



**CITY OF BLACK DIAMOND
PLANNING COMMISSION AGENDA
September 9, 2025
Council Chambers, 25510 Lawson St., Black Diamond**

THIS IS OFFERED AS A HYBRID MEETING AND MAY BE ATTENDED IN PERSON AT THE ABOVE NOTED ADDRESS OR BY JOINING VIRTUAL/TELEPHONICALLY. CALL IN AND JOINING INFORMATION FOLLOWS:

Zoom link to join meeting:

<https://blackdiamondwa-gov.zoom.us/j/81586478615?pwd=zLWnd5AOijcjoIK8jQ5NQ3bYz6dbh.1>

Meeting ID: 815 8647 8615

Password: PC

Telephone dial in options:

+1 206 337 9723 US (Seattle)

+1 253 215 8782 US (Tacoma)

Meeting ID: 815 8647 8615

Password: 810826

6:00 P.M. - CALL TO ORDER, FLAG SALUTE, AND ROLL CALL

APPROVAL OF MINUTES:

1. Regular Meeting August 12, 2025

PUBLIC COMMENTS: Persons wishing to address the Planning Commission regarding items of new business are encouraged to do so at this time. Please use the "raise your hand" feature and once recognized by the Chair, you may unmute and state your name and city for the record. Please limit your comments to 3 minutes. For those dialing in, please press *9 to raise your hand and *6 to unmute yourself.

PUBLIC HEARINGS:

2. Utility Undergrounding Requirements in the Gateway Corridor District

STUDY/WORK SESSION: None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

PUBLIC COMMENTS:

ADJOURNMENT:



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
August 12, 2025, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

Chair Morgan called the meeting to order at 6:00 p.m.

Present: Commissioner Kelley Sauskojus
Commissioner Jeff Todd
Commissioner Grifan Cayce
Commissioner Pam McCain
Chair/Commissioner Carol Morgan
Commissioner Tommy Paramo
Commissioner Heather Asante (arrived at 6:02 pm)

Staff: Interim Community Development Director, Andrew Williamson
Senior Planner, Jill Kuzaro
Deputy City Clerk, Carina Thornquist
IT Staff, Jake Kapsandy
Public Works Director, Scott Hanis
Finance Director, Xavier Mason

Guests: Oakpointe Legal Counsel, Nancy Rogers

APPROVAL OF MINUTES:

1) Regular Planning Commission Meeting of June 10, 2025.

There were no changes to the June 10, 2025 minutes and they were approved as presented.

PUBLIC COMMENT –

Kristen Bryant from Bellevue, spoke to the Commissioners
Geoff Bowie from Black Diamond, spoke to the Commissioners

PUBLIC HEARING - None

STUDY/WORK SESSION - None

UNFINISHED BUSINESS - None

NEW BUSINESS -

1) Presentation by Oakpointe regarding SE Alternative Loop Connector

Director Williamson went over the Black Diamond Code and the steps required; public information meeting with the citizens and speaking to the Planning Commission prior to applying to Community Development Department. Following those steps, the city staff will step in and do the work required by them once the application is turned in. Next, there will be a Public Hearing in front of the Hearing Examiner who will write a formal recommendation to the City Council. He finished by stating that they will have a Public Hearing and Council will make the final decision.

Mr. Williamson then turned the meeting over to Nancy Rogers, legal counsel for Oakpointe. She started by reviewing the 2009/2010 Lawson Hills MPD permitting process. Ms. Rogers then moved on to discussing the SE Connector and the SE Connector Alternative. Ms. Rogers briefly covered the process they need to abide by prior to applying with the city which is mandated by the municipal code which Director Williamson previously spoke about. She reviewed a slide presentation which showed different maps of the proposed roadways.

Extensive back and forth discussion took place between the Commissioners, Mr. Williamson, and Ms. Rogers.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT -

Interim Director Williamson reported on the following topics:

- The staff is extremely busy working on approximately 150 permits.
- Safeway could be getting their building permit shortly and Wendy's should be opening this Friday.
- A lot of people are looking at land to develop in Black Diamond; the small building across from City Hall has sold.
- Comp Plan comments have come in with 279 of additional comments. City Council gave Director Williamson 45 days to respond to each of the comments.
- Staff is working additional hours since there are 4 spots vacant but they are trying to keep some work-home life balance to avoid burnout.

PUBLIC COMMENTS –

Mario Sorci from Black Diamond spoke to the Commissioners.
Geoff Bowie from Black Diamond spoke to the Commissioners.
Kristen Bryant from Bellevue spoke to the Commissioners.

ADJOURNMENT -

Commissioner McCain made a motion to adjourn. Chair Morgan called for a Vote with Yes (7) and No (0). **Passed.** Meeting adjourned at 7:18 p.m.

