



CITY OF BLACK DIAMOND
PLANNING COMMISSION
SPECIAL MEETING AGENDA

March 9, 2026

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=zLWnd5AOiJcjolK8jJQ5NQ3bYz6dbh.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 Planning Commission Meeting, January 6, 2026, and Special Planning Commission Meeting, February 17, 2026.

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: None

STUDY/WORK SESSION: None

UNFINISHED BUSINESS:

2. Proposed Amendments to Title 18 Development Regulations – Workshop #2
3. Planning Commission Meeting Day Change

NEW BUSINESS: None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

PUBLIC COMMENTS:

ADJOURNMENT:



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
January 6, 2026, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

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

Present: Commissioner Kelley Sauskojus
Commissioner Jeff Todd
Commissioner Grifan Cayce
Commissioner Pam McCain
Commissioner Tommy Paramo
Position #6 Vacant
Commissioner Heather Asante via Zoom

Staff: Interim Community Development Director, Andrew Williamson
Assistant Planner, Jodie Barnett
Deputy City Clerk, Carina Thornquist
IT Staff, Jake Kapsandy

APPROVAL OF MINUTES:

- 1) Regular Planning Commission Meeting of October 7, 2025, and Special Planning Commission Meeting of November 18, 2025.

There were no changes to October 7, 2025 minutes or the November 18, 2025 minutes and they were approved as presented.

PUBLIC COMMENT –

Geoff Bowie from Black Diamond spoke to Commissioners.
Kristen Bryant from Bellevue spoke to Commissioners.
Gwen Derdowski from Enumclaw spoke to Commissioners.
Brian Derdowski from Enumclaw spoke to Commissioners.

PUBLIC HEARING – None

STUDY/WORK SESSION - None

UNFINISHED BUSINESS – None

NEW BUSINESS –

2) Vote for Chair and Vice Chair

Vice Chair Sauskojus read the duties of the Chair and Vice-Chair position and verified that there were a minimum of 5 members present to vote. She also went over the procedure of the voting process. Commissioners may nominate another Commissioner for a position, or they can nominate themselves. The person nominated will have the right to accept or decline the nomination. Once all nominations have been made, the vote will take place having Commissioners voting 'Yes' for only (1) one candidate. The person with the majority of votes will be elected.

Commissioner McCain nominated herself for Vice-Chair and she accepted the nomination. Vice Chair nominated Commissioner Asante and she accepted the nomination. **Vote for Commissioner McCain**, motion failed **2-4 (Sauskojus, Todd, Cayce, Asante)**. **Vote for Commissioner Asante**, motion passed **4-2 (McCain, Paramo)** .

Commissioner Asante nominated Commissioner Sauskojus for Chair and she accepted the nomination. There were no other nominations. **Vote**, motion **passed 6 - 0**.

3) Review Policy and Procedures (Municipal Code and Rules and Procedures)

Vice Chair Sauskojus explained to the Planning Commission that the Municipal Code takes precedence overall, and then the Rules and Procedures are based off of those. She advised the Commissioners to take them home and review them before the next meeting.

4) Future Work Plan

Interim Community Development Director William gave a brief background and went over the timeline.

Back and forth discussion took place between the Commissioners and Mr. Williamson.

Director Williamson reminded everyone that the next meeting will be a Special Meeting on Tuesday, January 20, 2026. The discussion of the meeting schedule continued and the February meetings would be confirmed at this meeting.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT –

Mr. Williamson reported briefly on the following items:

- Commercial projects
 - Safeway is underway and scheduled to open in September
 - Chevron is scheduled to open in March

- Other projects are Keybank, QwikQwak Carwash (no longer Brown Bear), Goddard School
- Housing projects
 - Lennar, Toll Sr Housing, Richmond Homes, Connor Homes
- Road projects
 - SE Connector has withdrawn their application
 - Pipeline Road
- Produced 405 permits in 2025
- Edward Jones building

PUBLIC COMMENTS -

Kristen Bryant of Bellevue spoke to the Commissioners.
Brian Derdowski of Enumclaw spoke to the Commissioners.

Director Williamson briefly addressed some comments from above.

ADJOURNMENT -

Commissioner Asante moved to adjourn, **second** Commissioner Cayce. **Vote**, motion **passed 6 - 0**. Meeting adjourned at 7:07 p.m.

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

ATTEST:

Kelley Sauskojus, Chairperson

Carina Thornquist, Planning
Commission Secretary



CITY OF BLACK DIAMOND
PLANNING COMMISSION
SPECIAL MEETING MINUTES
February 17, 2026, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

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

Present: Commissioner Kelley Sauskojus
Commissioner Jeff Todd
Commissioner Grifan Cayce (Unexcused absence)
Commissioner Pam McCain
Commissioner Tommy Paramo (Excused absence)
Position #6 Vacant
Commissioner Heather Asante

Staff: Mayor, John Adler
City Administrator, Kevin O'Neill
Senior Planner, Jill Kuzaro
Deputy City Clerk, Carina Thornquist
IT Staff, Jake Kapsandy

PUBLIC COMMENT –

Kristen Bryant from Bellevue spoke to Commissioners.

PUBLIC HEARING – None

STUDY/WORK SESSION – None

UNFINISHED BUSINESS –

1) Title 18 Zoning Code Amendments – Workshop #1

Wayne Carlson from AHBL introduced Nicole Stickney who was present on Zoom and gave the presentation. She began by reviewing what the Comp Plan is and what they would be covering this evening. The highlights were as follows:

- Land Use and Zoning Maps (FLUM)
- Proposed Zoning Map
- Ch 18.20 zoning use matrix (pg. 33 of the working Draft)

- Section 18.04.060 (pg. 4-5 of working Draft)
- Ch. 18.30 – 18.46 (pg. 37 – 68 of the working Draft)
- Ch. 18.98 (pg. 117 of the working Draft)

There was back and forth discussion between the Commissioners and Nicole.

Ms. Stickney gave a brief summary of what they went over and what steps are ahead of them. Those were as follows:

- Workshop #2
 - ADU's
 - Middle Housing
 - STEP
 - Housing added in Community Buildings
- Workshop #3
 - Definitions
 - Overview of Permitting

Mr. Carlson elaborated on the presentation before concluding it.

Commissioner Todd made a proposal to change the proposed Zoning Map wanting to add Neighborhood Commercial in 2 places. Mr. Carlson requested that he email the proposal to Ms. Kuzaro with the specifics.

Extensive back and forth discussion continued with the Commissioners, AHBL staff and Ms. Kuzaro.

2) Choosing a New Meeting Night

City Administrator O'Neill announced that City Council Meetings would now be held on the first and third Tuesdays, and the Work Sessions would be on the second Tuesday. So the Planning Commissioners would need to discuss and make a decision to what evening would work. Staff mentioned that Court is held on Wednesdays and sometimes tend to run long so Wednesday is not an option for meetings.

Commissioner Asante moved to have the March meeting on Monday, March 9, 2026 which would be a Special Meeting and the Commissioners would come prepared that evening to vote on a new meeting night. **Vote.** Motion **passed** 4 – 0.

NEW BUSINESS – None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT –

Mr. O'Neill reported briefly on the following items:

- Andy Williamson turned in his resignation and 2/27 would be his last day.

PUBLIC COMMENTS - None

ADJOURNMENT -

Commissioner Asante moved to adjourn, **second** Commissioner McCain. **Vote**, motion **passed 4 - 0**. Meeting adjourned at 7:40 p.m.

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

ATTEST:

Kelley Sauskojus, Chairperson

Carina Thornquist, Planning
Commission Secretary



CITY OF BLACK DIAMOND

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PLANNING COMMISSION STAFF REPORT BLACK DIAMOND MUNICIPAL CODE TITLE 18 UPDATES - PART TWO For March 9, 2026 Workshop #2

Submitted by: Jill Kuzaro (Senior Planner)

Prepared by: AHBL Consulting Planning team: Wayne Carlson (Principal in Charge), Nicole Stickney (Project Manager), Ethan Stoneburner (Planner)

Date Prepared: February 26, 2026

INTRODUCTION

What has occurred?

As noted in our last report prepared for the February 17, 2026 workshop, the City Council recently adopted the **Black Diamond Comprehensive Plan 2024-2044**, (Ord. 25-1235 on October 16, 2025). The Growth Management Act requires consistency between a comprehensive plan and the implementation measures (development regulations), so this effort involves achieving consistency between the City's policy direction expressed in its comprehensive plan and the regulations intended to implement the plan.

This report summarizes key proposed code amendments addressing: changes to accessory dwelling units (ADUs), parking, middle housing and emergency housing, which are mostly triggered by the State Legislature. Specifically, Washington House Bill 1110 requires a wider array of housing types be allowed in residential zoning districts.

Please understand that some of these proposed amendments are related to code chapters that we will be discussing in subsequent workshops; therefore, this staff report may cite code sections that we have already presented or will be covered in depth in a future workshop.

What is the approach?

- The City of Black Diamond hired AHBL to assist with preparing amendments to the development regulations. AHBL staff worked closely with city staff and the city attorney to prepare the "marked up" drafts provided in your "Workshop #1" packets.
(available at <https://www.blackdiamondwa.gov/home/pages/minutes-agendas> search for the 2/17 mtg)
- We note which changes within the Comprehensive Plan (typically the Land Use and Housing elements) require code changes as well as citations or references to state legislation that require local amendments.



Please refer to the previous staff report for a more exhaustive summary of the purpose and background for this work as well as a summary of the public engagement activities that supported it.

BACKGROUND

The City developed a Housing Action Plan (HAP) in 2021. The HAP, funded by the Washington State Department of Commerce, identified housing needs in Black Diamond, and outlined goals, policies and strategies to meet those needs. The HAP is centered around three strategic objectives:

1. Monitor housing needs to ensure housing and infrastructure are aligned with demand.
2. Preserve hometown identity and cultural history as a welcoming community.
3. Create opportunity for affordable housing across the city's socioeconomic spectrum.

These objectives help solidify the local housing priorities and guide the implementation of the City's comprehensive plan. In other words, the HAP is the blueprint for how Black Diamond expects to grow its supply of housing. Each objective is associated with three to four actions that the City needs to take to meet long-term objectives. Many of these actions center around increasing affordability and middle housing. Implementing the HAP helps the City fulfill its state mandates as well as implement its Comprehensive Plan.

MIDDLE HOUSING

The State legislature adopted House Bill 1110 in 2023, that requires certain cities provide middle housing at minimum densities within six months of adopting a Comprehensive Plan Periodic Update.¹ To comply with this State mandate, code amendments are necessary to address middle housing in Black Diamond.

"Middle housing" is an umbrella term that typically refers to the range of residence types between high-density apartment buildings, which are often found in urban centers, and single-family homes, which are the predominant housing type in Black Diamond. The State identifies Black Diamond as a Tier 3 municipality (fewer than 25,000 in population) and requires the City to allow middle housing "types" by right. Typically, they recommend (via Commerce's model ordinance):

1. Duplexes
2. Stacked flats
3. Cottage housing
4. Courtyard apartments

Facilitating middle housing development in Black Diamond can potentially increase and diversify the local housing stock while remaining compatible with the architectural character and natural beauty of the area. Middle housing also caters to a wider variety of household types, such as multigenerational families. By offering a variety of housing types, Black Diamond can attract and retain a diverse population, including professionals who may work in industries with comparatively lower incomes but are essential to the community. A key feature of HB 1110 is the concept of "unit lot density". While the City (and many jurisdictions) have traditionally used minimum lot size or a count of dwelling units per acres to describe or regulate density, this is a departure from that approach. Alternatively, unit lot density describes how many dwelling units may be permitted on a lot of record. That standard does not take into account the size of the lot or the density in the zoning district. Instead, the State has come up with new rules to maximize opportunities for affordable housing to be built. Areas which are subject to middle housing rules must allow a *minimum* unit lot density of two.

¹ Following the State Legislature's enactment of HB 1110 in 2023, two "trailer bills" (HB 2321 and HB 1096) were passed that made minor adjustments to the new policies, refined certain definitions and outlined procedures for lot splits, which may be necessary to accommodate middle housing.

See our discussion below about proposed Section 18.34.060 Middle housing provisions, standards, and restrictions to implement the residential density allowances in the R4 and R6 districts.

ADUs

Engrossed House Bill 1337 (2023) requires cities and counties within urban growth areas to allow at least two accessory dwelling units (ADUs) on all lots zoned for single-family homes. To meet the requirements of HB 1110 and EHB 1337, the City must allow up to two ADUs on all lots zoned for single-family homes. ADUs may help to achieve the required minimum unit lot density from HB 1110, but are not counted or considered to be middle housing.

“STEP” HOUSING

House Bill 1220 (2021) requires jurisdictions to update local development regulations to support STEP housing (emergency **shelters**, **transitional** housing, **emergency** housing, and **permanent** supportive housing). This support comes in the form of newly limited development regulations regarding STEP housing, including the mandate that cities may not prohibit emergency housing or shelters in any zone where hotels are allowed. Cities are allowed to adopt reasonable requirements for occupancy, spacing and intensity of use. Otherwise, cities may not prevent the development of sufficient emergency housing beds to meet the community’s needs, which are identified by the Department of Commerce.

The Washington Dept. of Commerce created a STEP Housing 101 Fact Sheet:

Planning for STEP Housing Types

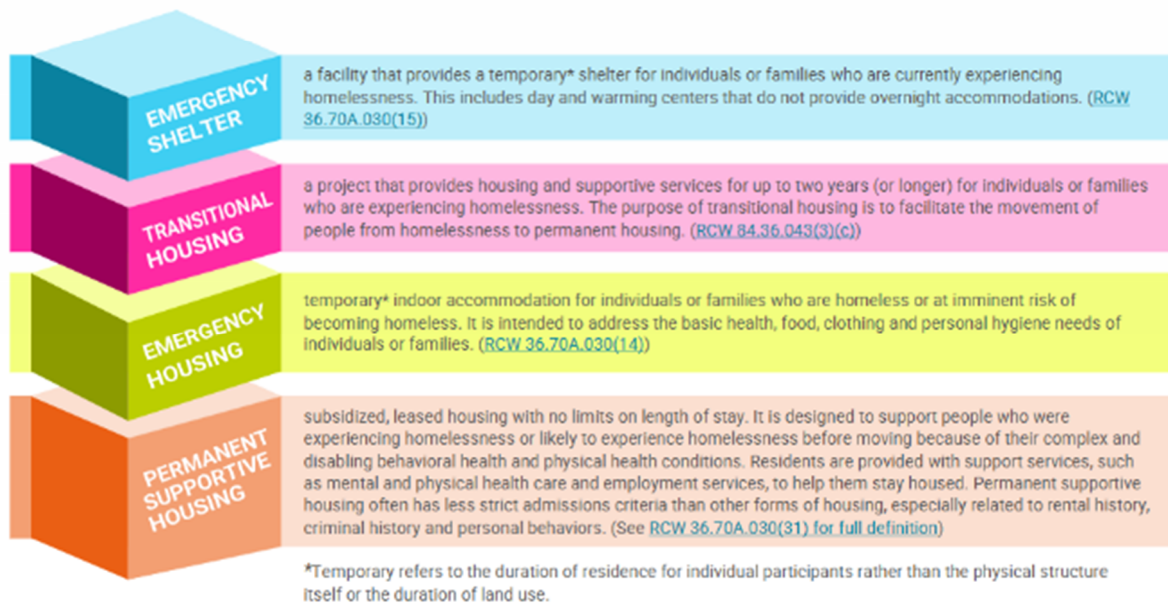
There is a **critical demand for 1.1 million homes** in Washington over the next two decades, according to projections from the Washington State Department of Commerce. Of that 1.1 million, more than 600,000 homes need to be affordable for individuals at the lowest income levels (i.e., less than or equal to 80 percent of the area median income). In addition, if we do not build more affordable housing, we will need about 91,000 emergency housing beds in 20 years. Some of the housing for very low-income segments can collectively be called "STEP."

Future housing needs by area median income (AMI) groups



What is STEP?

Indoor emergency **S**helter, **T**ransitional housing, **E**mergency housing and **P**ermanent supportive housing



<https://tinyurl.com/36xn9e9u>

These new mandates require changes to Black Diamond's definitions, zoning regulations and development standards, so we have proposed edits to each chapter and section of Title 18 that relate to these mandated concepts.

DISCUSSION – PROPOSED AND REQUIRED CHANGES TO TITLE 18

The City needs to change the BDMC to conform with the adopted City of *Black Diamond Comprehensive Plan 2024-2044*, and to attain compliance with new legal requirements.

The following sections of the BDMC are proposed to be added or amended (we present the Definitions section first, although it appears at the end of the code, for convenience):

18.100 – DEFINITIONS – PROPOSED AMENDMENTS (Select)

We are proposing a full reorganization of BDMC 18.100 Definitions and plan a focused discussion during Workshop #3. In the meantime, here are some proposed changes to definitions that lend context to the other chapters and sections covered in this staff report:

REMOVED – Cottage housing. (Replaced with **pocket neighborhood housing** below)

NEW – Courtyard apartments. Attached dwelling units arranged on two or three sides of a yard or court.

NEW – Pocket neighborhood housing. A form of residential development consisting of small, detached dwelling units, with one or more units on a lot. A pocket neighborhood housing development has the following characteristics: 1) each unit is of a size and function suitable for a single person or very small family; 2) each unit has the building characteristics of a single family house; 3) units may be located on platted lots or as units in a condominium and may share use of common facilities such as a community room, tool shed, garden, orchards, workshop or parking areas; and 4) the site is designed with a coherent concept in mind, including: shared functional open space, off-street parking, access within the site and from the site, and a shared, consistent landscape design.

NEW – Middle housing. Buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, townhouses, stacked flats, and cottage housing. For the purposes of this Title and permitting within the City of Black Diamond, courtyard apartments, triplexes, fourplexes, fiveplexes and sixplexes are not included as middle housing.

18.34 – SUPPLEMENTAL RESIDENTIAL STANDARDS

The passage of state legislation such as House Bill 1110, House Bill 1042 and House Bill 1757 has resulted in new code requirements for cities across the state. Most prominently, cities like Black Diamond need to allow for middle housing, as defined above, in all residential zones. Cities across the state also need to allow for new housing to be created within existing structures. Following state requirements under the Revised Code as well as suggestions from city staff and general best practices, we have proposed the following edits to Chapter 18.34:

18.34.010 Purpose

The proposal amends this chapter by including additional standards for middle housing established by HB 1110.

18.34.015 Definitions

This is a new section, mistakenly identified as “18.34.050”, that addresses middle housing-specific terms that only apply to Chapter 18.34 BDMC. These terms are mandated by state law (House Bills 1042, 1757 and 1110) and consist of the following definitions:

- **Existing building.** A building that received a certificate of occupancy at least three years prior to the permit application to add housing units.
- **Administrative design review.** A development permit process whereby an application is reviewed, approved, or denied by the community development director based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark, King County landmark, or historic district established under a local preservation ordinance.
- **Cottage housing.** A type of middle housing which includes residential units on a lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. Cottage housing is further defined as units having at least 800 square feet but no more than 1,600 square feet per unit.
- **Major transit stop.** This term is defined in RCW 36.70A.030 (27). The city does not have any such facilities as of the date of the adoption of this ordinance.

18.34.040 Lots

This section is proposed to be renamed “**Special provisions for substandard lots**” for better clarity on the specific subject of the section. Other proposed edits include clarifying the date (June 18, 2009) by which a lot must have existed in order to qualify for the standards. This section also clarifies the term single-family residence as a detached single-family residence, since the term single-family is largely being phased out across the code.

18.34.050 New housing in existing buildings.

This is a new section addressing recent state legislation that precludes cities and counties from prohibiting new housing units within existing non-residential buildings. In 2023, Washington House Bill 1042 was passed, requiring cities to allow for the interior redevelopment of existing commercial or mixed-use buildings into

residential development. Last year, Washington House Bill 1757 expanded RCW 35A.21.440 to include existing buildings in residential zones. Key takeaways from these updates include:

- Housing that is constructed entirely within the envelope of an existing non-residential building may be granted a density increase equal to 50% above what is normally permitted in the underlying zone.
- The establishment of additional parking is not required for any new housing units established under the provisions of this section. However, this does not prevent the city from applying the parking requirements for the pre-existing residential units (if any) and for any nonresidential uses that remain, after new housing units are added.
- Only those permitting requirements which normally apply to residential development in the applicable zone, together with the provisions of Chapter 18.62 when applicable, shall be applied. Other than in specific exceptions, the city may only apply design standards (specifically including setbacks, lot coverage and floor area ratio requirements) which are generally applicable to all residential development in the underlying zone

The City still reserves the right to require transportation studies and environmental studies to ensure that the conversion of a structure to residential use will not result in environmental impacts. Cities may also require that new housing meet building, energy, and safety codes. The director may still deny a building permit if an existing nonconformity would cause a significant detriment to the surrounding area.

18.34.060 Middle housing provisions, standards, and restrictions to implement the residential density allowances in the R4 and R6 districts.

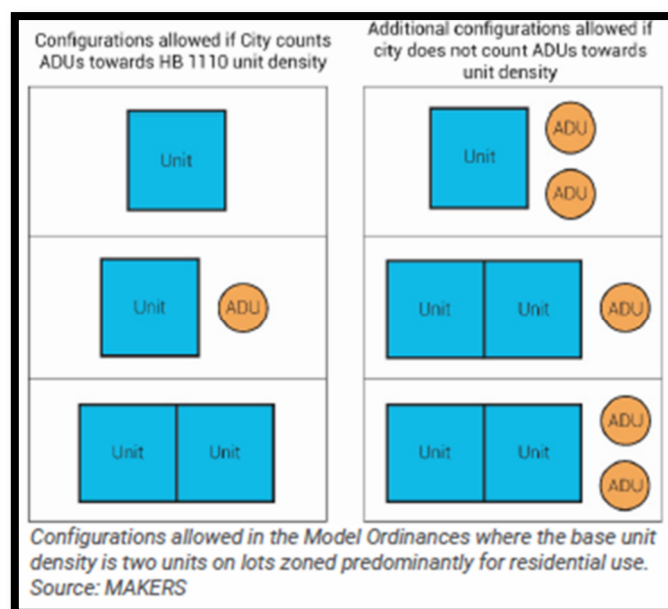
This is a new section proposed to detail the requirements for *middle housing* as mandated by HB 1110. The development standards included in this section include provisions that middle housing standards cannot be more restrictive than those for detached single-family residences.

For the R4 and R6 zoning districts in Black Diamond, the City can choose which types of middle housing to permit, including at least four of the nine options. We propose the following uses to be permitted by-right in the districts: **duplexes, townhouses, stacked flats** and **cottage housing**. These will be the uses most likely to complement the existing neighborhoods and blend in.

Under HB 1110, Black Diamond may elect to count accessory dwelling units (ADUs) towards unit lot density (described above in this report). We propose the City do count ADUs towards unit lot density. Under this approach, a lot in the R4 or R6 zoning district with an existing home will be limited to a density that more closely matches the current layout of housing in Black Diamond. Otherwise, there would be an opportunity for up to four units allowed (see image to right).

Other key language that is proposed includes:

- This section only applies in the R4 and R6 districts because those districts were determined to be zoned predominantly for residential use and do not currently allow two units per lot, as set out by state law.



- The same development permit and environmental review processes that apply to detached single-family residences shall also apply to middle housing, unless otherwise required by state law. This does not preclude the application of shoreline regulations, building codes, energy code, electrical codes, or any other local regulation enshrined in state law.
- These provisions do not apply to portions of a lot designated with sensitive areas or their buffers, lots created through unit lot subdivision² or lots less than 1,000 square feet in area.
- Design and development standards which are applicable to detached single-family homes in the same zoning district may be reviewed, and applied to middle housing, provided that the City may only use the Type 1 administrative review process in applying such standards and the City does not apply development standards that would be more restrictive than for single-family residences.
- A maximum of one off-street parking space per unit shall be required on lots less than or equal to 6,000 square feet and a maximum of two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet.

18.86 – RESIDENTIAL CLUSTER DEVELOPMENT (RCD)

The Residential Cluster Development (RCD) chapter is also proposed to be revised to be consistent with the housing legislation summarized on the preceding pages and for consistency with the Housing and Land Use goals and policies in the ***Black Diamond Comprehensive Plan 2024-2044***.

Chapter 18.86 BDMC is proposed to be changed as follows:

- Removing zone-specific minimum lot size standards (because existing density standards are sufficient to regulate lot sizes and residential density).
- Limiting residential cluster developments to the R4, R6, and R8 zoning districts (currently the code sets out that RCD can be in all residential districts, but since we are introducing new high density districts, we are including this provision).
- Minor edits for clarity in sections 18.86.010 and .020.
- Adding a stipulation which would allow for a proposal to exceed the maximum height of the underlying zone by up to 25 percent, but not exceeding 45 feet. This is a sensible approach to provide flexibility on a project-by-project basis.

18.88 – COTTAGE HOUSING

We propose renaming this chapter to ***POCKET NEIGHBORHOOD HOUSING***. This change will simplify the code for easier understanding and will highlight the key difference between this type of housing and the term “cottage housing” as promulgated in state law as a type of *middle housing*, which is enforced by HB 1110.

² “Lot splits” are not currently addressed in the code, but are required to be addressed by July 27, 2028, so a provision has been added addressing the fact that split lots are not subject to a calculation of unit lot density.

NEXT STEPS

We request and encourage all members of the Planning Commission to carefully review the set of proposed amendments prepared and bring questions and comments to the meeting. We look forward to a meaningful discussion.

STAFF RECOMMENDATION

There is no recommendation at this time. Staff will provide a formal recommendation after the series of workshops conclude.

WORKING DRAFT – FEBRUARY 11, 2026

Color coding used:

State Law Change or RCW / WAC citation

Staff Recommendation

Further Changes or refinements are still needed (pending)

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Title 18 ZONING

Chapter 18.04 GENERAL PROVISIONS

18.04.010 Adoption.

The zoning code of the city is adopted to facilitate land use control, orderly growth, development, preserve and protect vital aspects of the natural environment, designate land use districts, provide for compatibility between the districts and provide for the administration and enforcement of the regulations.

18.04.020 Title.

This title shall be known as the zoning code of the city of Black Diamond.

18.04.030 Intent.

It is the intent of this title to:

- A. Facilitate orderly growth and development of the city consistent with the requirements of the Growth Management Act, RCW 36.70A, and with the policies, goals and objectives of the city of Black Diamond comprehensive plan;
- B. Protect the health and general welfare of the city's residents;
- C. Promote sound economic development;
- D. Preserve and protect vital aspects of the natural environment;
- E. Designate land use districts and provide for compatibility between the several districts;
- F. Provide flexible and innovative development regulations to achieve the city's desired pattern, intensity and character of land use, and to preserve valuable resources and a network of open spaces;
- G. Incorporate low impact development (LID) best management practices (BMPs) and principles.
- H. Provide for the administration and enforcement of the regulations.

18.04.040 Minimum requirements.

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Nothing in this title is intended to impair, annul or abrogate any easement, covenant or other agreements between parties, public or private; however, whenever the requirements of this title are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or those imposing the higher standards shall govern.

18.04.050 Additional requirements.

- A. The provisions of this chapter apply to the types, location and standards for all development occurring within the city. Other regulations and standards, adopted in other chapters or titles of the Black Diamond Municipal Code (BDMC), may also apply to particular uses or types of development and must be complied with if applicable. These include but are not limited to the following:
 - 1. Design guidelines and standards and associated design overlays;
 - 2. Environmental performance standards;

3. Sensitive areas regulations; and
 4. Transfer of development rights.
- B. In the event of a conflict between general provisions or standards of this title and any other more specific or conflicting provision of this or other titles of this code, the more restrictive standard shall apply.

18.04.060 ~~Land use or~~ Zoning districts—Administration of title.

- A. To carry out the purposes of this title, the city is divided into the following zoning districts [which relate to the comprehensive plan land use map classifications](#):

Residential zones:

1. ~~Single Family~~ [Low Density](#) Residential—R4
2. ~~Single Family~~ [Low Density](#) Residential—R6
3. Medium Density Residential—~~MDR-8~~ [R8](#)
4. [Medium Density Residential with potential TDRs—R8-TDR](#)
5. [Medium Density Residential—R12](#)
6. [Medium Density Residential with potential TDRs—R12-TDR](#)
7. [High Density Residential—R18](#)
8. [High Density Residential with potential TDRs—R18-TDR](#)
9. [High Density Residential—R30](#)

Commercial zones:

- ~~104.~~ Neighborhood ~~Center~~ [Commercial](#)—NC
- ~~115.~~ Community Commercial—CC
- ~~126.~~ Town Center—TC

Industrial zones:

- ~~137.~~ Business/Industrial Park—B/IP
- ~~148.~~ Industrial District—I

Other zones:

- ~~159.~~ Public—PUB
- ~~1610.~~ Master Planned Development (MPD) [Overlay](#)

- B. This title shall be administered by the director of the community development department, and all references in this title to the "director" refer to that official unless otherwise specified.
- C. Interpretation of Uses. The zoning districts established by this section identify permitted categories of uses, and provide examples of the types of uses within each category in the definitions contained in Chapter 18.100.100. Each zoning district also references *similar or related uses*. The determination of whether a particular use is similar or related and therefore permitted within a particular district shall be an administrative decision made by the director, pursuant to the procedures identified in Chapter 18.08.

D. Uses other than those identified or described as "permitted uses", "conditional uses" or "accessory or other uses" within each zone classification are prohibited.

E. The city's transfer of development rights program is set out in Chapter 19.24; increased densities are allowed when the TDR mechanism is used.

18.04.070 Determination of use category.

A. All questions of what land use category a particular use falls within shall be determined pursuant to the procedures set forth in Chapter 18.08, using the following guidance:

1. The use shall be consistent with the function of the use category for the particular zone as stated in the comprehensive plan and intent statement for the zone;
2. The use shall exhibit similar environmental impacts as other permitted activities in the use category and zone; and
3. The use shall exhibit similar operational characteristics such as traffic generation and time of operation as other permitted activities in the use category and zone.

B. Determinations of use category by the director may be appealed according to the provisions of Sections 18.08.200—18.08.220.

18.04.080 Official zoning map.

The boundaries of the zoning districts are hereby established and delineated on the official zoning map entitled "City of Black Diamond Zoning Map." The map is hereby incorporated as a part of this title. The official zoning map shall be maintained by the director and an official copy kept on file with the city clerk and may consist of more than one map sheet for ease of use.

18.04.090 Interpretation of map boundaries.

A. Rules of Interpretation. When uncertainty exists as to the boundaries of any zoning district shown on the official zoning map, the following rules shall apply:

1. Where district boundaries are separated by a right-of-way, such boundaries shall extend to the centerline of such right-of-way. Where a district boundary and city limit are separated by a right-of-way, such boundary shall extend to such city limit;
2. Where a district boundary is indicated as approximately following the centerline of an alley, street, highway, freeway, railroad track, creek or river, such centerline shall be construed to be the district boundary;
3. Where a district boundary is indicated as approximately following a lot line, such lot line shall be construed to be the district boundary;
4. Where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the official zoning map;
5. If a district boundary was created through a site-specific rezone action, the boundary shall be determined by the legal description contained in the ordinance affecting such rezone.

B. Uncertainty of District Boundary. If, after using the above rules, the director is unable to conclusively identify a district boundary, the planning commission shall recommend and the city council shall determine the location of the district boundary.

18.04.100 Zoning regulations applicable within districts.

A. Title Compliance. Except as provided elsewhere in this title:

1. No structure shall be erected and no existing structure shall be moved, altered, reconstructed, replaced or enlarged, nor shall any land or structure be used for any purpose or in any manner other than a use listed in this title as permitted in the zoning district in which such land or structure is located.
2. No structure shall be erected, nor shall any existing structure be moved, altered, reconstructed, replaced or enlarged to exceed in height the limit established by this title for the zoning district in which such structure is located.
3. No structure shall be erected nor shall any structure be moved, altered, reconstructed, replaced or enlarged, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the development requirements established by this title for the zoning district in which such structure is located.
4. No improvement, yard or open space on a lot shall be considered as providing improvement, yard or open space for another lot except as provided for by this title.

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.

18.04.110 Site plan approval required.

Site plan review, pursuant to the provisions of this code [including Chapter 18.16](#), shall be required for all non-residential development occurring within the city, and for any multi-family building or non-subdivision project containing more than four units, [unless the development is categorized as middle housing \(in accordance with section 18.34.060 of this Title\)](#).

18.04.120 Building permit required.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the director. No building permit shall be issued unless the use:

- A. Conforms to the requirements of this title; or
- B. Has been approved by the director as a similar or related use as described in the several zoning districts; or
- C. Has been approved by the hearing examiner as a conditional use as defined in Chapter 18.28 of this title; or
- D. Has been granted a variance by the hearing examiner.

~~Provided, however, that~~ The installation of a mobile home [or manufactured home](#) shall require a city installation (~~landing~~[placement](#)) permit and shall be installed and inspected in accordance with the rules and regulations of ~~Washington Administrative Code Chapter 296-150B~~ [the International Residential Code and International Building Code](#). Provided, further, that all city-required permits for connection to city utilities and/or permits required for all other activities related to the use of the land or construction within the city shall be acquired in accordance with the rules and regulations of the city prior to connection to city utilities or structural alteration or construction.

18.04.130 Enforcement and violations.

- A. Enforcement. The director shall administer and enforce this title. If the director finds that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall take any action authorized by this title to ~~insure~~ensure compliance with or to prevent violation of its provisions.
- B. Violation—Penalty. Any violation of any of the provisions of this title shall be subject to code enforcement action pursuant to Chapter 8.02.

Chapter 18.08 ADMINISTRATION OF DEVELOPMENT REGULATIONS: PROCEDURES, NOTICE AND APPEALS

18.08.010 Purpose.

The purpose of this chapter is to establish standard procedures for public notification and the timing of development decisions made by the City of Black Diamond. These procedures are intended to:

- A. Promote timely and informed public participation;
- B. Eliminate redundancy in the application, permit review, and appeals processes;
- C. Process permits equitably and expediently;
- D. Balance the needs of permit applicants with project neighbors;
- E. Ensure that decisions are made consistently and predictably; and
- F. Result in development that furthers city goals, objectives and policies as set forth in the comprehensive plan.

► Note: The following is a **staff recommended** update, to aid in the use and understanding of local processes

18.08.020 ~~Reserved~~Relation to the SEPA.

- A. All developments and permits subject to the provisions of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with Chapter 19.04 BDMC. SEPA review shall be conducted concurrently with development project review.
- B. Under Chapter 36.70B RCW, the procedure for review of project permit applications (as defined in RCW 36.70B.020) shall be combined with the environmental review process, both procedural and substantive.

18.08.030 Decision types.

There are ~~six~~ **five** types of decisions that may be made under the provisions of this title. The types are based on who makes the decision, the amount of discretion exercised by the decision making individual or body, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity. This chapter sets forth procedural requirements for applications, decisions, and appeals. Decision criteria and additional standards for specific permit types ~~and for GMA legislative decisions~~ are set forth in Chapter 18.12. Decision types are summarized below; not all permits are listed.

