



# CITY OF BLACK DIAMOND PLANNING COMMISSION AGENDA

October 7, 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=zLWnd5AOijcjoIK8jJQ5NQ3bYz6dbh.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 September 9, 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. Proposed Prohibition on the Siting and Operation of Cannabis-Related Businesses
  - a. Possible decisions to be made and action taken

**STUDY/WORK SESSION:** None

**UNFINISHED BUSINESS:**

3. Utility Undergrounding Requirements in the Gateway Corridor District

**NEW BUSINESS:** None

**COMMUNITY DEVELOPMENT DEPARTMENT REPORT:**

**PUBLIC COMMENTS:**

**ADJOURNMENT:**



CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING MINUTES  
September 9, 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 via Zoom  
Commissioner Tommy Paramo  
Chair/Commissioner Carol Morgan  
Commissioner Heather Asante
- Excused:** Commissioner Pam McCain
- Staff:** Interim Community Development Director, Andrew Williamson  
Senior Planner, Jill Kuzaro  
Public Works Director, Scott Hanis  
Deputy City Clerk, Carina Thornquist  
IT Staff, Jake Kapsandy

**APPROVAL OF MINUTES:**

- 1) Regular Planning Commission Meeting of August 12, 2025.

There were no changes to the August 12, 2025 minutes and they were approved as presented.

**PUBLIC COMMENT** – None

**PUBLIC HEARING** –

- 2) Utility Undergrounding Requirements in the Gateway Corridor District

Chair Morgan reviewed the rules and process of the Public Hearing. She then opened the Public Hearing at 6:05 p.m. and turned it over to Interim Director Williamson.

The Interim Director then turned the meeting over to Public Works Director Scott Hanis who gave a brief presentation; Mr. Williamson then added additional information.

Chair Morgan asked the Commissioners if they had any questions for Mr. Hanis and Mr. Williamson. Extensive back and forth discussion took place between the Commissioners, Interim Community Development Director Williamson, and Public Works Director Hanis.

Chair Morgan opened the public hearing to the public at 6:30 p.m. and stated that she would read off the names for those who put their name on the sign in sheet.

1. Kristen Bryant of Bellevue who belongs to the Friends of Black Diamond. Ms. Bryant gave handouts to the Commissioners of comments she has compiled. Ms. Bryant believes the motivation of this project is driven by one developer. She asked where we want to encourage development? She gave a recap of her written comments. She said there is an entire list of exceptions which is more extensive than it should be. Finally, she had a concern that the decision making would be by one person, the Public Works Director, and says they would have too much power.
2. Lauren Landis of Black Diamond spoke to the Commissioners. She shared that she is married to the developer who people are speaking of and they wanted to be transparent. She wanted to share that \$500k is a lot of money for a small city developer and what they can do.

Chair Morgan asked if the Commissioners had any additional questions after hearing the public comments. Extensive back and forth conversations took place.

Ms. Morgan asked repeatedly if there were any others who wanted to speak during the Public Hearing and hearing none, she closed the Public Hearing at 6:50 p.m. She then asked Director Williamson what is needed from the Planning Commission. Director Williamson reported that he would like for this Commission to move this to City Council, or if they felt they needed more time to do research, then they should wait.

Commissioner Asante made a **Motion** to wait to make a decision until the next meeting on October 9<sup>th</sup>. 2<sup>nd</sup> Commissioner Todd. **Vote, Passed** 5-1 (Cayce).

Action Item: Commissioners to provide comments to Director Hanis no later than 9/23.

**STUDY/WORK SESSION** - None

**UNFINISHED BUSINESS** - None

**NEW BUSINESS** - None

## COMMUNITY DEVELOPMENT DEPARTMENT REPORT -

Interim Director Williamson reported on the following topics:

- Current work being done: The road coming down from Lawson is being worked on. On Hwy. 169, there is asphaltting and striping being done.
- Commercial Business Update:
  - Building permit for Safeway has been issued and work should begin in approximately 4 weeks.
  - Keybank has turned in their application.
  - Chevron won't start until March 2026.
  - Carwash, McDonalds, and Mysterious coffee being worked on.
- Update on Plats:
  - 1 Plat next to library
  - 1 Plat at Sawyer Landing

**PUBLIC COMMENTS** - None

## ADJOURNMENT -

Commissioner Asante moved to adjourn, **second** Commissioner Paramo **Vote**, motion **passed 6 - 0**. Meeting adjourned at 7:14 p.m.

