

Mr. Williamson passed out the Memorandum document for the Comprehensive Plan Update. As of this date the introduction is done but the rest is not complete. Asking for additional time to get Comp Plan done, June 30th is the deadline to be completed. The City received an \$18K grant from the Department of Commerce for this. Since it is not complete, there are some grants the City won't be eligible for such as transportation grants. However our current grants are not affected by this. The City has been working with Puget Sound Regional Council (PSRC) as the first numbers they gave did not include the master plan development. Finally received data today and now the consultants can move forward on what needs to be done to get the ball rolling. The city is on a very condensed budget for the plan and some negotiations have been made with PSRC to cut costs. The new Comp Plan must have the approval of PSRC, which in the past was not needed. Then the plan must have the approval of Commerce. Major renewals are 4-6 years, subject to updating every year.

Commissioner questioned what the update is on the 5th Ave N. project. The project was sold to "Shake & Bake" who is doing infrastructures. Currently they are putting in storm retention ponds which are massive projects. Sandstone which is in the ground at that location is very dense and causing delays. Currently 1 house resides at that location and 9 more have been approved. If public has complaints regarding the project they need to be directed to the City.

UNFINISHED BUSINESS

None

DEPARTMENT REPORT

Busy! Lot of Speculations & possibilities for potential permits

PUBLIC COMMENTS

None

ADJOURN

A Motion was made by Commissioner and seconded by Commissioner to adjourn. This issue was voted on by the Commission and Passed 7-0. The meeting adjourned at 8:12 p.m.

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

ATTEST:

Pam McCain, Chairperson

Planning Commission Secretary

City of Black Diamond 2015 Comprehensive Plan Update

April 2, 2014 Open House Comments

Overview

Approximately 35 citizens attended the open house. Five comment cards/questionnaires were filled out that evening, and two since, making a total of seven submissions; plus one letter from a citizen that was sent to city staff.

The following City and consultant staff were on hand to field questions and comments regarding the 2015 Comprehensive Plan update process:

- Stacey Welsh (City of Black Diamond)
- Seth Boettcher (City of Black Diamond)
- Aaron Nix (City of Black Diamond)
- Andy Williamson (City of Black Diamond)
- Don Hardy (BergerABAM)
- Dan Shafar (BergerABAM)
- Traci Chumbley (BergerABAM)

The following tables or stations with corresponding exhibits were arranged throughout the room:

- Welcome table
- "Project Timeline and Process"
- Comprehensive Plan Elements: "Transportation and Capital Facilities"
- Comprehensive Plan Elements: "Parks and Sensitive Areas"
- Comprehensive Plan Element: "Land Use"
- Refreshments table
- Comment tables

Comment Cards/Questionnaires:

Q1. What made you choose the City of Black Diamond as the place to live/work?

- Small town country living, quiet
- Quiet town, want to stay the same!!
- My parents built a house here, then I married a third generation resident, and we built a house and are raising our 4 children here.
- Amenity of lake living near geographically familiar "home town"
- A series of life events
- Close to home, seen a future

- I came for the people I found here, an honest people, not afraid to work for what they needed, but also not willing to be looked down on. People who appreciated each other for their strengths, but were willing to overlook weaknesses. A place where differences are expected, where you can be yourself, where you are allowed to be your own person. A place where you have the respect of your fellows, whatever your station in life; I have seen academic PHDs in meaningful dialogue with high school drop-outs; I have seen a local felon be also a friendly neighbor with the court clerk; I have seen very wealthy mega landowners and the homeless at dinner together on equal terms. People of BD are well suited to listen to and learn from each other with the aim of finding the best answers for everyone. This egalitarianism and the accompanying revulsion against exclusivism, is what gave America its strength and appeal throughout the eighteenth and nineteenth centuries; it is what made America the envy of the worlds' nations; it persists today in fewer and fewer small towns, but BD is one of them. If America is to recover its place in today's world, we need to recapture what Black Diamond has and export it across all parts of our country.
- Atmosphere and people

Q2 Please provide three words that would best describe the City of Black Diamond in 2035.