► Note: **State law was changed** and now City Councils do not need to approve Final Plats but may instead delegate that authority to staff per RCW 58.17.100 (see also RCW 58.17.170). **We show "Final plat" as added to Type 1 and deleted from Type 6.**

Decision Type	Decision Maker(s)	Types of Permits <u>Applications</u>
Type 1—Ministerial	Director	Lot line adjustment Building permits and related technical code applications referenced in Title 15 (fire, mechanical, plumbing, etc.) Final short plat

		Final plat Shoreline exemptions Temporary use permits Use interpretation Development Right Certificate Transfer of Development Rights program (per Ch. 19.24) Tree removal permits (Ch. 19.30) Business license
Type 2— Administrative	Director	Preliminary short plats Accessory dwelling unit Administrative conditional use permit Administrative variance Binding site plan Sensitive area reasonable use exception Formal code interpretation Preliminary short plat Site plan review Pocket neighborhood housing development review Certain wireless communication facilities
Type 3—Quasi-Judicial	Hearing Examiner	Conditional use permit Plat alteration or vacation Preliminary plat Shoreline substantial development permit , Shoreline conditional use permit , or shoreline variance Variance Sensitive Areas exceptions Long-term temporary use permit Residential cluster development (Ch. 18.86) Certain wireless communication facilities
Type 4—Quasi-Judicial	Recommendation by Hearing Examiner/ City Council	Development agreements Master Planned Development Rezoning (site specific) LID/ULID final assessment rolls
Type 5—Legislative	Recommendation by Planning Commission/ City Council	Comprehensive Plan amendments (text or map) Sub-area plan adoptions or amendments Area-wide rezoning Zoning Code text amendments
Type 6—City Council	City Council	Final Plat LID/ULID final assessment rolls

If a proposal requires multiple permits with decisions of different types (e.g., site plan approval and conditional use permit, Type 2 and Type 3), the higher type process applies to the entire proposal. Refer to Section 18.08.130.

18.08.040 Ministerial decisions—Type 1.

- A. Type 1 decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated in the code. These decisions are made by the director, are exempt from notice requirements, and are final actions. Type 1 decisions may be appealed to the hearing examiner and then to Superior Court.
- B. The following decisions, actions and permit applications require a Type 1 decision:
 - 1. Building permits and related technical code applications referenced in Title 15 (fire, mechanical, plumbing, etc.);
 - 2. Lot line adjustments;
 - 3. Use interpretation ([Section 18.04.060](#));
 - 4. Shoreline exemptions;
 - 5. Final short plat;
 - 6. [Final plat](#);
 - 7. Temporary use permit ([Ch. 18.52](#));
 - 8. Tree [removal permits](#) ([Ch. 19.30](#))
 - 9. [Business license](#)
 - 10. [Certain wireless communication facilities identified in section 18.84.030.](#)
 - 11. [Development Right Certificate](#)
 - 12. [Transfer of Development Rights program](#) (per [Ch. 19.24](#))

18.08.050 Administrative decisions—Type 2.

- A. The director makes Type 2 decisions based on standards and clearly identified criteria. Type 2 decisions require written documentation that the proposal meets all applicable city standards or is appropriately conditioned to meet requirements. The supporting documentation may be in the form of a checklist, letter, staff report, or combination of forms, reports and checklists.
- B. Type 2 decisions require public notice as set forth in Section 18.08.120.
- C. Type 2 decisions are subject to an administrative appeal to the hearing examiner unless specifically modified or excluded pursuant to this section.
- D. The following decisions, actions and permit applications require a Type 2 decision:
 - 1. Preliminary short plats;
 - 2. Accessory dwelling units;
 - 3. Administrative conditional use permits- ~~(ACUP)~~; ([Ch. 18.68 for nonconformities](#); [Ch. 18.54 for home occupations](#))
 - 4. Administrative variances; ([Section 18.12.030](#))
 - 5. Sensitive areas ~~-private property~~ reasonable use exceptions([BDMC 19.10.080\(E\)\(2\) and/or \(3\)](#));

6. Formal code interpretations;
7. Binding site plans;~~and~~
8. Site plan reviews [\(including review of landscaping plan in accordance with Ch. 18.72\)](#) ~~;~~ and
9. [Pocket neighborhood housing development review \(Ch. 18.88\).](#)
10. [Certain wireless communication facilities as identified in section 18.84.030.](#)

18.08.060 Quasi-judicial decisions—Type 3.

- A. Type 3 decisions are made by the hearing examiner following an open record public hearing and involve the use of discretionary judgment in the review of each specific application.
- B. Type 3 decisions require public notice as set forth in Section 18.08.120.
- C. For each Type 3 decision, the department shall forward a recommendation to the hearing examiner regarding whether the proposal is consistent with applicable regulations and policies and whether the proposal should be approved, approved with modifications or conditions, or denied. The examiner shall issue a written decision including findings, conclusions, and conditions, if any.
- D. The director may require an applicant to participate in a public meeting to provide information and take public comment before the department forwards a recommendation to the hearing examiner.
- E. A Type 3 decision may be appealed to Superior Court, except that a Type 3 decision on a shoreline application may be appealed only to the State Shorelines Hearings Board. (See also Section 18.08.200 regarding consolidated permit processing and appeals.)
- F. The following decisions, actions, and permit applications require a Type 3 decision:
 1. Preliminary plats;
 2. Conditional use permits [\(including but not limited to essential public facilities per Ch. 18.58 and adult-oriented businesses per Ch. 18.60\);](#)
 3. Shoreline substantial development [permit](#), [shoreline](#) conditional use permit or [shoreline](#) variances~~s~~;
 4. Plat alterations or vacations;
 5. Variances [\(including but not limited to section 18.12.030, and variances from Ch. 18.82 signs;](#)
 6. Sensitive areas exceptions [\(BDMC 19.10.080\)](#)
 7. [Long-term temporary use permit \(Ch. 18.52\)](#)
 8. [Residential cluster developments \(Ch. 18.86\).](#)
 9. [Certain wireless communication facilities identified in section 18.84.030.](#)

18.08.070 Quasi-judicial decisions—Type 4.

- A. Type 4 decisions are made by the city council following a closed record hearing based on a recommendation from the hearing examiner. Type 4 decisions proceed in the same way as Type 3 decisions, except that:
 1. The hearing examiner makes a recommendation to the city council rather than makes a decision;

2. The city council holds a closed record hearing to consider the recommendation from the hearing examiner. Only parties of record who testified at the hearing examiner hearing may speak at the closed record hearing; however, testimony is limited to discussion about the recommendation from the hearing examiner. All argument and discussion must be based on the factual record developed at the hearing examiner open record hearing;
 3. The city council shall decide the application by motion and shall adopt formal findings and conclusions approving, denying, or modifying the proposal; and
 4. Appeal of the city council decision is to the Superior Court.
- B. Type 4 decisions require public notice as set forth in Section 18.08.120.
- C. The following decisions, actions and permit applications require a Type 4 decision:
1. [Site specific Rezones](#) ~~(site specific)~~;
 2. Development agreements [\(Ch. 18.66\)](#);
 3. Master planned developments [\(Ch. 18.98\)](#); and
 4. [LID/ULID final assessment rolls](#)

18.08.080 Legislative decisions—Type 5.

- A. Type 5 decisions are legislative, non-project decisions made by the City Council under its authority to establish substantive policies and regulations pursuant to the Growth Management Act. Type 5 decisions do not include legislation of a procedural nature such as the adoption of fee ordinances or technical issues such as adoption of building codes, engineering standards and related matters.
- B. Type 5 decisions require public notice as set forth in Section 18.08.120 and a public hearing before the planning commission, which will make a recommendation to the city council.
- C. There is no administrative appeal of Type 5 decisions, but they may be appealed to the Washington State Growth Management Hearings Board.
- D. The following actions require a Type 5 decision:
1. Comprehensive plan amendments (text or future land use maps);
 2. Sub-area plan adoptions or amendments;
 3. Area-wide rezones [\(i.e. rezones conducted to implement a change to the city's future land use map\)](#); and
 4. Amendments of the zoning code or other development regulations.

18.08.090 [Repealed.](#)

~~City council decisions—Type 6:~~

- ~~A. Type 6 decisions are quasi-judicial decisions or other decisions, not necessarily requiring the filing of a project permit application, made by the city council following a recommendation by staff.~~
- ~~B. Type 6 decisions include, but are not limited to, the following:~~
- ~~1. Final plat approvals; and~~

~~2. Final assessment roll hearings for local improvement districts and utility local improvement districts.~~

18.08.100 Application.

A. Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type 1, 2, 3, 4 or 5 decision. Eligibility and procedures for amending the comprehensive plan are found in Title 16.
2. The mayor, planning commission, or city council may initiate a site-specific rezone (a Type 4 decision) for city-owned or managed property, or an area-wide rezone, a comprehensive plan amendment, or an amendment to the text of the zoning code (Type 5 decisions).
3. Any person may propose a text or map amendment to the comprehensive plan or request that the city initiate an area-wide rezone, or amendments to the text of the zoning code. Procedures for amending the comprehensive plan are outlined in Chapter 16.30.

► Note: **Staff recommends relocating** the below phrase "the city may, at its discretion...." From the Determination of Completeness process 18.08.110 (B) to this location

- B. All applications for Type 1, 2, 3, 4, ~~or 5 or 6~~ decisions, actions, or permits shall be submitted on official forms or as prescribed and provided by the department and be accompanied by the required filing fee. The city may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.
- C. The department shall establish, and may revise from time to time, ~~submittal~~application requirements for each type of application.
1. Individual ~~submittal~~application requirements may be waived by the director, in writing, only if the applicant can demonstrate that normally required information is not relevant to the proposed action and is not required to show that an application complies with applicable city codes and regulations.
 2. For project permit applications, the ~~submittal~~application requirements established by the director shall include a target turn-around period for initial review and an estimate of average turn-around times for permit issuance. Such time periods shall be established administratively and included in application submittal requirements available to the public, but shall not exceed ~~one hundred twenty days~~the timeframes review time periods set out in section 18.08.140 of this chapter.

18.08.110 Determination of completeness.

► Note: Changes are made to this chapter to conform to the Local Project Review Act as revised by **SB 5290 (2023)**. Additionally, Section 18.14.020 which was also named "Determination of Completeness" is proposed by city staff to be repealed to eliminate conflicts and remove duplicated information.

- A. ~~An application for a Type 1, 2, 3, or 4 decision shall be determined complete when all information required in the applicable submittal requirements has been provided in a manner sufficient for processing the application. Additional information may be required by the city even though an application has been determined to be complete for processing. Within twenty-eight days after~~

receiving a project permit application for a Type 1, 2, 3, or 4 decision, the city shall provide a determination that states either: (1) that the application is complete; or (2) that the application is incomplete and exactly what is necessary to make the application complete.

B. A project permit application is complete when the application includes all of the information identified in the development regulations in this chapter as well as the chapter relating to the individual permit/approval. The city's issuance of a determination of completeness means that the application is sufficiently complete to initiate review, even though additional information may be required by the city during processing or when subsequent application modifications are made. Issuance of a determination of completeness does not bar the city from requesting additional information or studies whenever new information is required, or substantial changes are made to the proposal.

C. If more than one application is submitted under the consolidated permit review process, the determination of completeness shall include all project permits being reviewed in a consolidated manner. To the extent known by the city, other agencies with jurisdiction over the project shall be identified in the determination of completeness. However, it is the applicant's responsibility to determine which permits are required from other agencies for a development, and to submit the appropriate permit applications.

~~B. The city may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.~~

E. The city may choose to notify an applicant by mail or email that an application is complete. If the city does not notify the applicant of completeness or incompleteness within twenty-eight days of the applicant's submittal of the application, the application shall automatically be deemed complete on the twenty-ninth day.

~~E.C.~~ If an application is determined to be incomplete, the city will ~~mail~~ provide written notification by mail or email to an applicant of what information or material must be submitted to make the application complete. Notice that an application is not complete shall be mailed or emailed within twenty-eight days of receiving the application. If the city timely notifies the applicant that the application is incomplete, the notification shall advise the applicant that he or she must submit the additional information requested by the city within ninety days. If the applicant submits the additional information within ninety days, the application will be deemed complete unless the director sends written notice to the applicant within 14 days of receipt of the additional information that the additional information is insufficient or otherwise incomplete and that the applicant will have an additional 90 days to submit the missing information. The applicant may continue to attempt to cure the deficiency in the application until the applicant either supplies the additional information requested by the director or fails to timely respond to the director's requests for additional information, at which point the application will be deemed abandoned for failure to submit the information necessary to complete review and processing. Each time that an applicant responds with additional information, the director shall have 14 days to determine whether the application is then complete or, if not, to notify the applicant that the required information remains missing and allow an additional 90 days to supplement the application.

Failure (or refusal) to submit the information requested by the city within ninety days. After this period expires, the community development director shall send a letter to the applicant, informing the applicant that unless the information is received within thirty days from the date of the letter, the director will make written findings and issue a decision that the application has expired for lack of the information necessary to complete review and processing. The decision shall be sent to the applicant and will also state that the city shall take no further action on the application, and if no

arrangements are made within thirty days to pick up the application materials, they will be destroyed. If the application expires under this procedure, the applicant may request a refund of the application fee remaining after the city's determination of incompleteness. A decision that an application has expired does not preclude the applicant from submitting new applications that are the same or substantially similar to the expired application.

~~D. The city may choose to notify an applicant by mail, telephone or email that an application is complete. If the city does not notify the applicant of completeness or incompleteness within twenty-eight days of submitting the application, the application shall be considered complete on the twenty-ninth day.~~

G. Effect of Determination of Completeness or Application Deemed Complete. If an application has been determined complete or deemed complete under this section, it does not mean that the application is "vested" to the applicable development regulations in place at the time the application was determined complete or deemed complete under this section. Not all applications are subject to the vested rights doctrine. An application that is "deemed complete" may not trigger vesting.

H. "Holding" of Applications. Applicants may not request that the city "hold" incomplete or complete applications in abeyance, indefinitely or for any set period of time. Once an application is submitted to the city, it will be processed according to the timeframes in this title to a final decision, or the applicant may withdraw the application.

18.08.120 Notice of application.

- A. Within fourteen days of the determination of completeness, the city shall issue a notice of application for all Type 2, 3, and 4 applications.
- B. The notice of application shall include the following information:
 1. The dates of application, determination of completeness, and the date of the notice of application;
 2. The location and description of the project;
 3. A list of project permits included in the application and identification of other required permits, to the extent known by the department;
 4. The identification of existing environmental documents that evaluate the proposal and the location where the application and any other relevant materials can be reviewed;
 5. The date, time, and place of an open record hearing, if one is required and has been scheduled;
 6. The name of the applicant or project contact and the name of the city staff person assigned to the project, along with city staff contact information;
 7. A statement of the public comment period, ~~which that~~ shall be 14 days long, except for shoreline substantial development, shoreline variance, or shoreline conditional use permit applications, which shall have a ~~thirty-day~~ comment period for notice of application as required by BDMC Chapter 19.08;
 8. A statement of the rights of individuals to comment on the application, receive notice, participate in any hearings, request a copy of the decision (once made) and a summary of any appeal rights; and
 9. Any other information the city determines to be appropriate.

- C. The notice of application shall be made available to the public by one or more of the following primary methods, as specified for each permit application type in Table 18-1:
1. By mailing a notice of the application to owners of real property located within three hundred feet of the subject property. If the owner of the property that is the subject of the application owns other real property adjacent to the subject property, then the three hundred-foot measurement shall be taken from the boundary of any such adjacently located parcels. This distance shall be increased to five hundred feet for a master planned development;
 2. By publishing a notice of the application in the official city newspaper of record;
 3. By posting the property with a sign or placard as required by the department; or
 4. By publishing or posting on the city's website a notice of the application. If this method is used, the department shall either establish a specific calendar for online publishing or maintain an email distribution list to alert interested parties that a new proposal has been applied for.

Other methods of notice are supplementary to a primary method listed above and may include press releases, notices to community newspapers, or notifying public or private groups known to have an interest in an area or certain type of proposal.

18.08.125 Notice requirements table.

- A. Notice shall be provided using the following methods for each decision type. Specific applications with unique noticing requirements are noted individually.

TABLE 18-1

Decision Type	Mail	Publish	Post the property with a sign or placard	Online Notice
Type 1				
Type 2	X	X	X	X
• Formal code interpretation		X		X
Type 3	X	X	X	X
Type 4	X	X	X	X
Type 5	X	X	X	X
• Zoning Code text amendment		X		X
Type 6				

18.08.130 Consolidated permit process.

- Note: "Shall" changed to "may" ([staff recommendation](#))

Commerce guidance says "While the permitting department should allow applicants to submit all pieces of their application simultaneously, it should also encourage and facilitate applicants who wish to submit their applications in several ways so they can quickly get underway. The decision on which course to take should be left to the applicant."

- A. If a project requires more than one type of land use application, the applications ~~shall~~[may](#) be processed concurrently unless the director determines that separate processing will result in a more efficient or effective review process [or the applicant indicates in writing that he/she does not want this to occur](#).

- B. Type 5 applications may not be consolidated with related project permit applications.
- C. Consolidation of review processes shall modify decision making authority and appeal procedures only as follows.
 - 1. When review of a Type 1 application is consolidated with a Type 2 or higher application, no change in decision making or appeal processes will occur. The effective date of the Type 1 decision shall be no sooner than the date of final city action on the related Type 2 or higher application.
 - 2. When a Type 2 application is consolidated with a Type 3 or Type 4 application, no change in decision making or appeal processes will occur, except that shoreline applications (variance or substantial development permits) shall be decided by the higher level decision maker. Appeals of Type 2 decisions shall be consolidated into the required open record public hearing for the Type 3 or Type 4 decision.
 - 3. When a Type 3 application is consolidated with a Type 4 application, the Type 3 decision shall be made as part of the Type 4 application.

18.08.140 Time periods for application review and decisions.

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- Note: **RCW 36.70B.110, as amended by SB 5290(2023)** stipulates time limitations which we have incorporated below.
-

- A. The city must issue a final decision on all Type 1 applications, excluding building permits and final plat decisions, within 65 days of the determination of completeness.
- B. The city must issue a final decision on all Type 2 applications within 100 days of the determination of completeness.
- C. Decisions on Type 3 and Type 4 applications, excluding preliminary plats, must be issued as a final decision within 170 days of the determination of completeness.
- D. No review time periods are established for Type 5 legislation decisions.
- E. See the city's Shoreline Master Program for review time periods and procedures for Shoreline Permits.
- F. RCW 58.17.140(1) sets out a limit of 90 days for preliminary plats; RCW 58.17.140(2) sets out a limit of 30 days for final plats.
- G. This Title does not address the timing for issuing a final decision building permits or other permits or approvals issued pursuant to the State Building Code as adopted in RCW Chapter 19.27.

18.08.145 Limitations and exceptions to application review time periods.

- A. Final decisions by the City on all permits and approvals subject to the procedures of this chapter shall be issued within a maximum number of days from the date the applicant is notified by the Department pursuant to this chapter that the application is complete as provided in Section 18.08.140. The following periods shall be excluded from the time limit:
 - 1. Any period of time during which the applicant has been requested by the city (including the director, planning commission, hearing examiner, or city council) to correct plans, perform required studies or provide additional information. The period shall be calculated from the date of notice to the applicant of the need for additional information until the earlier of the date the city advises the applicant that the additional information satisfies the city's request, or 14 days after the date the information has been provided. If the city determines that the correction, study or

other information submitted by the applicant is insufficient, the city shall notify the applicant of the deficiencies, and the procedures of this section shall apply as if a new request for information had been made.

- a. There shall be a 90-day deadline for the submittal of corrections, studies or other information when requested. An extension of this deadline may be granted upon submittal by an applicant of a written request providing satisfactory justification of an extension.
- b. Failure by the applicant to meet such deadline shall be cause for the city to deny the application.
- c. When granting a request for a deadline extension, the city shall give consideration to the number of days between receipt by the city of a written request for a deadline extension and the mailing to the applicant of the city's decision regarding that request.

2. The period of time, as set forth in Chapter 19.04 BDMC, during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

3. Any period of time during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the Department by the applicant.

4. Any time extension mutually agreed upon by the applicant and the Director.

B. The time limits established in this section shall not apply if a proposed development:

1. Requires an amendment to the comprehensive plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;
2. Requires approval of the siting of an essential public facility as provided for in RCW 36.70A.200; or
3. Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the Department, in which case the time limit shall start from the date at which the revised project application is determined to be complete.

18.08.150 Public notice of decision.

A. Each Type 2, 3, or 4 decision shall be made in writing. The form of a Type 2 decision may be a checklist, annotated checklist, letter, report, memo, or combination of forms. Type 3 and Type 4 decisions shall include findings and conclusions in support of the decision.

B. Notice of each Type 2, 3, or 4 decision shall be ~~mailed~~provided to:

1. The applicant and applicant's contact person;
2. Each person who submitted a comment on the proposal during the public comment period;
3. Each person who spoke at any required public hearing; and
4. Each person who requested notice of the decision or who has requested notification of all permit decisions.

C. Notice of a decision shall include a description of how to appeal the decision.

18.08.180 Notice of public hearing.

Notice of the time and place of an open record hearing for Type 3 and 4 applications shall be provided by the Department no ~~less~~ fewer than fourteen days prior to the hearing, through use of the same methods indicated for notice of application. See Sections 18.08.120 and 18.08.125.

- Note: The following language is relocated here from 18.14.030 ("deadline for submission of materials prior to decision/ hearing" with minor changes and a new section name. **This part is pending further review**

18.08.185 Receipt of comments for Type 2,3, and 4 decisions.

All documents and other evidence including comments from the public in ~~support of~~ relation to an application and relied upon by the applicant for approval shall be submitted to the community development director no more than seven days after the city issues the notice of application or the notice of public hearing on the application. Documents or evidence submitted after that date shall be received by the director, but may be too late to be considered in the decision (if no hearing is allowed before an appeal). If a hearing is allowed on the application, documents or evidence received after that date shall be received by the director and transmitted to the hearing body, but may be too late to include with or to integrate in the staff report and staffs' evaluation of the application.

18.08.190 Effective date of decision.

Type 1 decisions shall be effective on the date the decision is made. Type 2 and 3 decisions shall be effective at the close of the appeal period, or if appealed, on the date of final city action on the appeal. Type 4 decisions are effective on the date final findings and conclusions are adopted by the city council. Type 5 ~~and 6~~ decisions are effective on the date of passage of the ordinance or resolution regarding the application by the city council, or on a later date as may be specified in the resolution or ordinance.

18.08.200 Appeal structure.

Table 18.08.200-1 provides a summary of the appeal structure for Type 1—~~5~~6 applications.

Table 18.08.200-1 Summary of Appeal Structure

Process Type	Decision maker	Appeal to	Further appeal
Type 1	Director	Hearing Examiner	N.A.
Type 2	Director	Hearing Examiner	Court
Type 3, except shoreline applications	Hearing Examiner	Superior Court	Court
Type 4 and 6	City Council	Superior Court	N.A.
Type 5	City Council	Growth Management Hearings Board (GMHB)	Court
Type 3 Shoreline application	Hearing Examiner	Shorelines Hearings Board	Court
Note that a consolidated permit process may change the initial decision maker for Type 2 shoreline applications and for Type 3 applications consolidated with Type 4 applications.			

18.08.210 Administrative appeals.

- A. Who May Appeal. Any aggrieved party of record may file an administrative appeal of a Type 1 or 2 decision.

- B. Time and Place to Appeal. Appeals of a Type 1 or 2 decision shall be addressed to the hearing examiner and filed in writing with the department within fourteen calendar days of the notice of decision, except for shoreline appeals.
- C. Shoreline Appeals. Appeals of a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance decision shall be filed with the state shorelines hearings board pursuant to RCW 90.58.180.
- D. Fees. Each appeal filed on a non-shoreline decision shall be accompanied by a filing fee in the amount established in the city's schedule of fees.
- E. Form of Appeal. A person appealing a Type 1 [or Type 2](#) decision must file a written statement setting forth:
 - 1. Facts demonstrating that the person is aggrieved by the decision;
 - 2. A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - 3. The specific relief requested; and
 - 4. Any other information reasonably necessary to make a decision on appeal.
- F. Limitation on new appeal issues. No new substantive appeal issues may be raised or submitted after the close of the time period for filing of the original appeal. The hearing examiner may allow an appellant not more than fifteen days to perfect an otherwise timely filed appeal.
- G. Electronic submittal of comments and supporting documents for all administrative reviews and appeals shall be allowed, subject to any procedural conditions that may be imposed by the hearing examiner during the pendency of an appeal.

18.08.220 Appeal process.

- A. Within fourteen calendar days following timely filing of an administrative appeal, the department shall mail notice of the date, time, and place for the appeal hearing to all parties who received notice of the decision.
- B. Appeals shall be heard and decided within ninety days from the date the appeal is filed unless the hearing examiner determines by written findings that a specified amount of additional time is necessary because the matter is of unusual complexity or scope or for other good cause shown. ~~The period of time for hearing and deciding an appeal shall be excluded in calculating the one hundred twenty day period for permit issuance established pursuant to Section 18.08.100 or state law.~~
- C. The hearing shall be limited to the issues included in the written appeal statement. Participation in the appeal shall be limited to the city, the applicant, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.
- D. The appellant shall carry the burden of proof in the appeal. The burden of proof shall be met by a preponderance of the evidence in order for the appellant to prevail.

18.08.230 Judicial review.

- A. No person may seek judicial review of any decision of the city, unless that person first exhausts the administrative remedies provided by the city.

- B. Any judicial appeal shall be filed in accordance with state law. If there is not a statutory time limit for filing a judicial appeal, the appeal shall be filed within twenty-one calendar days after a final decision is issued by the city.

Chapter 18.12 DECISION CRITERIA FOR SELECTED PERMITS TYPES

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- Note: **Staff recommends** chapter / section name changes (improves code use /organization)
-

18.12.010 Conditional use and administrative conditional use permits and review of essential public facilities.

- A. Purpose. Conditional uses, which ~~are~~are identified in various zones in this title, are those uses ~~which~~that require additional review and special conditions to ensure that they are compatible with their site and surrounding area. This chapter sets forth the criteria that the city will use to review such proposals.
- B. Criteria. The city, whether the director or the hearing examiner in the appropriate case, will consider the following criteria in reviewing conditional use permit applications, and may only approve an application if the applicant demonstrates that all of the criteria ~~are~~are met:

-
- Note: Staff has identified that while a Comprehensive Plan forms the policy foundation for projects, it should not be used as a criterion for these permits [This is a "best practice" **recommendation** in a Commerce Guide]
-

1. ~~Repealed. The proposal is consistent with the goals and policies of the comprehensive plan;~~
 2. Environmental and operational impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions;
 3. The use is designed so as to be compatible with the character of the surrounding area;
 4. The location, size and height of buildings, structures, walls and fences and screening vegetation for the conditional use will not hinder permitted development or discourage the use of neighboring properties;
 5. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
 6. It is not in conflict with the health and safety of the community;
 7. Pedestrian and vehicle traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
 8. The conditional use will be supported by adequate public services and facilities, including any services and facilities that the applicant funds or provides.
- C. Process. Consideration of conditional use and administrative conditional use permit applications shall follow the procedures in Chapter 18.08.
- D. Essential Public Facilities. In addition to the criteria set forth in Chapter 18.58, essential public facilities are also subject to the criteria of this section.

-
- Note: Edits shown below for Section 18.12.020 are intended to clean-up and fix some problems identified by the City Attorney who noted it doesn't properly reflect the distinction between legislative and quasi-judicial zoning code amendments. We have revised and trimmed the language to only address site specific rezones which are Type IV actions.
-

18.12.020 Zoning reclassification (site-specific rezone) ~~and zoning text amendments.~~

A. Purpose. A zoning reclassification of property, or site-specific rezone, is a mechanism through which the city can ~~ensure that development occurs consistent with the comprehensive plan~~ review an application made by an applicant to change the zoning classification of a property. It also recognizes that conditions applicable to individual properties may change over time in response to new or differing land use needs or practices, or new land use policies. ~~A zoning text amendment is a mechanism for ensuring consistency between the comprehensive plan and development regulations, and a means to recognize new land use policies, implementing techniques, or land use practices.~~

B. Applicability. This section addresses site-specific rezones which are Type 4 (quasi-judicial) actions. Rezones which are legislative in nature, for instance rezones done in direct connection to a change to the Comprehensive Plan Future Land Use Map, are Type 5 decisions and are addressed in Title 16.

~~BC.~~ ~~Criteria—Map Amendments~~. The city will consider the following criteria in reviewing applications for site-specific zoning reclassifications, and may only approve an application if the applicant demonstrates that all of the criteria are met:

1. The proposal is generally consistent with, and does not conflict with, the goals and policies of the comprehensive plan, and the change will implement ~~with~~ the future land use map (FLUM) included in the comprehensive plan;
2. The subject property is suitable for development in conformance with the standards applicable to the requested zoning designation;
3. The proposal will not be materially detrimental to properties in the immediate vicinity or the community based on the range of uses allowed in the proposed zoning classification;
4. Adequate services and facilities, including transportation facilities, will be available to serve the range of uses permitted in the proposed zoning classification;
5. The proposed reclassification is warranted because of a change in circumstances, or because of a demonstrated need for additional land within the proposed zoning classification;
6. The reclassification does not reflect special treatment of the subject property; and
7. The reclassification will promote the general health, safety and welfare of the community.

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

- ~~1. The amendment is consistent with and furthers the goals and policies of the comprehensive plan;~~
- ~~2. Amendment of the text of the code would not render the zoning code internally inconsistent;~~
- ~~3. The amendment corrects an error or omission in the text of the code; and/or~~
- ~~4. The amendment does not result in the grant of a special privilege to an individual property owner.~~

D. Process. Consideration of zoning reclassification ~~and text amendment applications~~ shall follow the procedures in Chapter 18.08. ~~Any action resulting in a change to the comprehensive plan, including maps or text, must comply with the procedures in Chapter 16.10.~~

18.12.030 Variances.

- A. Purpose. A variance is a mechanism whereby the city may allow variations to the provisions of the zoning code applicable to a specific property where unique conditions exist and make compliance with zoning standards impractical or an unnecessary hardship. A variance is not appropriate, and shall not be granted, to change a use or to allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located.
- B. Criteria. The city will consider the following criteria in reviewing applications for variances, and may only approve an application if the applicant demonstrates that all of the criteria are met:
1. Granting of the proposed variance would not allow a use ~~which~~ that is not classified as a permitted, accessory, or conditionally permitted use in the applicable zoning district;
 2. The variance is necessary because of special circumstances relating to the unique size, shape, topography, location or surroundings of the subject property;
 3. The need for the variance and the special circumstances applicable to the subject property are not the result of deliberate actions of the applicant or property owner;
 4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
 5. The variance does not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owners;
 6. The variance from height or setback requirements does not infringe upon or interfere with the requirements of any easement or covenant; and
 7. The variance is the minimum necessary to grant relief to the applicant.
- C. Administrative Variance. An administrative variance may be granted if the application complies with the following criteria:
1. The variance would not decrease by more than twenty percent any required front, side or rear yard between buildings;
 2. The variance would not increase by more than ten percent any permitted projection of cornices, sills, eave projections, fences or structures, maximum permitted lot coverage, and unenclosed and uncovered decks into a front, side or rear yard; or
 3. The variance would not increase by more than ten percent the permitted height of a structure.
 4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;
 5. The variance would not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owner;
 6. The variance is the minimum necessary to grant relief to the applicant.
- D. Limitations. Granting of a variance shall not relieve an applicant from complying with any other standard or requirement of this title unless and only to the extent that such standard or requirement is specifically addressed as part of the decision on the requested variance.
- E. Process. Consideration of variance requests shall follow the procedures in Chapter 18.08.

18.12.040 Reserved.

18.12.060 Reserved.

18.12.070 Reserved.

Chapter 18.14 REPEALED

PERMIT PROCESSING STANDARDS

18.14.010 RepealedReserved.

18.14.020 Repealed Determination of completeness.

► Note: Some of this language is relocated to Section 18.08.110.