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

ATTEST:

\_\_\_\_\_  
Carol Morgan, Chairperson

\_\_\_\_\_  
Carina Thornquist, Planning  
Commission Secretary

# CITY COUNCIL AGENDA BILL

City of Black Diamond  
Post Office Box 599  
Black Diamond, WA 98010

ITEM INFORMATION		
<b>SUBJECT:</b>  <b>Ordinance prohibiting the siting and operation of cannabis production, processing, research, and retail businesses in Black Diamond</b>	<b>Agenda Date: August 7, 2025</b>	
	<b>AB25-078</b>	
	Mayor Carol Benson	<b>X</b>
	City Administrator Kevin O'Neill	<b>X</b>
	City Attorney David Linehan	
	City Clerk – Brenda L. Martinez	
	Com Dev – Andy Williamson	<b>X</b>
	Finance – Xavier Mason	
	MDRT/Ec Dev – Andy Williamson	
	Police – Chief Kiblinger	
Cost Impact (see also Fiscal Note):	Public Works – Scott Hanis	
Fund Source:	Court – Judge Swain/Tawnya Parks	
Timeline:		
<b>Agenda Placement:</b> <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Two Councilmembers <input type="checkbox"/> Committee Chair <input checked="" type="checkbox"/> City Administrator		
<b>Attachments: Proposed Ordinance, Code Amendments (Attachment A)</b>		
<b>SUMMARY STATEMENT:</b> On March 6, 2025, the City Council adopted a six-month emergency moratorium on the acceptance, processing, and approval of applications for business licenses, building permits, land development permits, and related land-use decisions for cannabis processing, cannabis production, cannabis research, and cannabis retail businesses within the City of Black Diamond. The purpose of the moratorium was to temporarily prohibit the siting of cannabis-oriented businesses in Black Diamond while the City Council further considers public input, studies the desirability of allowing cannabis-oriented businesses to locate in Black Diamond, and reaches a determination as to whether the City's cannabis regulations should be modified or repealed. The moratorium will expire on September 6, 2025, unless renewed by further Council action.		
The purpose of this agenda item is to review and consider the attached draft Ordinance and code amendments which, if adopted, would impose a permanent prohibition on the siting and operation of cannabis-oriented businesses in the City. This agenda item is an opportunity for Council to deliberate on whether it desires to proceed with the repeal of BDMC Chapter 18.62 Cannabis Regulations and make the other proposed code amendments as shown in the draft Ordinance and Attachment A thereto.		
City staff is looking for guidance from the Council as to whether the general framework and substance of this draft Ordinance is consistent with the Council's policy objectives, or whether the draft needs substantive revisions. Once the City Council settles on the general substance and objectives of the draft Ordinance, City Staff will refine the draft Ordinance as directed by Council, initiate SEPA review, and send notice to the Department of Commerce for its statutory review period. A public hearing on the draft Ordinance will also be scheduled before Council may take final action on any permanent changes to its regulations concerning cannabis-oriented businesses.		
<b>FISCAL IMPACT:</b> Reinstating a prohibition on the siting of cannabis-oriented businesses in the City will render the City ineligible for participation in the state cannabis revenue-sharing program and will mean that the City will not generate additional local sales tax from future cannabis retail sales.		

COUNCIL COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION: **No action needed. City Staff are only looking for guidance as to whether the proposed Ordinance as drafted is consistent with the Council’s policy objectives, or whether substantive revisions are needed before proceeding with the steps leading to final adoption by Council.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
August 7, 2025		

ORDINANCE NO. 25-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, PROHIBITING THE SITING AND OPERATION OF CANNABIS-RELATED BUSINESSES IN THE CITY; REPEALING CHAPTER 18.62 OF THE MUNICIPAL CODE; AMENDING CHAPTERS 18.04, 18.20, 18.36, 18.38, 18.42, 18.44, AND 18.100 OF THE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, since 1970, federal law has prohibited the manufacture, delivery, and possession of cannabis (also known as marijuana) as a Schedule I drug through the Controlled Substances Act ("CSA"); and

**WHEREAS**, on November 6, 2012, the voters of the state of Washington passed Initiative Measure No. 502 ("I-502"), which decriminalizes the possession and personal use of small amounts of cannabis by individuals; provides a framework for licensing and regulating the production, processing, and retail sale of recreational cannabis; and provides that the state licensed production, processing, and retail sale of cannabis does not constitute a crime under state law; and

**WHEREAS**, the Washington State Liquor and Cannabis Board (WLCB) began issuing cannabis producer, processor, and retail licenses to applicants on March 4, 2014; and

**WHEREAS**, Article 11, Section 11 of the Washington State Constitution grants cities the general police power, which authorizes cities to adopt land use controls to provide for the regulation of land uses within the city, providing that such regulations are consistent with other applicable laws; and

**WHEREAS**, the adoption of land use and zoning regulations is a valid exercise of the City of Black Diamond's police power and is specifically authorized by RCW 35A.63.100 and the Growth Management Act, Ch. 36.70A RCW; and

**WHEREAS**, on January 16, 2014, the Washington Attorney General issued a formal opinion (2014 AGO No.2) concluding that: (1) Washington local governments are not preempted by I-502 or other state law from banning the location of a WLCB Board licensed cannabis producer, processor, or retailer within their jurisdiction; and (2) a local government (such as the City of Black Diamond) may establish land use regulations in addition to, and more stringent than, the buffer requirements established in I-502 and/or the requirements of the WLCB regulations codified at Chapter 314-55 of the Washington Administrative Code; and