These minutes were respectively recorded by Carina Thornquist, Deputy City Clerk

ATTEST:

Carol Morgan, Chairperson

Carina Thornquist, Planning
Commission Secretary

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON REGARDING REQUIREMENTS IN THE GATEWAY CORRIDOR DISTRICT, AND AMENDING BLACK DIAMOND MUNICIPAL CODE SECTIONS 18.76.xxx AND XXXXXXXXX; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 18.76 of the Black Diamond Municipal Code addresses the City's Gateway Corridor Overlay District; and

WHEREAS, in 2009 through Ordinance No. 09-909, the Black Diamond City Council adopted Title 18 regarding Zoning, with exception of Chapter 18.98, to update the Zoning Code to ensure consistency with the goals and policies of the 2009 Comprehensive Plan; and

WHEREAS, new policies from franchised utilities have made some requirements of the Gateway Corridor Overlay District in Chapter 18.76 infeasible; and

WHEREAS, the proposed zoning code was sent to the Washington State Department of Community, Trade and Economic Development and other agencies for a 60-day review as required by the GMA and no comments were received; and

WHEREAS, on DATE 1 and DATE 2, the City of Black Diamond Planning Commission conducted a public hearing on the proposal and voted to recommend its adoption to the City Council; and

WHEREAS, this proposed ordinance received a Determination of Non-Significance issued DATE; and

WHEREAS, the Council held a public hearing on this ordinance on DATE;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND DO ORDAIN AS FOLLOWS:

Section 1. Section 18.76.020 of the Black Diamond Municipal Code is hereby amended to read as follows:

18.76.020 Area of application.

Ordinance No. 25-XXX

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The gateway corridor overlay district shall apply to all parcels, all or a portion of which are:

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- A. Within two hundred feet of the State Route 169 right of way, commencing at the city's ~~northern most~~northernmost boundary to the north side of the Roberts Drive intersection; and
- B. Within two hundred feet of ~~Auburn Black Diamond Road~~Roberts Drive from the western city limits eastward to ~~its first intersection with an arterial street~~the Lake Sawyer Road/Roberts Drive roundabout.
- C. Development shall comply with all provisions of this district in addition to those prescribed by the underlying zone. In case of conflict between the provisions of the gateway corridor overlay district and the underlying zone requirements, the provisions of the overlay district shall apply. In case of conflict between the provisions of the gateway corridor overlay district and an existing development agreement, condition of annexation, or recorded conservation easement, the provision that provides the greatest amount of buffering of development from the public right of way shall apply.

Section 2. Section 18.76.070 of the Black Diamond Municipal Code is hereby amended to read as follows:

18.76.070 Provisions regarding buildings and structures.

A. Building Height. No building or structure shall exceed the following heights limits, which are intended to create a "step-back" effect to preserve view sheds. Cross-section drawings demonstrating how proposed structures meet the height requirements may be required to ensure compliance with this section.

Distance from ROW	Description	Maximum Building Height Permitted*	Building if
0 to 25'	Development Setback	Not permitted	
Edge of setback	Development Area	15'	
45' or more	Development Area	35'	

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* Additional height may be permitted if the applicant meets the sustainable technologies or public amenities incentives as described below.

B. Architectural Features. Building facade modulation is required for all facades facing a public street at intervals of no greater than thirty feet. Street-facing windows shall vary in size and height; clerestory and storefront windows are encouraged. Buildings shall have a minimum of fifty percent transparency into first floor commercial, working space or public area.

C. Utilities. All new utility lines including electric, telephone, data and cable television, shall be installed underground. All existing utility lines shall also be installed underground unless an exception is granted under 18.76.070(C)(1), or unless a deferral is granted under 18.76.070(C)(2). Underground utility trenches within landscaped areas must be revegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground, shall be shielded from view from the right-of-way with existing vegetation and/or revegetation. Any aboveground boxes and cabinets shall, in addition to the required vegetative screening, be painted black or an earth tone color to otherwise blend in with its surroundings. As an alternative to painting aboveground boxes and cabinets, these features can be wrapped with utility box art as approved by the Public Works Director.

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1. Exceptions. The following exceptions to the undergrounding requirement may be allowed by the Public Works Director in the following situations:

a. Single Family Home. On a parcel with an existing single-family home within the Gateway Corridor District, a new overhead electric and telecommunications utility line may be installed overhead only as a replacement to an existing overhead service line. Such replacement lines may be of larger capacity, phasing, voltage, circuit count, or diameter, but may not increase the total number of distinct lines or bundle of lines between the utility pole and customer. The elevation of the replacement line shall not be lower than the existing line.