- ~~A. Deadline. Within twenty-eight days after receiving a project permit application, the city shall mail or personally deliver to the applicant, a determination which states either: (1) that the application is complete; or (2) that the application is incomplete and exactly what is necessary to make the application complete.~~
- ~~B. What Must be Included. If more than one application is submitted under the consolidated permit review process, the determination of completeness shall include all project permits being reviewed in a consolidated manner. To the extent known by the city, other agencies with jurisdiction over the project shall be identified in the determination of completeness. However, it is the applicant's responsibility to determine which permits are required from other agencies for a development, and to submit the appropriate permit applications.~~
- ~~C. Reserved.~~
- ~~D. Required Elements. A determination of completeness is made by the city when the application includes all of the elements identified in the development regulations in this chapter as well as the chapter relating to the individual permit/approval. The city's issuance of a determination of completeness means that the application is sufficiently complete to initiate review, even though additional information may be required by the city during processing or when subsequent application modifications are made. Issuance of a determination of completeness does not bar the city from requesting additional information or studies whenever new information is required, or substantial changes are made to the proposal.~~
- ~~E. Deemed Complete. If a determination of completeness is not issued by the city as provided in this section and within the deadlines established herein, the permit/approval application shall be deemed complete.~~
- ~~F. Effect of Determination of Completeness or Application Deemed Complete. If an application has been determined complete or deemed complete under this section, it does not mean that the application is "vested" to the applicable development regulations in place at the time the application was determined complete or deemed complete under this section. Not all project permit applications are subject to the vested rights doctrine. An application that is "deemed complete" may not trigger vesting. The city will not make any determination whether an application is vested prior to the time that the city has determined that the application is consistent with the applicable development regulations.~~
- ~~G. Incomplete Applications. Once the applicant receives notice of an incomplete application, the applicant has two choices. The applicant may:~~
- ~~1. Submit the information requested by the city within ninety days. If the additional information is submitted within this time period, the community development director shall re-initiate the process for a determination of completeness in subsection A above, and notify the applicant within fourteen days of the receipt of the additional information whether the application is complete or~~

~~incomplete. If another notice of incomplete application is sent to the applicant, the process shall continue until the city issues a determination of completeness.~~

- ~~2. Fail (or refuse) to submit the information requested by the city within ninety days. After this period expires, the planning director shall send a letter by certified mail to the applicant, informing the applicant that unless the information is received within thirty days from the date of the letter, the director will make written findings and issue a decision that the application has expired for lack of the information necessary to complete review and processing. The decision shall be sent to the applicant, and will also state that the city shall take no further action on the application, and if no arrangements are made within thirty days to pick up the application materials, they will be destroyed. If the application expires under this procedure, the applicant may request a refund of the application fee remaining after the city's determination of incompleteness. A decision that an application has expired does not preclude the applicant from submitting new applications which are the same or substantially similar to the expired application.~~

- ~~H. "Holding" of Applications. Applicants may not request that the city "hold" incomplete or complete applications in abeyance, indefinitely or for any set period of time. Once an application is submitted to the city, it will be processed according to the timeframes in this title to a final decision, or the applicant may withdraw the application.~~

► Note: Section 18.14.030 relocated to 18.08.185

18.14.030 Repealed.

~~Deadline for submission of materials prior to decision/hearing.~~

~~All documents and other evidence in support of an application and relied upon by the applicant for approval shall be submitted to the community development director no more than seven days after the city issues the notice of application or the notice of public hearing on the application. Documents or evidence submitted after that date shall be received by the director, but may be too late to be considered in the decision (if no hearing is allowed before an appeal). If a hearing is allowed on the application, documents or evidence received after that date shall be received by the director and transmitted to the hearing body, but may be too late to include with or to integrate in the staff report and staffs' evaluation of the application.~~ⁱ

18.14.040 Repealed.

~~Changes or additions to application during review period.~~

- ~~A. When documents or other evidence are submitted by the applicant during the review period but after the application is determined (or deemed) complete, the assigned reviewer shall determine whether or not the new documents or other evidence submitted by the applicant significantly revise the application. Some of the factors that the city may consider as significantly revising the application include, but are not limited to, adding/subtracting from the property originally included in the application, making changes in the proposed use, expansion of any proposed structures, revisions requiring additional potable water and/or sewer, etc.~~
- ~~B. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred. Such a determination may trigger the need for additional review and submission of additional information, including, but not limited to, revised application materials and a new SEPA checklist. In the alternative, the reviewer may inform the applicant either in writing, or orally~~

~~at the public hearing, that such changes may constitute a significant change (see subsection C below); and allow the applicant to withdraw the new materials submitted.~~

~~C. If the applicant's new materials are determined to constitute a significant change in an application that was previously determined complete, the city shall take one of the following actions:~~

- ~~1. If the applicant chooses to withdraw the new materials which constitute a significant change in the application, the city shall continue to process the existing application without considering the new documents or other evidence; or~~
- ~~2. Allow the applicant to submit a new application with the proposed significant changes, immediately after the existing application is withdrawn. If the applicant chooses this option, the application shall be subject to an additional fee, separate review for completeness, and will be subject to the standards and criteria in effect at the time the complete new application was submitted.~~

18.14.050 Repealed.

~~Duration of approvals—Effect of permit expiration.~~

~~A. Except where a different duration is established elsewhere in the Black Diamond Municipal Code or by an executed development agreement or applicable law, all project permits shall expire two years after the date of issuance if construction of the project has not substantially begun; provided, an extension of the permit may be granted as allowed under subsection B.~~

~~B. The city may extend the date of permit expiration for permits subject to subsection A above for up to two years with good cause shown by the permittee, and as long as the permittee submits a written request at least thirty days prior to the expiration of the permit. Requests for extensions shall be submitted in writing, together with payment of a fee equal to one-half of the permit application fee in effect at the time the request for an extension is filed. The "good cause" that must be described in the written request for an extension shall include documentation of the facts supporting the permittee's claim that he/she was unable to substantially begin construction during the life of the original permit because of circumstances that were beyond the permittee's control and not foreseeable at the time of permit issuance. The permittee must also demonstrate the ability to complete the project within the extended time period.~~

Chapter 18.16 SITE PLAN REVIEW PROCESS

18.16.010 Purpose.

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

18.16.020 Applicability.

- A. Site plan review and approval is required prior to the location, occupancy or use of any commercial or industrial project, building or facility and for any multi-family residential use or structure containing four or more dwelling units (unless the structure is middle housing in which case site plan review is only required in cases where a site plan review would be required for a single-family building; e.g. where the location triggers a review for the requirements set out in Chapter 18.76 of this code).
- B. Site plan review shall apply to all new development, expansion or site improvements that will change the physical conditions of a site and is required prior to issuance of building permit.
- C. Site plan review is not intended to review and determine the appropriateness of a given use on a particular site.

► Note: The following added per requirements of **SHB 1935 (2025) - RCW 36.70B.140(3)**

- D. Interior alteration project permits excluded. Project permit applications for interior alterations (construction activities that do not modify the existing site layout or its current use and for which no exterior work or change to the building footprint is involved) that do not result in additional sleeping quarters or bedroom, and which do not increase the total square footage or valuation of a structure thereby requiring upgraded fire access or fire suppression systems are excluded from the requirements of a site plan review. This exclusion does not exempt interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.

18.16.030 Procedures.

- A. Site plan review is processed as a Type 2 decision, for both new applications and minor amendments to an approved site plan, pursuant to Chapter 18.08. Site plan review may be conducted independently or concurrently with any other development permit required by this title.
- B. The director may modify or waive these procedural and/or application and review requirements in cases where an approved Binding Site Plan renders further review unnecessary or duplicative.
- ~~C~~B. Pre-Application Conference Required. A pre-application conference between the site plan applicant or representative and city staff is mandatory. The purpose of this conference is for the applicant to familiarize the staff with the proposed site plan, and for the staff to review with the applicant the city's ~~submittal~~ application requirements, processing procedures, development standards and city requirements applicable to site plans. The city may establish a fee for the pre-application conference.
- ~~D~~E. Application Requirements. An application for site plan review shall include the following:
 - 1. A vicinity map, showing site boundaries and existing roads and accesses within and bounding the site;
 - 2. Site plans, drawn to a scale of no less than one inch equals fifty feet, showing the location and size of uses, buffer and open space areas, landscaped areas, areas of disturbance outside building footprints, and any existing structures, easements, utilities, and significant trees;

3. A topographic map, based on a site survey delineating existing contours at no less than five-foot intervals, and ~~which that locates identifies (symbolizes)~~ existing streams, wetlands and other natural features;
4. A conceptual landscape plan;

► Note: the following is a **staff proposed change**

5. A lighting plan pursuant to BDMC 18.70;

~~65.~~ A parking and circulation plan;

~~76.~~ A preliminary stormwater management plan;

~~87.~~ A utilities plan;

~~98.~~ Other reports or studies as determined applicable by the director, including but not limited to geotechnical, critical areas, and/or traffic;

~~109.~~ A SEPA environmental checklist, unless the proposal is categorically exempt per Chapter 19.04, SEPA regulations; and

~~1110.~~ A narrative description of the proposal including: (i) site size, building size, and impervious surface coverage, and amount of area devoted to open space and recreation, landscaping and parking; calculations of gross and net density; (ii) comprehensive plan and zoning designations; (iii) elevations and perspective drawings of proposed structures and other proposed improvements; (iv) any agreements, covenants or other provisions that affect the proposal; and (v) signatures, mailing addresses and phone numbers of all owners of record or agents of the subject property.

► Note: the following is a **staff proposed change**

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

18.16.040 Criteria for approval.

~~To be approved, or approved with conditions, a site plan must be consistent with the city's comprehensive plan and must comply with all applicable development regulations, codes and other city requirements:~~

► Note: the following is a **staff proposed change**

A. The community development director will consider the following criteria in reviewing site plan review applications, and may only approve an application if the applicant demonstrates that all of the criteria are met:

~~1. The proposal is consistent with the goals and policies of the comprehensive plan;~~

2. Environmental and operational impacts associated with the use can be adequately mitigated through the imposition of reasonable conditions;

3. The use is designed so as to be compatible with the character of the surrounding area and adheres to applicable design guidelines;

4. The location, size and height of buildings, structures, walls and fences and screening vegetation for the use will not hinder permitted development or discourage the use of neighboring properties;

5. The use is designed in a manner that is compatible with the physical characteristics of the subject property;

6. It is not in conflict with the health and safety of the community;
7. Pedestrian and vehicle traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
8. The use will be supported by adequate public services and facilities, including any services and facilities that the applicant funds or provides.

18.16.050 Amendments to approved site plans.

~~Alterations to an approved site plan may be approved by the director, subject to the same procedures required for the initial site plan approval.~~

This Section provides the criteria and limitations for amending an approved site plan, including conditions of approval. Modifications of projects shall first be evaluated and then, depending on the extent of the modifications, a process as identified below will be followed:

- A. Administrative. The city will evaluate each modification with the project proponent. Proposed changes that do not increase impacts to surrounding property owners or modify the intent of the original decision may be considered. In those instances where the modification increases adverse impacts, such as stormwater, traffic, reduced open space, or noise, in a manner that was not disclosed in this project approval, the amendment will be deemed ‘major’ and will be reviewed through the same process as the original project approval.
- B. Minor Amendment. Minor amendments address those changes to an approval that fall within the scope of the original approval and do not increase impacts to surrounding properties.
 1. Any additions or expansions proposed through minor amendments that individually or cumulatively exceed the requirements of this section shall be reviewed as a major amendment and shall be subject to current development regulations.
 2. Required Written Findings and Determinations. The Director's written decision on a minor amendment shall include findings and conclusions, based on the record, to support the decision. A finding that addresses the applicability of any specific conditions of approval from the original permit shall be required. A proposed minor amendment shall not be approved unless the Director makes written findings that:
 - a. Any change of use, or modification of housing type, is permitted outright in the current zone classification;
 - b. Proposed changes to conditions of approval fall within the scope of the original approval and comply with the intent of the original condition;
 - c. Proposed changes to conditions of approval or the proposal do not result in increased impacts to the surrounding property owners or modify the intent of the original decision. Impacts may include, but are not limited to, stormwater, traffic, open space, or noise;
 - d. The perimeter boundary of the original site is not being increased 5 percent of the original area;
 - e. The change does not increase the overall residential density of the project;
 - f. The proposal does not add more than 25 percent gross square footage of structures to the site;
 - g. The proposal does not increase the overall hard surface on the site by more than 25 percent;
 - h. Access points are not reduced, increased or significantly altered; and
 - i. The proposal does not reduce designated open space.

3. Approvals. The Director has the authority to approve or deny any proposed minor amendment and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan and other applicable city codes and state laws.

18.16.060 Duration of approval.

Site plan approvals granted pursuant to this chapter shall expire two years after the date of approval if construction of the project has not been substantially completed; provided that, an extension of the approval period may be granted pursuant to BDMC 18.14.050(B). ~~Notwithstanding the foregoing, all site plan approvals granted prior to April 1, 2013, that have not otherwise expired, shall expire on April 1, 2015.~~

Chapter 18.20 ZONING USE MATRIX**18.20.010 Zoning use matrix.**

- A. The zoning use “matrix” (or table) 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~~18.46.
- 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.

D. Residential uses are grouped together under the subheading “Residential.”

Use	R-4 R4, R6	R-6 R8, R8-TDR, R12, R12- TDR	MDR-8 R18, R18- TDR, R30	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 ¹³	P ¹³							
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 ¹⁵	P ¹⁶	
Child care establishments Child care center	P ¹² C ¹⁰	P	P	P	P	P ⁹	P ¹⁸		P
Drive through facilities				C	P				
Entertainment/ cultural facilities				P ⁹	P	P	C		
Essential public facilities				C	C		C	C	C
General office uses				P ⁸		P	P ¹⁰	P ¹⁷	
Heavy Industry								P	
Home Occupations per BDMC 18.54	P	P	P	P ²⁰	P ²⁰	P ²⁰			

Use	R-4 R4, R6	R-6 R8, R8-TDR, R12, R12-TDR	MDR-8 R18, R18-TDR, R30	NC	CC	TC	B/IP	I	PUB
Hotels/motels/ visitor lodging					P				
Hybrid wholesale/ retail establishments					C				
Light manufacturing							P^{1,19}	P	
Major institutions					C	C	C	C	C
Mini storage facilities					C				
Parking structures (not associated with primary use)						C	C		
Parks	P	P	P				C		P
Personal and professional services				P ⁷	P	P			
Pet daycare					P				
Pet stores				P²⁰⁻¹⁹					
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 ² /C	C	P	P
Religious Institutions ⁻¹⁴	C ¹¹	C ¹¹	C ¹¹	C	P	C	C		
Research and development							P ¹	P	
Residential									
Accessory dwelling units per BDMC 18.56	P	P	P						
Assisted living facilities Elderly housing		C	C						
Co-living housing		P	P						
Caretakers quarters									P
Cottage Pocket neighborhood housing		P	P						
Duplexes	C¹⁴	C¹⁴							
Emergency housing and emergency shelters					P				
Family day care	P	P	P						
Group care homes for adults or children	P	P	P						
Manufactured home parks		C	C						
Manufactured housing per BDMC 18.90	P	P	P						
Middle housing per BDMC section 18.34.060	P	P	P						
Housing in a Mixed-use project				P ⁴	P ⁵	P ⁵			

Use	R-4 <u>R4, R6</u>	R-6 <u>R8, R8-TDR, R12, R12- TDR</u>	MDR-8 <u>R18, R18- TDR, R30</u>	NC	CC	TC	B/IP	I	PUB
Multi-family up to 6 units		<u>P</u>	P						
<u>Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>				
Single-family structures	P	P	P						
Senior housing		<u>C</u>	C	C		C			
<u>Transitional housing</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>				
Retail				P ⁶	P ³	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				P²⁰⁻¹⁹	P				
Warehousing / distribution								P	
Wholesaling							P	P	

¹ That ~~does~~ not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution; and provided all production and storage activity is conducted indoors.

² Permitted limited to general administrative offices, otherwise a conditional use.

³ Including uses involving outdoor product display or storage.

► **Note to Codifier: "Mixed-use" should be hyphenated throughout this code**

⁴ In attached structures if included as an element of mixed-use site development or on upper floors of a mixed-use structure.

⁵ 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.

⁶ 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 ~~or~~. Excludes drive throughs and gas stations.

⁷ Personal services provided primarily to neighborhood residents limited to four thousand square feet per business.

⁸ Limited to four thousand square feet per business and excluding drive throughs.

⁹ Limited to five thousand square feet or capacity of not more than 100 patrons per business, whichever is greater and excluding drive-throughs.

¹⁰ Repealed. ~~For more than twelve children.~~

¹¹ Not to exceed ten thousand square feet.

¹² ~~Repealed. Up to twelve children.~~

¹³ Including farms, nurseries, and community gardens/ pea patches. Greenhouses, storage sheds, and similar buildings accessory to such uses are also permitted.

¹⁴ ~~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 duplex or multi-family structures or constitute more than ten percent of the dwelling units in a single block; subject to design standards.~~

► Note to codifier: The following footnote about hosting the homeless by religious organizations is added in accordance with ESHB 1754 (2020)

¹⁴ Outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses are allowed on property owned or controlled by a religious organization and may be regulated according to the provisions of RCW 35.21.915. These uses are also addressed in Chapter 18.62.

¹⁵ 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.

¹⁶ 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.

¹⁷ Associated with primary manufacturing use.

¹⁸ ~~Repealed. Including call centers and other customer service communication centers.~~

¹⁸ When integrated within a development.

¹⁹ ~~Repealed. Provided all production and storage activity is conducted indoors.~~

²⁰¹⁹ No boarding of dogs or outdoor kennels allowed.

²⁰ Only permitted in residential units of a mixed-use development in the NC, CC, and TC zones, or in any legally nonconforming residential use/structure.

Chapter 18.30 ~~SINGLE-FAMILY~~LOW DENSITY RESIDENTIAL DISTRICTS (R4 AND R6)

18.30.010 Intent.

It is the intent of this chapter to:

- A. Enhance the residential quality of the city by providing a high standard of development for ~~single-family~~low-density residential areas;

► Note: The following addition references **HB 1110 (2023) later modified by ESHB 2321 (2024) and by ESSHB 1096 (2025)** - RCW 36.70A.635 which says that Tier III cities (which includes Black Diamond) must allow densities under the “middle housing” laws (at a minimum)

- B. Designate certain areas ~~in which~~where single-family and compatible structures ~~on individual lots~~ are the predominant type of dwelling unit and allow development meeting the minimum lot densities requirement that applies to Black Diamond required per in RCW 36.70A.635;
- C. Guide residential development to those areas where public sewers are in place or can be extended efficiently at reasonable cost;
- D. Guide development of residential areas in such manner as to ensure ~~assure~~ availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation; and
- E. Preserve existing agricultural activities within the city and provide opportunities for small-scale agricultural uses meeting the needs of city residents.

18.30.020 Permitted uses.

- A. Residential.

1. Single-family detached structures on individual lots.

► Note: The following addition implements requirements of **HB 1110 requirement** (RCW 36.70A.635)

2. Middle housing, as provided in section 18.34.060.

~~23.~~ Manufactured housing as provided in Chapter 18.90.

~~34.~~ Agricultural uses, including farms, nurseries and community gardens/pea patches. Greenhouses, storage sheds and similar buildings accessory to such uses are also permitted.

5. Group care homes for adults or children.

► Note: Permanent supportive housing and transitional housing must be allowed in this district per **E2SHB 1220** (2021) requirements

6. Permanent supportive housing.

7. Transitional housing.

► Note: ADUs must be allowed in this district per **EHB 1337 (2023)** requirements – RCW 36.70A.681(1)(c)

8. Accessory dwelling units as provided in Chapter 18.56.

-
- Note: The following is added per requirements of **SHB 1935 (2025) - RCW 36.70B.140(3)**
-

9. Housing units added in an existing building in accordance with Chapter 18.34.

B. Other or Related Uses.

1. Accessory buildings or structures as provided in Chapter 18.50.
2. Temporary uses as provided in Chapter 18.52.
3. Home occupations as provided in Chapter 18.54.
4. Utilities, underground.

-
- Note: **ESSB 5509 (2025)** requires the city to allow child care centers in this zone as a permitted use; **Family day care uses are suggested by staff to also be included**
-

5. Child ~~day care~~ center for up to twelve children and family day care.
6. Agricultural stands for sales of produce and plants grown on-site.

7. Parks.

18.30.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.30.020 may be allowed by approval of a conditional use permit in accordance with Chapters 18.08 and 18.12:

-
- Note to codifier: Throughout this code "child care" should be two words and "above ground" is used (not "aboveground")
-

- A. ~~Child care for more than twelve children, including nursery schools, day care centers, and preschools;~~
- B. Utilities, above ground;
- C. Public uses/facilities;
- D. Religious institutions, not to exceed ten thousand square feet of gross floor area;
- E. Bed and breakfasts;

~~F. Duplexes, subject to the following criteria:~~

- ~~1. The minimum lot size for a duplex shall be one and one-half times that required for a single family detached structure. Only one duplex shall be permitted per lot meeting this standard;~~
- ~~2. A lot on which a duplex is proposed shall not be located within three hundred feet of any other lot on which a duplex or multiple unit structure is found (accessory dwelling units excluded), or constitute more than ten percent of the dwelling units in a single block; and~~
- ~~3. Duplexes shall be subject to design standards to ensure their compatibility in terms of bulk, scale and architectural style with the surrounding neighborhood.~~

~~G.~~ E. Private schools, K-12.

18.30.040 Development standards.

- A. Site area and Dimensional Standards.
 1. Minimum lot area:

- a. Districts designated R4: Nine thousand six hundred square feet.
- b. Districts designated R6: Seven thousand two hundred square feet.
2. Maximum standard density.
 - a. R4 district: Four dwelling units per acre.
 - b. R6 district: Six dwelling units per acre.
3. Minimum lot width: ~~Sixty~~ Fifty feet.
4. Minimum lot depth: Eighty feet.
5. Minimum front yard setback:
 - a. On ~~minor street~~ garage side: ~~Twenty~~ Twenty feet.
 - b. ~~On major street: Twenty-five~~ Ten feet, unless a garage is on the same side of the lot.
6. Minimum side yard setbacks:
 - a.: ~~Seven~~ Five feet; and zero feet for townhouse or zero lot line development.
 - ~~b. Minimum on a flanking street: Ten feet.~~
7. Minimum rear yard setback: ~~Twenty~~ Ten feet.
8. Maximum building coverage: Thirty percent.
9. Base impervious surface coverage¹: Fifty percent.

¹ If low impact development strategies are implemented, the base impervious surface percentage may be exceeded up to the maximum impervious surface percentage, subject to approval by the community development director. If low impact development strategies are infeasible, as demonstrated by the applicant, the base impervious surface percentage may be exceeded up to the maximum impervious surface percentage.
10. Maximum impervious surface coverage: Seventy percent.
11. Maximum building height:
 - a. Primary dwelling unit: Thirty-two feet.
 - b. Accessory buildings: Twenty-six feet.
- B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.
- C. Landscaping.
 1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
 2. Development shall also comply with the tree preservation requirements of Chapter 19.30.
- D. Signs. Regulation of signs is provided in Chapter 18.82.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
- F. Storage and Exterior Displays.
 1. Required landscaping or buffer areas shall not be used for storage of any sort.
 2. Storage or parking of motor vehicles for rental income is prohibited.

18.30.050 Additional requirements.

- A. All development within the R4 and R6 zones shall comply with applicable environmental performance standards of Chapter 18.78 and, if applicable, the design review requirements of Chapter 18.74.

Chapter 18.32 MEDIUM DENSITY RESIDENTIAL DISTRICTS— ~~MDR8~~ (R8, R8-TDR, R12, AND R12-TDR)

18.32.010 Intent.

It is the intent of this section to:

- A. Enhance the residential quality of the city by providing a high standard of development for ~~multi-family~~ medium density residential areas;
- B. Designate appropriate areas in which medium density residential structures on individual lots and compatible structures are the predominant type of dwelling unit;
- C. Guide the development of ~~multi-family~~ medium density residential dwellings to such areas and in such manner as to ensure ~~assure~~ availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation, and convenient access to public transportation consistent with city level of service standards;
- D. Encourage the preservation of critical areas and other significant places identified in the city's transfer of development rights program (Chapter 19.24) by allowing increased densities when the TDR mechanism is used; and
- E. Apply appropriate ~~guidelines~~ regulations to ensure that structures developed for medium density residential use are well designed.

18.32.020 Permitted uses.

A. Residential.

1. Single-family structures on individual lots, whether attached or detached.
2. Multi-family residential structures, ~~provided that no individual structure shall contain more than six dwelling units.~~
3. ~~Cottage~~ Pocket neighborhood housing, as provided in Chapter 18.88.
4. Manufactured housing as provided in Chapter 18.90.
5. Accessory dwelling ~~unit~~ units, as provided in Chapter 18.56.
6. Group care homes for adults or children.

-
- Note: Permanent supportive housing and transitional housing must be allowed in this district per **E2SHB 1220** (2021) requirements
-

7. Permanent supportive housing.

8. Transitional housing.

-
- Note: Co-living housing must be allowed in this district per **E2SHB 1998** (2024) requirements – RCW 36.70A.535
-

9. Co-living housing.

-
- Note: The following added per requirements of **SHB 1935 (2025) - RCW 36.70B.140(3)**
-

10. Housing units added in an existing building in accordance with Chapter 18.34.

B. Other or Related Uses.

1. Accessory buildings or structures as provided in Chapter 18.50.
2. Temporary uses as provided in Chapter 18.52.
3. Home occupations as provided in Chapter 18.54.
4. Utilities, underground.

► Note: **ESSB 5509 (2025)** requires the city to allow child care centers in this zone as a permitted use; **Family day care uses are suggested by staff to also be included**

5. Child ~~day care~~ centers for up to twelve children and family day care.

6. Parks.

18.32.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.32.020 may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. ~~Child care including nursery schools, day care centers and preschools for more than twelve children;~~
- B. Utilities, above ground;
- C. Public uses/facilities;
- D. Religious institutions, not to exceed ten thousand square feet of gross floor area.
- E. Bed and breakfast;
- F. Senior housing;
- G. ~~Elderly housing—assisted;~~ Assisted living facilities;
- H. Manufactured home parks;
- I. Group homes;
- J. Private schools, K-12.

18.32.040 Development standards.

A. Site Area and Dimensional Standards.

1. Maximum standard density: Eight dwelling units per acre without transfer of development rights; twelve dwelling units per acre with transfer of development rights.
 - a. R8 district: Eight dwelling units per acre.
 - b. R8-TDR district: The base density for land within the R8-TDR district is the maximum density of that land at the time of its annexation into the city. This can be increased up to eight dwelling units per acre with assignment of transferrable development rights.
 - c. R12 district: Twelve dwelling units per acre.
 - d. R12-TDR district: The base density for land within the R12-TDR district is the maximum density of that land at the time of its annexation into the city. This can be increased up to twelve dwelling units per acre with assignment of transferrable development rights.
 - e. The same base density referenced in this subsection are not intended to restrict the number of units which are allowed on a “per lot” basis.

2. Minimum lot area:

a. Multi-family structures:

- i. R8 and R8-TDR districts: Seven thousand two hundred square feet.
- ii. R12 and R12-TDR districts: Determined by minimum lot width and depth.

b. Detached single-family structures on individual lots:

- i. R8 and R8-TDR districts: three thousand six hundred square feet.
- ii. R12 and R12-TDR districts: two thousand square feet.

3. Minimum lot width:

- a. R8 and R8-TDR districts: Fifty feet.
- b. R12 and R12-TDR districts: Thirty feet.

4. Minimum lot depth:

- a. R8 and R8-TDR districts: Seventy feet.
- b. R12 and R12-TDR districts: Sixty feet.

5. Minimum front yard setback:

The following (a and b) is pending further review

a. R8 and R8-TDR districts:

- i. On minor street: Twenty feet.
- bii. On major street: Twenty-five feet.

b. R12 and R12-TDR districts:

- i. On minor street: Ten feet.
- ii. On major street: Twenty feet.

6. Minimum side yard setbacks:

a. On interior lot lines:

- i. R8 and R8-TDR districts: Seven feet, and zero feet for attached units.
- ii. R12 and R12-TDR districts: Five feet, and zero feet for attached units.

b. On a flanking street: Ten feet.

7. Minimum rear yard setback:

- a. R8 and R8-TDR districts: Ten feet.
- b. R12 and R12-TDR districts: Five feet.

The following (8, 9 and 10) is pending further review

8. Maximum building coverage:

- a. R8 and R8-TDR districts: Fifty percent.
- b. R12 and R12-TDR districts: Sixty percent.

9. Maximum impervious surface coverage: Eighty percent.

~~9.10.~~ Maximum building height:

- a. Main building: Thirty-five
 - i. R8 and R8-TDR districts: Forty feet.
 - ii. R12 and R12-TDR districts: Forty-five feet.
- b. Accessory buildings: Twenty-six feet.

~~10.11.~~ Structure separation: On lots containing more than one structure, there shall be a distance of not less than ten feet, between all buildings, including accessory buildings.

B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.

C. Landscaping.

- 1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
- 2. Development shall also comply with the tree preservation requirements of Chapter 19.30.

D. Signs. Regulation of signs is provided in Chapter 18.82.

E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

F. Storage and Exterior Displays.

- 1. Required landscaping or buffer areas shall not be used for storage of any sort.
- 2. Storage or parking of motor vehicles for rental income is prohibited.

G. Exceptions for townhome lots.

- 1. Minimum lot area does not apply to individual townhome parcels, units, or lots.
- 2. Maximum Building Coverage does not apply to individual townhome parcels, units, or lots.
- 3. Maximum Impervious Area does not apply to individual townhome parcels, units, or lots.

18.32.050 Additional requirements.

- A. All development within the ~~MDR8-zone~~ medium density districts shall comply with the applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.74.

Chapter 18.33 HIGH DENSITY RESIDENTIAL DISTRICTS (R18, R18-TDR, AND R30)

18.33.010 Intent.

It is the intent of this section to:

- A. Enhance the residential quality of the city by providing a high standard of development for high density residential areas;
- B. Designate appropriate areas in which high density residential structures are the predominant type of dwelling unit;
- C. Guide the development of high density residential dwellings to such areas and in such manner as to ensure availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation, and convenient access to public transportation consistent with city level of service standards;
- D. Encourage the preservation of critical areas and other significant places identified in the city's transfer of development rights program (Chapter 19.24) by allowing increased densities when the TDR mechanism is used; and
- ~~D~~E. Apply appropriate guidelines to ensure that structures developed for high density residential use are well designed.

18.33.020 Permitted uses.

A. Residential.

1. Single-family structures on individual lots.

► Note: This zoning district allows densities that are sufficient on their own and so no changes are needed to address the **HB 1110 requirement** (RCW 36.70A.635)

3. Multi-family residential structures including but not limited to duplexes, townhouses, stacked flats, and courtyard apartments.
5. Manufactured housing as provided in Chapter 18.90.
6. Accessory dwelling units, as provided in Chapter 18.56.
7. Group care homes for adults or children.

► Note: Permanent supportive housing and transitional housing must be allowed in this district per **E2SHB 1220** (2021) requirements

8. Permanent supportive housing.
9. Transitional housing.

► Note: Co-living housing must be allowed in this district per **E2SHB 1998** (2024) requirements – RCW 36.70A.535

10. Co-living housing.

► Note: The following added per requirements of **SHB 1935 (2025) - RCW 36.70B.140(3)**

11. Housing units added in an existing building in accordance with Chapter 18.34.

B. Other or Related Uses.

1. Accessory buildings or structures as provided in Chapter 18.50.
2. Temporary uses as provided in Chapter 18.52.
3. Home occupations as provided in Chapter 18.54.
4. Utilities, underground.
5. Family daycare.

► Note: **ESSB 5509 (2025)** requires the city to allow child care centers in this zone as a permitted use; **Family day care uses are suggested by staff to also be included**

6. Child care center and family day care.
76. Parks.

18.33.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.33A.020 may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. ~~Child care including nursery schools, day care centers, and preschools for more than twelve children.~~
- B. Utilities, above ground.
- C. Public uses/facilities.
- D. Religious institutions, not to exceed ten thousand square feet of gross floor area.
- E. Bed and breakfast.
- F. Senior housing.
- G. Assisted living facilities.
- H. Manufactured home parks.
- I. Private schools, K-12.

18.33.040 Development standards.

A. Site Area and Dimensional Standards.

1. Maximum standard density:
 - a. R18 district: Eighteen dwelling units per acre.
 - b. R18-TDR district: The base density for land within the R18-TDR district is the maximum density of that land at the time of its annexation into the city. This can be increased up to eighteen dwelling units per acre with assignment of transferrable development rights.
 - c. R30 district: Thirty dwelling units per acre.
 - d. The same base density referenced in this subsection are not intended to restrict the number of units which are allowed on a “per lot” basis.
2. Minimum lot area:
 - a. Detached single-family and middle housing: Two thousand square feet.

- b. Multi-family: Determined by minimum lot width and depth.
- 3. Minimum lot width: Thirty feet.
- 4. Minimum lot depth: Sixty feet.
- 5. Minimum front yard setback: Ten feet.
- 6. Minimum side yard setback:
 - a. On interior lot lines: Five feet, and zero feet for attached units.
 - b. On a flanking street: Ten feet.
- 7. Minimum rear yard setback: Five feet.

The following (8, 9 and 10) is pending further review

- 8. Maximum building coverage: Seventy percent.
 - 9. Maximum impervious coverage: Eighty percent.
 - 10. Maximum building height:
 - a. Main building: Forty-five feet.
 - b. Accessory buildings: Twenty-six feet.
 - 11. Structure separation: On lots containing more than one structure, there shall be a distance of not less than ten feet between all buildings, including accessory buildings.
 - B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.
 - C. Landscaping.
 - 1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
 - 2. Development shall also comply with the tree preservation requirements of Chapter 19.30.
 - D. Signs. Regulation of signs is provided in Chapter 18.82.
 - E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
 - F. Storage and Exterior Displays.
 - 1. Required landscaping or buffer areas shall not be used for storage of any sort.
 - 2. Storage or parking of motor vehicles for rental income is prohibited.
 - G. Exceptions for townhome lots.
 - 1. Minimum Lot Area does not apply to individual townhome parcels, units, or lots.
 - 2. Maximum Building Coverage does not apply to individual townhome parcels, units, or lots.
 - 3. Maximum Impervious Area does not apply to individual townhome parcels, units, or lots.
- 18.33.050 Additional requirements.**
- A. All development within the high density districts shall comply with the applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.74.

Chapter 18.34 SUPPLEMENTAL RESIDENTIAL STANDARDS

18.34.010 Purpose.

A. ~~The One~~ purpose of this chapter is to ensure adequate light, air and open space within residential areas, while protecting the rights of owners to attain a reasonable use of their property that would be denied by strict adherence to the development standards of the applicable zone district.

B. This chapter contains particular or specific requirements or provisions for housing as directed by the state legislation or as otherwise required under the growth management act.

18.34.050 Definitions.

For the purposes of this chapter, the following definitions shall apply:

-
- Note: The following definition is per **HB 1042 (2023) and HB 1757 (2025)** - RCW 35A.21.440
-

A. Existing building. A building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

-
- Note: The following the definitions are per **HB 1110 requirement** (RCW 36.70A.635; Definition is from RCW 36.70A.030) However, the square footage shown for cottage housing is not dictated by the state and is a **staff recommendation**.
-

B. Administrative design review. A development permit process whereby an application is reviewed, approved, or denied by the community development director based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark, King County landmark, or historic district established under a local preservation ordinance.

-
- Note: Section C below will no longer be needed and can be removed If the setbacks in the zoning districts are reduced to allow for more compact development. However, if the changes aren't made then these opportunities for relief are still needed and will need to remain. *Monitor for the Planning Commission's recommendations.*
-

C. Cottage housing. A type of middle housing which includes residential units on a lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. Cottage housing is further defined as units having at least 800 square feet but no more than 1,600 square feet per unit.

D. "Major transit stop" is defined in RCW 36.70A.030 (27). The city does not have any such facilities as of the date of the adoption of this ordinance.

18.34.020 Height.

The maximum basic height limitation for all principal and accessory buildings in the various zone districts shall not apply to cupolas that do not extend more than three feet above the roof line, flagpoles, transmission lines, residential antennas, and other similar structures as determined by the director.

18.34.030 Yards and open space.

Except as provided in this section, every required yard shall be open and unobstructed from the ground to the sky.

- A. Stormwater conveyance and control facilities, both above and below ground, are allowed so long as such encroachments are:
1. Consistent with setback, easement, and access requirements specified in the [Stormwater Management Manual adopted by the City \(see BDMC Chapter 14.04\)](#)~~2012 Stormwater Management Manual, as amended in 2014~~; or
 2. In the absence of said specifications, not within five feet of a rear or interior lot line.
- B. The following may project from a building into a required yard setback no more than two feet:
1. Fireplace structures not wider than eight feet measured in the general direction of the wall of which it is a part;
 2. Bay windows and garden windows which do not require a foundation;
 3. Enclosed stair landings;
 4. Personal television satellite dishes;
 5. Cornices, sills, eave projections and awnings without enclosing walls or screening;
 6. Planting boxes or masonry planters not exceeding thirty inches in height.
-
- Note: Section C below will no longer be needed and can be removed If the setbacks in the zoning districts are reduced to allow for more compact development. However, if the changes aren't made then these opportunities for relief are still needed and will need to remain. *Monitor for the Planning Commission's recommendations.*
-
- C. Porches and Platforms.
1. Uncovered porches and platforms which do not extend above the floor level of the first floor may project two feet into required side yards, six feet into required front yards and ~~ten~~[five](#) feet into required rear yards.
 2. Covered, ~~but~~ enclosed porches and platforms which do not extend above the floor level of the first floor and which are no wider than fifty percent of the building's frontage may project five feet into a required front yard.
- D. Special Front Yard Depth. If buildings existing on July 17, 1980 occupy more than fifty percent or more of the buildings on one side of a street are set back less than the required front yard of the applicable zone district, then in lieu thereof, the depth of the front yard shall not be less than the average depth of the front yards on that block front, provided that:
1. No building shall be required to set back more than two feet further than a building on an adjoining lot;
 2. No front yard shall be less than twenty feet to a garage, either attached or detached.
- E. Side Yard Width Reductions. In the R4, R6 and ~~MDR8~~[medium density residential](#) districts, where there exists a lot on which it is possible to construct a single-family dwelling, and the lot has a width of less than forty feet, then the required interior side yard setback may be reduced to three feet for all portions of the structure, including those noted in subsection A of this section.