**WHEREAS**, in 2015, the Washington State Legislature adopted Second Engrossed Second Substitute House Bill 2136 ("2E SSHB 2136"), which expressly acknowledges that Washington cities and towns maintain legal authority to prohibit the siting or operation of WLCB-licensed cannabis producers, processors, and retailers within the city or town; and

**WHEREAS**, in 2015, pursuant to Ordinance No. 1047, the City Council adopted Chapter 20.08 of the Black Diamond Municipal Code (BDMC), which, among other things, prohibited the ownership, operation, or siting of any business within the City of Black Diamond that produces, processes, or sells recreational marijuana; the use of any land or structure in the City of Black Diamond to cultivate marijuana; and the leasing or rental of any premises for marijuana retail, processing, or production operations; and further prohibited the City from issuing any business licenses for recreational marijuana businesses; and

**WHEREAS**, in 2015, pursuant to Ordinance No. 1048, the City Council adopted Chapter 20.04 of the BDMC, which, among other things, prohibited medical marijuana dispensaries and collective gardens within the City of Black Diamond, as well as the lease or rental of any premises to be used for a medical marijuana dispensary or collective garden in the City of Black Diamond; and

**WHEREAS**, in 2023, pursuant to a request and referral from the Black Diamond City Council, the Black Diamond Planning Commission studied and evaluated issues relating to a possible repeal of the cannabis prohibitions in former Chapters 20.04 and 20.08 and held a public hearing on September 12, 2023, to receive additional public input regarding potentially allowing cannabis retail, cannabis production, cannabis processing, and cannabis research businesses to locate and operate in Black Diamond; and

**WHEREAS**, at the conclusion of its analysis and deliberations, the Black Diamond Planning Commission prepared a recommendation that the City Council repeal former Chapters 20.04 and 20.08 and allow cannabis-related businesses to be sited within the City; and

**WHEREAS**, following a duly noted public hearing on October 19, 2023, the City Council adopted Ordinance No. 23-1198 repealing former Chapters 20.04 and 20.08 of the Black Diamond Municipal Code, with an effective date of January 1, 2025, to allow the City Administration time to prepare new zoning and other regulations to govern the siting and operation of cannabis retail, cannabis production, cannabis processing, and cannabis research activities in the City; and

**WHEREAS**, the Planning Commission subsequently held a public hearing on September 10, 2024, to consider and receive public input on draft cannabis regulations prepared by City Staff to implement the previously adopted repeal of Chapters 20.04 and 20.08, and on September 20, 2024, delivered a recommendation to the City Council

that the code amendments prepared by City Staff, including new Chapter 18.62 Cannabis Regulations, be adopted; and

**WHEREAS**, the City Council held a public hearing on November 7, 2024, to receive public input on the proposed new cannabis regulations, and thereafter on December 5, 2024, adopted Ordinance No. 24-1214, adding new cannabis regulations codified at Chapter 18.62 BDMC and incorporating other related amendment to the municipal code, all to be effective on January 1, 2025, to coincide with the effective date of Ordinance No. 23-1198, which repealed the prior ban on cannabis business; and

**WHEREAS**, following the January 1, 2025, effective date of Ordinance Nos. 23-1198 and 24-1214, the City Council received an outpouring of new public comment asking the Council to reconsider its actions and restore a city-wide ban on the siting and operation of cannabis-related businesses within the City, due to numerous and varied concerns that such businesses may negatively affect public health, safety, and welfare within the City; and

**WHEREAS**, on March 6, 2025, the City Council of the City of Black Diamond exercised its legal authority under RCW 35A.63.220 and RCW 36.70A.390 to adopt a temporary moratorium on the siting, operation, licensing, and permitting of cannabis-related businesses via Ordinance No. 25-1222, thereby giving the City Council time to further study the issues raised by members of the local community and school district, to receive and evaluate additional public feedback, and to consider whether the buffers and other newly adopted cannabis regulations in Chapter 19.62 of the municipal code should be revised, or whether a permanent prohibition on cannabis-related businesses should be reinstated in Black Diamond; and

**WHEREAS**, the City Council has received substantial public feedback in opposition to the possibility of cannabis-related businesses being permitted in Black Diamond, with public commenters largely of the view that they are undesirable, unsafe, and/or inconsistent with long-term planning goals and objectives of the City, particularly in light of the potential adverse effects such businesses may have on individuals, families, schools, and other businesses in surrounding areas, and the lack of offsetting fiscal or other benefits to the City; and

**WHEREAS**, a public hearing was held before the City Council on March 20, 2025, to take public testimony on whether the City should revise its cannabis regulations, including the applicable buffers, or implement a permanent and categorical prohibition on all cannabis-related businesses in the City; and