- Stay the same
- Small quiet community
- Friendly; Happy; Self-sustaining
- Robust, suburban area with many housing choices and complimentary commercial areas
- Peaceful, charming, educational; Friendly neighbors and community activities; Convenient stores and amenities (libraries, parks, public buildings)
- Large. Profitable. Thriving
- Black Diamond needs a **healthy economic base**, the most logical fit for our assets is for us to become the haven of **outdoor activity, cottage industry and tourism**; with enough development to provide these, but not to over-reach the economic reality. Black Diamond could be a world renowned tourist mecca by 2035, if it plays its cards right. BD could have the needed at least **one job for each dwelling unit, preferably 2 jobs**, like our previous comp plan demands. These changes will not come by osmosis, our assets, the talents of our citizens, must be marshaled and our government has a role to play in this community wide endeavor. By creating the necessary enabling infrastructure, removing artificial roadblocks for business owners, and by strategic planning to facilitate these ends our government serves its citizens. Bending over backwards for a land developer with an oversized and unworkable plan at the expense of all other enterprises is putting all the eggs in one basket and does not serve today's citizens at all.

Q3 What attributes do you value most about the City of Black Diamond?

- Small, quiet town, no traffic, pollution, not much crime
- Close family and neighbors
- Quiet, walkable, smiles
- Harmonious blend of commercial, convenience interfaced with natural beauty
- A haven from the cares and stresses of the world (usually); peaceful co-existence with wildlife and nature.

- The ability to work through problems
- The PEOPLE, their engagement in our community and with each-other, their commitment to BD's neighbor communities, and the resistance against sending problems and pollution downstream; The natural setting, the productive wildcraft industry, \$30 for a gallon of trailing blackberries clean picked, chanterelle mushroom, wild game meat butcher right here in town, these are just a few; The love of walking and nature, the individual commitment to a healthy outdoor lifestyle engaged in by most of our citizens; The rural small town character, neighborliness; The way our city's current development (not the expected development) respects the ecology, and the lay of the land, and the needs of citizens generally; The many streams and lakes; The surrounding open space and the wealth of nature trails, and undeveloped parks; The dedication to wildlife and neighbor wellbeing, respect for many wetlands, and the rare pristine peat bog unmatched in the continental US, but common in Alaska.
- Small town atmosphere/Proximity to Seattle and Tacoma/Beauty of surroundings/Friendly people

Q4 What aspects do you think may be lacking in the City of Black Diamond?

- To remain as small quiet town. Consideration for the people that live here now!
- Consider our wishes, small town, life style
- Schools, jobs with livable wages
- Development
- Supermarkets and other quality retail (not convenience stores), entertainment facilities especially for teens, but for all
- New families
- Technical expertise to adequately understand the constraints of the environment, and how to enhance and live with and as a part of that natural environment, particularly among the staff in our city hall. We need an economic plan to build from; its redeveloping from the "company town model" but this one needs the modern spin of diversified private ownership and manufactured product to weather the business cycles and the inclusion of the democratic will in the choices going forward. No go: for today's plan of huge residential development as a commuter community at a time when commuters is frowned upon socially by the energy consciousness up-coming generation who don't wish to afford the car payments and insurance and price of gas required for this life style. A hopeful developer who takes away the money he gets, away does not answer BD's issues, or help our economy. Yes, do this instead: today's citizens want the say in what happens in our town. Small businesses that belong to the individuals who live here act to draw "foreign" money in, and are sustainable in a small community and will lift the whole town. We need a summer time swimming pool, probably better as a private club for each 3,000 voters. We need a year round recreation center, boys and girls club, sports facility. We need an organized scholastic assistance program for our youth. We need our own high-school, and I wonder if a charter school is the way to get one sooner, our students are bullied in the Enumclaw Schools till they drop out, destroying our economy by losing their talents from the job market.
- Lack of cooperation between officials and business folks; more private services and stores; better roads - transportation

Q5 What other comments or questions do you have regarding the 2015 Comprehensive Plan update/process?