18.34.040 Special provisions for substandard Lots.

- A. A lot of record in existence ~~at~~ on June 18, 2009, the date Ordinance No. 909 was passed ~~the date of passage of this code~~ with an area and/or width or depth less than that prescribed for the applicable zone district may be developed with a detached single-family ~~single-family~~ residence, provided all other regulations of this title are complied with.
- B. Special provisions for lot coverage on substandard lots. Lot coverage may be determined by using the following formula: $(A/B) * C = D$ (%)
- A = lot area required by the applicable district
- B = lot area of existing lot
- C = percentage of lot coverage allowed by the applicable district
- D = percentage of lot coverage allowed for the substandard lot.
- In no case shall the lot coverage exceed fifty percent, unless otherwise allowed by this title.
- C. Special front and rear yard setbacks on substandard lots. Either the front or rear yard setback may be determined by using the following formula: $(A/B) * C = D$
- A = depth of the existing lot
- B = lot depth required by the applicable district
- C = front or rear yard setback required by the applicable district
- D = front or rear yard setback allowed for the substandard lot
- In no case shall the front or rear yard setback be less than ten feet or twenty feet to a garage, either attached or detached, unless otherwise allowed by this title.
- D. Side yard setbacks for substandard lots. Side yard setbacks may be determined by using the following formula: $A = (A/B) * C = D$
- A = width of the existing lot
- B = lot width required by the applicable district
- C = side yard setback required by the applicable district
- D = side yard setback allowed for the substandard lot
- In no case shall the interior side yard setback be less than three feet for all portions of the structure, including those noted in Section 18.46.030(A), nor shall a flanking street side yard setback be less than ten feet.

► Note: The following section is required per **HB 1042 (2023) and HB 1757 (2025)** - RCW 35A.21.440

18.34.050 New housing in existing buildings.

- A. The purpose of this section is to allow new housing to be established in existing buildings, implementing state requirements in RCW 35A.21.440.
- B. In the residential zoning districts and in the NC, CC, and TC zones, existing non-residential buildings may be converted to multi-family housing according to the following provisions.

1. Density. This subsection applies only to zoning districts which permit multi-family housing.
 - a. Housing that is constructed entirely within the envelope of an existing non-residential building may be granted an automatic density increase equal to 50% above what is normally permitted in the underlying zone, provided that the requirements of subsection (b) applies.
 - b. All generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the buildings.
 2. Parking. The establishment of additional parking is not required for any new housing units established under the provision of subsection (A) of this section. However, this does not prevent the city from applying the parking requirements for the pre-existing residential units (if any) and for any nonresidential uses that remain, after new housing units are added.
 3. Permitting requirements and design standards.
 - a. Only those permitting requirements which normally apply to residential development in the applicable zone, together with the provisions of Chapter 18.62 when applicable, shall be applied.
 - b. Except as provided in RCW 36.70A.810 and 36.70A.812, the city may only apply design standards (specifically including setbacks, lot coverage and floor area ratio requirements) which are generally applicable to all residential development in the underlying zone.
 - c. Exterior design or architectural requirements which are applicable to the project may only be imposed when necessary for health and safety pertaining to the use in the interior of the building, with the exception that gateway corridor overlay district requirements of Chapter 18.76 do apply (even when not necessary for health and safety purposes) to achieve the intent of the overlay district such as preservation of character-defining streetscapes.
 4. Energy code. The city does not require those unchanged portions of an existing building that have been used for residential purposes or previously permit-approved “conditioned space” to meet the current energy code solely because of the addition of the new dwelling units within the building. However, for any portion of an existing building converted to new dwelling units, such new units must meet the current energy code except as listed in RCW 35A.21.440(2)(g).
 5. Non-conformities. In the event that conversion of a non-residential building involves a non-conformity with respect to: parking, heights, setbacks, elevator size for gurney transportation, or modulation, the director may deny a building permit due to such existing nonconformity or nonconformities only after where the director enters findings that the nonconformity is causing a significant detriment to the surrounding area.
- C. Any requirements for a transportation study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW, which would normally be required, and are based on the addition of residential units within an existing building (due to the development) apply pursuant to this chapter.

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- Note: The following addition is required per HB 1110 (2023) which was later modified by ESHB 2321 (2024) and by ESSHB 1096 (2025) - RCW 36.70A.635. Please note that the state statute uses a “per lot” description for middle housing and ADUs which is challenging for cities to incorporate with density descriptions and

controls that already exist. See our [recommended definition](#) for “Density, Standard”

18.34.060 Middle housing provisions, standards, and restrictions to implement the residential density allowances in the R4 and R6 districts.

A. Applicability.

1. This section complements and in some cases, modifies the codes in this Title for the purpose of facilitating and regulating the siting of “middle housing” as required in RCW 36.70A.635.
2. This section only applies in the R4 and R6 districts because those districts were determined to be:
 - a. Zoned predominantly for residential use as defined in RCW 36.70A.030(42); and
 - b. Do not meet the criterion of RCW 36.70A.635(c) which sets out that the City must allow development of up to two units per lot, in multiple forms (such as duplexes), except where higher densities or intensities apply.
3. This section does not apply to the city’s other zoning districts which are predominately for residential because higher densities or intensities are permitted above the minimum density threshold allowed.

B. Purpose. This section implements the requirements of Engrossed Second Substitute House Bill 1110 and Engrossed Substitute House Bill 2321 codified in RCW 36.70A.030, 36.70A.280, 36.70A.635, 36.70A.636, 36.70A.637, 36.70A.638, 43.21C.450 and 43.21C.495, and chapters 64.32, 64.34, 64.38, and 64.90 RCW, by providing land use, development, design, and other standards for middle housing developed on all lots zoned predominantly for residential use.

C. General.

1. The same development permit and environmental review processes that apply to detached single-family residences shall also apply to middle housing, unless otherwise required by state law; including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW.
2. In the event of a conflict between this section and other development regulations applicable to an application, the standards of this section control, except that the city’s shoreline regulations (SMP) in Title 19, promulgated under the State’s Shoreline Management Act Chapter 90.58.RCW, take precedence.

D. Exceptions. The provisions of this section do not apply to:

1. Portions of a lot, parcel, or tract designated with sensitive areas or their buffers as identified in chapter 19.10 BDMC (except that restrictions for critical aquifer recharge areas are not included in this limitation).
2. A lot that was created through the splitting of a single residential lot or via unit lot subdivision.
3. Lots after subdivision below 1,000 square feet.

E. Allowed middle housing types and unit lot density.

1. The following uses are permitted by-right in the R4 and R6 zoning districts and up two units per lot are allowed, unless other provisions allowing a higher intensity otherwise applies, including but not limited to the provisions of subsection 3 of this section:

a. Duplexes.

b. Townhouses.

c. Stacked flats.

d. Cottage housing.

2. Design and development standards which are applicable to detached single-family homes in the same zoning district may be reviewed, and applied to middle housing, subject to the following:

a. The city may only use the Type 1 administrative review process in applying such standards.

b. The city may apply design and development regulations that are required for single-family residences including but not limited to setback, lot coverage, clearing, and tree canopy and tree retention requirements but may not apply such standards that would be more restrictive.

3. Unit lot density.

- Note: The language proposed in section 3a is not required. Instead, "Tier 3" cities under the middle housing laws (which includes Black Diamond) "may" choose to count ADUs towards unit lot density as a policy choice. **We recommend the city count ADUs toward the unit lot density.**

Discussion: The result of counting ADUs is that a lot in R4 or R6 zoning with an existing home could have 2 ADUs added *or* one additional home added. [Alternatively, If the city instead chooses not to include ADUs toward unit density then up to 2 homes and 2 ADUs could potentially be possible.]

a. For the purposes of this section and to meet the requirements set out in RCW 36.70A.635, accessory dwelling units shall count as units for calculating unit lot density.

The following is pending further review by the City's attorney

b. Other restrictions, expressed as "standard density" or effectively establishing density via a minimum lot area per unit, or maximum number of housing units per acre, are invalid in relationship to the minimum number of units per lot that the city allow according to this section and under RCW 36.70A.635.

- Note: "Lot splits" are not currently addressed in BDMC but they are required to be added to the city's codes by July 27, 2028 (**RCW 58.17.145**)

c. A lot that was created through the splitting of a single residential lot or via unit lot subdivision is not subject to a calculation of unit lot density.

4. Relief from normal parking requirements.

a. Required off-street parking for middle housing shall be subject to the following:

i. No off-street parking shall be required for units within one-half mile walking distance of a major transit stop.

ii. A maximum of one off-street parking space per unit shall be required on lots less than or equal to 6,000 square feet, before any zero lot line subdivisions or lot splits.

iii. A maximum of two off-street parking spaces per unit shall be required on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

b. All other parking regulations shall apply.

Chapter 18.36 NEIGHBORHOOD ~~CENTER~~COMMERCIAL — NC

18.36.010 Intent.

It is the intent of this section to:

- A. Enhance residents' access to goods and services needed daily in a setting that contributes to neighborhood character, encourages pedestrian activity, reduces automobile use, and serves as a focus of neighborhood life;
- B. Create a complementary mix of neighborhood-serving retail, personal service, general office, entertainment/cultural, public service, and residential uses for a range of lifestyles;
- C. Guide the development of multi-family residential dwellings to such areas and in such manner as to ~~ensure~~assure availability of public services and community facilities such as utilities, police and fire protection, schools, parks and recreation, and convenient access to public transportation consistent with city level of service standards;
- D. Allow ~~mixed-use~~mixed-use developments that integrate residential uses into neighborhood ~~centers~~services, either within the same building or on the same development site, to enhance living convenience;
- E. Encourage orientation to the street and pedestrian amenities to create a pleasant pedestrian environment;
- F. Ensure that the nature of development is harmonious with the surrounding ~~single-family~~ neighborhood in intensity, scale, quality, and character; and
- G. Allow more intensive uses to be maintained and expanded under certain conditions.

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 of gross floor area.
 - 2. 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 of gross floor area in total; and excluding drive-through facilities and automobile fueling stations.
 - B. Personal and professional services provided primarily to neighborhood residents: Limited to not more than four thousand square feet of gross floor area per business.
 - C. General office uses: Limited to not more than four thousand square feet of gross floor area per business and excluding drive-through facilities.
-
- Note: FYI The definition of entertainment / cultural uses includes restaurants.
-
- D. Entertainment/~~culture~~cultural uses: Limited to not more than five thousand square feet of 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~~ mixed-use site development or on upper floors of a ~~mixed-use~~ mixed-use structure.

F. Utilities, below ground.

► Note: Staff recommends deleting item G because If it is a nonconforming use, then it is allowed to continue operation.

~~G. Existing light manufacturing uses, provided no expansion is allowed.~~

~~H.G.~~ Veterinary clinics and pet stores; no boarding of dogs or outdoor kennels allowed.

~~H.~~ Other or Related Uses:

1. Accessory uses and structures as provided in Chapter 18.50.

2. Temporary uses as provided in Chapter 18.52.

► Note: ESSB 5509 (2025) requires the city to allow child care centers in this zone as a permitted use

~~I.~~ ~~Childcare~~ Child care centers ~~establishments~~.

► Note: The following added per requirements of SHB 1935 (2025) - RCW 36.70B.140(3)

I. Housing units added in an existing building in accordance with Chapter 18.34.

18.36.030 Conditional uses.

The following uses may be allowed by Conditional Use Permit in accordance with BDMC Chapters 18.08 and 18.12:

A. Bed and breakfasts;

B. Religious institutions;

C. Drive-through facilities, maximum one per property;

D. Essential public facilities;

E. Utilities, above ground;

F. Public uses/facilities;

G. Senior housing;

H. Automobile fueling stations; and

I. Any expansion of the space, volume or facilities of any light manufacturing use that existed before June 27, 2009. Any such expansion must be contained within the same lot as the existing use.

18.36.040 Development standards.

A. Dimensional Standards.

1. Bulk limit: For structures without residential uses, floor area ratio (F.A.R.) shall not exceed 1.0 (total gross floor area shall not be greater than total site area); for mixed-use structures containing

residential uses, F.A.R. shall not exceed 2.0 (total gross floor area shall not be greater than twice total site area).

2. Maximum allowed height: thirty-five feet, without residential on upper floors; fifty feet, with residential on upper floors
3. Minimum lot area, width and depth: None.
4. Maximum front yard setback: At least sixty percent of the width of any street facade of a primary use shall be set back no more than ten feet from the front property line, provided that the maximum allowed setback is fifteen feet for structures with first floor residential uses.
5. Minimum side yard setback: Twenty feet if abutting a residential zone plus one-foot additional setback for each foot of building height over thirty-five feet.
6. Minimum rear yard setback: If abutting a residential zone, fifteen feet for a building without residential use and twenty feet for a building with residential use plus one-foot additional setback for each foot of building height over thirty-five feet.
7. Maximum impervious surface coverage: Eighty percent.
8. Maximum residential density:
 - a. Without bonuses: Twelve dwelling units per acre in an exclusively residential building; in a ~~mixed-use~~ ~~mixed-use~~ building, none (only as limited by F.A.R., height, parking and other site development standards).
9. Maximum site area: Ten acres.

B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.

C. Landscaping.

1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
2. Development shall also comply with the tree preservation requirements of Chapter 19.30.

D. Signs. Regulation of signs is provided in Chapter 18.82.

E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

F. Storage and exterior displays.

1. Required landscaping or buffer areas will not be used for storage of any sort.
2. There shall be no exterior storage of any items whether or not for sale, other than sidewalk displays of retail items during operating hours only or as otherwise permitted as a temporary use.

18.36.050 Additional requirements.

- A. All development within the NC zone shall comply with applicable environmental performance standards of Chapter 18.78, ~~and~~ the site plan review requirements of Chapter 18.16, and the design review requirements of Chapter 18.74.

Chapter 18.38 COMMUNITY COMMERCIAL DISTRICT—CC

18.38.010 Intent.

It is the intent of this section to:

- A. Encourage the development of retail facilities which offer a relatively wide range of goods to consumers within the community and the broader regional marketplace;
- B. Encourage the clustering of such facilities on sites of sufficient size to provide opportunity for attractive design and arrangement of buildings, safe and convenient access and parking;
- C. Limit location of such sites to major arterials or intersections of major traffic ways in order that said sites may serve the entire community and broader region; and
- D. Encourage mixed-use developments that integrate residential uses into commercial projects, either within the same building or on the same development site, to enhance living convenience.

18.38.020 Permitted uses.

- A. Retail, including automobile fueling stations, uses involving outdoor product display or storage.
- B. Personal and professional services.
- C. Entertainment/cultural [uses](#).
- 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~~[mixed-use](#) site development, ~~either in separate buildings or~~ on the upper floors of a ~~mixed-use~~[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.

► Note: **ESSB 5509 (2025)** requires the city to allow child care centers in this zone as a permitted use

- L. ~~Childcare~~[Child care](#)-centers establishments.

► Note: Indoor emergency housing, indoor emergency shelters, permanent supportive housing and transition must be allowed in this district per **E2SHB 1220 (2021)** requirements

[M. Emergency housing and emergency shelters.](#)

[N. Permanent supportive housing.](#)

O. Transitional housing.

► Note: The following added per requirements of SHB 1935 (2025) - RCW 36.70B.140(3)

P. Housing units added in an existing building in accordance with Chapter 18.34.

18.38.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.38.020 may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. Major institutions;
- B. Essential public facilities;
- C. Utilities, above ground;
- D. Hybrid wholesale/retail establishments; and
- E. Mini storage facilities.

18.38.040 Development standards.

- A. Dimensional Standards.
 - 1. Floor area ratio (F.A.R.) limit: For structures or sites without residential uses, F.A.R. shall not exceed 1.0 (total gross floor area shall not be greater than total site area); for mixed-use structures and/or sites with residential uses, F.A.R. shall not exceed 2.0 (total gross floor area shall not be greater than twice the total site area).
 - 2. Maximum allowed height: Forty-five feet.
 - 3. Minimum lot area, width and depth: None.
 - 4. Maximum front yard setback: At least forty percent of the width of any street façade of a primary use shall set back no more than ten feet from the front property line.
 - 5. Minimum side yard setback: Fifteen feet if abutting a residential zone plus one foot of additional setback for each additional foot of building height above thirty-five feet. All other zones: none.
 - 6. Minimum rear yard setback: Fifteen feet if abutting a residential zone plus one foot of additional setback for each additional foot of building height above thirty-five feet. All other zones: none.
 - 7. Maximum impervious surface coverage: Eighty percent.
 - 8. Maximum residential density: None; only as limited by F.A.R., height, parking and other site requirements. Inclusion of senior housing within a project may be granted a bonus density as follows:
 - a. Density may be increased by one percent for each one percent of total project dwelling units that are dedicated to senior housing;
 - b. The bonus shall be calculated on the total units dedicated, regardless of type; and
 - c. The maximum bonus density shall not exceed twenty percent for a project.
- B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.

C. Landscaping.

1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
2. Development shall also comply with the tree preservation requirements of Chapter 19.30.

D. Signs. Regulation of signs is provided in Chapter 18.82.

E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

F. Storage and Exterior Displays.

1. Required landscaping or buffer areas shall not be used for storage or product display of any sort.

18.38.050 Additional requirements.

- A. All development within the CC zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.76.

Chapter 18.40 TOWN CENTER—TC

18.40.010 Intent.

It is the intent of this section to:

- A. Encourage a range of retail, service, civic, entertainment, recreation, and residential uses to maintain a town center as the primary district of community activity and social interaction;
- B. Provide opportunities for an integration of living, working, shopping, entertainment, civic and recreation activities to serve a variety of lifestyles;
- C. ~~Insure~~ Ensure that new development occurs in a manner that is complementary to surrounding uses and neighborhoods;
- D. Encourage street-oriented store frontages and sidewalk amenities to enhance the pedestrian atmosphere;
- E. Reduce the amount of vehicular travel required of the consumer to access goods and services needed in daily living;
- F. Encourage mixed-use developments that integrate residential uses into commercial projects, either within the same building or on the same development site, to enhance living convenience; and
- G. Create a place that serves as the social and activity heart of the community and is recognized as the central venue of community life.

18.40.020 Permitted uses.

- A. Retail.
- B. Personal and professional services.
- C. General office uses.
- D. Entertainment/~~culture~~ cultural uses.
- E. Public uses/facilities, limited to general governmental administrative offices.
- F. Residential, if in an attached building and developed as an element of ~~mixed-use~~ mixed-use site development or on the upper floors of a ~~mixed-use~~ mixed-use building; residential is not allowed at street level if fronting an arterial street.
- G. Utilities, below ground.

► Note: **ESSB 5509 (2025)** requires the city to allow child care centers in this zone as a permitted use

H. Child care centers.

► Note: The following added per requirements of **SHB 1935 (2025) - RCW 36.70B.140(3)**

I. Housing units added in an existing building in accordance with Chapter 18.34.

18.40.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.40.020 may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. ~~Child care including nursery schools and, day care centers,~~
- B. Utilities, above ground;
- C. Major institution;
- D. Private clubs, fraternal lodges and similar organizations;
- E. Religious institutions;
- F. Public uses/facilities not otherwise permitted in Section 18.40.020;
- G. Parking structures not associated with a primary, permitted use; and
- H. Senior housing.

18.40.040 Development standards.

- A. Development Within the Town Center District.
 - 1. All new construction and reconstruction of existing buildings shall be designed and built so that the exterior appearance of the finished building complements and enhances the historic character of the district.
 - 2. At the time of site plan review, the applicant shall submit a color architectural rendering showing the elevations of the proposed construction including the types of materials to be used.
 - 3. The director shall solicit and consider the comments of the Black Diamond Historical Society, and any other agency or entity with expertise, in reaching a decision on the proposed building and site plan.
- B. Dimensional Standards.
 - 1. Floor area ratio (F.A.R.) limit: For structures without residential uses, F.A.R. shall not exceed 1.0 (total gross floor area shall not be greater than total site area); for mixed-use structures with residential uses, F.A.R. shall not exceed 2.0 (total gross floor area shall not be greater than twice the total site area).
 - 2. Maximum allowed height: Thirty-five feet, without residential; fifty feet, with residential.
 - 3. Minimum lot area, width and depth: None.
 - 4. Maximum front yard setback: One hundred percent of the width of any street facade of a primary use shall set back no more than five feet from the front property line, unless a public plaza or similar amenity is provided between the facade and the street. The maximum allowed setback is ten feet for structures.
 - 5. Minimum side yard setback: Ten feet if abutting a residential zone plus one-foot additional setback for each foot of building height over thirty-five feet.
 - 6. Minimum rear yard setback: If abutting a residential zone, ten feet for a building without residential use and fifteen feet for a building with residential use, plus one-foot additional setback for each foot of building height over thirty-five feet.
 - 7. Maximum impervious surface coverage: One hundred percent.

8. Maximum residential density: None; only as limited by F.A.R., height, parking and other site requirements. Inclusion of senior housing within a project may be granted a bonus density as follows:
 - a. Density may be increased by one percent for each one percent of total project dwelling units that are dedicated to senior housing;
 - b. The bonus shall be calculated on the total units dedicated, regardless of type;
 - c. The maximum bonus density shall not exceed twenty percent for a project.
9. Parking. Off-street parking is not required for any use in the town center zone; ~~and~~.

~~10. Landscaping.~~

C. Landscaping.

1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
2. Development shall also comply with the tree preservation requirements of Chapter 19.30.

D. Signs. Regulation of signs is provided in Chapter 18.82.

E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

F. Storage and exterior displays.

1. Landscaping or buffer areas will not be used for storage of any sort.
2. There shall be no exterior storage of any items whether or not for sale, other than sidewalk displays of retail items during operating hours only.

18.40.050 Additional requirements.

- A. All development within the TC zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.74.

Chapter 18.42 BUSINESS/INDUSTRIAL PARK—B/IP

18.42.010 Intent.

It is the intent of this section to:

- A. Provide areas for the development and growth of non-retail businesses engaged in high technology and software development, research and development, general office, wholesale, distribution and limited manufacturing activities to expand the community's economic and employment base;
- B. Promote concentrated, master-planned developments with cohesive design elements for architecture, landscaping, and circulation; development with high-visual quality and park-like site characteristics; functional and aesthetic compatibility with adjacent uses and neighborhoods; and enhanced opportunities for walking, biking and transit; and
- C. ~~Insure~~Ensure a mix of complementary support uses, including technical consulting, personnel and productivity support services, and limited retail and service uses to support the principal business/industrial uses and reduce off-site vehicle trips to access business support services.

18.42.020 Permitted uses.

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- Note: **Staff proposes** many edits below to streamline the language and eliminate redundancy
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- A. ~~Office, research and technology and light~~Light manufacturing ~~activities~~ that ~~does~~ not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution; and provided all production and storage is indoors;
- B. General office ~~uses, including call centers and other customer service communication centers;~~
- C. Research and development that does not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution; and provided all production and storage is indoors;
- D. Technology, biotechnology and medical equipment;
- ~~E. Light manufacturing, providing all production and storage activity is conducted indoors;~~
- ~~F~~E. Wholesaling;
- ~~G~~F. 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;

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- Note: **ESSB 5509 (2025)** requires the city to allow child care centers in this zone as a permitted use
-

- ~~H~~G. Child care ~~centers, including nursery schools and, day care centers, and preschools, when integrated within a development;~~
- ~~H~~H. Utilities, below ground;
- ~~J~~I. Private schools;
- ~~M~~J. Other uses:
 - 1. Accessory uses as provided in Chapter 18.50.

2. Temporary uses as provided in Chapter 18.52.

18.42.030 Conditional uses.

The following uses may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. Adult-oriented businesses, consistent with the requirements of Chapter 18.60;
- B. Religious institutions;

► Note: **staff recommended edit**: the phrase "including secure community transition facilities" is removed below since it's already included in the state's definition of essential public facilities. WAC 365-196-550

- C. Essential public facilities ~~including secure community transition facilities~~;
- D. Major institutions;
- E. Parks and open space whether public and private;
- F. Public uses/facilities;
- G. Utilities, above ground;
- H. Entertainment/~~culture facilities~~ cultural uses;
- I. Parking structures not associated with a primary, permitted use.

18.42.040 Development standards.

- A. Development Standards.
 1. Minimum lot size: One and one-half acres.
 2. Floor area ratio (F.A.R.): 1.0.
 3. Maximum allowed height: Forty-five feet.
 4. Minimum front yard setback: Forty feet.
 5. Minimum side yard: Thirty feet, and one additional foot for each foot of height above thirty-five feet if abutting a residential zone.
 6. Minimum rear yard: Thirty feet, and one additional foot for each foot of height above thirty-five feet if abutting a residential zone.
 7. Maximum impervious surface coverage: Seventy-five percent.
- B. Parking and Loading.
 1. Off-street parking shall be provided in accordance with Chapter 18.80.
 2. One off-street loading area shall be provided for each twenty thousand square feet of building area, sufficient in size and location so as not to interfere with customer parking areas.
 3. Buildings, parking spaces and loading areas are to be so arranged as to make it unnecessary to back out into the public right-of-way to leave the site.
 4. There shall be no loading area within one hundred feet of any residential zone.
- C. Landscaping.

1. Landscaping shall be provided pursuant to Chapter 18.72.
 2. Development shall also comply with the tree preservation requirements of Chapter 19.30.
- D. Signs. Regulation of signs is provided for in Chapter 18.82.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

18.42.050 Other requirements.

- A. All development within the B/IP zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and the design review requirements of Chapter 18.74.

Chapter 18.44 INDUSTRIAL DISTRICT—I

18.44.010 Purpose.

The intents of this section are to:

- A. Provide areas for the development and growth of general manufacturing and other industrial activities to contribute to the community's economic health, provide employment opportunities for residents, and generate tax revenues to support the provision of public services;
- B. Keep industrial activities within reasonable scale and consistent with the character of the city;
- C. Protect industrial areas from such other uses as may interfere with the purpose and efficient functioning of such areas;
- D. Protect residential and other non-industrial areas from adverse or damaging impact of any kind emanating or resulting from industrial areas; and
- E. Provide standards for development of industrial areas.

18.44.020 Permitted uses.

- A. Heavy industry.
- B. Light manufacturing.
- C. Research and development.
- D. General office [uses](#) associated with a primary manufacturing use.
- E. Wholesaling.
- F. Warehousing and distribution.
- G. Business support services, including eating establishments primarily serving the ~~immediate~~[proximate](#) 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. Other uses:
 - 1. Accessory uses as provided in Chapter 18.50; and
 - 2. Temporary uses as provided in Chapter 18.52.

18.44.030 Conditional uses.

The following uses may be allowed by conditional use permit in accordance with the requirements of Chapters 18.08 and 18.12:

- A. Adult-oriented businesses, consistent with the requirements of Chapter 18.60;
- B. Major institution;
- C. Essential public facilities;
- D. Automobile wrecking yards.

18.44.040 Development standards.

A. Development standards:

1. Minimum site area: Five acres.
2. Floor area ratio (F.A.R.): 1.0.
3. Maximum allowed height: Fifty feet.
4. Minimum front yard setback: Twenty feet.
5. Minimum side and rear yard setback: Twenty-five feet, or fifty feet if abutting a residential zone, provided that there are no required setbacks along a property line abutting another I-zoned property.
6. Maximum impervious surface coverage: ninety percent.

B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.

C. Landscaping.

1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
2. Development shall also comply with the tree preservation requirements of Chapter 19.30.

D. Signs. Regulation of signs is provided in Chapter 18.82.

E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.

F. Storage and Exterior Displays.

1. Required landscaping or buffer areas shall not be used for storage of any sort.

18.44.050 Other requirements.

- A. All development shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16 and design review requirements of Chapter 18.74.

Chapter 18.46 PUBLIC—PUB

18.46.010 Intent.

It is the intent of this section to:

- A. Recognize publicly-owned uses that may not be appropriate within other zone districts due [to](#) their current or intended use.
- B. Limit the use of these properties to protect the public interest in their long-term maintenance.
- C. Provide public awareness of the potential uses of neighboring public land.
- D. Allow for a more accurate assessment of other land use designations as they relate to the overall growth and development of the city.

18.46.020 Permitted uses.

- A. Utilities, below-ground;
- B. Public uses/facilities;
- C. Parks;
- D. Caretakers' quarters;

► Note: **ESSB 5509 (2025)** requires the city to allow child care centers in this zone as a permitted use

E. Child care centers:

EF. Other or related uses:

- 1. Accessory uses and structures as provided Chapter 18.50.
- 2. Temporary uses as provided in Chapter 18.52.

18.46.030 Conditional uses.

The following uses not allowed as permitted uses in Section 18.46.020 may be allowed by conditional use permit in accordance with Chapters 18.08 and 18.12:

- A. Major institutions;
- B. Essential public facilities; and
- C. Utilities, above ground.

18.46.040 Development standards.

- A. Dimensional Standards.
 - 1. Minimum front yard [setback](#): None.
 - 2. Minimum side yard [setback](#): None.
 - 3. Minimum rear yard [setback](#): None.
 - 4. Maximum impervious surface coverage: Seventy percent.
- B. Parking. Off-street parking shall be provided in accordance with Chapter 18.80.
- C. Landscaping.

1. Landscaping shall be planned and provided in accordance with Chapter 18.72.
 2. Development shall also comply with the tree preservation requirements of Chapter 19.30.
- D. Signs. Regulation of signs is provided in Chapter 18.82.
- E. Lighting. Lighting shall comply with the requirements of Chapter 18.70.
- F. Storage and exterior displays.
1. Landscaping or buffer areas shall not be used for storage of any sort.
 2. There shall be no exterior storage of any items whether or not for sale, other than sidewalk displays of retail items during operating hours only or as otherwise allowed by a temporary use permit.

18.46.050 Additional requirements.

- A. All development within the PUB zone shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.74.

Chapter 18.50 ACCESSORY USES AND STRUCTURES

18.50.010 Intent.

This chapter recognizes activities and structures that are subordinate and incidental to a principal use of the land or building and that are not otherwise regulated by this title.

18.50.020 General provisions.

- A. Accessory structures and uses shall only be allowed on lots in conjunction with a primary permitted use. Accessory structures or uses may not be established until the ~~principle~~ principal structure is constructed on the lot.
- B. Accessory structures shall be appropriate to the nature of the accessory use. Accessory structures are also subject to the applicable design guidelines of Chapter 18.74.
- C. No accessory structure shall be larger than the ground floor area of the primary structure on any lot; provided that this limitation shall not apply to lots greater than thirty-five thousand square feet in size.
- D. Compatibility with Surrounding Structures.
 1. To ~~ensure~~ assure that an accessory structure is architecturally and aesthetically in harmony with the surrounding area, it shall be similar in height to the nearest adjacent structure as determined by the director, ~~provided and notwithstanding, an accessory structure may be~~ except that the structure may be taller in cases where built to a additional height ~~is needed to that will~~ accommodate a motor vehicle, not to exceed fourteen feet in height, or an accessory dwelling unit subject to Chapter 18.56.
 2. The maximum accessory structure height shall be measured from the finished grade located within two feet of the foundation wall to the highest point on the building or structure, excluding architectural elements such as chimneys, cupolas that do not extend more than three feet above roof line, flag poles, and other similar structures as determined by the director within zoning districts as follows:
 - a. Residential zones: Twenty-six feet.
 - b. Neighborhood commercial (NC), community ~~business~~ commercial (CC), and town center (TC) zones: Twenty-six feet.
 - c. Business/industrial park (B/IP) and industrial (I) zones: Thirty-five feet.
- E. Required Setbacks.
 1. Accessory structures shall observe the front, side and rear yard setback requirements of the zone in which they are located, except as provided in this chapter.
 - a. For any lot nine thousand six hundred square feet or less, a detached accessory building not exceeding twenty-six feet in height may disregard rear and interior side yard setback requirements if such building is no greater than six hundred fifty square feet in floor area, is located in the rear thirty percent of the lot or further than seventy-five feet from the front lot line and is no closer than twelve feet from the centerline of an adjacent alley.

18.50.030 Residential zone accessory uses and structures.

- A. The following accessory uses/activities are allowed in residential zones:

1. The cultivation of flowers, trees or produce intended primarily for personal use or enjoyment;
2. The keeping of animals is permitted in compliance with the Title 6;
3. ~~Reserved. Accessory dwelling units in accordance with Chapter 18.56;~~
4. Detached garage(s), carport(s), and parking facilities for the residents of the property;
5. Storage sheds, playhouses, decks, patios, cabanas, porches, gazebos, garden sheds, greenhouses, and incidental household storage buildings;
6. Common recreational vehicle storage facilities limited to serving the development in which they are located;
7. Temporary storage containers used during an active construction project in compliance with [Chapter 18.52](#);
8. Workshops and studios intended for noncommercial use by the occupants of the residences or permitted as a home occupation subject to [Chapter 18.54](#), [BDMC Chapter 8.12](#), Noise and [Chapter 18.70](#), Lighting/Dark Sky;
9. Home offices and occupations in accordance with Chapter 18.54;
10. Swimming pools, including hot tubs and spas, and related equipment subject to fencing requirements and lighting regulations;
11. Tennis courts, sport courts, and recreation/exercise rooms for personal, noncommercial use by the occupants of the residence(s) subject to [Chapter 18.54](#), subject to [BDMC Chapter 8.12](#), Noise and [Chapter 18.70](#), Lighting/Dark Sky;
12. ~~Guesthouses subject to the following provisions:~~
 - a. ~~A guesthouse shall be clearly subordinate, incidental and accessory from the main building on the same parcel; and~~
 - b. ~~May contain living and sleeping spaces, including bathroom, but shall not contain a kitchen and shall not be used for residential occupancy independent from the principle principal residence or be rented separately from the main building. For the purpose of this section, kitchen facilities include any appliances for the preparation or preservation of food, including but not limited to cooking ranges and/or ovens, stovetops, refrigerators or freezers and cabinets designed to accommodate such appliances; and~~
 - c. ~~No more than one guesthouse shall be established on any site.~~

18.50.040 Commercial zones accessory uses and structures.

Accessory uses and structures in the Neighborhood Commercial (NC), Community Commercial (CC), and Town Center (TC) zones shall be consistent with those allowed under [Section 18.50.030](#), limited to serving the residents of a mixed-use development, subject to site plan approval and applicable design standards.

18.50.050 Industrial zone accessory uses and structures.

The following accessory uses are allowed in the business/industrial park (B/IP) and industrial (I) zones subject to site plan approval and applicable design standards:

- A. Caretaker and security uses and structures; and
- B. Storage buildings.