**WHEREAS**, the City Council has identified and been advised of the following risks and economic factors associated with allowing cannabis-related businesses in the City of Black Diamond:

- A. Impacts to property values and neighborhood safety and security that may arise as a result of increased proximity to cannabis-related businesses and strong odors associated with such businesses.
- B. Impacts to vulnerable members of the community, including school children and the effects that increasing availability and proximity of cannabis and perceived normalization of cannabis use could pose for school safety and school learning environments, as well as the long-term and short-term impacts on youth mental health and welfare.
- C. Increased burdens to resource-constrained law enforcement agencies, including potential diversion of Black Diamond Police Department personnel to cannabis-related arrests, including intoxicated drivers and other criminal activity associated with cannabis usage and proximity to cannabis-related businesses.
- D. Increased strains on local emergency medical responders due to cannabis-related incidents and accidents.
- E. Other potential secondary impacts to the community, including but not limited to potentially higher risk of burglaries and/or robberies associated with cash-based cannabis businesses and on-site storage of cannabis and cannabis-infused products.
- F. The ability of adult residents of Black Diamond to obtain legal cannabis products in other nearby jurisdictions and areas outside the city limits.
- G. The presence or lack of fiscal or economic development benefits flowing to the City if cannabis-related businesses were permitted within the City, including potential economic impacts and tax revenues associated with the siting of such businesses, and the opportunity costs of allowing the limited quantity of commercially zoned property in the City to be occupied with cannabis-related businesses.

**WHEREAS**, due to the unique characteristics of cannabis-related businesses, existing requirements in the BDMC, including Chapter 18.62, are likely inadequate to mitigate the community impacts and risks such businesses may present; and

**WHEREAS**, possession and use of recreational cannabis and cannabis-related business operations remain illegal under federal law even if, according to an August 2013 memo from the United State Attorney General's Office, investigation and prosecution of individuals for possession and use of small amounts of cannabis is not identified as a priority by federal law-enforcement agencies, so long as states

implement robust systems of procedures and controls to ensure that federal interests concerning cannabis (e.g., deterring distribution to minors, preventing cannabis-related revenue from going to organized crime, and preventing cannabis sales from serving as a cover for other illicit activities) are not threatened; and

**WHEREAS**, the City Council held an additional public hearing on \_\_\_\_\_ to receive public testimony on this Ordinance and the potential restoration of a permanent prohibition on the siting and operation of cannabis-related business in the City, and all persons wishing to be heard were heard; and

**WHEREAS**, the City's State Environmental Policy Act (SEPA) Responsible Official reviewed the substantive provisions of this Ordinance and the proposed municipal code amendments included herewith and issued a \_\_\_\_\_ on \_\_\_\_\_, 2025; and

**WHEREAS**, on \_\_\_\_\_, 2025, as required by RCW 36.70A.106, the City sent a notice of intent to adopt this Ordinance to the Washington State Department of Commerce, requesting expedited review, and was informed by the Department on \_\_\_\_\_, 2025, that \_\_\_\_\_;

**WHEREAS**, the City Council finds and determines that a prohibition within the City of Black Diamond on cannabis-related land uses will not materially impact the ability of adult residents to access legal medical and/or recreational cannabis in areas outside Black Diamond city limits; and

**WHEREAS**, the City Council finds and determines that potential primary and secondary effects on the public health, safety, and welfare associated with the production, processing, and sale of cannabis and cannabis-infused products for medical and/or recreational use outweigh the potential benefits of allowing the siting and operation of cannabis-related businesses within the City; and

**WHEREAS**, potential secondary impacts may include, but are not limited to, burglaries associated with the cash and cannabis or cannabis-infused products maintained on-site, or an increase of other illegal activities, such as drug use, drug distribution, and operating motor vehicles while impaired, within the vicinity of any cannabis producer, processor, retailer, dispensary, cooperative, or collective garden; and

**WHEREAS**, the City Council finds and determines that the prohibition of cannabis-related land uses and business operations within the City of Black Diamond is the most effective means to minimize potential social and municipal costs associated with such land uses; and

**WHEREAS**, the City Council finds and determines that Title 18, Zoning, of the BDMC, which contains the land use regulations of the City of Black Diamond, should be and amended to prohibit cannabis-related land uses, including cannabis production,

processing, retail, research, dispensaries, cooperatives, and/or collective gardens, for medical and/or recreational use, within the City; and

**WHEREAS**, the City Council finds and determines that the legislative policies and code amendments adopted in this Ordinance are not intended to regulate the individual use of cannabis as authorized by I-502 and other state law and regulations; and

**WHEREAS**, the City Council finds and determines that the prohibition against the siting or operation of businesses engaged in cannabis production, processing, retail, or research, and the prohibition on cannabis dispensaries, cooperatives, and collective gardens for medical and/or recreational use, will protect public safety, health, and welfare of the residents and businesses of the City of Black Diamond, and will promote a more vibrant and inviting community for visitors and neighbors from nearby communities;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings Adopted.** The above recitals are hereby adopted by the City Council as findings in support of this legislation.