- What are you going to do about destroying water shed and flooding Horseshoe Lake? Your plans are too big and take too long to finish. If I wanted to live in Kent I would have moved there; not Black Diamond.
- Watershed protection; Lake overflowing - costing the government many \$ to pump overflowing lake; Who will buy the houses that are affected by lake flood every so many years and maybe every year; No trees to absorb the water/rain; underground aquifer flooding the lake.
- Nice presentation!
- Are there any plans to make the natural areas accessible to ADA equipping or at least to the less mobile segment of the community over 50 years old?
- Transportation and zoning map combined or next to each other at open house displays; How do we more actively attract businesses and stores that would be helpful for us to have closer (high quality - not convenience stores) and/or that would enhance the historical ambience and/or attract customers from around the area?
- Please move forward with new homes. Time to grow.
- I was profoundly disappointed with the cursory invitation of the first meeting. The lack of real planning that could have made that meeting a learning experience for everyone. The meeting should have at least drafted a workable framework for encouraging real public input, not just the tired and tried issue lists that will result in no productive action. We need ideating sessions and implementing sessions. There is not nearly enough reliance on the public's wishes throughout this process. We the tax-payers here, have the responsibility and the right to formulate BD's future and our government needs to facilitate this engagement. Our citizens need the chance to dialogue with each other over the subjects so we go on with a truly community vetted plan. There is way too much reliance on, and accommodation for, the hopes of an absent mega developer who wants to rape our village of its "Intrinsic Capital", is an LLC, and will run with whatever they can take from us in the way of profits. I want to see many public discussions about all the topics going on weekly for the benefit of our citizens so they can work out together a reasonable way forward. I worked on the first comp plan in 1980, over 200 people from 176 dwellings took active part, there were weekly meetings, there were field trips, there was meaningful mediation and leadership, till we came to a mutually agreed upon plan. We took important comment from any neighbors of BD who also have a stake in what happens here.
- Please plan on linking Four Corners 169 to/through city – 4 lanes; cooperation with state and county roads departments; lobbying for road link from city via Kent Black Diamond Road to SR 18; faster access to SR 516

Q6 How Important is available housing?

Extremely Important - 1

Very Important - 1

Somewhat Important - 2

Not Important - 3

No opinion - 1

Additional Comment:

There are 10,000 bank owned dwellings in SE King County currently, many in this town, we have no jobs here and no viable economic base. Today's young families want to live car-less, in a municipal area where the internet access blankets them and the extended public services are plentiful, where there is a night-life besides government meetings, state of the art child care and scholastic and continuing ed opportunities for youth and adults, a gym and public transportation and a job. These same Sea-tac corridor people want to get out of town to do the active recreation on days off, they want to get there with public transportation on days off, but they don't want to live there.

Q7 How important are employment opportunities?

Extremely Important - 4

Very Important - 1

Somewhat Important - 0

Not Important - 2

No opinion - 1

Additional Comment:

BD will never be an employment nexus for the reasons stated above, and it doesn't need to be, but there must be at least one job for each dwelling here by 2035. In order to have a balanced economy we need to have heavy and light industry and a major organizing sense of where our city is headed to guide all prospective development. I have also been thinking about, what if "The John Henry Strip Mine" could be home to "Cedar Grove Compost", Cedar Grove needs to find a new site, the papers say. When I go over to Cedar Grove, that area seems nicely reclaimed and planted as do the other places they have been. We were headed to be a tourist economy before our mega developer came to town, we have a nucleus begun toward that goal still thriving, I think this idea is built on reality rather than wishful thinking, I think this is an industry that could employ many of our particular unemployed. I also think there are other recycling opportunities that could be possible, there is a franchise-able plastic recycling machine originating in Portland that has been a very successful woman-owned enterprise.

Q8 How important is Black Diamond's transportation system (roads and sidewalks)?

Extremely Important - 3

Very Important - 2

Somewhat Important -

Not Important - 2

No opinion - 1

Additional Comment:

The roads are important because BD is a bottleneck for the State and County transportation system. Increasingly these are the agents of commerce for our, and our neighboring communities, as experience demonstrates the ever increasing semi and truck transport through town. Sidewalks are important for the much walking public, this is a walking town with always people young and old afoot. The children need the sidewalks to have a safe walking school commute, the seniors are currently using unsafe shoulders along their daily exercise walks. I can think of five places right now that need walker overpasses, over 169 at each end of town and over Roberts drive at the 169 intersection by the commercial space, at Morgan Street and at Lake Sawyer Road. Yeah I added the trails back in from the old comp plan. We were always to be a town transected by trails, the people want and need the trails, many find the sidewalks too hard on their ankles and feet they want a softer surface to walk on, also there are the dog-walkers who really need a trail. Trails are so very important that they are listed with parks as a Council Committee and they are being worked on constantly by the city, but there is the dearth of connectivity and functionality that is being neglected and there is no consideration for this concern on the developer's property, except for the County requirements for the regional trail. This is holding BD back, we need to follow the County example, they have the expertise, they know that if you don't stake out the public trails at the beginning you lose the coordination and connectivity that makes a rational plan. In other words we need to be stalking the public plan before the developer, it's our choice and we need to take it.

Q9 How important are capital facilities (water/sewer, storm drainage, public facilities, etc.)