18.50.060 Fences and walls.

The height of the fence or wall shall be determined from the existing, established grade on the property.

- A. Fences and walls may be constructed to a height not to exceed the following in each of the required setback areas, as regulated per each zone, or as modified by subsection B of this section:
1. Front yard: Forty-two inches; ~~provided, except~~ that fences constructed of wrought iron or similar materials that provide visibility may be seventy-two inches in height. Exception: Fences protecting a swimming pool, agricultural use or community garden may exceed forty-two inches in height, provided they are at least seventy-five percent open;
 2. Side yard: Seventy-two inches;
 3. Rear yard: Seventy-two inches;
 4. Street side yard: Seventy-two inches.
 5. These limitations do not apply within the public zone district.
- B. Special Height Restrictions. There shall not be anything constructed or reconstructed, and no obstruction permitted to grow, other than a post, column or tree not exceeding one-foot square or one foot in diameter, between a height three feet and ten feet above the established grade within the triangular areas described below, without the express approval of the public works director:
1. The triangular area formed by a line extending twenty feet along the right-of-way lines of a street and alley or edge of a private driveway, measured from the point of intersection and the line connecting the two ends of the two twenty-foot lines;
 2. Fences located at the corner of intersecting streets shall comply with the sight distance requirements of the city public works standards.
- C. In general, no fence, wall, hedge, structure or other obstruction shall act as a sight hazard to traffic, and the public works director may order the removal of such hazard whether or not such object otherwise complies with the provisions of this title.
- D. Other than in the public, industrial or business/industrial park zones, no fence may include the use of barbed wire, ~~provided, except~~ that pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of and in addition to the height of a seventy-two-inch fence, provided it does not extend more than one additional foot in height.

Chapter 18.52 TEMPORARY USES

18.52.010 Intent.

This chapter regulates temporary or seasonal activities that are commonly experienced in the community but are only appropriate for a limited time. Because of their short duration and anticipated limited impact on their surroundings, some temporary uses may be allowed as-of-right if meeting prescribed limits of operation, while others of a more visible nature require review by the director prior to issuing a required permit.

18.52.020 General provisions.

- A. A temporary use conducted in a parking area that is accessory to a permitted use shall not occupy or remove from availability more than twenty-five percent of the spaces required for that use.
- B. Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with all parking standards of this title but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.
- C. The temporary use shall comply with all applicable standards of the King County health department.
- D. No temporary use shall occupy or operate for more than six months within any calendar year unless approved by the hearing examiner under a long-term temporary use permit (Type 3 application pursuant to Section 18.08.060). A day of operation shall mean any or part of any day in which the business is conducted. The six months need not run consecutively. The six months may occur at any time within a calendar year as long as each day is designated and approved.
- E. All temporary uses shall obtain, prior to occupancy of the site, all applicable permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.)
- F. The applicant for a temporary use shall supply written authorization from the owner of property on which the temporary use is located.
- G. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.
- H. All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site, ~~provided~~^{except} that materials, structures and products related to the temporary use may be left on-site overnight between consecutive days of operation.
- I. The director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

18.52.030 Uses allowed only by temporary use permit.

- A. The following temporary uses, activities and associated structures are allowed by a Type 1 application temporary use permit, subject to the specific limitations of this chapter and as may be established by the director:
 - 1. Outdoor art and craft shows and exhibits;

2. Retail sales of Christmas trees, agricultural or horticultural products, firewood, seafood, and other items typically marketed seasonally;
 3. Mobile services such as veterinary services for purposes of giving vaccinations;
 4. Group retail sales such as swap meets, flea markets, parking lot sales, Saturday market, auctions, etc.;
 5. A mobile home or travel trailer with adequate water and sewer service used as a dwelling while a residential building on the same lot is being constructed or while a damaged residential building is being repaired;
 6. When elderly or disabled relatives of the occupant of an existing residence require constant supervision and care, a mobile home with adequate water and sewer services located adjacent to such residence may be permitted to house the relatives;
 7. Circuses, carnivals, fairs, or similar transient amusement or recreational activities.
- B. The director may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the provisions of this section.
- C. Temporary uses that exceed any of the standards of this section or are proposed to exist longer than six months shall require approval by the hearing examiner (Type 3 application).

18.52.040 Uses allowed without a temporary use permit.

The following activities and structures are exempt from requirements to obtain a temporary use approval:

- A. Mobile homes, residences or travel trailers used for occupancy by supervisory and security personnel on the site of an active construction project.
- B. Guests of residents in recreational vehicles for not more than fourteen consecutive days and not more than sixty days per calendar year.
- C. Model homes or apartments and related real estate sales and display offices/activities located within the subdivision or residential development to which they pertain.
- D. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
- E. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year. Allowed in all residential zoning districts only between the hours of 7:00 a.m. and 7:00 p.m.
- F. Fund raising carwashes.
- G. Vehicular or motorized catering such as popsicle/ice cream scooters and self-contained lunch wagons which cater to construction sites or manufacturing facilities.
- H. Weekend (Saturday and Sunday) only, warehouse sales when held no more than once a calendar quarter in an existing facility in business/industrial park or industrial zoned districts.

► Note: the following edits are **proposed by staff** because the Sign Code will be updated separately and will address such topics.

- I. Fireworks stands, which comply with the requirements of Chapter 8.04
~~, and subject to the following requirements:~~

- ~~1. Only one sign is allowed.~~
- ~~2. Signage must be attached to the firework stand.~~
- ~~3. No "sandwich" board type signs are allowed.~~
4. ~~All firework.~~ All fireworks stand operations and sales must take place outside of landscaped areas and public rights-of-way.

Chapter 18.54 HOME OCCUPATIONS

► Note: No changes are proposed to [this chapter](#).

Chapter 18.56 ACCESSORY DWELLING UNITS**18.56.005 Intent.**

This chapter is intended to promote and encourage the creation of accessory dwelling units (ADUs) in a manner that enhances residential neighborhoods in order to meet the city's housing needs and realize the benefits of ADUs to: (1) provide homeowners flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of caring for and providing housing for family members or obtaining rental income; (2) increase the range of housing choices and the supply of accessible and affordable housing units within the city; and (3) ensure that the development of ADUs does not cause unanticipated impacts on the character or stability of ~~single-family~~ neighborhoods.

18.56.010 Reserved.**18.56.020 Where authorized.**

ADUs shall be permitted within any residential district subject to review and compliance with the standards and requirements of this chapter.

18.56.030 Performance standards for accessory dwelling units.

- A. Performance Standards. All performance standards, including lot size, minimum yard setbacks and overall building coverage as set forth for the applicable zoning district ~~and in Chapter 18.50, except as modified by this chapter,~~ shall be met with respect to the ADU.

► Note: **HB 1337** (2023) requires the city to allow two ADUs, and the city already complies with that provision as stated below.

- B. Number. ~~No more than t~~Two ADUs ~~shall~~ may be permitted in conjunction with the primary dwelling unit on a single lot of record ~~provided that in instances where~~ adequate provisions for water and sewerage are met. ~~One attached ADUs may be allowed within the existing building footprint and no more than one ADU resulting from new construction shall be allowed, including additions and garage or accessory structure conversions. ADUs may be attached to an existing structure, detached, or created through the conversion of an existing structure such as a basement, attic or garage.~~

► Note: The following should be removed because "Unit lot subdivision" standards must be added to the City's Subdivision title by July 27, 2027 (**RCW 58.17.060(3)**)

- C. ~~Repealed. Future Subdivision. Parcels upon which an ADU has been approved shall not be subdivided or otherwise segregated in ownership in a manner that would separate the ADU from the principal dwelling.~~

► Note: the size detail below complies with **HB 1337** requires the city to allow two ADUs, and the city already complies with that provision as stated below.

- D. Maximum Size. ~~A detached~~ An ADU shall be no greater than 1,000 square feet, not including ~~the a~~ garage or covered porches. The following areas shall be counted when calculating the size of an ADU:
1. Habitable space as defined by the International Residential Code (IRC), and
 2. Kitchens, bathrooms, and utility/laundry rooms.

ADUs shall comply with the required site coverage, yard area requirements or building code setbacks as provided within the subject property's zone.

- E. Scale. A detached ADU or accessory structure containing an accessory dwelling unit shall not exceed the maximum height allowed for a detached accessory building per the underlying zoning district.
- F. Parking. At least one off-street parking space in addition to the minimum required off-street parking from the primary dwelling unit, shall be provided for each ADU, except as provided for in RCW 36.70A.681(2).
- G. Utility Connections. ~~Utility accounts for ADUs shall be maintained in the name of the property owner.~~ ADUs may be served by the same water meter and sewer connection utilized for the primary residence if approved by the city. The city may require an applicant to provide documentation demonstrating capacity availability prior to allowing a joint connection. The city may require upgrades to a utility connection and the cost of such upgrades shall be borne by the applicant. Utility fees charged for the ADU shall be in accordance with BDMC Chapter 13.04. If water or sewer service is not provided by the city, then the rules of the water or sewer district shall apply as to whether an additional hook-up and connection fees are required. Any water or sewer service as referenced in this section is subject to water or sewer availability.

► Note: The "entrance location" regulation (H) and design guideline specification (I) must be removed for compliance with **HB 1337** which disallows these types of requirements

- H. ~~Repealed. Entrance Location. An attached ADU shall have a separate entrance to the outside from the entrance for the primary dwelling located in such a manner as not to appear as a second primary entrance to the structure.~~
- I. ~~Repealed. ADUs shall be subject to applicable design guidelines under Chapter 18.74.~~
- J. ADUs are prohibited on lots within shoreline jurisdiction that are not served by sanitary sewer.

18.56.040 Review process.

- A. Application. An applicant for an ADU shall submit an application on a form as provided by the department, including all application fees as set forth in the city's fee schedule. At a minimum, an application for an ADU permit shall include plans for creating the ADU, ~~evidence of current ownership and a certification of owner occupancy.~~

► Note: The phrase "evidence of current ownership...." above must be removed in accordance with **RCW 36.70A.681(1)(b)**

- B. Review by Director. ADU permit applications shall be processed as Type 2 permit pursuant to Chapter 18.08. Upon receipt of a complete application for an ADU, the director shall review and either approve, disapprove or approve with conditions the ADU application.
- ~~C. Approval. Approval of the ADU shall be subject to the applicant recording a document in a form approved by the city with the King County Department of Records and Elections prior to approval which runs with the land and identifies the legal description and address of the property with a statement that the owner(s) will notify any prospective purchasers of any conditions imposed as part of the ADU approval with the requirements for continued use of the ADU as set forth in this chapter.~~

►—Note: This following was a provision that applied to structures within 18 months of the adopted ordinance; the specified time period has now passed (sunset) and therefore the section should be repealed.

18.56.050 ~~Repealed.~~ Recognition of existing accessory dwelling units.

~~ADUs that existed on or before the effective date of the ordinance codified in this chapter may be granted an ADU permit subject to the provisions of this section.~~

- ~~A. Time Limit. An application for an ADU permit for a pre-existing unit must be filed with the city for review by the director within eighteen months of the effective date of the ordinance codified in this chapter.~~
- ~~B. Construction Code Compliance. Any space used for or included in the ADU shall have been constructed pursuant to a building permit issued by the city, and in compliance with the building and other construction codes that were in effect when construction was completed.~~
- ~~C. Development and Use Standards. Development and use of the pre-existing ADU shall comply with all provisions of this chapter.~~

Chapter 18.58 ESSENTIAL PUBLIC FACILITIES

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- ▶ Note: No changes are proposed to [this chapter](#).
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Chapter 18.59 SECURE COMMUNITY TRANSITION FACILITIES

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- ▶ Note: No changes are proposed to [this chapter](#).
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Chapter 18.60 ADULT-ORIENTED BUSINESSES

-
- ▶ Note: No changes are proposed to [this chapter](#).
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Chapter 18.62 REPEALED

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- ▶ Note: No changes are proposed to this chapter (which was repealed in 2025).
-
- ▶ Note: The following chapter is proposed to meet **E2SHB 1220** requirements and a long list of related applicable laws listed on pages 9 and 10 of this report: [STEP Model Ordinance user guide](#). Black Diamond and other cities are extremely limited by the state in how they can regulate these uses and must remove regulatory barriers for these uses. Further, the city MUST allow emergency shelters and emergency housing as permitted uses (meaning, a conditional use permit can't be required) in zones that allow hotels/ motels. The city MUST allow transitional housing and permanent supportive housing as permitted uses in all zones that allow Hotels / motels, single family homes, and multi-family housing. To write this chapter we used the model ordinance set out in the user guide. Part C "spacing" is not required to be included but the city can include this as an option.
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[Chapter 18.62 EMERGENCY, TRANSITIONAL, AND PERMANENT SUPPORTIVE HOUSING](#)

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- ▶ Note: Chapter 18.62 is proposed, in order to meet **E2SHB 1220** requirements and a long list of related applicable laws listed on pages 9 and 10 of this report: [STEP Model Ordinance user guide](#). Black Diamond and other cities are extremely limited by the state in how they can regulate these uses and must remove regulatory barriers for these uses. Further, the city MUST allow emergency shelters and emergency housing as permitted uses (meaning, a conditional use permit can't be

required) in zones that allow hotels/ motels. The city MUST allow transitional housing and permanent supportive housing as permitted uses in all zones that allow Hotels / motels, single family homes, and multi-family housing. To write this chapter we used the model ordinance set out in the user guide. Part C "spacing" is not required to be included but the city can include this as an option which is recommended by staff.

18.62.010 Regulations.

- A. Indoor emergency shelters, transitional housing, indoor emergency housing and permanent supportive housing must meet the same development and operating regulations as permitted residential dwellings except as specified in subsection (C) of this section. This includes adhering to building and fire codes and American Disability Act requirements, to ensure consistency in health and safety for all residents.
- B. Parking/ Minimum parking requirements are waived for all indoor emergency shelters, transitional housing, indoor emergency housing and permanent supportive housing.
- C. Spacing. Indoor emergency shelters, transitional housing, indoor emergency housing and permanent supportive housing may not be located within a community protection zone, which means the area within 880 feet of the facilities and grounds of a public or private school (RCW 9.94A.030 and RCW 9.94A.703) to ensure community health and safety.

18.62.020 Exemptions.

Exemptions to development regulations, including but not limited to setback requirements, density limits, restrictions on support spaces inside buildings (e.g., office space for tenants) and public noticing requirements, for indoor emergency shelters, transitional housing, emergency housing and permanent supportive housing may be permitted with administrative approval by the Planning Director to address Black Diamond's housing needs allocation through shelter and housing forms that do not meet building codes or other requirements. These types may include, but are not limited to, pallet shelters and tiny shelters. Regardless of the form, the housing or shelter must be indoors and allow access to bathrooms and showers.

18.62.030 Special provisions for religious organizations.

- A. Any affordable housing development as set out in subsection (A), including permanent supportive housing and transitional housing with a lease, of any single-family or multifamily residence located on real property owned or controlled by a religious organization is allowed an increased density bonus consistent with local housing needs allocation with administrative approval by the Director.
- B. For the purpose of this chapter, affordable housing development means a housing development in which at least twenty-five percent of the dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that is considered affordable by a federal, state or local government housing program. (RCW 36.130.010) Indoor emergency housing or transitional housing that is administered through a lease or occupancy agreement and permanent supportive housing are determined to be affordable housing under RCW 36.130.020.

C. Outdoor encampments, safe parking efforts, indoor overnight shelter and temporary small houses are permitted on property owned or controlled by a religious organization and must adhere to state regulations in RCW 35.21.915 and RCW 36.01.290.

Chapter 18.66 DEVELOPMENT AGREEMENTS

► Note: No changes are proposed to [this chapter](#).

Chapter 18.68 NONCONFORMING USES, STRUCTURES AND LOTS**18.68.010 Intent.**

Within the districts established by this title, there exist uses, lots and structures which were lawful before the adoption of this title, but which would be prohibited, regulated, or restricted under the terms of this title. It is the intent of this chapter to permit these nonconformities to continue until they are removed. It is also the intent of this chapter to, under certain circumstances and controls, and subject to public review, to potentially allow the enlargement, intensification or other modification of nonconforming uses and structures, consistent with the objectives of maintaining the economic vitality of such uses and structures, and protecting the rights of other property owners to use and enjoy their properties.

18.68.020 General provisions.

- A. Abandonment or Discontinuance. A nonconforming use shall be deemed abandoned by discontinuance or abandonment for a period of one year or more, and any subsequent future use of such land or buildings shall be in conformity with the provisions of this title. In general, evidence of abandonment or discontinuance shall be based upon cessation of use of public water, sewer and/or other utilities; if a business use, failure to obtain a city or state business license; or by corroborated observation.
- B. Restoration of Structures which Contain a Nonconforming Use After Damage or Destruction. Any structure which contained a nonconforming use that is damaged or destroyed by fire, earthquake, explosion or other casualty, may be repaired or restored and the occupancy or use which existed prior to such destruction or damage may be reestablished, ~~provided so long as~~ the extent of damage does not exceed seventy-five percent of current replacement cost. Such activity shall not increase the extent, floor area or physical dimensions of the original structure or increase the nonconformance of the original pre-existing use unless an administrative conditional use permit has been issued pursuant to the standard contained within this chapter ~~and in accordance with 18.12.010~~. Any actions to rebuild, repair or restore shall commence within twelve months from the date of such damage and shall be completed within eighteen months of the date that the damage occurred.
- C. Hardship. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building for which a complete building permit application has been accepted prior to adoption of this chapter and for which construction is conducted such that the permit remains valid.

18.68.030 Nonconforming uses.

- A. Nonconforming uses are declared to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, and land in combination shall not be extended or enlarged after June 18, 2009, the effective date of the ordinance codified in this chapter, by attachment on a building or premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved except as provided for in this chapter.
- B. A nonconforming use may be expanded or extended throughout the structure occupied by the original nonconforming use. The structure's usable floor area may only be increased pursuant to granting of an administrative conditional use permit.
- C. Normal upkeep, repairing and maintenance of a structure which contains a nonconforming use is allowed, ~~provided so long as~~ such activities ~~shall do~~ not increase the usable floor area, height, or alter the physical dimensions of the structure.

- D. A nonconforming use of a structure may continue and may be transferred to a new owner of the property.
- E. A nonconforming use of a structure may be changed outright and at any time to a use permitted in the zone classification in which the use is located, ~~provided but~~ the standards generally applied to the zone classification and which allow occupancy ~~are~~ must still be met.
- F. A nonconforming use of a structure may be changed to another nonconforming use in the same or less intensive use category as defined in this title provided the following conditions are met:
 - 1. The change will not increase the cumulative generation of vehicle trips by more than ten percent, as determined by the director after consulting the most recent version of the Institute of Transportation Engineers Trip Generation Handbook or review of a trip generation data submitted by a professional traffic engineer;
 - 2. The change will not increase the amount of required parking by more than ten percent;
 - 3. The change in use will not result in an increase in noise perceptible at the boundary lines of the property;
 - 4. The change will not result in any additional light or glare perceptible at the boundary lines of the property;
 - 5. The change will not result in an increase in outdoor storage of goods or materials.
 - 6. A proposed change in use that does not meet all of criteria 1—5 above may be approved by the granting of an administrative conditional use permit.
- G. A nonconforming use that has been determined to have been abandoned or discontinued may potentially be re-established to the same use or a use in the same or less intensive use category as defined by this title, subject to the granting of an administrative conditional use permit and conformance with the criteria noted in Section 18.68.030(F)(1)—(5). The director may require an applicant to furnish financial surety to ensure compliance with any conditions of approval.

18.68.040 Cancellation or revocation of an administrative conditional use permit granted for a nonconforming use.

- A. An administrative conditional use permit granted to allow a nonconforming use to re-establish, be changed in use, or expand pursuant to Section 18.68.030 may be cancelled by the director after receiving written request from the property owner. Said permit shall become null and void within 30 calendar days thereafter.
- B. Any affected individual may petition the hearing examiner to revoke an administrative conditional use permit granted to allow a nonconforming use to re-establish, be changed in use, or expand pursuant to Section 18.68.030. Following a public hearing, the hearing examiner may revoke or add additional conditions to any issued permit on any one or more of the following grounds:
 - 1. The approval was obtained by fraud or that erroneous information was presented by the applicant and considered in the granting of the permit;
 - 2. That the use for which the permit was granted is not being conducted;
 - 3. That the use for which such approval was granted has ceased to exist or has been suspended for one year or more;
 - 4. That the permit granted is being, or recently has been, conducted contrary to the terms of conditions of approval, or in violation of any statute, ordinance, law or regulation;

5. That the use for which the permit was granted is being conducted so as to be detrimental to the public health, safety or general welfare or so as to constitute a nuisance.

18.68.050 Nonconforming structures.

- A. A structure which is nonconforming only by reason of substandard yards, open spaces or other development standards may be structurally altered, enlarged or repaired ~~provided if~~ such activities ~~shall will~~ not increase the extent of the nonconformity ~~except through the granting of a variance or as otherwise allowed in subsection C.~~
- B. A structure which is nonconforming only by reason of height may be structurally altered, enlarged or repaired ~~provided if~~ such activities ~~shall will~~ not increase the height of the structure ~~except through an approved variance.~~
- ~~C. Enlargement or modifications of a nonconforming structure may be permitted if the extent of encroachment is not increased as a result of the enlargement or modification and the requested structural addition does not result in more than a twenty-five percent increase in the square footage of all structural floor area currently within the setback area.~~

18.68.060 Nonconforming lots of record.

- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record ~~in existence on the date of adoption of this title, notwithstanding subject to~~ limitations imposed by other provisions of this title. ~~Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.~~
- B. This provision shall apply even though such lot fails to meet the requirements for lot area or minimum lot depth or width, that are applicable in the district. Variance of yard requirements shall be obtained only through action as ~~provided set out~~ in this title.

► Note: **City staff** proposes to remove provision C below.

- ~~C. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title; nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.~~

Chapter 18.70 LIGHTING/DARK SKY

► Note: No changes are proposed to [chapter 18.70](#).

Chapter 18.72 LANDSCAPE REQUIREMENTS

18.72.010 Intent.

- A. It is the intent of this chapter to:
 - 1. Protect natural habitats, air quality, and groundwater recharge;
 - 2. Improve the appearance of the community;
 - 3. Provide shade and wind protection;
 - 4. Reduce storm water discharge;
 - 5. Conserve water supplies; and
 - 6. Provide buffering and/or screening of potentially incompatible land uses.
- B. This chapter is intended to help achieve these purposes by:
 - 1. Retaining trees and other significant native vegetation, without reducing development densities from those indicated in the comprehensive plan;
 - 2. Requiring landscaping as specified;
 - 3. Reducing the need to irrigate by retaining and encourage the use of native vegetation; and
 - 4. Requiring that landscapes be adequately maintained and irrigated.

18.72.020 Landscape plan.

- A. A landscape plan that shows the landscape improvements required by this chapter shall be prepared and submitted for approval under the site plan review procedures of this title.
- B. Exemption. Landscaping standards do not apply to residential uses within the R4 and R6 zones, except that all undeveloped areas of exempt properties shall be landscaped and continually maintained or retained in a natural undisturbed state.
- C. Landscaping plans for any residential project of greater than twelve dwelling units or any commercial or industrial development of greater than ten thousand square feet in building area or one-half acre of site size shall be prepared by a professional landscape architect licensed in the State of Washington or by a Washington state nurseryman;
- D. New landscaping materials shall include species native to the coastal regions of the Pacific Northwest or non-invasive naturalized species that have adapted to those climatic conditions, in the following amounts: seventy-five percent of groundcovers and shrubs; and fifty percent of trees.
- E. At least sixty percent of new landscaping materials shall consist of drought-tolerant species.
- F. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
- G. The director may waive or reduce any requirement(s) of this chapter if:
 - 1. The remodel of an existing building results in the expansion of floor area that is ten percent or less of the existing floor area; or
 - 2. An expansion of a use results in no modifications (except normal maintenance and repair of the structure) to the outdoor area of the site.
- H. Alternative Landscaping Plan. The requirements of this chapter may be modified to encourage better landscaping design as follows:

1. A request for approval of an alternate landscaping shall be submitted and accompanied by a landscape plan as required above;
2. An application for an alternative landscaping plan shall include a description of the superior site development that an alternative landscape design will produce, including identification of the specific public benefit to be gained.
3. An alternative plan shall only be approved during site plan review if supported by written findings of public benefit and that the total area of landscaping shall be equal to or exceed that created by adherence to the standard requirements of this chapter.

18.72.030 Landscaping requirements.

Proportion of landscape areas: A portion of the land surface of new development shall include the following site landscaping:

- A. The minimum portion of a site which must be a landscaped area or maintained as native vegetation depends on the zone district as follows:
 1. R4 and R6: Thirty percent;
 2. ~~MDR8R8, R8-TDR, R12, R12-TDR, R18, R18-TDR, R30:~~ ~~Thirty~~Twenty percent;
 3. NC, CC, ~~IC~~: Twenty percent;
 4. Light industrial/business park: Twenty-five percent;
 5. Industrial: Ten percent;
 6. Public: Thirty percent.
- B. All required setback areas shall be landscaped unless other activities are authorized by this title.
- C. All portions of a site not devoted to buildings, parking and loading, or outdoor storage areas as permitted in this title shall be landscaped.
- D. Critical areas, public parks, and land designated as open space shall not count toward this requirement. All other lands, including lands devoted to meeting other requirements of this chapter, shall count toward this requirement.
- E. A portion of the required percentage of landscape areas may be met by leaving land in its natural state including not disturbing grade and native vegetation, providing that the provisions of this chapter are otherwise satisfied.
- F. Landscaping requirements for non-residential site perimeters and parking lots:
 1. Street Trees. At time of street construction, or time of development of the adjoining land, street trees and related landscaping shall be provided in medians and parking strips within the street right-of-way in accordance with the city's public works standards. Existing significant trees meeting the criteria below may count toward the planting requirement. Street trees shall be:
 - a. Provided at least one per thirty lineal feet of frontage, clustering of street trees may be permitted by the community development director, ~~provided so long as~~ the total number of street trees proposed is at least one per thirty lineal feet of frontage;
 - b. Located within the street ~~right-at-way~~right-of-way;
 - c. Of the same species as other street trees in the same streetscape or as otherwise specified on a city-approved street tree planting plan;

- d. Spaced to accommodate sight distance requirements for driveways; and
 - e. At least three-inch caliper DBH (diameter at breast height) at the time of planting.
2. Buffering of non-residential uses abutting residential zones: For non-residential uses, all required side and rear yard areas shall be landscaped with densely planted, evergreen vegetation to provide full visual screening of any adjacent residentially-zoned properties to a height of four feet at time of planting and at least eight feet high at maturity. Minimum planting width is equal to the required yard setback. Landscape-based stormwater management facilities are permitted within yard screening areas, ~~provided that~~ so long as the screening objectives are met.
3. Parking areas:
- a. All parking areas for multi-family and non-residential uses shall include a minimum six foot wide perimeter of landscaping, including trees, groundcover and shrubs, to provide full visual screening to a minimum height of forty-two inches at maturity; trees shall be planted at no more than twenty-five foot intervals.
 - b. The interior of all parking lots with twelve or more stalls shall include landscape islands comprising not less than ten percent in area of the total parking lot exclusive of required perimeter landscaping. Individual islands shall not be less than one hundred fifty square feet in area and not separated by more than one hundred twenty lineal feet in any direction from another island. Landscaping of these islands shall consist of trees, shrubs and groundcovers.
 - c. Landscape-based stormwater management facilities are permitted within perimeter and interior parking lot areas, ~~provided as long as~~ they meet the applicable landscaping intent.

18.72.040 Maintenance and irrigation.

To the extent necessary to remain healthy and attractive, all non-native landscaping shall be watered, weeded, pruned, freed of pests, and replaced if necessary. Shrubs near parking lots or driving lanes shall be cropped to prevent blockage of vision necessary for safe driving. Shrubs shall not be allowed to grow so as to block public sidewalks or required pedestrian walkways.

18.72.050 Landscape plan modification.

Procedures applicable to modification to an approved landscape plan, or appeal of a denial of landscape plan, shall follow the procedures of Chapters 18.08 and 18.16.

Chapter 18.74 DESIGN STANDARDS AND GUIDELINES

18.74.010 Design standards and guidelines adopted by reference.

There is hereby adopted by reference, the city of Black Diamond design guidelines applicable to the following types of development and/or geographic areas:

- A. Multi-family development;
- B. Historic town center;
- C. Commercial development;
- D. Business park/industrial development;
- E. Master planned developments;
- F. Historic village core residential.

Middle Housing development is generally excluded from this requirement, however, standards set out under items (A), (B), (C), (E) and (F) above shall be applied to projects using the same process (administrative review with a building permit approval) with the same criteria and requirements as single-family residential development.

A copy of these guidelines shall be maintained by the city clerk and in the community development department.

18.74.020 Compliance with design standards and guidelines.

A. All development shall comply with the design standards and guidelines applicable to the type of use and/or the district in which the proposed development is located. The director (or hearing examiner) shall have the authority to apply the standards to specific development proposals as conditions of site plan or (for ~~single-family~~ single-family and duplex residential) building permit approval except as limited by subsection B of this section. For all projects subject to design review, the director or hearing examiner shall provide written documentation concerning the project's compliance with the adopted design standards.

B. Interior alteration project permits. Project permit applications for interior alterations (construction activities that do not modify the existing site layout or its current use and for which no exterior work or change to the building footprint is involved) that do not result in additional sleeping quarters or bedroom, and which do not increase the total square footage or valuation of a structure thereby requiring upgraded fire access or fire suppression systems are excluded from the requirement of site plan review.

18.74.030 Amendments to design standards and guidelines.

Amendments to ~~these~~ standards referenced in this chapter ~~shall be considered as a~~ are processed as a Type 5 ~~legislative decision action~~ per Section 18.08.080 and ~~shall follow~~ all procedures provided therein apply.

Chapter 18.76 GATEWAY CORRIDOR OVERLAY DISTRICT

18.76.010 Intent.

It is the intent of this section is to provide standards to:

- A. Protect the scenic character of the city's gateways along (1) the State Route 169 corridor, with its commanding views of Mount Rainier and other attractive natural features and (2) the Auburn-Black Diamond Road, where the transition into the heart of the city from the adjacent rural unincorporated area is now seamless;
- B. Protect views from these corridors to natural conditions and other features with historic quality;
- C. Regulate the development of land so it preserves, enhances and complements, rather than detracts, from a scenic experience;
- D. Provide tree canopies;
- E. Allow a gradual transition into a more urban environment.

18.76.020 Area of application.

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 boundary to the north side of the Roberts Drive intersection; and
- B. Within two hundred feet of Auburn Black Diamond Road from the western city limits eastward to its first intersection with an arterial street.
- 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.

18.76.030 Definitions.

- A. Development. The division of land into two or more parcels, or ownerships in the case of a condominium; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; and mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.
- B. Development Setback. The minimum distance by which any building or site improvement must be separated from the SR 169 or Auburn-Black Diamond Road right-of-way boundary.
- C. Multi-Modal Path. An eight-foot wide pervious path developed to Americans with Disabilities Act (ADA) standards and connecting to adjacent properties and other internal sidewalks or pathways. Impervious surfacing may be used if it is demonstrated by the applicant that pervious paving is infeasible.
- D. Scenic Corridor. A roadway and its accompanying right-of-way that offers the traveling public an unobstructed opportunity to observe scenic views and scenic sites in one or more directions, and which usually has a high percentage of open landscape and mature trees within and alongside it. A corridor may include adjacent private property, depending on the context.

- E. Scenic View. A scene that offers significant viewing opportunities beyond a maximum distance of one-quarter mile.
- F. Sustainable Design. Design in which the impact of a building on the environment will be minimal over the lifetime of the structure. Buildings should incorporate the principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, high standards of indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse.
- G. Topping. The severe cutting back of tree limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy, disfigure the tree, and/or threaten its continued health or growth.

18.76.040 Exemptions from standards.

All new development within the gateway corridor overlay district shall comply with the provisions of this chapter, except that the following shall be exempt:

- A. Farm or agricultural-related structures and activities occurring outside the development setback.
- B. Single-family dwellings, [middle housing development](#), manufactured homes and allowed accessory uses on existing lots of record.
- C. All developments existing on [June 18, 2009](#), the effective date of this code, provided that expansions or additions to existing development on or after the effective date of this code shall not be exempt.
- D. Existing lots of record that are one acre or less in size are not exempt, but the director may grant an administrative deviation from the strict application of this code to the minimum extent that is necessary to allow a reasonable use of the parcel while not compromising the intent and purpose of the overlay district.

18.76.050 ~~Submittal~~ [Application](#) requirements and administration.

All non-exempt development shall submit with the appropriate application, an existing conditions map, a site plan of the proposed development and a landscaping plan as specified in Section 18.76.060(C). When a preliminary plat is required to be filed for a subdivision in accordance with this code, this chapter shall be administered and enforced at the time a preliminary plat is filed as part of the subdivision review process by the director and the hearings examiner. In other cases such as a grading permit, development permit or building permit, this chapter shall be administered and enforced by the director.

18.76.060 Site design standards.

- A. Development Setback. All development shall maintain a minimum twenty-five-foot setback for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings. With the approval of the director, the development setback may be reduced to twenty feet for one-half of the principal street frontage, with the remaining frontage setback to thirty feet.
 - 1. Retention of Significant Vegetation. Where existing trees and significant vegetation exist within the development setback, they should be retained as determined appropriate by the director. Setback areas where existing trees and significant vegetation is sparse may require re-vegetation with native species, as determined by the director. Vegetation within a setback area that is required to remain may be pruned and/or removed only if necessary to ensure proper sight visibility for traffic safety, to remove safety hazards or dying/diseased vegetation, or for other good cause. In all cases, it shall be unlawful to top or severely prune any tree within the development setback unless

determined necessary by the director for purposes of protecting existing overhead utility lines or other safety considerations.