**Section 2. Prohibition on Siting and Operation of Cannabis-Related Businesses Within the City.** The City hereby adopts a prohibition against the siting and operation of cannabis-related businesses, including businesses engaged in cannabis production, cannabis processing, cannabis research, and retail sales of cannabis and cannabis-infused products, in all zoning districts of the City. No property in the City of Black Diamond may be used for the location or conduct of such activities. No business license shall be issued to any person or entity for cannabis production, processing, research, or retailing activities.

**Section 3. Repeal of Chapter 18.62 BDMC.** Chapter 18.62 of the Black Diamond Municipal Code is hereby repealed in its entirety.

**Section 4. Amendment of Chapter 18.20 BDMC.** The Zoning Use Matrix adopted in Chapter 18.20 of the Black Diamond Municipal Code is hereby amended to delete the use categories of cannabis processing and/or production facilities, cannabis research, and cannabis retail, as shown in Attachment A to this Ordinance.

**Section 5. Amendment of Chapters 18.36, 18.38, 18.42, and 18.44 BDMC.** Sections 18.36.020, 18.38.020, 18.42.020, and 18.44.020 are hereby amended as shown in Attachment A to this Ordinance.

**Section 6. New Section 18.04.105 BDMC.** A new Section 18.04.105, entitled "Prohibited uses," is hereby added to Chapter 18.04 of the Black Diamond Municipal Code to read as follows:

18.04.105 Prohibited uses.

Cannabis-related land uses, including cannabis retail sales, cannabis production, cannabis processing, cannabis research, cannabis dispensaries, and cannabis cooperatives and collective gardens are prohibited in all zoning districts within the city. Siting or operating a cannabis-related business on property within the city is prohibited and constitutes a public nuisance.

**Section 7. New Definitions in Chapter 18.100 BDMC.** New defined terms are hereby added to Chapter 18.100 Definitions of the Black Diamond Municipal Code to read as follows:

"Cannabis" has the meaning provided in RCW 69.50.101.

"Cannabis processor" has the meaning provided in RCW 69.50.101.

"Cannabis processing" means the processing of cannabis into cannabis concentrates, useable cannabis, and cannabis-infused products; the packaging and labeling of cannabis concentrates, useable cannabis, and cannabis-infused products for sale in retail outlets; and the selling of cannabis concentrates, useable cannabis, and cannabis-infused products at wholesale to cannabis retailers.

"Cannabis producer" has the meaning provided in RCW 69.50.101.

"Cannabis production" means the production and sale of cannabis at wholesale to cannabis processors and other cannabis producers.

"Cannabis-infused products" has the meaning provided in RCW 69.50.101.

"Cannabis research" means the conduct of research on cannabis and cannabis-derived drug products.

"Cannabis researcher" has the meaning provided in RCW 69.50.101.

"Cannabis retail" means the sale of cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

"Cannabis retailer" has the meaning provided in RCW 69.50.101.

"Cannabis retail outlet" means a "retail outlet" as provided in RCW 69.50.101.

**Section 8. Termination of Moratorium.** The temporary moratorium adopted via Ordinance No. 25-1222 shall automatically terminate on the effective date of this Ordinance without further action by the City Council.

**Section 9. Severability.** Each and every provision of this Ordinance shall be deemed severable. If any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity and enforceability of the remaining provisions hereof, provided the intent of this Ordinance can still be furthered without the invalid or unenforceable provisions.

**Section 10. Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by state law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS \_\_\_ 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: \_\_\_\_\_

Posted: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**Chapter 18.20 Zoning Use Matrix**

**18.20.010 Zoning use matrix.**

- A. The zoning use matrix below combines the uses permitted in all zones within the city. For further information on each zone, see the zone-specific chapters in Chapters 18.30—18.44.
- B. The table lists the zones in the vertical columns and the land use activities in the horizontal rows. If no symbol appears in the box at the intersection of a row and column, the use is not allowed and is prohibited unless otherwise noted.
- C. If the letter "P" appears in the box, the use is permitted outright subject to the provisions of this title. If the letter "C" appears in the box, the use is conditional and is only allowed with a conditional use permit. If the box contains a number, the corresponding footnote further specifies the conditions applicable to the use in the zone.