Extremely Important - 2

Very Important - 3

Somewhat Important - 0

Not Important - 1

No opinion - 2

Additional Comment:

We must have the community meeting place to conduct the municipalities business and to accommodate the increase in population. The facilities must not overwhelm the need but they must be adequate to serve the need. They must be efficient and practical and they probably need to be constructed in a modular add-on fashion so they can be grown as the city grows, no matter the added final cost at full build out. More services will be required by the more citizens. The Courts will be handling a larger slate of case types and will be functioning more of the time. There will be a need for expanded attorney housing and holding cells and a financial office for fine collections and accounting for court ordered community service, etc. All the water related services must be state of the art because especially for BD, water is in constant flow toward Puget Sound, BD will be culpable for water that is polluted or is in excess or deficiency downstream. It is almost that we will be at fault no matter what, look at Oso, who allowed the 400 acre logging, that is who can expect to pay the survivors and for the highway replacement. BD is thinking of allowing how many acres of clear and grade, the high bank of Green River Valley Rd's east wall slid again this year, will the County demand of 100 foot setback protect BD financially, has any real definitive hydrology been done, did any geologist sign his professional guarantee that the plan will protect the valley? The answer is NO! What I know is that with the global

warming and more water in play there will be increasing water destruction and increasing liability being placed on whomever turns out to be the deep pocket, and since our developer is an LLC he is not going to assume liability his business license says so, so it will fall on BD in the end.

Q10 How important are parks, trails and sensitive areas?

Extremely Important - 1

Very Important - 3

Somewhat Important - 2

Not Important - 1

No opinion - 1

Additional Comment:

First sensitive areas are very important to not only BD but also to protect and mitigate us from the water related tragedies of the question above. We need to do two things. First our sensitive area buffers need to be set by the requirements of actually accomplishing the real protection of the wet areas, hills, slide areas, recharge aquifers and the like. Second we need to plan for an additional amount of water, probably a hydrologist and geologist are needed to calculate how much extra we need to prepare for. When we lose the filtering sponge of the forest land, and because there will be more water and less of it will be frozen for less time we need to prepare ahead to avoid financial negative consequence, and to have maximally effective wetland protection for our developed areas and the developed areas of our neighbors. Trails are very important to the lifestyle of BD, many citizens of all ages are fundamental walkers, the plan was that work, live and shop could all be done on foot by our citizens. Back in 1983 our citizens afforded the beginning of trails near the extensive wetlands for the public's benefit. This area has now been abandoned as it was realized that the trails were too buggy and were actually damaging the wetland, with more up-to-date science. However, the trails continue as an idea and a reality around town. In the future our extensive in-city wetlands with the proper trail placement and connectivity could become an economic asset for our town as wildlife watching experiences. Parks are the heart of a community and BD is no exception, people need athletic fields, play grounds unimproved areas for human exploration and wildlife refuge. There will be some statistical recommendations as to how many and how varied the activities required by our cities population in order to maintain a healthful living situation for our citizens. BD has come together as a community to build the parks in the past and will again and the bonus is these neighborly acts create the community among the people.

Miscellaneous Comments

Trees and animals make better neighbors

We have more than enough (parks, trails, sensitive areas); Sensitive areas are extremely impacted.

I think the county and the state have adequate oversight of these areas now.

I would like proof that this information has gone on to Makers and is not just at a repository in the city collecting dust.

DRAFT -- July 30, 2015

ORDINANCE NO. 15-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO LAND USE AND ZONING, EXTENDING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT WITHIN THE MASTER PLANNED DEVELOPMENT (MPD) DISTRICT FOR ANOTHER THREE MONTHS, SUCH MORATORIUM SHALL EXCLUDE ANY APPLICATIONS SUBJECT TO THE DEVELOPMENT AGREEMENTS APPROVED FOR THE MPD DEVELOPMENTS ENTITLED THE VILLAGES AND LAWSON HILLS; ADOPTING A WORK PLAN AND SCHEDULING THE PUBLIC HEARING ON THE MORATORIUM EXTENSION FOR AUGUST 20, 2015, AND SETTING AN EFFECTIVE DATE.