2. **Allowed Uses and Activities Within the Development Setback.** For sites with an underlying non-residential zone designation or that are planned for non-residential use as part of a master planned development, limited portions of the development setback may be used for public plazas with seating, sidewalk café outdoor seating areas, and similar uses and activities. Signage shall be limited to directional signage and to monument signs as allowed herein. Other minor accessory features of the development may be included within the setback if compatible with the purpose of the setback or essential to the identification of the development, subject to the approval of the director. Maximum encroachment for all uses within the development setback (other than for signage) is five feet.
 3. **Exceptions to Development Setback for Scenic View Shed Protection.** When the application of the development setback requirement of this chapter would have the practical effect of screening from view important scenic sites, natural qualities or historic qualities, the director may modify these provisions so that views of such sites or qualities are retained. The intent of this provision is to preserve lines of sight to view distant scenery from scenic corridors. In requiring the modification, the director shall impose such other conditions as are necessary to mitigate the effect of the deviation to ensure the purpose and intent of the overlay district is met. Any modification that is allowed or imposed under this provision shall be supported by written findings setting forth the factual reasons supporting the modification.
- B. **Access.** All development within the gateway corridor overlay district shall provide for internal vehicle and pedestrian connectivity to abutting properties, including the opportunity for shared driveway access. Only one access point to SR 169 or the Auburn-Black Diamond Road shall be allowed for every three hundred feet of frontage. Access shall be designed and constructed to accommodate future shared access when abutting properties are developed. The director may allow a reduced distance between access points if access to an existing lot would not be possible due to lot size, topographical or other conditions, and there is no reasonable way to provide access through adjoining properties.
- C. **Landscaping Plan.** A landscaping plan shall be submitted with all applications for development, showing all existing and proposed features, including existing significant trees and other relevant features. Significant trees should not be removed unless their removal is necessary for placement of a structure or approved parking or access corridor, or as otherwise as approved by the director. In general, native plant materials are required, although the use of ornamental plant materials may be approved if planted in a naturalistic manner and allowed to develop in their natural form. The landscape plan must also demonstrate pedestrian connectivity within the development, to the required multi-modal path, and to future access roads and path systems. These landscaping requirements are in addition to any landscaping required in the underlying zone.
1. **Tree Requirement.** In addition to the preservation of significant trees, all development shall provide an additional two trees, with an expected height at maturity of at least thirty feet, per each twenty linear feet of road frontage along either SR-169 or Auburn-Black Diamond Road. These trees shall be a planted within the development setback in a staggered or clustered configuration to ensure maximum canopy development when not in conflict with scenic view protection. These trees shall be a mixture of both native evergreen and deciduous trees, with deciduous trees preferred near buildings to allow for winter solar access. Trees shall have a minimum caliper of three inches at planting, as measured two feet from base of tree.

2. Screening. If the required development setback does not provide adequate screening of parking lots and service and loading zones from the public right-of-way, there shall be additional landscaping, walls, fences, hedges, shrubbery and/or earthen berms to provide the screening of utilities and loading areas. Landscape-based stormwater management facilities are permitted within the required screening area, ~~provided so long as~~ that the screening objectives are met.

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.

► Note: City staff had previously noted that the height restrictions are confusing and 15 feet height limit for buildings less than 45 feet from ROW is onerous. **Adjustments are proposed** to provide some relief / flexibility.

Distance from ROW Right-of-Way	Description	Maximum Building Height if Permitted*
0 to 25'	Development Setback	Not permitted
Edge of setback	Development Area	15' 25'
45'-35' 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 ~~pubic~~public area.
- C. Utilities. All utility lines including electric, telephone, data and cable television, shall be installed underground. 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 above ground 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.
- 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 except~~ that this limitation ~~shall does~~ 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.
 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.

18.76.080 Sustainable design incentives.

In an effort to encourage the more widespread use of sustainable design, building heights may be increased as noted below for use of one or more of the following elements:

Sustainable Design Technology	Criterion
Solar panels	Must be sufficient to reduce estimated energy consumption by 20 percent
Green roofs on commercial buildings	Must be constructed to National Roof Construction Association standards
The installation of storm water runoff collection systems to re-circulate runoff as landscaping irrigation	Designed and stamped by a civil engineer
The planting of at least 25 percent more trees than required by code	Landscape plan must be submitted with additional trees identified by species and location

Sustainable Design Bonus:

► Note: **Adjustments are proposed** consistent with the table modifications above.

Distance from ROW Right-of-Way	Description	Maximum Building Height if Permitted	Maximum Building Height Bonus, if One or More Technologies Employed
0 to 25'	Development Setback	Not permitted	Not applicable

25' to 35 45'	Development Area	25 45'	Additional 10' with one technology employed
35 45' or more	Development Area	35'	Additional 20' with two technologies employed

18.76.090 Driveways, paths and parking.

- A. Internal roadways within a development shall be designed and constructed to contribute to the scenic character of the corridor and shall be the minimum width allowed. Internal roadways shall provide connectivity to abutting properties. If an abutting property is undeveloped, the site shall be designed and constructed so connectivity can occur when the abutting property develops.
- B. Stormwater runoff shall be collected in landscape-based stormwater facilities per city standards or best management practices.
- C. Pedestrian-scale lighting shall be employed for internal circulation and shall use horizontal cut-off fixtures. Lighting shall be installed to provide a consistent two foot-candles along any path.
- D. A continuous eight-foot-wide concrete, ADA accessible, multi-modal path shall connect all properties and shall be constructed either within the development setback or public right-of-way (or both). This path may meander as needed to protect existing significant vegetation and/or provide interest. The multi-modal path shall be connected to the front doors of all commercial development by a minimum five-foot-wide walkway.
- E. Parking. Parking lots shall not be visible from public right-of-way. Buildings should be used to screen parking whenever possible. In the case of access points where buildings at or near the setback cannot screen parking areas, internal lot landscaping shall be used to screen parking areas from view.

Chapter 18.78 ENVIRONMENTAL PERFORMANCE STANDARDS

► Note: No changes are proposed to [this chapter](#).

Chapter 18.80 OFF-STREET PARKING AND LOADING REQUIREMENTS

18.80.010 Intent.

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- ▶ Note: ESSB 5184 “Minimum Parking Requirements” (2025) was passed but it only applies to cities with a population over 30,000 and so no changes are proposed for that bill because it does not apply to Black Diamond
 - ▶ SSB 6015 “Minimum Parking Requirements – Residential Development” (2024) is codified in RCW 36.70A.622 and applies to Black Diamond
-

It is the intent of this section to:

- A. ~~Ensure~~[Assure](#) that space is provided for the parking, loading and unloading of motor vehicles on the site of premises or uses which attract motor vehicles.
- B. Provide minimum standards of space and parking arrangements, and for the movement of motor vehicles into and out of such spaces.
- C. Avoid or reduce traffic congestion on public streets by:
 - 1. Minimizing the need for on-street parking; and
 - 2. Controlling access to sites.
- D. Enhance safety for pedestrians and motor vehicle operators.
- E. Encourage the creation of an aesthetically pleasing and functionally adequate system of off-street parking and loading facilities.
- F. Minimize impervious surface coverage created by under-utilized parking areas.
- G. Use low impact development (LID) best management practices (BMPs) within required landscaping areas.

18.80.020 General requirements.

- A. Off-street parking spaces and driveways required by this chapter shall not be used at any time for purposes other than their intended use, e.g., the temporary storage of motor vehicles used by persons visiting or having business to conduct on the premises for which the parking is provided, unless a temporary use [permit](#) has been authorized by this title.
- B. The maximum amount of parking permitted shall be one hundred fifty percent of the required minimum, as established by the use tables in this subsection. The parking maximum may be exceeded ~~by producing~~[through the approval of](#) a parking study, pursuant to Section 18.80.050(E).
- C. Minimum parking spaces required and intended for use by occupants or users of specific premises shall not be leased or rented to others, nor shall such space be made unavailable through other means to the users for whom the parking spaces are intended. This, however, does not preclude shared parking arrangements.
- D. Except where specifically permitted in certain zoning districts, off-street parking spaces shall not be used for loading or unloading of commercial vehicles larger than those vehicles for which the parking spaces are intended.

- E. Whenever a building or a parcel of land is put to a use different from the immediately preceding use, or when a building is remodeled, reconstructed or expanded, adequate off-street parking shall be provided consistent with the new use, reconstruction or expansion of the premises.
- F. Site development activities are prohibited if they would either render a site or land use nonconforming as to the standards of this chapter or make the site more nonconforming except as set out in Section 18.80.030(D).
- G. These regulations shall not be retroactive to include any building or use existing at the time of passage of this code or amendment thereto, except as follows:
 - 1. When a building is located on a different site, off-street parking spaces shall be provided as required for a new building;
 - 2. Within any three-year period, when an addition to a building or expansion of an existing use would result in the requirement to provide five or less additional parking stalls, then additional off-street parking need not be provided.
 - 3. Whenever any existing nonresidential use is changed to another use in the same building, the requirements of this chapter shall only apply in full to the new use if the change in parking requirements between the old and new use is greater than five spaces.

18.80.030 Minimum requirements.

- A. The requirements for off-street parking and loading facilities and their design shall be regarded as the minimum; however, the owner, developer, or operator of the premises for which the parking facilities are intended shall be responsible for providing adequate amount and arrangement of space for the particular premises even though such space or its arrangement is in excess of the minimum set forth in this title.

► **Note:** The following edits are to attain compliance with SSB 6015 **"Minimum Parking Requirements – Residential Development" (2024)** RCW 36.70A.622

- B. Parking spaces that count towards the minimum parking requirements may be enclosed or unenclosed.
- C. Parking spaces in tandem count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius.
 - 1. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.
- D. In cases where legally nonconforming gravel surfacing is present in existing designated parking areas the city must count the existing spaces (up to six parking spaces) in the parking area towards meeting the parking standards.
- E. In cases where compliance with tree retention projects would otherwise make a proposed residential development or redevelopment infeasible, the requirement for off-street parking shall be waived.
- FB.** For conditional uses permitted under this title that are not within a category in the table at 18.80.030(E), the parking requirement shall be as provided by the applicable decision maker in the conditions of approval.
- GE.** There shall be no parking or loading allowed in any required side or rear yard that abuts a residential zone.

H.D. The parking requirement tables (subsections (iE), (iF), and (iG) ~~below~~) group uses in the zone in which they are most commonly found, but these uses may also be permitted in other zones and are subject to the same parking standards.

- Note: The parking requirement listed below for Co-living housing is the maximum that a city may require per **E2SHB 1998** (2024) requirements – RCW 36.70A.535

iE. Parking requirements in residential zones, unless otherwise modified by other provisions within this code.

USES	REQUIRED SPACES
	(*Gross sq. ft. of primary building area)
Single-family dwellings	2 per unit
Multi-family structures (2 attached dwellings)	2 per unit
Multi-family structures (3 or more dwellings)	1.75 per unit
Multi-family studio/efficiency dwellings	1 per unit
Senior housing	¾ per unit
Manufactured home on individual lot	2 per unit
Manufactured or mobile home in a manufactured home park	2 per home, of which one may be located in on-site, shared parking areas
Co-living housing	0.25 spaces per sleeping unit
Religious institutions, less than 10,000 gsf*	0.5 per seat or 4 lineal feet of pew space or 1 per 4 seats

F. Parking Requirements in Commercial Zones.

USES	REQUIRED SPACES
	(*Gross sq. ft. of primary building area)
Retail, 10,000 gsf* and less	1 per 350 gsf*
Retail, over 10,000 gsf*	1 per 300 gsf*
Restaurant	1 per 150 gsf*
Theaters and places of public assembly	1 per 4 seats
Entertainment/Culture	1 per 4 seats
General Office	1 per 500 gsf*
Personal and Professional Service	1 per 400 gsf*
Public Uses/Facilities	Depends on use and determined at site plan review
Major Institution	Depends on use and conditions of approval
Multi-family residential structures in a mixed-use project	1.5 per unit in a free-standing building; 1 per unit if within a mixed-use building
Day Care Center serving more than 12 children	Minimum of 6, plus one for each employee
Religious Institutions, 10,000 gsf* or larger	0.7 per seat or 4 lineal feet of pew space or 1 per 4 seats

G. Parking Requirements in Business/Industrial Park and Industrial Zones.

USES	REQUIRED SPACES
	(*Gross sq. ft. of primary building area)
Research and Development	1 per employee, plus 0.5 per 1,000 gsf*
Light Manufacturing	1 per employee, plus 0.25 per 1,000 gsf*
Heavy Manufacturing	1 per employee, plus 0.25 per 1,000 gsf*
Business Support Services	1 per 400 gsf*
Warehousing and Distribution	1 per 1,000 gsf, plus 1 per 400 gsf* of office
Wholesaling	1 per 1,000 gsf, plus 1 per 400 gsf* of office or display

* gsf = gross square feet

18.80.040 Off-street loading.

Off-street loading shall be provided for commercial, business /industrial park and industrial uses as follows:

Total Gross Floor Area of Building(s)	Space Required
Less than 5,000 sq. ft.	1
5,000 sq. ft. to 25,000 sq. ft.	2
25,000 sq. ft. to 50,000 sq. ft.	3
Each additional 50,000 sq. ft. or fraction thereof in excess of 25,000 sq. ft.	1 additional

All off-street loading and unloading spaces shall be of adequate size and with adequate access thereto to accommodate a vehicle forty-five feet in length, eight feet in width, and fourteen feet in height. Each loading space shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water.

18.80.045 Stacking space requirements for ~~drive-up windows~~ drive through facilities.

- Note: **Staff proposes changes** because six spaces per window is onerous because some stands may have two windows (and 12 spaces for that would be excessive) Also, five spaces that are 20 feet in length are better than six that are 15 feet in length. Fifteen-foot spaces are very short.

A. ~~Businesses including drive-up windows~~ Drive through facilities shall provide at least ~~six~~ five vehicle stacking spaces for each ~~drive through lane~~ window, equal to ~~fifteen~~ twenty linear feet for each stacking space.

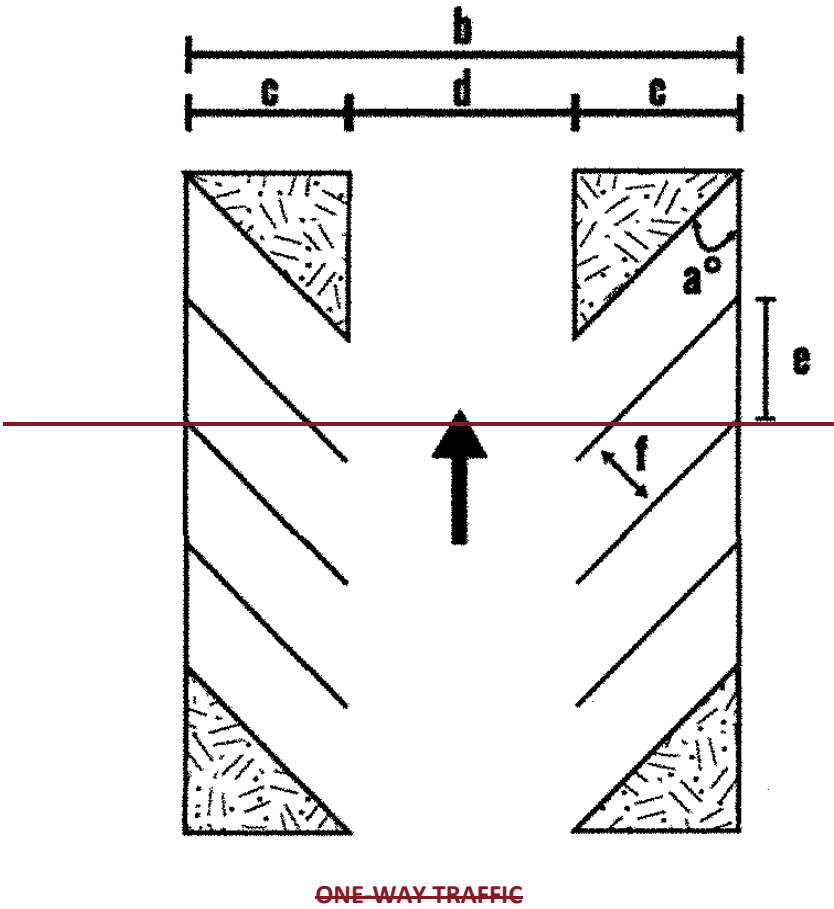
B. The requirements above may be reduced by the Community Development Director if the applicant provides a traffic study or analysis proving fewer spaces are necessary and that public safety can be maintained with the proposed configuration.

18.80.050 Development standards.

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- The following edits for parking spaces sizes and allowing grass block pavers are to attain compliance with SSB 6015 **"Minimum Parking Requirements – Residential Development" (2024)** RCW 36.70A.622
-

- A. Parking lot construction shall provide surfaces sufficient for the function and loads for which such lots are intended.
1. Within residential zones, required parking shall be accessed by a driveway improved with an all-weather surface (crushed rock, gravel, asphalt or concrete). Driveway approaches within the public right-of-way to the public street shall be improved in compliance with the city's public works standards. [Grass block pavers may also be used for the parking spaces.](#)
 2. In all zones, parking areas for more than four vehicles shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water. [Grass block pavers may also be used.](#)
- B. Parking Area Design.
1. Ingress and Egress. The location of all points of ingress and egress to parking areas shall be subject to the review and approval of the city.
 2. Backing Out Prohibited. In all nonresidential developments and in all residential buildings containing five or more dwelling units, parking areas shall be so arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way; ~~provided that~~ [however](#), the director may approve direct individual parking stall access to private or public alleys.
 3. Parking Spaces—Access and Dimensions. Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles. [Minimum widths of maneuvering drive aisles and minimum parking stall dimensions shall be as shown in Diagrams 1 and 2 of this chapter Table 18.80.050.C.3, provided that parking spaces are not required to exceed 8 feet by 20 feet \(except for required parking for people with disabilities\).](#)

DIAGRAM 1



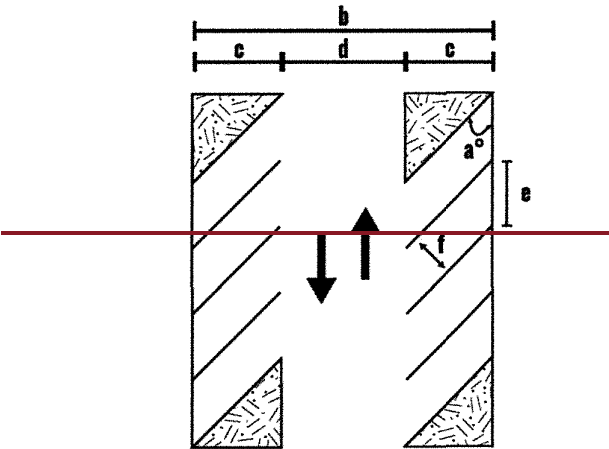
ONE-WAY TRAFFIC

Table 18.80.050.C.3

		<u>aOrientation</u>	<u>bWidth</u>	<u>cDepth</u>	<u>dOne-Way Drive Aisle Width</u>	<u>eTwo-Way Drive Aisle Width</u>	<u>f</u>
		0 degrees	28'8'	8'23'	12'	23'20'	8'
		35-degrees	48'	18'	12'	14.8'	8.5'
		40-degrees	49'	18.5'	12'	13.2'	8.5'
		45 degrees	50'8'	19'	12'	12'20'	8.5'
		50-degrees	51'	19.5'	12'	11.1'	8.5'
		55-degrees	53'	20'	13'	10.4'	8'
							8.5'
		60 degrees	55'8'	20'	15'16'	9.8'20'	8'
							8.5'
		65-degrees	57'	20'	17'	9.7'	8'
							8.5'
		70-degrees	59'	20'	19'	9.6'	8'
							9'
		90 degrees	56'8'	18'	20'	9'24'	9'
Comp act Car Parkin	45 degrees		7.5'	17'	11'12'	20'	9'
	60 degrees		7.5'	16.7'16'	14'16'	20'	8.7'
	75-degrees			16.3'	17.4'		7.8'

	90 degrees	<u>7.5'</u>	15'	20'	<u>24'</u>	<u>7.5'</u>
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DIAGRAM 2



TWO-WAY TRAFFIC

Compact Car Parking	a	b	c	d	e	f
	0-degrees	36'	8'	20'	23'	8'
	35-degrees	56'	18'	20'	14.8'	8.5'
	40-degrees	57'	18.5'	20'	13.2'	8.5'
	45-degrees	58'	19'	20'	12'	8.5'
	50-degrees	59'	19.5'	20'	11.1'	8.5'
	55-degrees	60'	20'	20'	10.4'	8'
	60-degrees	60'	20'	20'	9.8'	8'
	65-degrees	60'	20'	20'	9.7'	8'
	70-degrees	64'	20'	24'	9'	9'
	90-degrees	60'	18'	24'	9'	9'
	45-degrees		17'	20'		9'
	60-degrees		16.7'	20'		8.7'
	75-degrees		16.3'	20'		7.8'
	90-degrees		15'	20'		7.5'

Table 18.80.050.C.3

Orientation	Width	Depth	One-Way Drive Aisle Width	Two-Way Drive Aisle Width
0 degrees	<u>8'</u>	<u>23'</u>	12'	<u>20'</u>
45 degrees	<u>8'</u>	19'	12'	<u>20'</u>

Compact Car Parking	60 degrees	<u>8'</u>	20'	<u>16'</u>	<u>20'</u>
	90 degrees	<u>8'</u>	18'	20'	<u>24'</u>
	45 degrees	<u>7.5'</u>	17'	<u>12'</u>	<u>20'</u>
	60 degrees	<u>7.5'</u>	<u>16'</u>	<u>16'</u>	<u>20'</u>
	90 degrees	<u>7.5'</u>	15'	20'	<u>24'</u>

4. Compact Car Parking Spaces. In all parking facilities containing twenty-five or more parking spaces, a maximum of twenty-five percent of the required parking spaces may be reduced in size for the use of compact cars. ~~., provided these~~ Such spaces shall be clearly identified markings containing the notation, "compact" ~~spaces designed for compact cars may be reduced in size to a minimum of seven and one-half feet in width and fifteen feet in length.~~

C. Location of Parking. The following provisions shall apply in all zoning districts:

1. Single-family dwellings: Required parking shall be located on the same lot as the building it is to serve.
2. Multi-family dwellings: Required parking may be on a contiguous lot in the same zone if located within a walking distance of five hundred feet of dwelling units. The lot shall be legally encumbered by an easement or other appropriate means to ensure continuous use of the parking facilities. Documentation shall require review and approval of the city attorney.
3. Other uses: May be in areas other than on the premises if the required amount of parking area is set aside for a particular use in such a lot, and such area is located within a walking distance of five hundred feet from the premises and is in the same zone as the use. The lot or area to be utilized shall be legally encumbered by an easement or other appropriate means to ensure continuous use of the parking facilities. Documentation shall require review and approval of the city attorney.
4. Whenever required parking facilities are located off-site, sidewalks, or an approved pedestrian facility, shall be provided connecting the satellite parking facility to the development being served. If lighting is provided, it shall be installed in conformance with Chapter 18.70.

D. Mixed Occupancies and Shared Uses.

1. In the case of two or more principal uses in the same building or when a residential use is located on the same development site as a commercial use, the total requirements for off-street parking facilities shall not exceed seventy-five percent of the sum of the requirements for the principal uses computed separately.
2. Other than for residential uses, in order for a use to be considered a separate principal use under the terms of this section, the uses must be physically and managerially separated in a manner which clearly sets the principal uses apart as separate businesses or operations. Various activities associated with single businesses shall not be considered separate uses.

E. Reduced Parking Demand Study.

1. The director may ~~be~~ allow a development to provide ~~less~~ fewer than the required parking spaces by submitting a parking study that describes how parking demand can be met with a reduced parking

requirement. Reasons for reducing the parking requirement under this section may include, but are not limited to:

- a. Unique characteristics of the use;
- b. Location adjacent to transit facilities; or
- c. Adoption of an approved transportation demand management plan.

18.80.060 Motorcycle/bicycle parking requirements.

A. Parking spaces for motorcycles shall be provided as follows:

1. All multiple-family developments and nonresidential uses may provide one motorcycle space for every twenty-five required automobile spaces in lieu of a required automobile space.
2. Each motorcycle space shall be easily accessible and have adequate space for a standard-size motorcycle.
3. Motorcycle parking areas shall be clearly identified with appropriate striping.

B. All commercial, industrial, institutional, and recreational uses which require twenty-five or more parking spaces pursuant to this chapter shall provide a designated bicycle parking area to accommodate a minimum of five bicycles. Such bicycle parking areas shall provide a secure facility (e.g., rack, posts) to which to lock bicycles and shall be located so as to be reasonably convenient to the on-site use and not interfere with pedestrian and automobile traffic. Prior to issuing permits for facilities requiring one hundred or more parking spaces pursuant to this title and/or uses with high expected bicycle traffic (e.g., schools) the director may require reasonable additional bicycle parking capacity over and above the minimum five spaces.

Chapter 18.82 SIGNS

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- ▶ Note: [Chapter 18.82](#) is excluded from this document as a separate review is underway.
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Chapter 18.84 WIRELESS TELECOMMUNICATIONS FACILITIES

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- ▶ Note: No changes are proposed to [Chapter 18.84](#).
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Chapter 18.86 RESIDENTIAL CLUSTER DEVELOPMENT (RCD)**18.86.010. Intent.**

The intent of the residential cluster development (RCD) provisions is to accommodate the density of the underlying zoning district while allowing residential development to be clustered or built more compactly~~utilize less land area~~. The RCD standards are intended to allow for innovative design, and promote the city's vision of a "Rural by Design" development pattern.

18.86.020 Applicability.

- A. ~~All residential zoning districts are eligible to apply for approval of~~ Residential cluster developments may only be approved in the residential zoning districts R4, R6, and R8.
- B. Cluster development may be applied to both multi-family and attached/detached single-family residential developments of three or more dwelling units.

18.86.030 Procedures and criteria.

- A. Review Procedures. RCD applications are processed as a Type 3 Hearing Examiner decision pursuant to the provisions set forth in Chapter 18.08. Proposals for clustering shall be subject to and consolidated with the provisions for preliminary plat approval, if individual lot ownership is proposed.

► Note: **We recommend a change;** While a Comprehensive Plan forms the policy foundation for projects, the goals and policies should probably not be used as a criterion for RCD applications

- B. Criteria for Approval. The hearing examiner may approve a RCD only if it is found that:

1. The location, design, and uses are consistent with ~~the goals and policies of the comprehensive plan~~, the city's development codes and other city plans and ordinances;
2. The residential development integrates with its surroundings and is designed to harmonize with existing or proposed development in the neighborhood, including the project's response to BDMC 18.86.040(F);
3. The traffic generated by the development can be accommodated safely and within adopted level of service for affected streets;
4. All development will be served by existing or planned facilities and services; and
5. The development makes provision for the preservation of the natural environment and/or identified open space or trails per the comprehensive plan.

- C. Scope of Approval. Through a RCD, modifications to the setbacks, height, lot area, building coverage and development coverage standards of the underlying zone district may be granted.

18.86.040 Development standards.

- A. The following standards are applicable to an RCD application:
 1. Density. The maximum density of the underlying zone shall apply. Maximum density is determined by multiplying the allowable maximum density of the underlying zone district by the gross acreage of the site, less any area containing sensitive areas and buffers required pursuant to BDMC 19.10.

2. Minimum Site Area Required. Three times the minimum lot size as required in the underlying zone district.
 3. Minimum Lot Size. The minimum lot size by underlying zone district is:
 - a. R4 Zone: Six thousand square feet.
 - b. R6 Zone: Four thousand square feet.
 - c. ~~R8 MDR8~~ Zone: ~~Two thousand eight hundred square feet~~ No minimum lot size.
 - ~~3~~4. Height. The maximum building height of the underlying zone may be increased, by up to 25 percent of the height limitations of the zoning district but not exceeding 45 feet, in cases where provided the height of buildings ~~s~~ is compatible with the scale of the surrounding neighborhood, does not adversely affect existing scenic views, and ensures a reasonable balance of light and shadow on adjacent properties. Increased setbacks and location of structures may be used to mitigate effects of increased height and to ~~insure~~ ensure compatibility.
 - ~~4~~5. Other Lot Standards. Deviations may be granted to the underlying zone development standards including setbacks, lot area, building coverage, and development coverage, except as limited herein.
- B. Perimeter Setbacks. At a minimum, structures shall comply with the setbacks of the underlying zone along all perimeter lot lines of the overall site.
- C. Circulation.
1. All public or private streets within the development and adjacent rights-of-way shall be designed and constructed in accordance with city street standards. Private driveways may provide different design alternatives.
 2. Provision shall be made for a functional pedestrian circulation system that ~~assures~~ ensures the safe movement of pedestrians both on the site and between nearby properties and activities.
 3. All streets and parking areas shall contribute to the overall aesthetic design of the project while minimizing traffic congestion and the amount of impervious surface area.
 4. The provision for adequate parking, loading, access and circulation facilities within the RCD shall be those contained in the parking requirements as set forth in Chapter 18.80. The hearing examiner may modify these standards to best meet the needs and objectives of the project, provided project parking will not spill over into nearby neighborhoods.
- D. Screening. All utility facilities, loading areas, trash containers, and outdoor storage areas shall be screened from surrounding properties. Solid fences, walls, and blank walls of buildings shall be softened through the use of trees and/or other landscaping materials if their impact cannot be minimized through architectural design or orientation.
- E. Open Space.
1. Open Space Designation. The remaining land not developed for a permitted use shall be maintained as common open space. If an RCD is being subdivided, open space areas shall be located on a separate tract or tracts and shall be developed for recreational uses or set aside to preserve environmentally sensitive areas. Open space shall not include land for streets, driveways, parking or other infrastructure improvements, unless such facilities are integral to providing public accessibility to an open space amenity.

2. Development. Facilities and other improvements that enhance recreational use may be located in an open space.
3. Open Space Plan. An open space plan is required to identify all improvements, including trails and other active and passive recreational facilities and areas, environmentally sensitive areas, significant trees pursuant to Chapter 19.30, other vegetation to be preserved, and designation of areas for general public access. A management plan outlining maintenance responsibility shall be included as part of the plan.
4. Guarantees. A legal instrument approved by the city and recorded with King County, which shall include a notice on the title referencing the legal instrument, shall be executed by the property owner. The legal instrument shall include the following types of guarantees:
 - a. Retention of the open space per the open space plan prescribed in subsection (E)(3) of this section;
 - b. Provision for perpetual maintenance of the open space and commonly owned facilities;
 - c. Grant to or reservation for the use of property owners of all open space and commonly owned facilities within the development;
 - d. Conveyance to a property owners' association or corporation;
 - e. Execution of a conservation easement in favor of the city; and
 - f. Conveyance by deed or easement for public use.
- F. Site Design Elements Reflecting the Setting and Community Heritage. An RCD application shall indicate how the RCD proposal responds to the following community interests:
 1. Maintaining, enhancing, or replacing existing native vegetation along arterial and collector streets;
 2. Integration of local cultural or historical features into site design; and
 3. Integration of local architectural components as identified in the design guidelines adopted pursuant to Chapter 18.74.

-
- Note: **HB 1110 (and related legislation)** mandates that a certain definition of “Cottage housing” be used for the Middle Housing requirements. As a result, we **recommend changing using the term** “Pocket neighborhood” as a substitute for all previous references to “Cottage Housing” and cottage housing. *The codifier is requested to include a footnote or other notation about the change.*
-

Chapter 18.88 ~~COTTAGE~~ POCKET NEIGHBORHOOD HOUSING

18.88.010 Intent.

It is the intent of this section to:

- A. Provide an alternative type of detached, single-family housing that is designed for the changing demographics of age and household size;
- B. Provide a form of medium-density housing development that is an alternative to traditional multi-family structures, adds to the diversity of available housing types, and responds to a broader range of lifestyles;
- C. Foster an increased sense of community and shared social experiences of a small neighborhood by promoting a form of housing development with features, such as a common central open space, that bring residents together in daily living; and
- D. Enable a type of high-efficiency housing that responds to the increasing costs of land, construction materials, and energy, while maintaining compatibility with existing neighborhoods.

18.88.020 Applicability.

- A. ~~Cottage~~ Pocket neighborhood housing development is a permitted use in the medium density residential (MDR8) zone;
- B. The minimum ~~cottage~~ pocket neighborhood housing project size is four dwelling units on a minimum fourteen thousand four hundred square foot site;
- C. ~~Cottage~~ Pocket neighborhood housing is limited to no more than twelve dwelling units in any single project; and
- D. No ~~cottage~~ pocket neighborhood housing project shall be developed contiguous with another ~~cottage~~ pocket neighborhood housing project.

18.88.030 Procedures.

- A. Review Procedures. A ~~cottage~~ pocket neighborhood housing development is processed as a Type 2 director's decision pursuant to the provisions set forth in Chapter 18.08. Proposals shall be subject to and consolidated with the provisions and procedures for site plan review, Chapter 18.16.
- B. ~~Cottage~~ Pocket neighborhood housing is subject to all development standards and requirements of the zone in which it is developed unless superseded by the standards of this chapter.

18.88.040 Development standards.

- A. Density and minimum lot area.
 - 1. Maximum permitted density: one dwelling unit per three thousand six hundred square feet of lot area (twelve dwelling units/acre).

2. Minimum unit lot area: two thousand eight hundred square feet.
 3. On a parcel to be developed for ~~cottage~~-pocket neighborhood housing, one existing detached single-family residence, which may be nonconforming with respect to the standards of this section, shall be permitted to remain.
- B. Height limit and roof pitch.
1. Maximum height for structures: eighteen feet.
 2. The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-five feet.
- C. Lot coverage and floor area.
1. Maximum lot coverage permitted for all structures: forty-five percent;
 2. Maximum impervious surface coverage for the total project: seventy percent.
- D. Maximum first floor or main floor area for an individual principal structure:
1. For at least fifty percent of the units, the floor area may not exceed six hundred fifty square feet.
 2. For no more than fifty percent of the units, the floor area may be up to eight hundred square feet.
 3. The total floor area of each dwelling unit shall not exceed one and one-half times the area of the main floor area.
 4. Maximum garage floor area (if on individual lot): fifty percent of principal structure main floor area.
- E. Yards.
1. Minimum front yards: an average of ten feet throughout the project and shall not be less than five feet.
 2. Minimum rear yards: ten feet.
 3. There shall be a minimum fifteen-foot yard on any frontage with a public street, provided that for garages facing a public street, the minimum setback shall be twenty feet.
- F. Required open space.
1. A minimum of four hundred square feet of common open space per dwelling unit is required. Open space with a dimension of less than twenty feet shall not be included as common open space.
 2. A minimum of two hundred square feet of private open space shall be provided with no dimension less than ten feet on one side. Private open space shall be located contiguous to each ~~cottage~~ dwelling and oriented toward the common open space.
- G. Unit orientation.
1. At least fifty percent of the dwelling units shall abut the common open space;
 2. All of the dwelling units shall be within sixty feet walking distance of the common open space;
 3. The common open space shall have dwelling units abutting at least two sides; and
 4. The main entry of all abutting dwelling units shall be oriented towards the common open space.
- H. Parking.
1. One and one-quarter spaces per dwelling unit shall be required.

2. All required parking shall be provided within the boundaries of the development.
3. Parking may be in or under a structure or outside a structure, provided that parking is: screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping; not located in a front yard; allowed between structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway; and/or located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street side lot line.
4. No more than five stalls shall be located in a single parking area on the site.

Chapter 18.90 MANUFACTURED HOUSING

18.90.010 Intent.

It is the intent of this chapter to:

- A. Provide choices for single-family factory-built housing in various community settings as a part of the spectrum of affordable or cost-efficient housing;
- B. Establish standards for the location and development of manufactured homes on individual lots and in manufactured home parks;
- C. ~~Insure~~ Ensure consistency with Washington State law; and
- D. ~~Insure~~ Ensure minimum standards of development to protect community aesthetics and property values.

18.90.020 Applicability.

- A. Manufactured homes are permitted in all zones where a single-family dwelling is a permitted use, subject to the development standards of Section 18.90.030.
- B. Manufactured home parks are permitted ~~in the MDR8 zone district~~ as a conditional use in certain zones as provided in ~~Chapters 18.08 and 18.12, subject to the standards of Section 18.90.040~~ Chapter 18.20, zoning use matrix.