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Accessory uses per BDMC 18.50	P	P	P	P	P		P	P	P
Adult oriented business per BDMC 18.60							C	C	
Agricultural stands for sales of produce/ plants grown onsite	P	P							
Agricultural uses	p <sup>13</sup>	p <sup>13</sup>							
Any expansion of light manufacturing spaces that existed before 6/27/2009				C					
Automobile fueling stations				C	P				
Automobile wrecking yards								C	
Bed and breakfasts	C	C	C	C					
Business support services							p <sup>15</sup>	p <sup>16</sup>	
<del>Cannabis processing and/or production facilities per BDMC 18.62</del>							<del>P</del>	<del>P</del>	
<del>Cannabis research per BDMC 18.62 and RCW 69.50.372</del>							<del>P</del>	<del>P</del>	
<del>Cannabis retail establishments per BDMC 18.62</del>				<del>P</del>	<del>P</del>				
Childcare, including nursery schools and day care centers	p <sup>12</sup> / /C <sup>10</sup>	p <sup>12</sup> / /C <sup>10</sup>	p <sup>12</sup> / /C <sup>10</sup>			C	P		
Drive through facilities				C	P				

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ATTACHMENT A

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Entertainment/ cultural facilities				p <sup>9</sup>	P	P	C		
Essential public facilities				C	C		C	C	C
General office				p <sup>8</sup>		P	p <sup>18</sup>	p <sup>17</sup>	
Group Homes			C						
Heavy Industry								P	
Home Occupations per BDMC 18.54	P	P	P						
Hotels/motels/ visitor lodging					P				
Hybrid wholesale/ retail establishments					C				
Light manufacturing							p <sup>1,19</sup>	P	
Major institutions					C	C	C	C	C
Mini storage facilities					C				
Office activities							p <sup>1</sup>		
Other or related uses									P
Parking structures (not associated with primary use)						C	C		
Parks							C		P
Personal and professional services				p <sup>7</sup>	P	P			
Pet daycare					P				
Pet stores				p <sup>20</sup>					
Private clubs, fraternal lodges and similar						C			
Private schools, K-12	C	C	C				P	P	
Public uses/facilities	C	C	C	C	P	P <sup>2</sup> /C	C	P	P
Religious Institutions	C <sup>11</sup>	C <sup>11</sup>	C <sup>11</sup>	C	P	C	C		
Research and development							p <sup>1</sup>	P	
Residential									
Accessory dwelling units per BDMC 18.56	P	P	P						
Caretakers quarters									P
Cottage housing			P						
Duplexes	C <sup>14</sup>	C <sup>14</sup>							
Elderly housing			C						
Manufacture home park			C						
Manufactured housing per BDMC 18.90	P	P	P						
Mixed use				p <sup>4</sup>	p <sup>5</sup>	p <sup>5</sup>			
Multi-family up to 6 units			P						

ATTACHMENT A

Use	R4	R6	MDR8	NC	CC	TC	B/IP	I	PUB
Single family structures	P	P	P						
Senior housing			C	C		C			
Retail				p <sup>6</sup>	p <sup>3</sup>	P			
Technology, biotechnology, and medical equipment							P		
Temporary uses per BDMC 18.52	P	P	P	P	P		P	P	P
Utilities, above ground	C	C	C	C	C	C	C	P	C
Utilities, below ground	P	P	P	P	P	P	P	P	P
Veterinary clinics				p <sup>20</sup>	P				
Warehousing / distribution								P	
Wholesaling							P	P	

- <sup>1</sup> That do not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution.
- <sup>2</sup> Permitted limited to general administrative offices, otherwise a conditional use.
- <sup>3</sup> Including uses involving outdoor product display or storage.
- <sup>4</sup> In attached structures if included as an element of mixed-use site development or on upper floors of a mixed-use structure.
- <sup>5</sup> Either in separate buildings or on the upper floors of a mixed-use building; provided that, residential is not allowed at street level within buildings fronting an arterial street.
- <sup>6</sup> Supermarket and grocery stores limited to forty thousand square feet, typical neighborhood retail uses limited to ten thousand square feet per individual use and one building not to exceed one hundred thousand square feet excludes drive throughs and gas stations.
- <sup>7</sup> Personal services provided primarily to neighborhood residents limited to four thousand square feet per business.
- <sup>8</sup> Limited to four thousand square feet per business and excluding drive throughs.
- <sup>9</sup> Limited to five thousand square feet or capacity of not more than 100 patrons per business, whichever is greater and excluding drive-throughs.
- <sup>10</sup> For more than twelve children.
- <sup>11</sup> Not to exceed ten thousand square feet.
- <sup>12</sup> Up to twelve children.
- <sup>13</sup> Including farms, nurseries, and community gardens/ pea patches. Greenhouses, storage sheds, and similar buildings accessory to such uses are also permitted.
- <sup>14</sup> Provided the minimum lot size is 1.5 times that required for a single-family structure; only one duplex shall be permitted per lot; the lot shall not be within three hundred feet of any other lot containing a

ATTACHMENT A

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duplex or multi-family structures or constitute more than ten percent of the dwelling units in a single block; subject to design standards.