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b. Franchised Utilities. The Public Works Director may grant an exception to the requirement that new utility wires be installed underground to a utility franchisee or licensee if the following conditions are satisfied:

i. The franchisee is a utility franchise in good standing with a current franchise agreement;

ii. A complete application is received, including the applicable fee set forth in the City's fee schedule; and

iii. One of the following conditions are met **as determined by the Public Works Director in his or her sole judgment:**

a. No new poles will be installed unless an existing pole is removed for each proposed new pole (i.e. the net number of poles shall not increase unless approved by the Public Works Director)

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b. It is physically impractical to place the new utility wires underground due to topographic constraints such as unstable or steep slopes, wetlands, or other physical impediments;

- c. The existing overhead line, or a portion of the line, is being converted to underground and a pole for transition from overhead to underground may be necessary, along with appropriate guy poles and guying;
- d. A transition pole is required to serve new development and the surrounding poles do not have adequate space for additional equipment;
- e. Adequate easements or property could not be reasonably obtained to install underground equipment;
- f. It is technically impractical to place wires underground due to serious electrical system and/or public safety concerns, such as: main feeder lines; installation of overhead switching devices; line sections less than 1,000 feet in length; close proximity to gas lines, petroleum lines, or high-capacity fiber optic cable; or hazardous soil conditions; or
- g. The existing telecommunications incumbent is presently overhead in the proposed construction area, and the proposed telecommunication system is an integral part of the electrical delivery system.
- iv. If the effective franchise agreement describes a methodology or cost-sharing arrangement towards undergrounding between the City and franchisee, the franchise agreement shall take precedent.

2. Deferral of Underground Requirements. The Public Works Director may grant deferral of undergrounding electric or telecommunications utility wires to a property owner if all the following conditions are met:

- a. A complete application is received, including the applicable fee set forth in the City's fee schedule;
- b. No new poles will be allowed unless an existing pole is removed for each proposed new pole (i.e., the net number of poles shall not increase);
- c. The deferral applies only to distribution lines or secondary lines between distribution poles (or distribution lines or secondary lines attached to transmission poles); new service lines shall be installed underground unless it is physically impractical to place the new utility wires underground due to topographic constraints such as unstable or steep slopes, wetlands, or other physical impediments, or technically impractical due to serious electrical system and/or public safety concerns, such as: main feeder lines; installation of overhead switching devices; line sections less than 1,000 feet in length; close proximity to

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gas lines, petroleum lines, or high-capacity fiber optic cable; or hazardous soil conditions;

d. The total length of the line subject to the proposed deferral is less than 600 feet;

e. Underground conduits are installed in the area where the deferral is granted suitable for anticipated future underground lines;

f. Cost estimates prepared by the utility companies are submitted demonstrating that the cost of converting overhead lines to underground lines exceeds 50 percent of the unimproved land value of the site at the time of site plan application, as determined by King County assessor records; and

g. A binding and assignable covenant, in a form acceptable to the city attorney, is recorded against the property, committing the property owner to:

i. Participate in any local improvement district formed for the conversion of those overhead utilities fronting on and within 300 feet of the subject property; and

ii. Accept a lien, filed at the City's option, against the property to fully reimburse the City if overhead lines fronting on the subject property are converted to underground at City expense or at a cost outlined by tariffs.

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D. Signage. Monument signs shall be permitted within the required development setback in accordance with provisions of this section and subject to the approval of the director. Pole signs are not permitted. Signs located beyond the setback area and not visible from the public right-of-way are not subject to the requirements of this section, but shall comply with the requirements of the underlying zone.

1. The total allowed sign area of all signage permitted within the development setback on any one lot shall not exceed the standards of BDMC 18.82. A double-faced sign shall be considered a single sign. No more than two signs shall be permitted within the development setback area per lot, provided that this limitation shall not apply to signs pertaining to the identification of the corridor and those signs and/or interpretive panels identifying and directing the traveling public to archaeological sites, historic sites and other similar non-commercial places and features of interest.

2. All signage shall be designed with a theme compatible with the architectural style of the development and have a brick, stone or similar masonry base. Signs should be painted a single neutral or earth tone color as determined by the director to be compatible with the architectural theme or style of the development.

3. Internally illuminated signs are allowed; however, no flashing, blinking, fluctuating or otherwise changing light source is permitted.

4. The main supporting structure of all signs shall be set back at least five feet from the edge of the public right-of-way.

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5. If a business entrance opens onto the development setback, then a pedestrian oriented sign may be allowed, not to exceed twelve square feet, at the entrance to the business. These signs shall not be internally illuminated, but may be indirectly lit.

E. Walls and Fences. Walls within or along the development setback shall not be allowed, except for low-lying decorative stone walls (maximum thirty-six inches in height) for enhancement of the scenic corridor, or walls that are needed for slope stabilization. Where permitted, walls shall be located so that scenic views are maintained. Walls must consist of natural materials and shall only be of colors that blend with the vegetation or abutting landscape features. Privacy fences shall not be permitted within or along the development setback area.

Section 3. Each and every provision of this Ordinance is severable. If any provision of this Ordinance is found to be unconstitutional or otherwise unenforceable or contrary to law by a court of competent jurisdiction, that finding shall not affect the validity of the remaining provisions, which shall remain in force and effect.

Section 4. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY A MAJORITY OF THE CITY COUNCIL AT A MEETING HELD ON THE ____ DAY OF _____, 2025.

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

David Linehan, City Attorney

Published: _____

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Posted: _____

Effective Date: _____

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