18.90.030 Development standards for home on individual lot.

- A. Manufactured homes are permitted on one individual parcel, lot, or tract in residential zones; provided, that the home is:
 - 1. Approved by the Washington State Department of Labor and Industries or the U.S. Department of Housing and Urban Development, and the appropriate certification insignia is affixed to the unit, in accordance with the provisions of Chapter 43.22 RCW;
 - 2. Comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
 - 3. Set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;
 - 4. Compliant with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;
 - 5. Thermally equivalent to the State Energy Code;
 - 6. Originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of nominal three to twelve (3:12) pitch or greater;
 - 7. Sided with exterior siding similar in appearance to materials commonly used on conventional site-built International Building Code single-family residences; and
 - 8. A new manufactured home as defined in RCW 35.63.160(2).
 - a. A manufactured home which was legally placed and maintained prior to June 18, 2009, the date of adoption of this chapter, and does not meet the requirements of this chapter, shall be deemed to be a nonconforming structure. If a legal nonconforming manufactured home is partially or wholly destroyed, replaced, or altered, it shall be required to meet the relevant

requirements set forth in the nonconforming provisions of this title. The building official or designee shall inspect the installation of manufactured homes prior to occupancy and issue certificates of occupancy for manufactured homes placed in accordance with this chapter. No manufactured home shall be occupied until after the city issues a valid certificate of occupancy.

- b. If a manufactured home is replaced by another manufactured home, a new certificate of occupancy shall be required for the installation of any manufactured home completed after the date of adoption of this chapter.
- c. Age and dimension limitations do not apply to mobile homes or manufactured homes within a mobile home park or manufactured housing community, as defined in RCW 59.20.030, which were legally in existence before June 12, 2008.

18.90.040 Development standards for manufactured home parks.

- A. Permitted Uses. Manufactured homes or mobile homes, on a condominium basis, or on leased lots.
- B. Accessory Uses. A manufactured home park may include:
 - 1. Accessory buildings, such as laundry, grounds maintenance shop, recreation, restroom and swimming pool, subject to Chapter 18.50.
 - 2. Secure areas for shared storage of motor homes, recreational or camping vehicles and trailers.
- C. Minimum project area: ten acres.
- D. Setbacks. All manufactured homes, and extensions thereof, accessory structures and other buildings must be set back as follows:
 - 1. Twenty feet from the boundary of the park.
 - 2. Twenty feet from a public street.
 - 3. Ten feet from an interior private street, walking or parking area; and
 - 4. Ten feet from any other manufactured home.
- E. Open Space.
 - 1. At least fifteen percent of the gross site area must be in open space or recreational areas available for use by all residents.
 - 2. Parking, driving and setback areas and open areas less than five thousand square feet do not count as required open space.
- F. Density: minimum density is four units per acre; maximum density is ten units per acre.
- G. Buffer Strips.
 - 1. A twenty foot strip around the boundary of the park must be landscaped to provide a visual screen.
 - 2. All open spaces and other unimproved areas must be suitably landscaped. All landscaping must be maintained and furnished with an automatic irrigation system.
- H. Landscaping areas shall be provided in accordance with Chapter 18.72 and the tree preservation requirements of Chapter 18.74.
- I. Signs. ~~One monument identification sign may be erected at each park entrance from a public street so long as such sign:~~ Signs shall comply with the requirements of Chapter 18.82.

- ~~1. Does not exceed an area of fifteen square feet;~~
- ~~2. Does not exceed six feet in height;~~
- ~~3. Is set back from the street at least ten feet; and~~
- ~~4. Is indirectly lit; internal illumination is prohibited.~~

J. Parking.

1. Paved off street parking must be provided at the ratio of one and one-half space per manufactured home.
2. At least one space must be at the individual manufactured home site.
3. Other spaces may be in a common parking area as long as each space is within two hundred feet of the manufactured home or mobile home stand to which it relates.

K. Pedestrian Access. There shall be a paved or graveled system of walkways, which gives safe and convenient access to every manufactured home and all common facilities; sidewalks developed in conjunction with public or private streets may meet this requirement.

L. Utilities. The park must be connected to the public water and sewer systems. Utility lines are required to be underground.

M. Streets.

1. Each lease lot, space or unit must be about a public or private street;
2. All interior public streets shall be approved by the city and shall meet the standards for streets, curbing, sidewalks, lighting, pedestrian buffer strips and other adopted street standards. Private streets shall comply with fire access standards.

N. Each manufactured home or mobile home shall be securely installed upon a stand and shall be skirted to conceal the undercarriage.

O. Lighting. On-site lighting shall comply with the requirements of Chapter 18.70.

18.90.050 Manufactured home subdivisions.

- A. Any manufactured home development involving a subdivision of land into separately owned parcels or lots must be platted as provided by Title 17 of this code.
- B. A manufactured home subdivision is subject to the minimum lot size requirements of the underlying zone.

18.90.060 Additional requirements.

- A. All development shall comply with applicable environmental performance standards of Chapter 18.78, the site plan review requirements of Chapter 18.16, and design review requirements of Chapter 18.76.
- B. Sites located within a master planned development overlay shall also comply with the requirements of Chapter 18.64.

Chapter 18.98 MASTER PLANNED DEVELOPMENT OVERLAY

18.98.005 MPD overlay zoning district created.

The master plan development (MPD) overlay zoning district is created. ~~No development activity may occur, and or any applications may be accepted for processing, on property subject to an MPD overlay zoning designation, or for which the submittal of an MPD is required by a via a development agreement; unless it is done in~~ and in accordance with the terms and conditions of a valid MPD permit or consistent with this chapter. Development activity shall include, but not be limited to, grading, clearing, filling, tree harvesting, platting, short platting, building or any other activity for which a city permit or other approval is required.

18.98.010 Master planned development (MPD) permit—Purpose.

The purposes of the master planned development (MPD) permit process and standards set out in this chapter are to:

- A. Establish a public review process for MPD applications;
- B. Establish a comprehensive review process for development projects occurring on parcels or combined parcels greater than eighty acres in size;
- C. Preserve passive open space and wildlife corridors in a coordinated manner while also preserving usable open space lands for the enjoyment of the city's residents;
- D. Allow alternative, innovative forms of development and encourage imaginative site and building design and development layout with the intent of retaining significant features of the natural environment;
- E. Allow flexibility in development standards and permitted uses;
- F. Identify significant environmental impacts, and ensure appropriate mitigation;
- G. Provide greater certainty about the character and timing of residential and commercial development and population growth within the city;
- H. Provide environmentally sustainable development;
- I. Provide needed services and facilities in an orderly, fiscally responsible manner;
- J. Promote economic development and job creation in the city;
- K. Create vibrant mixed-use neighborhoods, with a balance of housing, employment, civic and recreational opportunities;
- L. Promote and achieve the city's vision of incorporating and/or adapting the planning and design principles regarding mix of uses, compact form, coordinated open space, opportunities for casual socializing, accessible civic spaces, and sense of community; as well as such additional design principles as may be appropriate for a particular MPD, all as identified in the book Rural By Design by Randall Arendt and in the city's design standards;
- M. Implement the city's vision statement, comprehensive plan, and other applicable goals, policies and objectives set forth in the municipal code.

18.98.020 MPD permit—Public benefit objectives.

A specific objective of the MPD permit process and standards is to provide public benefits not typically available through conventional development. These public benefits shall include but are not limited to:

- A. Preservation and enhancement of the physical characteristics (topography, drainage, vegetation, environmentally sensitive areas, etc.) of the site;
- B. Protection of surface and groundwater quality both on-site and downstream, through the use of innovative, low-impact and regional stormwater management technologies;
- C. Conservation of water and other resources through innovative approaches to resource and energy management including measures such as wastewater reuse;
- D. Preservation and enhancement of open space and views of Mt. Rainier;
- E. Provision of employment uses to help meet the city's economic development objectives;
- F. Improvement of the city's fiscal performance;
- G. Timely provision of all necessary facilities, infrastructure and public services, equal to or exceeding the more stringent of either existing or adopted levels of service, as the MPD develops; and
- H. Development of a coordinated system of pedestrian oriented facilities including, but not limited to, trails and bike paths that provide accessibility throughout the MPD and provide opportunity for connectivity with the city as a whole.

18.98.030 MPD permit—Criteria for MPD eligibility.

- A. Where required. An MPD permit shall be required for any development where:
 - 1. Any of the property within the development is subject to an MPD designation on the Comprehensive Plan Future Land Use Map or an MPD [overlay](#) zoning designation;
 - 2. The parcel or combined parcels to be included in a development total at least eighty gross acres; or
 - 3. Any of the property within the development is subject to a development agreement that requires an MPD permit to be obtained.
 - 4. ~~Provided, however, the above provisions notwithstanding,~~ [However,](#) any commercial area that is intended to be used to meet the economic objectives of an MPD and is geographically separated from the residential component of a proposed MPD may be approved through the site plan approval process of Chapter 18.16, subject to the following conditions:
 - a. The commercial area is included in an MPD application that has been determined to be complete and is identified in the application as being intended to meet the economic objectives of the MPD application;
 - b. The MPD design and development standards shall be applied, unless modified in accordance with the provisions of section 18.98.130(A);
 - c. The approved conditions shall include the requirements of section 18.98.080(A);
 - d. If the environmental review on the MPD permit application has not been completed, then, if determined appropriate, an environmental determination may be issued for the commercial area, provided the determination contains provisions that the commercial area shall still be considered for cumulative impact purposes, and appropriate additional mitigation requirements in the environmental review for the MPD application;
 - e. The provisions of the subsequent MPD approval shall apply to the site plan approval, including vesting, but only to the extent that they do not adversely impact complete building applications that have been submitted, or on-site infrastructure improvements that have already been permitted.

- B. Eligibility. Where not required under subsection (A) of this section the city may accept an MPD permit application, and process a development proposal as an MPD, only for contiguous properties that are in a single ownership, or if in multiple ownerships, specific agreements satisfactory to the city shall be signed by each property owner that place the properties under unified control, and bind all owners to the MPD conditions of approval.
1. All properties within its proposed MPD are within the city limits or within the PAA provided that, if a proposed MPD includes lands within the PAA, approval of the entire MPD will not be granted until such time annexation of unincorporated lands is completed.
- C. Contiguity. All properties to be included in an MPD must be contiguous, excepting those areas intended to be used for commercial purposes, other than neighborhood commercial.

18.98.040 MPD permit—Application requirements.

- A. Application requirements. All applications for approval of an MPD permit shall, at a minimum, include all of the information and documents set forth in this section.
1. A set of master plan drawings, drawn at a scale as determined by the director, showing:
 - a. Proposed open space, parks, recreation areas, trail networks, wildlife corridors, and perimeter buffers, and the intended ownership and acreage for each area;
 - b. Existing environmentally sensitive areas and their buffers, together with the reports, surveys or delineations used to identify their locations and areas for which development within a wetland, bog, stream or its related buffer is proposed and for which mitigation or buffer averaging will be required;
 - c. Proposed locations and preliminary street sections of all streets having a function higher than neighborhood access, and all pedestrian connections including trails; if the local access street section is intended to vary from the adopted city standard;
 - d. Proposed sites for schools and other public facilities required to serve the development;
 - e. Conceptual public utility plans (sewer, water, stormwater);
 - f. Types, generalized locations, acreages, and densities of proposed residential and nonresidential development;
 - g. Proposed sites for public transit facilities;
 - h. Any existing easements located upon the property;
 - i. Identify areas that will be protected from development by the requirements of Chapter 19.10 (sensitive areas ordinance).
 2. A map, drawn at a scale as determined by the director showing property boundaries and existing topography (five-foot contour intervals), areas of vegetation by type, other natural features, and existing structures.
 3. A legal description of the MPD property, together with a title report no more than thirty days old, disclosing all lien holders and owners of record.
 4. A projected phasing plan and development time schedule, regardless of intended ownership, for all development, including but not limited to housing, stormwater systems, sanitary sewer facilities, public water facilities, roads, trails, commercial (including required neighborhood commercial) areas, recreational facilities, and open space, including any off-site improvements.

5. A completed SEPA checklist, with various environmental studies and SEPA documents. If the city and the applicant have agreed that an environmental impact statement will be prepared for the proposal, a checklist shall not be required.
6. A comprehensive fiscal analysis disclosing the short and long-term financial impacts of the proposed MPD upon the city both during development and following project completion, including an analysis of required balance of residential and commercial land uses needed to ensure a fiscal benefit to the city after project completion, and including an analysis of personnel demands and fiscal short-falls anticipated during the development phase of the MPD together with recommended mitigations to ensure that the MPD does not negatively impact the fiscal health of the city, nor the ability of the city to adequately serve existing residents, provided that if an EIS will be prepared, the fiscal analysis may be prepared concurrently.
7. A narrative description and illustrations of the MPD planning/design concept, demonstrating how the proposed MPD is consistent with the adopted MPD design standards, the comprehensive plan, all elements of Sections 18.98.010 and 18.98.020, and other applicable policies and standards. If deviations from these standards are proposed, the narrative shall describe how the proposed deviations provide an equal or greater level of public benefit.
8. Typical cross-sections of all proposed street and trail types, including landscaping, pedestrian facilities, and any other proposed improvements within the right-of-way or trail corridors.
9. A listing of all property owners of record within five hundred feet of the exterior boundaries of all parcels proposed to be included within the MPD (When one or more of the MPD property owners own property adjacent to but not included within the MPD, the five hundred feet shall be measured from the exterior boundary of this adjacent property.). The applicant shall update the list prior to each proposed public meeting or required public mailing, as requested by the city, in order to ~~assure~~ ensure a current list of all required notices.
10. A narrative description and illustrations of how street alignments and land uses in the proposed MPD will coordinate and integrate with existing adjacent development, and adjacent undeveloped properties.
11. A narrative description of proposed ownership and proposed maintenance program for all lands and facilities required to be shown on the master plan drawings by subsection (A)(1)(a) of this section.
12. A proposed water conservation plan for the MPD pursuant to Section 18.98.190.
13. If applicable, a description of any mineral (or other resource) extraction operations proposed within the MPD, the timing and phasing of the proposed operation and reclamation of the land for subsequent proposed uses.
14. Proof of proper notice for the public information meeting.
15. A narrative description, with reference to the drawings required by subsection (A)(1)(a) above, of how the proposal will comply with the sensitive areas ordinance (Chapter 19.10);
16. Proposed floor area ratios (FAR) for both residential and non-residential areas;
17. A narrative description, with associated tables, showing the intended residential density, the number of development rights that are needed to meet the intended density, the number of development rights that are already associated with the property included within the proposed

MPD boundaries, and the number of development rights that must be acquired to meet the intended density;

18. If transfer of development rights are needed to attain proposed densities, a phase plan for the acquisition of development rights certificates shall be submitted, demonstrating that for each residential phase, no more than sixty percent of the proposed density is based upon the land area included in that phase. Prior to approval of implementing project actions (subdivision approval, site plan approval, etc.), the originals or documentation of the right to use development rights held in trust by the city pursuant to the terms of the transfer of development rights program (Chapter 19.24), shall be provided.

- B. The director shall have the authority to administratively establish additional detailed ~~submittal~~ [application](#) requirements.
- C. The applicant shall pay all costs incurred by the city in processing the MPD permit application, including, but not limited to, the costs of planning and engineering staff and consultants, SEPA review, fiscal experts, legal services, and overall administration. A deposit in an amount equal to the staff's estimate of processing the MPD, as determined after the pre-application conference shall be required to be paid at the time of application, and shall be placed in a separate trust account. The city shall establish procedures for periodic billings to the applicant of MPD review costs as such costs are incurred, and may require the maintenance of a minimum fund balance through additional deposit requests.

18.98.050 MPD permit—Required approvals.

- A. MPD permit required. An approved MPD permit and development agreement shall be required for every MPD.
- B. Consolidated review. An MPD permit will be allowed as part of a consolidated permit action as authorized by RCW 36.70B. Consolidation shall not be allowed for comprehensive plan amendments. At the city's discretion, an MPD permit may be processed concurrently with amendments to the development regulations or interlocal agreements, provided that the applicant acknowledges in writing that they assume the risk of the MPD permit application being denied or otherwise conditioned as a result of final action on any requested amendment.
- C. Implementing development applications. An MPD permit must be approved, and a development agreement as authorized by RCW 36.70B completed, signed and recorded, before the city will grant approval to an application for any implementing development approval. An application for an MPD permit may be processed with amendments to the comprehensive plan, zoning code, inter-local agreements and land development permits associated with the MPD permit, such as forest practice permits, clearing and grading permits, shorelines permits, and permits required by other public agencies. The city shall not grant approvals to related permits before the granting of an MPD permit and recording of a development agreement except as provided in [Section] 18.98.030.A.4.

18.98.060 MPD permit—Review process.

- A. MPD permit—Pre-application conference, public information meeting and planning commission informational meeting required.
 - 1. A pre-application conference between the MPD applicant or representative and staff is required before the city will accept an MPD permit application.
 - a. The purpose of this conference is for the applicant to familiarize the staff with the proposed MPD, and for the staff to review with the applicant the city's ~~submittal~~ [application](#)

requirements, anticipated staffing needs, and processing procedures for MPD permit approval. The goal is to identify the city's objectives and likely issues, and to eliminate potential problems that could arise during processing of the MPD permit application prior to formal processing on the MPD permit application.

- b. The applicant or representative shall present the information required as part of the MPD application. The city's intent is that the conference occurs after site inventory and analysis has been substantially completed, but prior to the completion of detailed survey, architectural or engineering work on the proposal.
 - c. A nonrefundable pre-application conference fee in an amount set forth in the adopted fee schedule resolution shall be paid before the pre-application conference will be scheduled.
 - d. If, at the pre-application conference, the city determines that it does not have adequate staff, space, or equipment, to process the application, then the applicant shall deposit with the city an amount sufficient for the city to hire the additional staff and/or consultants, and acquire the space and/or equipment necessary to process the application. The deposit must be made no ~~less~~ fewer than four months or more than five months before the application is submitted. The public information meeting may not be scheduled until the deposit has been made. The city council may waive or shorten the four-month period if it is determined the necessary arrangements for staffing, space and equipment can be made in ~~less~~ fewer than four months.
2. After the pre-application conference has been completed, a public information meeting shall be conducted by the applicant prior to acceptance of an MPD permit application.
 - a. The applicant shall schedule and conduct a public information meeting regarding the proposed application. The public information meeting shall be conducted at City Hall, or at such other public location within the city that will accommodate the anticipated attendees. The applicant shall attend the meeting and provide information to the public regarding the proposed project, its timing, and consistency with the city's MPD code, the comprehensive plan, and other applicable city codes and regulations.
 - b. The public information meeting ~~shall not be a~~ is not a public hearing. ~~, but shall allow for an~~ The meeting should involve informal exchange of comments between the applicant and the general public. Notice of this meeting shall be provided in the newspaper of record at least fourteen days in advance of the meeting and shall be mailed to the property owners identified in subsection A.4.e.(c) of this section.
3. After the public information meeting has been completed, a planning commission informational meeting shall be conducted. The planning commission information meeting is required before the city will accept an application for MPD permit approval.
 - a. The planning commission information meeting will take place at a regular meeting of the commission. At this meeting, the applicant shall present the overall planning and design concept of the proposed MPD, and the commission shall provide preliminary feedback to the applicant regarding the consistency of this concept with the city's adopted standards, goals and policies. The planning commission may bring specific issues of interest or concern to the attention of the applicant.
 - b. While a public meeting, the purpose of the planning commission informational meeting is not intended for the receipt of comments from the public regarding the proposed MPD.
4. MPD permit public review process.

- a. Completeness check and SEPA. Staff shall review the MPD application for completeness and, once it is determined to be complete, provide the required notice of application. Staff will then initiate the SEPA process.
- b. Optional EIS scoping meeting. If the responsible official makes a determination of environmental significance regarding an MPD application, staff may schedule and conduct an EIS scoping meeting. The applicant shall attend the meeting and provide information regarding the proposed project, scope, planning, timing, and the results of any relevant environmental studies performed by the applicant's consultants.
- c. Staff review. At the conclusion of the SEPA process, staff will conduct its detailed review of the proposal. This review may include requesting additional information, or proposal revisions, from the applicant.
- d. Staff report. The staff will prepare a written staff report to the hearing examiner. The completed staff report shall be sent to the hearing examiner and to the applicant at least ten calendar days prior to the public hearing.
- e. Hearing examiner public hearing. The city's hearing examiner shall hold a public hearing on the MPD permit application. At least fourteen calendar days prior to the public hearing, the city shall provide notice of the hearing as follows:
 - (a) Publication in the city's newspaper of record;
 - (b) Posting of the proposal site, in at least three locations visible from public streets or rights-of-way;
 - (c) Mailing to owners of record of properties within five hundred feet of the perimeter of the proposed MPD per Section 18.98.040(A)(9); and
 - (d) Any person(s) formally requesting notice.
5. MPD permit approval criteria. The hearing examiner shall prepare recommended findings of fact, conclusions of law, and conditions of approval or a recommendation for denial for the city council's consideration, and shall transmit these to the city council within fourteen calendar days of the close of the public hearing unless the hearing examiner determines by written findings that a specified amount of additional time is necessary because the matter is of unusual complexity or scope or for other good cause. The examiner shall evaluate the MPD application and other evidence submitted into the record, to determine if the application, when appropriately conditioned, meets or exceeds the approval criteria set forth in Section 18.98.080.
6. City council. At its first regular meeting following the receipt of the hearing examiner's recommendations, the city council shall schedule a time for its consideration of the MPD. The council may:
 - a. Accept the examiner's recommendation;
 - b. Remand the MPD application to the examiner with direction to open the hearing and provide supplementary findings and conclusions on specific issues; or
 - c. Modify the examiner's recommendation. If modifying the examiner's recommendation, the council shall enter its own modified findings and conclusions as needed.
7. Appeals. The council's decision with regard to an MPD permit shall be the city's final action for the purpose of any and all appeals.

18.98.070 MPD permit—Environmental review (SEPA).

- A. Pursuant to the requirements of the State Environmental Policy Act (SEPA) and local SEPA regulations, the city shall determine whether an environmental impact statement is required for the MPD proposal. An application for an MPD permit shall include, at a minimum, a completed environmental checklist. Prior to or concurrent with application submittal, the city and the applicant may agree to prepare an environmental impact statement for the proposal.
- B. If desired by the applicant and deemed appropriate by the city, an MPD proposal may be designated by the city as a planned action pursuant to RCW 43.21C.031(2) and WAC 197-11-164 et seq.
- C. Implementing city permits and approvals, such as preliminary plats, building permits, and design reviews, shall be subject to applicable SEPA requirements.

18.98.080 MPD permit—Conditions of approval.

- A. An MPD permit shall not be approved unless it is found to meet the intent of the following criteria or that appropriate conditions are imposed so that the objectives of the criteria are met:
 - 1. The project complies with all applicable adopted policies, standards and regulations. In the event of a conflict between the policies, standards or regulations, the most stringent shall apply unless modifications are authorized in this chapter and all requirements of Section 18.98.130 have been met. In the case of a conflict between a specific standard set forth in this chapter and other adopted policies, standards or regulations, then the specific requirement of this chapter shall be deemed the most stringent.
 - 2. Significant adverse environmental impacts are appropriately mitigated.
 - 3. The proposed project will have no adverse financial impact upon the city at each phase of development, as well as at full build-out. The fiscal analysis shall also include the operation and maintenance costs to the city for operating, maintaining and replacing public facilities required to be constructed as a condition of MPD approval or any implementing approvals related thereto. This shall include conditioning any approval so that the fiscal analysis is updated to show continued compliance with this criteria, in accordance with the following schedule:
 - a. If any phase has not been completed within five years, a new fiscal analysis must be completed with regards to that phase before an extension can be granted; and
 - b. Prior to commencing a new phase.
 - 4. A phasing plan and timeline for the construction of improvements and the setting aside of open space so that:
 - a. Prior to or concurrent with final plat approval or the occupancy of any residential or commercial structure, whichever occurs first, the improvements have been constructed and accepted and the lands dedicated that are necessary to have concurrency at full build-out of that project for all utilities, parks, trails, recreational amenities, open space, stormwater and transportation improvements to serve the project, and to provide for connectivity of the roads, trails and other open space systems to other adjacent developed projects within the MPD and to the MPD boundaries; provided that, the city may allow the posting of financial surety for all required improvements except roads and utility improvements if determined to not be in conflict with the public interest; and
 - b. At full build-out of the MPD, all required improvements and open space dedications have been completed, and adequate assurances have been provided for the maintenance of the same.

The phasing plan shall ~~ensure~~ ~~assure~~ that the required MPD objectives for employment, fiscal impacts, and connectivity of streets, trails, and open space corridors are met in each phase, even if the construction of improvements in subsequent phases is necessary to do so.

5. The project, at all phases and at build-out, will not result in the lowering of established staffing levels of service including those related to public safety.
 6. Throughout the project, a mix of housing types is provided that contributes to the affordable housing goals of the city.
 7. If the MPD proposal includes properties that are subject to the Black Diamond Urban Growth Area Agreement (December 1996), the proposal shall be consistent with the terms and conditions therein.
 8. If the MPD proposal includes properties that were annexed into the city by Ordinances 515 and 517, then the proposal must be consistent with the terms and conditions therein.
 9. The orientation of public building sites and parks preserves and enhances, where possible taking into consideration environmental concerns, views of Mt. Rainier and other views identified in the comprehensive plan. Major roads shall be designed to take advantage of the bearing lines for those views.
 10. The proposed MPD meets or exceeds all of the public benefit objectives of [Section] 18.98.020 and the MPD purposes of [Section] 18.98.010(B) through (M).
 11. If the MPD project is adjacent to property already developed, or being developed as an MPD, or adjacent to property which is within an MPD overlay zone, then the project is designed so that there is connectivity of trails, open spaces and transportation corridors, the design of streetscape and public open space amenities are compatible and the project will result in the functional and visual appearance of one integrated project with the adjacent properties subject to an MPD permit or, if not yet permitted, within an MPD overlay zone.
 12. As part of the phasing plan, show open space acreages that, upon build-out, protect and conserve the open spaces necessary for the MPD as a whole. Subsequent implementing approvals shall be reviewed against this phasing plan to determine its consistency with open space requirements.
 13. Lot dimensional and building standards shall be consistent with the MPD Design Guidelines.
 14. School sites shall be identified so that all school sites meet the walkable school standard set for in the comprehensive plan. The number and sizes of sites shall be designed to accommodate the total number of children that will reside in the MPD through full build-out, using school sizes based upon the applicable school district's adopted standard. The requirements of this provision may be met by a separate agreement entered into between the applicant, the city and the applicable school district, ~~which~~ that shall be incorporated into the MPD permit and development agreement by reference.
- B. So long as to do so would not jeopardize the public health, safety, or welfare, the city may, as a condition of MPD permit approval, allow the applicant to voluntarily contribute money to the city in order to advance projects to meet the city's adopted concurrency or level of service standards, or to mitigate any identified adverse fiscal impact upon the city that is caused by the proposal.

18.98.090 MPD permit—Development agreement.

The MPD conditions of approval shall be incorporated into a development agreement as authorized by RCW 36.70B.170. This agreement shall be binding on all MPD property owners and their successors, and

shall require that they develop the subject property only in accordance with the terms of the MPD approval. This agreement shall be signed by the mayor and all property owners and lien holders within the MPD boundaries, and recorded, before the city may approve any subsequent implementing permits or approvals (preliminary plat, design review, building permit, etc.).

18.98.100 MPD permit—Amendments to an approved MPD permit.

An applicant may request an amendment to any element or provision of an approved MPD. All applications for amendments shall be deemed either "minor" or "major." An amendment application shall be considered minor if it meets all of the following criteria:

- A. Would not increase the total number of dwelling units in an MPD above the maximum number set forth in the approved MPD permit or reduce the number by more than ten percent;
- B. Would not increase the total floor area of nonresidential uses by more than ten percent;
- C. Would not decrease the minimum, or increase the maximum density for residential areas of the MPD beyond density ranges approved in the MPD permit;
- D. Would not decrease the approved amount of open space or recreation space;
- E. Would not increase any adverse environmental impact, provided that additional environmental review may be required to determine whether such change is likely to occur;
- F. Would not adversely impact the project's fiscal projections to the detriment of the city;
- G. Would not significantly impact the overall design of the approved MPD; and
- H. Would not significantly alter the size or location of any designated open space resulting in a lowered level of service and does not reduce the total amount of required open space.
- I. Minor amendments may be approved administratively in accordance with the procedure set forth in the MPD development agreement, where applicable. Any amendment application that is not "minor" shall be deemed to be major. The final determination regarding whether an amendment is "minor" or "major" shall rest with the director, subject to appeal to the hearing examiner. Applications for major modifications shall be reviewed by the same procedures applicable to new MPD permit requests. The city, through the development agreement for the approved MPD, may specify additional criteria for determining whether a proposed modification is "major" or "minor", but the criteria listed in this section cannot be modified or reduced in a development agreement.

18.98.110 MPD standards—Design review required.

- A. Design standards. The MPD master plan and each subsequent implementing permit or approval request, including all proposed building permits, shall be consistent with the MPD design standards that are in effect at the time each application is determined to be complete.
- B. Design review process.
 - 1. MPD permit. The hearing examiner shall evaluate the overall MPD master plan for compliance with the MPD design standards, as part of the examiner's recommendation to the city council on the overall MPD permit.
 - 2. *Implementing permits or approvals—Residential subdivisions.* Each residential subdivision that is part of an approved MPD shall be reviewed at the time of preliminary plat review for compliance with the city's MPD design standards. This review shall include typical elevations, and exterior material samples for the single-family residences and other structures to be built on the

subdivided lots. This review shall be merged with the hearing examiner's review of the preliminary plat.

3. Implementing permits or approvals—Short subdivisions (short plats). Short subdivisions (short plats) within an approved MPD shall be reviewed by the director for compliance with the city's MPD design standards as required in [subsection] (2) above.
4. Implementing permits or approvals—Residential building permits. Staff shall administratively review residential building permit applications in approved and recorded subdivisions and short subdivisions for consistency with the MPD design guidelines.
5. Implementing permits or approvals—Other building permits. All other structures shall be reviewed by the director for compliance with the MPD design standards. The director shall make a decision on the proposal's compliance with the MPD design standards and adopt findings, conclusions and, where applicable, conditions of approval. Building permit applications that are found to be not consistent with the approved design standards shall be rejected, subject to appeal to the hearing examiner.
6. Future project consistency. The decision-maker shall not approve a preliminary plat or short plat, or issue a building permit or site plan review approval for a parcel located within an MPD, unless the city has found that the proposal is consistent with applicable MPD design standards.

18.98.120 MPD standards—Permitted uses and densities.

- A. MPDs shall include a mix of residential and nonresidential use. Residential uses shall include a variety of housing types and densities.
- B. The MPD shall include those uses shown or referenced for the applicable parcels or areas in the comprehensive plan, and shall also provide neighborhood commercial uses, as defined in the comprehensive plan, sized and located to primarily serve the residential portion of the MPD.
- C. The MPD shall, within the MPD boundary, or elsewhere within the city, provide for sufficient properly zoned lands, and include sufficient incentives to encourage development as permit conditions, so that the employment targets set forth in the comprehensive plan for the number of proposed residential units within the MPD, will, with reasonable certainty, be met before full build-out of the residential portion of the MPD.

D.E. Property that is subject to a preannexation agreement, development agreement or annexation ordinance conditions relating to residential density will have as its base density the minimum density designated in such agreement or ordinance. All other property will have as its ~~base~~ standard density the minimum density designated in the comprehensive plan.

E.F. The council may authorize a residential density of up to twelve dwelling units per acre so long as all of the other criteria of this chapter are met, the applicant has elected to meet the open space requirements of Section 18.98.140(G), or otherwise is providing the open space required by Section 18.98.140(F), and the additional density is acquired by participation in the TDR program. In any development area within an MPD, for which the applicant has elected to meet the open space requirements of Section 18.98.140(G) or is otherwise meeting the open space requirement of [Section] 18.98.140(F), an effective density of development up to a maximum of eighteen dwelling units per gross acre may be approved, so long as the total project cap density is not exceeded and the development, as situated and designed, is consistent with the provisions of [Sections] 18.98.010 and 18.98.020. A MPD may include multi-family housing at up to thirty dwelling units per gross acre, subject to the following:

1. Areas proposed for development at more than eighteen dwelling units per gross acre shall be identified on the MPD plan; and
2. Identified sites shall be located within one-quarter mile of shopping/commercial services or transit routes; and
3. The maximum building height shall not exceed forty-five feet; and
4. Design guidelines controlling architecture and site planning for projects exceeding eighteen dwelling units per gross acre shall be included in the required development agreement for the MPD; and
5. Residential uses located above ground floor commercial/office uses in ~~mixed-use~~[mixed-use](#) areas within a MPD are not subject to a maximum density, but areas subject to the maximum building height, bulk/massing, and parking standards as defined in the design guidelines approved for the MPD. No more than two floors of residential uses above the ground floor shall be allowed.

~~EG~~. Unless the proposed MPD applicant has elected to meet the open space requirements of Section 18.98.140(G), or is otherwise meeting the open space requirements of Section 18.98.140(F), the following conditions will apply, cannot be varied in a development agreement, and shall preempt any other provision of the code that allows for a different standard:

1. Clustering of residential units shall not be allowed;
2. Residential density shall not exceed ~~four dwelling units per acre~~[the underlying zoning district](#) in any location [and in accordance with Transfer of Development Right provisions, as applicable](#);
3. The lot dimension requirements of ~~[Section] 18.44.040~~[the underlying zoning district](#) shall be met.

18.98.130 MPD standards—Development standards.

- A. Where a specific standard or requirement is specified in this chapter, then that standard or requirement shall apply. Where there is no specific standard or requirement and there is an applicable standard in another adopted city code, policy or regulation, then the MPD permit and related development agreement may allow development standards different from [those] set forth in other chapters of the Black Diamond Municipal Code, if the proposed alternative standard:
 1. Is needed in order to provide flexibility to achieve a public benefit; and
 2. Furthers the purposes of this chapter and achieves the public benefits set forth in Section 18.98.010; and
 3. Provides the functional equivalent and adequately achieves the purpose of the development standard from which it is intended to deviate.
- B. Any approved development standards that differ from those in the otherwise applicable code shall not require any further zoning reclassification, variances, or other city approvals apart from the MPD permit approval.

18.98.140 MPD standards—Open space requirements.

- A. Open space is defined as wildlife habitat areas, perimeter buffers, environmentally sensitive areas and their buffers, and trail corridors. It may also include developed recreation areas, such as golf courses, trail corridors, playfields, parks of one-quarter acre or more in size, pocket parks that contain an active use element, those portions of school sites devoted to outdoor recreation, and stormwater detention/retention ponds that have been developed as a public amenity and incorporated into the public park system. An MPD application may propose other areas to be considered as open space,

subject to approval. It shall not include such space as vegetative strips in medians, isolated lands that are not integrated into a public trail or park system, landscape areas required by the landscape code, and any areas not open to the public, unless included within a sensitive area tract as required by Chapter 19.10.