WHEREAS, on March 20, 2014, the City adopted Ordinance No. 14-1027, which imposed a six-month moratorium on the City's acceptance of certain applications for development for property zoned Master Planned Development ("MPD"); and

WHEREAS, on August 21, 2014, the City adopted Ordinance 14-1034 which extended the moratorium for an additional six-months; and

WHEREAS, on February 19, 2015 the City adopted Ordinance No. 15-1050 which extended the moratorium for an additional six-months, or until September 1, 2015; and

WHEREAS, during the pendency of the moratorium, Staff has potential options for rezoning of the affected property to the property owner and this matter was not resolved until May 7, 2015; and

WHEREAS, since the last moratorium extension was granted, the property owner hired a surveyor to provide the City with the necessary legal descriptions for the affected parcels; and

WHEREAS, since the last moratorium extension was granted, the Community Development Director, who had responsibility for processing this rezone, left his position, and the City has only recently hired a new Director to replace him; and

WHEREAS, the reason the City imposed the moratorium has not changed, but additional time is needed for the City to undertake all of the tasks described in the previous ordinances; and

WHEREAS, City Council may extend a moratorium for a period of up to six months on the acceptance of certain development permit applications as long as the City Council holds a public hearing on the proposed moratorium extension within sixty days after adoption (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, the City staff has prepared a work plan and believes that the necessary tasks can be accomplished in three months from the date of the adoption of this Ordinance; and

WHEREAS, the City desires to extend the existing moratorium on the acceptance of development applications for any “development activity,” “development permit” or “project permit” as defined below, for any property within the Master Plan Development (MPD) district, as shown on the City’s Official Zoning Map, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference for another three months after the date this Ordinance is adopted; Now, therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

A. **“Exempt Development Permits”** shall include all of the following permit applications for “development” or “development activity” defined in Black Diamond Municipal

Code (BDMC) Section 18.98.005 and for “project permit” applications as defined in BDMC 18.14.010, which: (1) are subject to the Development Agreements executed by the City for The Villages and Lawson Hills; or (2) were determined complete by City staff and submitted to the City on or before the effective date of this Ordinance; or (3) propose development or a development activity on property located outside the MDP Zone as identified in the City’s Official Zoning Map; or (4) any applications for permits which involve interior remodeling of existing structures in the MPD Zone.

B. “**Non-Exempt Development Permits**” shall include any permits or “project permit applications” for any “development activity” defined in the Black Diamond code sections identified above, proposed to take place on property located within the MPD Zone and submitted after the effective date of this Ordinance.

Section 2. Purpose and Work Plan. The purpose of this moratorium extension is to allow the City to perform the following tasks:

A. City staff have reviewed and analyzed the appropriate land use designation for the property affected by this moratorium, in order to determine whether any changes need to be made in the City’s Comprehensive Plan and development regulations. In addition, the City staff have consulted with the property owner and have reached a consensus as to the appropriate zoning designation to be given to the affected property. The City now has a legal description of the properties, which will be attached to the new rezone ordinance.

B. The City Attorney will draft the rezone ordinance on or before August 14, 2015.

C. The City Community Development Director will ensure that the draft rezone ordinance is forwarded to the Washington State Department of Community Development by August 17, 2015. Expedited review by DOC will be requested.

D. SEPA will be performed on the draft rezone ordinance on or before August 17, 2015.

E. Notice of a public hearing before the planning commission for the draft rezone ordinance will be published on or before August 18, 2015.

F. A public hearing will be held on the draft rezone ordinance before the planning commission on or before September 8, 2015.

G. The planning commission's written recommendation to the City Council on the draft rezone ordinance will be forwarded on or before October 6, 2015.

H. The City Council will consider the planning commission's written recommendation on the draft rezone ordinance on or before November 5, 2015.

I. If the Council is inclined to accept the planning commission's written recommendation, the Council plans to take action on the draft rezone ordinance on or before November 19, 2015.

J. A copy of the adopted rezone ordinance will be published and effective five days after publication.

Section 3. Moratorium Extension Imposed. Based on the above work plan, the City Council hereby extends the moratorium due to expire on September 1, 2015, on the acceptance of all non-exempt development permit applications for development activities on property located within the MPD Zone, as shown in the map attached hereto as Exhibit A, which is derived from the City's Official Zoning Map, for another three months after August 30, 2015. All such non-exempt applications submitted to the City during this time period shall be rejected and returned to the applicant.

Section 4. Public Hearing on Moratorium Extension. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council is required to hold a public hearing on this moratorium extension within sixty (60) days of its adoption. The Council chooses to hold the public hearing on August 20, 2015, or the date this Ordinance will be considered by the City Council during a regular meeting. Immediately after the public hearing, the City Council shall direct the City staff to draft the findings of fact on the subject of this moratorium extension to either justify its continued imposition or cancel the moratorium. These findings and conclusions shall be presented to the Council at its next regular meeting. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title, and shall be effective five days thereafter

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this 20th day of August, 2015.