- <sup>15</sup> Such as technology services and support, copy centers, and eating and drinking establishments to serve the occupants of the business park. The total gross floor area of such uses is not to exceed twenty percent of the total project gross floor area and a five thousand square feet maximum for any individual use.
- <sup>16</sup> Including eating establishments primarily serving the immediate work force. The total gross floor area of such uses is not to exceed twenty percent of the total district area and a five thousand square feet maximum for any individual use.
- <sup>17</sup> Associated with primary manufacturing use.
- <sup>18</sup> Including call centers and other customer service communication centers.
- <sup>19</sup> Provided all production and storage activity is conducted indoors.
- <sup>20</sup> No boarding of dogs or outdoor kennels allowed.

**Chapter 18.36 NEIGHBORHOOD CENTER—NC**

**18.36.020 Permitted uses.**

- A. Retail. Only the following uses are allowed:
1. Supermarket and grocery stores: Limited to not more than forty thousand square feet gross floor area.
  - ~~2. Cannabis retail establishments as provided in Chapter 18.62: Limited to not more than ten thousand square feet.~~
  32. All other typical neighborhood retail uses: Limited to not more than ten thousand square feet gross area for each individual use, whether in a separate building or combined with other uses in one building, not to exceed one hundred thousand square feet gross floor area in total; and excluding drive-through facilities and automobile fueling stations.
- B. Personal services provided primarily to neighborhood residents: Limited to not more than four thousand square feet gross floor area per business.
- C. General offices: Limited to not more than four thousand square feet gross floor area per business and excluding drive-through facilities.
- D. Entertainment/culture: Limited to not more than five thousand square feet gross floor area or capacity of not more than one hundred patrons per business, whichever is greater, and excluding drive-through facilities.
- E. Residential uses in attached structures if included as an element of mixed use site development or on upper floors of a mixed use structure.
- F. Utilities, below ground.
- G. Existing light manufacturing uses, provided no expansion is allowed.
- H. Veterinary clinics and pet stores; no boarding of dogs or outdoor kennels allowed.
- I. Other or Related Uses:
1. Accessory uses and structures as provided in Chapter 18.50.
  2. Temporary uses as provided in Chapter 18.52.

**Chapter 18.38 COMMUNITY COMMERCIAL DISTRICT—CC**

**18.38.020 Permitted uses.**

- A. Retail, including automobile fueling stations and ~~uses involving outdoor product display or storage, and cannabis retail establishments as provided in Chapter 18.62.~~
- B. Personal and professional services.
- C. Entertainment/cultural.
- D. Religious institutions.
- E. Drive through facilities, including automobile fueling stations.
- F. Hotels, motels, and other visitor lodging.
- G. Residential, if developed as an element of mixed use site development, either in separate buildings or on the upper floors of a mixed use building; provided that, residential is not allowed at street level within buildings fronting an arterial street.
- H. Veterinary clinics and pet daycare.
- I. Public uses/facilities.
- J. Utilities, below ground.
- K. Other or related uses:
  - 1. Accessory uses and structures as provided Chapter 18.50; and
  - 2. Temporary uses as provided in Chapter 18.52.

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**Chapter 18.42 BUSINESS/INDUSTRIAL PARK—B/IP**

**18.42.020 Permitted uses.**

- A. Office, research and technology and light manufacturing activities that do not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution;
- B. General office, including call centers and other customer service communication centers;
- C. Research and development;
- D. Technology, biotechnology and medical equipment;
- E. Light manufacturing, providing all production and storage activity is conducted indoors;
- F. Wholesaling;
- G. Business support services, such as technology services and support, copy centers, and eating and drinking establishments to serve the occupants of the business park. The total gross floor area of such uses is not to exceed twenty percent of the total project gross floor area and a five thousand gross square feet maximum for any individual use;
- H. Child care, including nursery schools and day care centers, when integrated within a development;
- I. Utilities, below ground;
- J. Private schools; and
- ~~K. Cannabis processing and/or production facilities as provided in Chapter 18.62;~~
- ~~L. Cannabis research as provided in Chapter 18.62 and authorized by RCW 69.50.372; and~~
- M. Other uses:
  - 1. Accessory uses as provided in Chapter 18.50.
  - 2. Temporary uses as provided in Chapter 18.52.

**Chapter 18.44 INDUSTRIAL DISTRICT—I**

**18.44.020 Permitted uses.**

- A. Heavy industry.
- B. Light manufacturing.
- C. Research and development.
- D. General office associated with a primary manufacturing use.
- E. Wholesaling.
- F. Warehousing and distribution.
- G. Business support services including eating establishments primarily serving the immediate work force; the total gross floor area of such uses shall not exceed twenty percent of the total district area and a five thousand gross square feet maximum area for any individual use.
- H. Utilities.
- I. Public uses/facilities.
- J. Private schools.
- ~~K. Cannabis processing and/or production facilities as provided in Chapter 18.62.~~
- ~~L. Cannabis research as provided in Chapter 18.62 and authorized by RCW 69.50.372.~~
- M. Other uses:
  - 1. Accessory uses as provided in Chapter 18.50; and
  - 2. Temporary uses as provided in Chapter 18.52.