CITY OF BLACK DIAMOND

Mayor Carol Benson

August 11, 2015

BD Planning Commission Handout

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol A. Morris, City Attorney

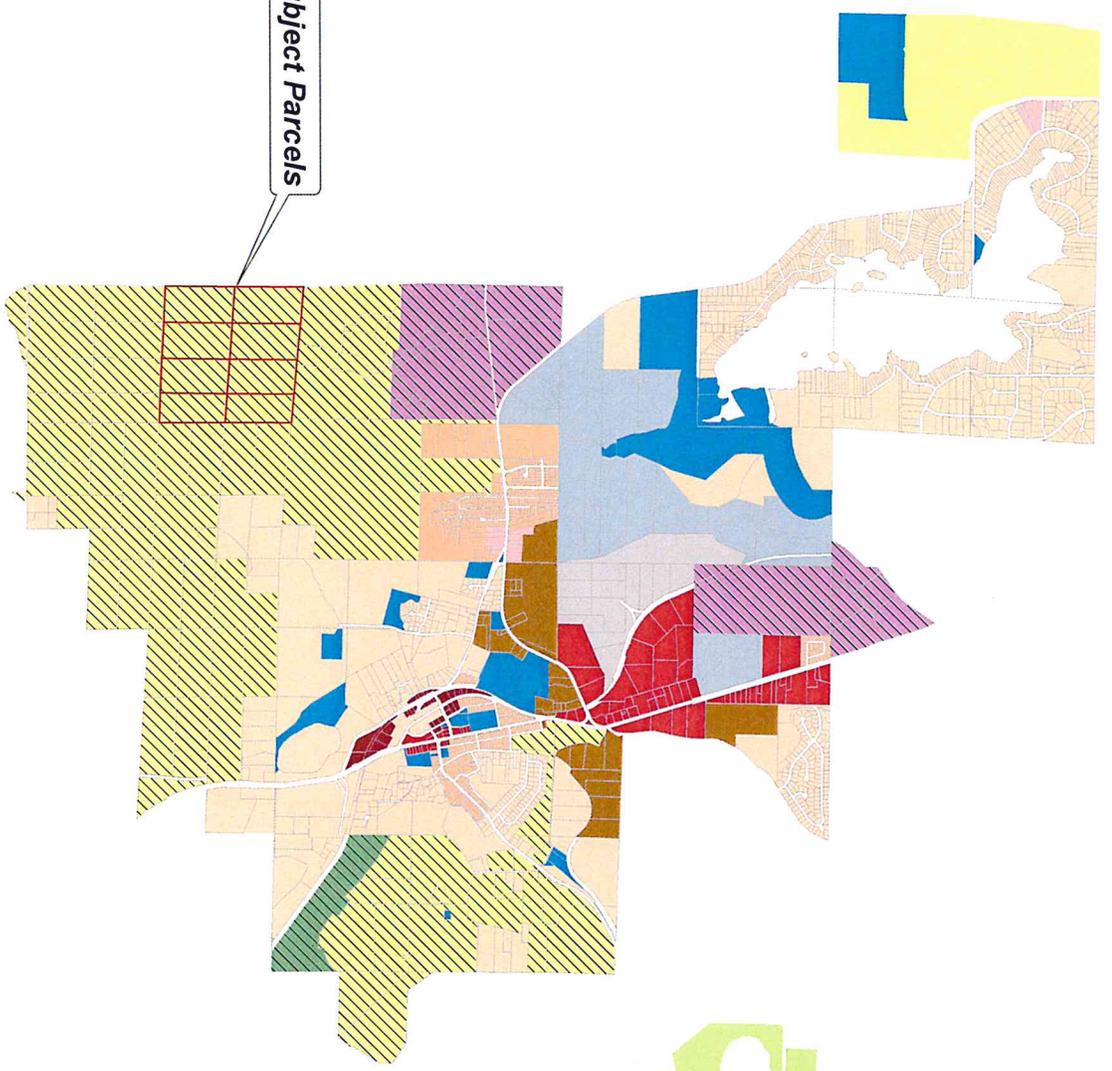
FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:



City of Black Diamond

Legend

- BD_FLU**
- Future Land Use**
- Urban Reserve
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Neighborhood Commercial
- Community Commercial
- Town Center
- Business Park & Light Industrial
- Industrial
- School
- Park
- Public



GIS data source: King County and City of Black Diamond.
 Map prepared August 2015.
 This map is a geographic representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.
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**CITY OF BLACK DIAMOND
DEPARTMENT OF COMMUNITY DEVELOPMENT**

Memorandum

To: City of Black Diamond Planning Commission

From: Barbara Kincaid
Community Development Director

Subject: Planning Commission Meeting – August 11, 2015
Director's Report

Public Participation Pamphlet: Follow up needed regarding the incorporation of Planning Commission comments provided at the February 10, 2015 meeting. As requested, I will email a final draft with suggested changes before distribution.

Concurrency Ordinance: I am working on this with Seth Boettcher, Public Works Director and City Attorney, Carol Morris. We anticipate bringing a revised draft Concurrency Ordinance to the September 8, 2015 meeting to hold a working session to discuss the proposed Ordinance and a Public Hearing on the same night. If you agree, please set a Public Hearing for September 8, 2015 to take Public Comment on a draft Concurrency Ordinance.

Vesting Ordinance: City Council passed Ordinance #15-1053 on May 7, 2015 amending Chapter 18.14, Permit Processing Standards, making it clearer which applications vest, standardizing criteria deeming an application complete, and defining the associated timelines.

Code Scrub: Staff and City Attorney are working on draft Code Revisions for the purpose of cleaning up existing code and aligning development regulations with the Comprehensive Plan. Ordinance #14-1044, passed December 18, 2014, was a first step in this process. This Ordinance defines and lays out details for Comprehensive Plan and Development Regulation revisions. It also adopts the City of Black Diamond Growth Management Act (GMA) Public Participation Handbook. In the upcoming months, staff will be bringing draft ordinances to continue this effort. The next topics for discussion include proposed changes to general admission and definitions in the zoning code, permit processing, and subdivision code.

Planning Commission Quarterly Newsletter: The American Planning Association (APA) publishes an electronic newsletter for Planning Commissioners. I provided a sample copy in your packet. If anyone wishes to receive this on a regular basis, let me know and I'll forward it on.

Department Update: Building and planning has been very busy. Permit activities continue to increase as do calls for code enforcement and general questions. In addition, we are processing permits for a couple of upcoming special events, Labor Days and Tough Mudder.

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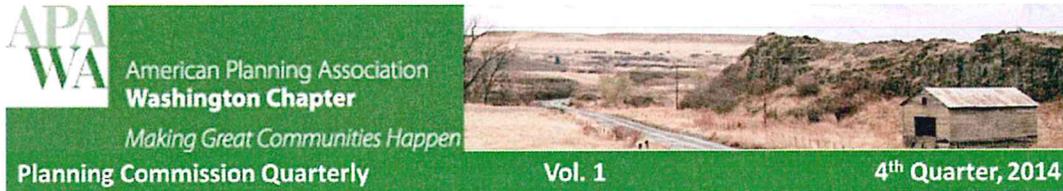
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Welcome to the First Issue of *Planning Commission Quarterly*



On behalf of Washington Chapter of the American Planning Association, I would like to introduce you to our organization and the resources we offer. Our membership includes citizen planners, planning commissioners and other planning officials, and professional planners within the State of Washington and elsewhere. Washington APA recognizes that great planning commissions make great communities. We connect your planning commission and citizen planners with a state and nationwide community dedicated to good planning and tested tools — publications, training events, networking opportunities, and other targeted resources — that will help you anticipate and plan for tomorrow.

This inaugural issue highlights the City of Bellingham's Planning Commission for their recent work on the Downtown Plan, provides our Quarterly Book Review, and includes a Top 5 Tips section helping you make your commission as effective as possible.

We look forward to working with you and hearing more about your experiences, challenges, and success stories making great communities happen in Washington State!

Sincerely,

Washington APA President-Elect

SAVE THE DATES

October 15th, 2014 - FREE Short Course on Local Planning in Spokane at the Washington APA Conference. Everyone is welcome.

Click [Here](#) for more information

October 23, 2014 – Toolbox Training – Planning in Centers Click [Here](#) for more information

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Look for the official brochure in July!

Planning Commission Highlight – Bellingham Downtown Planning

This issue highlights the Bellingham Planning Commission's hard work in 2014. The Commission hosted public meetings and deliberated over the recently adopted Downtown Bellingham Plan. Planning began three years ago and the community has had the opportunity to provide input in many unique ways.

The Bellingham Herald reports, "People feel that their input has been heard and for the most part is consistent with the plan that has been drafted," said Patrick Hurley, executive director of the Downtown Bellingham Partnership, at a public hearing in front of the commission. Mr. Hurley recognized that the public's willingness to provide input into the plan was key to adoption and implementation.