**RESPONSE TO PUBLIC COMMENTS FROM SEPTEMBER 9, 2025**  
**Proposed Changes to BDMC 18.76**

Kristen Bryant – written comments via email (responses in red)

- A. When was the notice of this public hearing issued?
  - a. Notice for the public hearing was emailed to the Seattle Times on August 25, 2025 for publication August 27, 2025 and September 3, 2025.
- B. The “WHEREAS” references a SEPA Determination of Non-Significance? Where is this? When was notice given?
  - a. A SEPA determination has not been issued yet. The “WHEREAS” statement is just a placeholder in the draft ordinance. Following the Planning Commission, this draft ordinance will go through the SEPA process and then will go to the Department of Commerce for their 60-day review.
- C. This is inadequate information: “WHEREAS, new policies from franchised utilities have made some requirements of the Gateway Corridor Overlay District in Chapter 18.76 infeasible;”

All of the policies referenced should be provided, in full, for review by the public and the Planning Commission.

- a. The main policy from PSE is the undergrounding of transmission/high voltage lines. They have tariffs that exist in which cities can request lower voltage lines to be undergrounded. The tariffs determine how costs are determined for undergrounding lower voltage lines. If a developer is undergrounding, 100% of the cost is borne by the developer (tariff schedule 73). If it’s related to a City capital project, PSE will cover 60% of some costs (those directly related to undergrounding; tariff schedule 74) and the City the other 40% (the City would be responsible for things like traffic control, restoration, easements, etc.). It ends up being about a 50/50 split. For this draft ordinance, tariff schedule 73 would only apply to lower voltage lines. There is not a tariff that requires undergrounding of higher voltage transmission lines. If transmission lines were to be undergrounded (which PSE has said they do not want to do), PSE would require a 30-foot corridor separating the transmission mains from everything, including other utilities in the ground. PSE has let us know this typically is not feasible, particularly in developed and partially developed areas.
- D. The recommended change to Section 2, 18.76.070.C.1, items (a) through (b.i.-iv) on pgs. 3-4 of the packet contains a long list of reasons a developer would be able to

avoid undergrounding. The list is so long and broad that any project can be excepted from undergrounding.

- a. The proposed BDMC 18.76.070.C.1 is not for developers. Proposed BDMC 18.76.070.C.1(a) would only be for an existing single-family home within the gateway corridor. Proposed BDMC 18.76.070.C.1(b) is for franchised utilities and not developers. This would apply in a situation where the City is requesting that a franchised utility undergrounds their lines or the franchisee is wanting to bring in brand-new lines. The franchised utility would need to apply to the public works director that the undergrounding would not be feasible. In BDMC 18.76.070.C.1(b)(iii.a-g), the franchisee would need to demonstrate that the undergrounding wouldn't work because of those specific reasons.
- E. The words "sole judgement" should not be included in the Exceptions list in **18.76.070.C.1.b.iii**. The public works director is granting exceptions that must do so according to the criteria of the adopted ordinance. Granting one staff member broad authority can lead to bad outcomes that cannot be remedied. The PW Director should be required to exercise reasonable judgement with strict and specific criteria.
- a. The public works director has the charge over this type of frontage improvement and will be up to him or her to determine that the franchisee is meeting the conditions for an exception. Within the gateway corridor overlay district, there likely isn't many locations where an exception could be granted.

Kristen Bryant – verbal comments at Planning Commission (outside of what was submitted above, responses in red)

- A. Appears that the motivation to change is driven by one developer vs. benefit for the entire community.
  - a. This did start with one developer but was not unique to that developer within the gateway corridor district.
- B. Where do you want development?
  - a. This is specific to the gateway corridor overlay district.
- C. Seems like a step backwards for safety and aesthetics, particularly with storms.
  - a. This is the current situation. The no contest LID will be recorded on title to bind the property to do these improvements. The transmission lines will remain, which will have the same safety concerns in place, even after distribution power and communication lines are undergrounded.

Lauren Landis – verbal comments at Planning Commission (responses in red)

- A. Resident, wife of developer where this came up.
- B. Poles would remain with transmission lines. What's the point?
  - a. There is benefit to removing the lower lines (power distribution and communication lines for aesthetics and safety - less that trees and branches can hit).
- C. Obligated by no contest LID. \$450,000 has an impact on what they can do now on their property.
  - a. The no contest LID binds the work to be completed. As part of an LID, there should be some cost savings for a longer run, but there is the risk that the developer takes on with future costs potentially being higher than today's quote. The developer would still have the option to do the work now or wait for an LID.
- D. We support this code change.

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:

- 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'	

\* 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.

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.

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)

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 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.

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.

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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.

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:

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David Linehan, City Attorney

Published: \_\_\_\_\_

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Effective Date: \_\_\_\_\_

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