Over the spring and summer this year, the [Planning Commission](#) held four public engagement meetings. At the conclusion, a recommendation of approval for the [Downtown Bellingham Plan](#) and all associated documents including development regulations were forwarded on to the City Council for their approval.

The Bellingham City Council voted to adopt the Downtown Plan in August 2014. City land use and transportation planners are now implementing the plan to improve pedestrian and bicycle access to downtown, consistent with Bellingham's Pedestrian and Bicycle Master Plans.

Kudos to you Bellingham Planning Commission for conducting a public process that resulted in recommendations adopted by your City Council that your staff are now implementing.



Planning Commissioners reach out to community members in Downtown Bellingham.

Five Characteristics of an Effective Planning Commission

by Robin McClelland

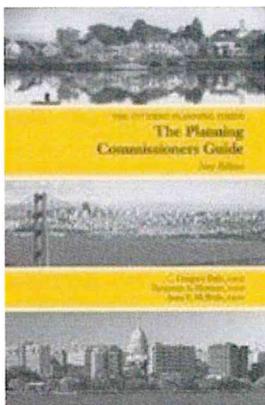
Every Planning Commission aims to be an effective body of citizen planners. It takes special effort to conduct meetings that are responsive to public concerns, allow free flow of ideas, make responsible recommendations, and, when properly run, end on time.

Among their many duties, planning commissioners are appointed to review and amend the Comprehensive Plan, conduct public hearings, and, in some jurisdictions, review subdivision applications.

Consider these five characteristics to become an even more effective planning commission:

1. **Focus on the big picture.** Stick to the items on the agenda without being distracted by speakers or issues that do not address the main points of an item. Resist getting bogged down by attention to minor details. Concentrate on the matters at hand – be a big picture thinker.
2. **Establish guiding rules.** Review your by-laws (or adopt by-laws) that govern the way meetings are conducted. Define the responsibilities of the chair (to open and close the meeting and make sure each commissioner gets a chance to speak), establish guidelines for public comment (set time limits), and rules for public testimony during public hearings (when to close the testimony to begin deliberation). Rely on *Robert's Rules of Order* or other procedural rules to conduct an effective meeting.
3. **Come prepared. Read your packet of information well before meeting night.** Get to know your adopted plans, zoning ordinance, and other codes. Read the staff reports and environmental assessment pertinent to each agenda item. Ask staff for additional information before the meeting.
4. **Know the requirements.** Rely on the legal constraints that govern your deliberation. Be certain the proposal is consistent with the general plan. Does it meet all applicable zoning or subdivision ordinance requirements? Are the environmental impacts of the project, if any, being reduced or eliminated by the conditions of approval? Is the commission's recommendation supported by findings of fact based on substantial evidence in the record? When in doubt, have your staff get a legal opinion from counsel.
5. **Consider all sides.** It is necessary to allow all parties (applicants, public, and staff) to express views that support or oppose the discussion item. The chair must make certain that each commissioner is allowed "air time" without dominating the discussion. Be objective and ask questions.

Effective planning commissions learn to make fair, reasonable, and defensible recommendations by observing established rules and procedures. There always is room for improvement and there are many resources available for making changes in the way a planning commission conducts its meetings. Find additional meeting management resources at the Jurassic Parliament website: <http://www.jurassicparliament.com/> or visit APA website to learn more and to join APA Washington: <http://washington-apa.org/>



Quarterly Book Review -

The Planning Commissioners Guide

Across the country, communities rely on their planning commissions for guidance. But who guides the planning commissioners?

This step-by-step guidebook gets new commissioners off on the right foot and helps experienced commission members navigate their roles. The authors, all practicing planners, have worked extensively with planning commissions for decades. They have watched commissioners scramble up a steep learning curve, sit in the hot seat of controversy, and strive to make sound decisions for the places they call home.

In this helpful handbook, the authors share ideas, insights, and information to help commissioners succeed. Eight detailed chapters cover everything from the nuts and bolts of development applications to the nuances of legal issues to the part commissioners play in long-range planning. Readers will learn how to prepare for their first commission meeting, review a development plan, invite productive public input, and steer clear of ethical dilemmas. Added resources include a glossary of planning terms, a list of training resources, and the American Planning Association's Statement of Ethical Principles in Planning. For anyone serving on a planning commission, *The Planning Commissioners Guide* is essential reading.

[Click here](#) to read an excerpt from *The Planning Commissioners Guide*.

To order your copy of *The Planning Commissioners Guide*, [Click here](#)

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