- B. Natural open space shall be located and designed to form a coordinated open space network resulting in continuous greenbelt areas and buffers to minimize the visual impacts of development within the MPD, and provide connections to existing or planned open space networks, wildlife corridors, and trail corridors on adjacent properties and throughout the MPD.
- C. The open space shall be located and designed to minimize the adverse impacts on wildlife resources and achieve a high degree of compatibility with wildlife habitat areas where identified.
- D. The approved MPD permit and development agreement shall establish specific uses for open space within the approved MPD.
- E. The approved MPD permit and development agreement shall establish which open space shall be dedicated to the city, which shall be protected by conservation easements, and which shall be protected and maintained by other mechanisms.
- F. An approved MPD shall contain the amount of open space required by any prior agreement.
- G. If an applicant elects to provide fifty percent open space, then the applicant may be allowed to vary lot dimensions as authorized elsewhere in this chapter, cluster housing, and seek additional density as authorized in Section 18.98.120(F).

18.98.150 MPD standards—On-site recreation and trail requirements.

- A. An MPD shall provide on-site recreation areas and facilities sufficient to meet the needs of MPD residents, exceeding or at a minimum consistent with levels of service adopted by the city where applicable. This shall include providing for a coordinated system of trails and pedestrian linkages both within, and connecting to existing or planned regional or local trail systems outside of the MPD.
- B. The MPD permit and development agreement shall establish the sizes, locations, and types of recreation facilities and trails to be built and also shall establish methods of ownership and maintenance.

18.98.155 MPD standards—Sensitive areas requirements.

- A. The requirements of the sensitive areas ordinance (Chapter 19.10) shall be the minimum standards imposed for all sensitive areas.
- B. All development, including road layout and construction, shall be designed, located and constructed to minimize impact of wildlife habitat and migration corridors. This shall include minimizing use of culverts in preference to open span crossings.

18.98.160 MPD standards—Transfer of development rights.

- A. All proposed transfers of development rights shall be consistent with the TDR program (Chapter 19.24). An MPD permit and development agreement shall establish the TDR requirements for a specific MPD. Maximum allowable MPD residential densities can only be achieved through participation in the city's TDR program as a receiving site.
- B. Property that is subject to a preannexation agreement, development agreement or annexation ordinance conditions relating to residential density will have as its base density the density designated

in such agreement or ordinance. All other property will have as its ~~base~~-standard density ~~which is~~ the minimum density designated in the comprehensive plan.

18.98.170 MPD standards—Street standards.

- A. Street standards shall be consistent with the MPD design guidelines, which may deviate from city-wide street standards in order to incorporate "low impact development" concepts such as narrower pavement cross-sections, enhanced pedestrian features, low impact stormwater facilities, and increased connectivity or streets and trails. Any increased operation and maintenance costs to the city associated therewith shall be incorporated into the fiscal analysis.
- B. The street layout shall be designed to preserve and enhance views of Mt. Rainier or other views identified in the city's comprehensive plan to the extent possible without adversely impacting sensitive areas and their buffers.
- C. The approved street standards shall become part of the MPD permit approval, and shall apply to public and private streets in all subsequent implementing projects except when new or different standards are specifically determined by the city council to be necessary for public safety.

18.98.180 MPD standards—Stormwater management standards.

- A. The stormwater management system shall enhance the adopted standards that apply generally within the city, in order to implement the concepts in Sections 18.98.010(C), (H), and (L), 18.98.020(B) and (C), and 18.98.180(C). The stormwater detention system shall be publicly owned. Provided, in non-residential areas, the use of private vaults and filters may be authorized where: (1) the transmission of the stormwater by gravity flow to a regional system is not possible and (2) there is imposed a maintenance/replacement condition that requires vault filters to be regularly inspected and maintained by the property owner.
- B. The stormwater management system shall apply to public and private stormwater management systems in all subsequent implementing projects within the MPD, except when new or different standards are specifically determined by the city council to be necessary for public health or safety, or as modified as authorized in Section 18.98.195(B).
- C. Opportunities to infiltrate stormwater to the benefit of the aquifer, including opportunities for reuse, shall be implemented as part of the stormwater management plan for the MPD.
- D. The use of small detention/retention ponds shall be discouraged in favor of the maximum use of regional ponds within the MPD, recognizing basin constraints. Ponds shall be designed with shallow slopes with native shrub and tree landscaping and integrated into the trail system or open space corridors whenever possible. Small ponds shall not be allowed unless designed as a public amenity and it is demonstrated that transmitting the stormwater to a regional pond within the MPD is not technically feasible.

18.98.190 MPD standards—Water and sewer standards.

- A. An MPD shall be served with public water and sanitary sewer systems that:
 - 1. Employ innovative water conservation measures including metering technologies, irrigation technologies, landscaping and soil amendment technologies, and reuse technologies to reduce and/or discourage the reliance upon potable water for nonpotable uses including outdoor watering.

2. Are designed in such a way as to eliminate or at a minimum reduce to the greatest degree possible the reliance upon pumps, lift stations, and other mechanical devices and their associated costs to provide service to the MPD.
- B. Each MPD shall develop and implement a water conservation plan to be approved as part of the development agreement that sets forth strategies for achieving water conservation at all phases of development and at full build-out, that results in water usage that is at least ten percent less the average water usage in the city for residential purposes at the time the MPD application is submitted. For example, if the average water ~~usage~~ usage is two hundred gallons per equivalent residential unit per day, then the MPD shall implement a water conservation strategy that will result in water use that is one hundred eighty gallons per day or less per equivalent residential unit.

18.98.195 Vesting.

- A. Except to the extent earlier terminated, modified by the provisions of this chapter, or as otherwise specified in the conditions of approval, the MPD permit approval vests the applicant for fifteen years to all conditions of approval and to the development regulations in effect on the date of approval.
- B. Vesting as to stormwater regulations shall be on a phase by phase basis.
- C. Vesting as to conditions necessary to meet the fiscal impacts analysis criteria required by Section 18.98.060(B)(6)(c) shall only be for such period of time as is justified by the required updated analysis.
- D. Building permit applications shall be subject to the building codes in effect at the time a building permit application is deemed complete.
- E. The council may grant an extension of the fifteen year vesting period for up to five years for any phase so long as the applicant demonstrates with clear and convincing evidence that all of the following are met:
 1. The phase approval has not been revoked in accordance with the provisions of Section 18.98.200;
 2. The failure to obtain the implementing entitlement approval for the applicable phase is a result of factors beyond the applicant's control;
 3. The granting of an extension will not adversely impact any of the purposes or public benefit provisions of this chapter; and
 4. The city has not adopted ordinances of general application that impose a more stringent development standard than those in effect for the phase for which a time extension is requested or, in the alternative, the applicant agrees to comply with the more stringent standard.

Any request for an extension shall be considered as a major amendment to the MPD. The council may impose such additional conditions to the phases as it deems appropriate to further the purposes and public benefit objectives of the MPD code in light of the number of years that have passed since the original MPD permit approval and taking into consideration the effectiveness of the existing permit conditions in meeting those purposes and public benefit objectives.

18.98.200 Revocation of MPD permit.

The city council may amend or revoke any or all conditions of MPD approval, after public hearing and notice under the following circumstances:

- A. If the MPD permit allowed for phasing and the implementing action (i.e., final plat approval, site plan approval, etc.) for the development of the next phase has not been approved within five years of the approval of the previous phase or, in the case of the first phase, from the original MPD approval and an

extension of said phase has not been previously granted. An extension may be granted for up to an additional two years on such additional conditions as the council determines are necessary in order to ~~ensure~~^{assure} that the extension does not adversely impact the intent and purpose of the initial MPD approval.

- B. A condition of the MPD approval has been violated and the violation has not been corrected after sixty days notice of the violation unless said violation can be corrected through the use of a duly posted performance or maintenance bond provided at the time of MPD approval.
- C. A violation of an MPD condition of approval that cannot be corrected, such as the destruction of wetlands or removal of trees and vegetation that was specifically prohibited and cannot be restored to their original state within sixty days.
- D. The MPD permit has been approved for more than five years and the city council finds that further development will present a threat to the public health, safety and welfare unless the amendment or revocation is implemented; provided, however, the city shall first determine that the condition cannot be amended in order to eliminate the threat to the public health, safety or welfare before it revokes the permit approval.

The above provisions notwithstanding, the vacation and/or amendment of the MPD approval shall not affect previously approved building permits.

- E. If the MPD permit is revoked for undeveloped phases, the parcels for which the permit is revoked cannot be developed without a new MPD permit being obtained, even if the revoked parcels are less than the minimum acreage required by Section 18.98.030.

Chapter 18.100 DEFINITIONS

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- Note: This chapter includes **staff proposed** re-numbering for the terms *which is not shown as tracked changes*. We request the codifier remove the individual section numbers previously assigned to each definition and instead organize by sections for each letter of the alphabet. Doing so will make future adjustments easier.
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18.100.005 Intent and interpretation.

A. It is the intent of this chapter to:

1. Promote consistency and precision in the interpretation of this title; and
2. Define (and illustrate, where necessary) certain words, terms and phrases in the interest of reducing to a minimum the misunderstanding ~~which~~ that may occur in the absence of such definition.

B. General Rules Regarding Use of Language and Interpretation.

1. Words, terms and phrases not specifically defined in this section or in other sections of this title (where more special terms may be defined) shall have the meaning as defined in any recognized, standard dictionary of the English language.
2. Words, terms and phrases defined herein may have meanings more specific than their meanings in common usage, standard dictionaries or other ordinances.
3. The meaning and construction of words and phrases, as set forth in this section shall apply throughout this title except where the context of such words or phrases clearly indicates a different meaning or construction.
4. Rules of Construction.
 - a. Illustration. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.
 - b. Shall and May. Shall is always mandatory and not discretionary. May is discretionary.
 - c. Tenses and Numbers. Words used in the present tense include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - d. Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - i. And indicates that all connected items or provisions shall apply.
 - ii. Or indicates that the connected items or provisions may apply singly or in any combination.
 - iii. Either ... or indicates that the connected items or provisions shall apply singly but not in combination.
 - iv. Gender. The masculine gender he includes the feminine gender she and the feminine gender she includes the masculine gender he.
5. General Terms.
 - a. Planning commission means the city planning commission of the city of Black Diamond.

- b. City means the city of Black Diamond.
- c. County means King County.
- d. Federal means the government of the United States.
- e. State means the state of Washington.
- f. Comprehensive plan or the plan, means the comprehensive land use plan of the city as adopted, and as amended from time to time.
- g. Section means any of the various sections of this title unless otherwise clearly indicated by the context.

18.100.010 Generally.

In addition to the words and terms defined in this chapter, several sections of this title contain definitions specifically related to those sections. In the event of conflict between definitions in this list and those shown in other sections of this title the definition in the other section shall govern within the context of the section within which it appears. (See sections on home occupations, accessory dwelling units, signs and manufactured housing.)

18.100.015 “A” definitions.

Abandon. Knowing relinquishment of right or claim to the subject property or structure on that property by the owner without any intention of transferring rights to the property to another owner or of resuming the use of the property (such as sale, loss of lease, eviction, etc.).

Abutting. Having a common boundary; except, that parcels having no common boundary other than a common corner shall not be considered abutting.

Accessory building. A building, or structure, or portion of a building, devoted to an activity subordinate to the principal use of the premises, e.g. detached garage, shed.

Accessory dwelling unit. A smaller, auxiliary dwelling unit located on a lot occupied by a ~~single-family detached~~ principal dwelling. This unit provides a separate and completely independent dwelling unit with facilities for cooking, sanitation and sleeping, ~~and has a separate and independent entry/exist than one utilized for the primary residence~~.

Accessory dwelling unit, attached. An accessory dwelling unit that is attached to or part of the ~~primary single-family housing unit~~ principal dwelling. Examples include converted living space, basements or attics, attached garages, additions, or a combination thereof.

Accessory dwelling unit, detached. An accessory dwelling unit that consists of a building that is separate and detached from the ~~primary single-family housing unit~~ principal dwelling. Examples include converted garages or new standalone construction.

Accessory living quarters. Living quarters, ~~which that~~ may include kitchen facilities, within an accessory building or the main building for the sole use of persons employed on the premises and not rented or otherwise used as a separate dwelling.

Accessory use. A use customarily incidental and/or subordinate to the principal use of the land or building site, or to a building or other structure located on the same building site as the accessory use.

Adjacent. Directly next to, touching, as in a common property line, or directly across a street.

Adult oriented business. See BDMC 18.60.010.

Alley. A public or private way not more than twenty feet wide permanently reserved as a secondary means of access to abutting property.

Amendment. Any change, modification, deletion, or addition to the wording, text or substance of the zoning title, or any change, modification, deletion, or addition to the application of the zoning title to property within the city, including any alteration in the boundaries of a zone, when adopted by ordinance passed by the city council.

► Note: The following **definition is proposed** to be updated (was “elderly care”)

Assisted living facilities. A shared multi-family residential living environment that combines living, support services, personalized assistance, and varying degrees of health care; includes nursing homes, congregate care, life care, and residential care facilities, but not facilities for older adults who require no outside assistance for daily living.

Automobile fueling station. An automotive retail sales and service use in which fuel for motorized vehicles is sold, and in which accessory uses may include, tow trucks, minor vehicle repair, car wash facilities, and a convenience store.

Automobile wrecking. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of five or more motor vehicles which for a period exceeding thirty days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

18.100.020 “B” definitions.

Basement. That portion of a building between floor and ceiling, ~~which~~ that is partly below and partly above the finished grade, but so located that the vertical distance from the finished grade to the floor below is less than the vertical distance from the finished grade to the ceiling. If a basement has a ceiling height of seven feet or more, it shall be considered a story unless it is used exclusively for parking, storage, and/or housing of mechanical or central heating equipment.

Billboards. Any board, fence, sign, or structure upon which any advertisement is shown, or whereupon any poster, bill, printing, painting, device, or other advertising matter of any kind whatsoever may be placed, stuck, tacked, pasted, printed, or fastened.

Bed and breakfast. A lodging use, within a ~~single family~~ single-family dwelling unit that is the principal residence of the proprietors, where short-term overnight lodging and meals are provided to unrelated individuals for compensation.

Best management practices (BMPs). "Best management practices" or "BMPs" means the best available and reasonable physical, structural, behavioral, and/or managerial practices that, when used singly or in combination, eliminate or reduce the contamination of both surface waters and groundwaters.

Buffer. An area of land or a structure used or created for the purpose of insulating or separating a structure or land use from other uses or structures in such manner as to reduce or mitigate any adverse impacts of one on the other.

Buildable area. That portion of the land that remains after required yards and buffers have been excluded from the building site.

Building. Any structure built for the support, shelter or enclosure of persons, animals, or property of any kind.

[Building permit. A permit issued pursuant to the State Building Code as adopted in RCW Chapter 19.27.](#)

Building coverage. The amount or percentage of ground area covered or occupied by a building or buildings; usually expressed in square feet or percentage of land on the lot and measured horizontally at the roofline, including eaves/overhangs. (See also, Development Coverage.)

Building height. The vertical distance from average grade level to the highest point of a building or structure, excluding any chimney, antenna or similar appurtenance.

Business support service. An establishment primarily engaged in providing services to businesses on a fee or contract basis, such as advertising, mailing, consulting, protection, equipment rental, leasing, convenience retail, financial services, and restaurants.

18.100.025 “C” definitions.

"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

Caretaker's quarters. A residence that is accessory to a site with a nonresidential primary use and that is needed for security, twenty-four-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

Carport. A roofed structure, or a portion of a building, open on two or more sides; primarily for the parking of automobiles belonging to the occupants of the property.

► Note: Child care center definition below per **ESSB 5509 (2025)**

["Child day care center" and "child care center" mean an agency \(as defined in RCW 43.216.010\) that regularly provides early childhood education and early learning services for a group of children for periods of fewer than 24 hours.](#)

~~Child care establishment. An establishment licensed by the State of Washington that provides regularly scheduled care for groups of children for periods of less than twenty-four hours. Includes nursery schools and day care centers and can occur in the home of the provider or at a commercial location. See also RCW 42.216.010(1)(a).~~

► Note: The following definition is from **RCW 36.70A.535(11)(a)**

Co-living housing. A residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building.

Complete project permit application. A project permit application that meets the requirements established in the Black Diamond Municipal Code and administrative regulations needed for a complete application, including the payment of applicable fees.

Conditional uses. Certain uses ~~which~~ that because of special requirements, unusual character, size or shape, infrequent occurrence or possible detrimental effects on surrounding property and for other similar reasons may be allowed in certain use districts only by the granting of a conditional use permit by the either the director or hearing examiner, imposing such performance standards to make the use compatible with other permitted uses in the same vicinity and zone (RCW 36.70.020(7)).

Courtyard apartments means attached dwelling units arranged on two or three sides of a yard or court.

18.100.030 “D” definitions.

► Note: The following definition is proposed by staff to explain how the state requirements for additional units on a “per lot” basis can be applied and understood

Density, base. As detailed in Chapter 18.98, property that is subject to a preannexation agreement, development agreement or annexation ordinance conditions relating to residential density will have as its base density the minimum density designated in such agreement or ordinance.

Density, standard. The number of dwelling units per acre. Accessory dwelling units (ADUs) and units allowed pursuant to middle housing regulations are not counted in the standard density which is expressed in the number of principal housing units allowed on a per acre basis. Instead, ADUs and middle housing units are based on the number of units per lot which is similar to a density bonus.

Density, gross. The total area of a parcel of land, may be expressed in square feet or fractions of an acre.

Density, net. The area of a parcel of land, less the area devoted to streets, roads or alleys, public or private; may be expressed in square feet or fractions of an acre.

Department. The community development department or such other department as designated by the city administrator.

Development coverage. The amount or percentage of ground area covered by impervious surfaces (i.e., surfaces ~~which~~ that do not absorb moisture, specifically rain water). Impervious surfaces include rooftops and all paved surfaces such as parking areas, roads, driveways, walkways and the like.

Director. The community development director of the city of Black Diamond or his/her designee; or such other individual that may be appointed by the city administrator.

Drive through facilities. A business or a portion of a business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or packaging procedures, to carry

on business while seated in a motor vehicle and passing by one or more service windows in order to pay for and receive food, beverages, and other products. This definition shall include, but not be limited to, car washes, pharmacies, drive-through restaurants, coffee stands, dry cleaners, or banks.

Duplex. Residential housing that is a single structure ~~containing only~~ comprised of two dwelling units. Single-family dwellings with attached accessory dwelling units are not duplexes.

Dwelling. A building, or portion thereof designed exclusively for residential purposes, with sleeping and cooking facilities, including one family, two family, -multiple family or apartment dwellings, duplexes, triplexes, (and similar examples) and manufactured homes. This does not include hotels or motel units having no kitchens.

Dwelling unit. A residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking and sanitation ~~building or portion thereof designed exclusively for residential purposes providing complete housekeeping services for one family.~~

18.100.035 “E” definitions.

Easement. A grant by the property owner for use by the public, a corporation, or person(s) of land for specified purposes, such as vehicular access, pedestrian paths, bicycle paths, utility easements, or drainage facilities; and within which the owner is prohibited from placing any permanent above ground structures.

~~Elderly housing, assisted. A shared multi-family residential living environment that combines living, support services, personalized assistance, and varying degrees of health care; includes assisted living, congregate care, life care, and residential care facilities, but not facilities for active seniors who require no outside assistance for daily living.~~

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- Note: The following two definitions must be added to meet **E2SHB 1220** requirements
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Emergency housing. Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. (RCW 36.70A.030(14))

Emergency shelter. A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities are indoor may include day and warming centers that do not provide overnight accommodations. (RCW 36.70A.030(15))

Entertainment/cultural use. A venue, either indoors or outdoors, that offers entertainment, cultural experiences or places of social gathering, that may serve food and/or beverages; includes theaters, nightclubs, art galleries, taverns, restaurants, brew-pubs, arcades, wine bars, and other civic and commercial premises for entertainment or cultural experiences.

Environmental review. Review under the State Environmental Policy Act (Chapter 43.21C RCW).

Essential public facilities. Those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140; state and

local correctional facilities; solid waste handling facilities; and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020. [See WAC 365-196-550.](#)

Examiner. The City of Black Diamond Hearing Examiner.

18.100.040 “F” definitions.

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- Note: RCW 35A.21.314 says: Except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW [64.37.010](#) and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code or city ordinance, a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit. (**ESSB 5235 of 2021**) The following definition therefore is not needed and should be removed.
-

~~Family. One or more persons (but no more than six unrelated persons) living together as a single housekeeping unit For purposes of this definition, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h), will not be counted as unrelated persons.~~

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- Note: Family day care definition below per **RCW 43.216.010**
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["Family day care provider" and "family home provider" mean a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692.](#)

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- Note: **RCW 36.70B.110 (as amended by SB 5280)** uses the term “final decision”. Chapter 36.70B does not define “final decision” but RCW 36.70B.080(1)(g) defines the review time period as including the time to “final decision,” and RCW 36.70B.080(1)(g)(iii) indicates that any period before an administrative appeal is resolved is counted as part of the review time period. ***The proposed definition below is from Commerce’s guidebook.***
-

[Final decision means the final local government decision on an application, including the final decision on a local appeal, if any.](#)

Floor area. The sum of the gross horizontal area of the floor or floors measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet or more, but excluding all parking and loading spaces, unroofed areas, roofed areas open on two sides, areas having ceiling height of less than seven feet and basements or portions thereof used exclusively for storage or housing of mechanical or central heating equipment.

18.100.045 “G” definitions.

General office uses. A business that as a principal activity provides direct, non-retail business services to the general public or private clients, including office activities such as administration, consulting, real estate sales, accounting, legal services, financial advisors, professional design services, insurance companies, post offices, customer service and call centers and governmental offices.

Grade, average. The average of the natural or existing topography at the midpoint of all exterior walls of a building or structure to be placed on a site.

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- Note: Group Homes def. needs to be checked, to ensure conformance to current state law – AHBL has done some research but further investigation is pending
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Group Homes. Any dwelling unit used as a home for six to 14 unrelated persons, [children or adults](#), (excluding live-in support staff) living as a single housekeeping unit. Incidental medical or psychological treatment, supervision, training, or other support services may be provided to members of the household and are subordinate to the residence. Supervision may be provided by a resident or nonresident. Examples of uses include, but are not limited to, group homes for the disabled, and any other homes for the disabled ~~which~~ [that](#) must be accommodated where similar residential structures for families are allowed pursuant to State and Federal law, foster homes, domestic violence shelters, and homes for individuals who are undergoing or have completed substance abuse treatment (other than addiction caused by current, illegal use of a controlled substance).

18.100.050 “H” definitions.

Heavy industry. Manufacturing, materials storage or other activities with significant external environmental or operational effects, or ~~which~~ [that](#) pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other processes. Includes any manufacturing or industrial activity that cannot be considered "light manufacturing."

Home occupation. See Chapter 18.54.

[Homeless. "Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.](#)

Hotel. Any building containing six or more guest rooms where lodging, with or without meals, is provided for compensation,

Hybrid wholesale/ retail establishment use. An establishment or place of business engaged in selling and/or distributing merchandise to retailers; industrial, commercial, institutional or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies, as well as providing goods available for immediate purchase or rental and removal from the premises directly to the consumer; includes both indoor and outdoor product display and storage.

18.100.055 “I” definitions.

Impervious surface. "Impervious surface" means a non-vegetated surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces ~~which~~ [that](#) similarly impede the natural infiltration of surface and stormwater. Impervious surfaces do not include areas of turf, landscaping, or natural vegetation.

18.100.060 “J” definitions.

Reserved.

18.100.065 “K” definitions.

Reserved.

18.100.070 “L” definitions.

Lapse, permit. Any project permit application submitted to the city for processing that has expired and/or void under BDMC Section 18.14.050.

Light manufacturing. An establishment engaged in manufacturing predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare and vibration resulting from the manufacturing activity are confined entirely within the building.

Lot. A platted or unplatted parcel of land unoccupied, occupied or intended to be occupied by a principal use or building and accessory buildings, together with all yards, open spaces and setbacks required by this title.

Lot area. The total land space or area contained within the boundary lines of any lot, tract or parcel of land; may be expressed in square feet or acres.

Lot line, front. That boundary of a lot ~~which~~ ~~that~~ is located along an existing or dedicated public street, or, where no public street exists, along a public right-of-way or private way. For corner lots, the boundary line with less frontage on a public street (or public right-of-way or private street if there is no public street) shall be considered the front lot line unless otherwise specified on a recorded subdivision. See Yard, front definition for front setback determination information.

Lot line, rear. The lot line ~~which~~ ~~that~~ is opposite and most distant from the front lot line, except in the case of a triangular or pie-shaped lot, it shall mean a straight line ten feet in length ~~which~~ ~~that~~: A. Is parallel to the front lot line; or B. Intersects the two other lot lines at points most distant from the front lot line. See Yard, rear definition for rear setback determination information.

Lot depth. The horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

Lot width. The horizontal distance of a lot measured at right angles to the lines comprising the depth of the lot. The distance shall be measured along a straight line at the minimum required front setback line and the minimum required rear setback line, and then the two distances averaged to determine the lot width.

Lot, corner. A lot that abuts two or more intersecting public or private streets or rights-of-way.

Lot, interior. A lot that has frontage on one street only.

► Note: the following added per **SB 5258 (2023) and SB 5559 (2025)**

Lot, Parent. A residential lot that was or is proposed to be subdivided into unit lots through the unit lot subdivision process.

Lot, through. A lot that fronts on two parallel or nearly parallel streets.

Low impact development (LID)/LID best management practices (BMPs). "Low impact development (LID)" means a stormwater management and land development strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. Other common names for "LID" are "Green Stormwater

Infrastructure" or "Natural Drainage Systems." "LID best management practices" or "LID BMPs" means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs are referred to as flow control BMPs in the Stormwater Management Manual and include, but are not limited to, bioretention, permeable pavements, limited infiltration systems, roof downspout controls, dispersion, soil quality and depth, and minimal excavation foundations.

18.100.075 "M" definitions.

Major institution. A use provided by a public or private organization providing significant educational or medical services to the community, such as high schools, colleges and universities, and hospitals.

Manufactured home park. A residential development in which the land is owned, operated, and maintained as a commercial business ~~and the individual manufactured homes or mobile homes or RVs are either leased or are located on leased sites. See Chapter 18.90.~~

Manufactured home. A structure, transportable in one or more sections, ~~which~~ that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." See Chapter 18.90.

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- Note: The following definition is a **HB 1110 requirement** (RCW 36.70A.635; Definition is from RCW 36.70A.030) The city does not need to allow all of the uses in the state law as middle housing, and **so staff recommends the ones that would be most compatible under this particular permitting type**. Please note that triplexes can be allowed in many, cases, but just wouldn't fit into this permitting type (which offers relief for parking and other aspects). This is a "minimal" / least impactful approach.
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Middle housing. Buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, townhouses, stacked flats, ~~courtyard apartments~~, and cottage housing. For the purposes of this Title and permitting within the City of Black Diamond, courtyard apartments, triplexes, fourplexes, ~~townhouses~~, fiveplexes and sixplexes are not included as middle housing.

~~Mini storage~~ Mini-storage facility. A facility consisting of separate storage units which are rented to customers having exclusive and independent access to their respective units for storage of residential or commercial-oriented goods.

~~Mixed-use~~ Mixed-use. A land use development, in one or more buildings, that may combine at least two of the following uses: Residential, commercial, and/or office.

Mobile home. A factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. It must bear the "mobile home" insignia of the Washington state department of labor and industries. See Chapter 18.90.

Motel. A building or group of buildings containing guest rooms ~~which~~ that may or may not contain cooking facilities, and where lodging with or without meals is provided for compensation. Motels are designed to accommodate the automobile tourist or transient, and parking spaces or garages are conveniently located near each guest room.

Multi-family development, or Multi-family dwelling. A development in which a dwelling unit shares one or more walls with another dwelling unit, and specifically includes duplexes, triplexes, attached townhomes of any number, and apartments.

18.100.080 “N” definitions.

Nonconforming building or structure. A building, structure, or portion thereof that was legally in existence, either constructed or altered prior to June 18, 2009, the date Ordinance No. 909 was passed~~the effective date of this title, which~~ that does not conform with the requirements of this title.

Nonconforming lot. A parcel of land, in separate ownership, and of record prior to June 18, 2009, the date Ordinance No. 909 was passed~~the effective date of this title, which~~ that does not conform to the dimensional or area requirements of this title.

Nonconforming use. An activity in a structure or on a tract of land that was legally in existence prior to June 18, 2009, the date Ordinance No. 909 was passed~~the effective date of this title, which~~ that does not conform to the use regulations of the use district in which it is located.

18.100.085 “O” definitions.

Open space. An area or portion of land, either landscaped or predominantly unimproved, ~~which~~ that is used to meet human recreational or spatial needs or to protect the natural environment.

Open space, common. Open space dedicated or shared in ownership among multiple parties for common use and benefit.

Open space, useable. Undeveloped or unbuilt portions of land designed and maintained in a manner ~~which~~ that makes said open space accessible and usable by and for the persons for whom the space is intended.

Outside storage. All or part of a lot that is used for the keeping of materials or products in an open, uncovered yard or in an unwall building.

18.100.090 “P” definitions.

Parcel. A contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person.

Parking area. An open area, other than a street or alley, ~~which contains~~ containing one or more parking spaces, and the aisles which provide access to such spaces.

Parking space. An unobstructed space or area other than a street or alley ~~which~~ that is permanently reserved and maintained for the parking of one motor vehicle.

► Note: The following definition must be added to meet **E2SHB 1220** requirements

Permanent supportive housing. "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the

[resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW. \(RCW 36.70A.030\(31\)\)](#)

Permeable pavement. "Permeable pavement" means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

Person. An individual or any group of individuals, acting as a unit, whether or not legally constituted as an association, company, corporation, estate, family, partnership, syndicate, trust or other entity.

Personal and professional service uses. Personal services include establishments that provide frequent, needed services to individuals such as barbers, beauticians, health clubs, massage parlors, instruction studios, dry-cleaning, shoe repair, tanning salon, space and tailor/seamstress. Professional services include consulting, real estate sales, accounting, legal services, financial advisors, professional design services, insurance companies and medical and dental offices providing out-patient care.

Pet daycare. Any establishment, or part thereof, or premises or in-home care maintained for the purpose of providing socialization, training, or housing, in the absence of the owner, for less than 24 hours for pets owned by the general public for which a fee is charged. Exceptions to this definition would include state-inspected veterinary hospitals.

Pet store. Any licensed establishment or store that acquires live animals bred elsewhere, including mammals, birds, reptiles, fowl and fish, but excluding livestock and sells or rents, or offers to sell or rent, the live animals to the public or to retail outlets. This definition shall not include livestock auctions, livery stables, or the operating residence of a breeder.

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- Note: The city's existing definition for cottage housing is shown below, which is **proposed to be renamed** to "pocket housing" and therefore was relocated for alphabetization (There is now a specific definition for "cottage housing" following the state law requirements in Section 18.34.060 for middle housing)
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~~Cottage~~ [Pocket neighborhood](#) housing. A form of residential development consisting of small, detached dwelling units, with one or more units on a lot. A ~~cottage~~ [pocket neighborhood](#) housing development has the following characteristics: 1) each unit is of a size and function suitable for a single person or very small family; 2) each unit has the building characteristics of a single family house; 3) units may be located on platted lots or as units in a condominium and may share use of common facilities such as a community room, tool shed, garden, orchards, workshop or parking areas; and 4) the site is designed with a coherent concept in mind, including: shared functional open space, off-street parking, access within the site and from the site, and a shared, consistent landscape design.

Premises. An area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit.

Principal use. The specific and primary purpose for which land or building is occupied, arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Private club. A structure or premises housing a fraternal or other membership organization. A club typically has a meeting room or rooms, cooking and dining facilities, and may include recreation and entertainment facilities.

► Note: The following definition updated for consistency with **RCW 36.70B.020(4)(a)** and **RCW 36.70B.020(4)(b)**.

Project permit. Any land use or environmental permit or license required from the city for a project action, including but not limited to ~~building permits~~, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by sensitive area or critical area ordinances, master planned developments and site specific rezones authorized by a comprehensive plan or subarea plan; but, excluding the adoption or amendment of a comprehensive plan, subarea plan, master planned development regulations or other development regulations. The term “Project permit” does not include building permits.

Property line. A line bounding and indicating the ownership, or intended ownership, of a parcel of land.

Public use/facility. A use owned, operated and/or maintained by a governmental entity (federal, state, local or special purpose district) that provides services to the public, such as fire stations, police stations, jails, cemeteries, libraries, athletic stadiums, parks and recreation facilities, and K-12 education.

18.100.095 “Q” definitions.

Quasi-judicial means a process determining the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding

18.100.100 “R” definitions.

Religious institution / organization. A building, together with its accessory buildings and uses, which primary use is for persons to regularly assemble for religious purposes and related social events, and ~~which that~~ is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. Other associated activities such as child care, community services, etc., may also occur. “Religious organization” has the same meaning as in RCW 36.01.290.

Restaurant. Any establishment that sells prepared food for consumption on, near, or off its premises by customers. “Restaurant,” includes itinerant restaurants, pushcarts and vehicular food vendors.

Research and development. An establishment that conducts research, development, testing, or controlled production of high technology electronic, industrial or scientific products or commodities for sale; or laboratories conducting educational or medical research or testing; includes such industries as bio-technology, pharmaceuticals, medical instrumentation or supplies, communication and information technology, and computer hardware and software.

Resource use. Mineral extraction and processing, including asphalt or concrete plants and facilities and structures related to such activities; and forestry.

Retail use. A commercial enterprise that provides goods available for immediate purchase or rental and removal from the premises directly to the consumer; includes both indoor and outdoor product display and storage.

Rezone, site specific: Site specific rezones (also referred to as zone reclassifications) are changes made to the city’s zoning map by the City Council for a particular and specific site, that occurs upon passage of an ordinance. These processes are quasi-judicial and do not require (or are not processed in conjunction with) an amendment to the Comprehensive Plan.

18.100.105 “S” definitions.

Senior housing. Multi-family housing, cottage housing, or attached single-family housing for seniors that is age-restricted to occupancy or ownership by residents of which at least one in each dwelling unit is fifty-five years or older and that does not provide on-site life-care services and staffing for living support and health care.

Shoreline. See the adopted Shoreline Master Program for shoreline-related definitions.

Sixplex. Residential building with six attached dwelling units.

Stacked flat. Dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

Street, flanking. A street, alley or right-of-way other than the one on which a corner lot has its main frontage.

Street, major. A state highway, county road or city thoroughfare designated as a primary or secondary arterial in the transportation element of the comprehensive plan.

Street, minor. A street or road not designated as a primary or secondary arterial.

Storage, mini. A facility consisting of separate storage units that are rented to customers having exclusive access to their respective units for storage of residential or commercial oriented goods. No business is conducted out of storage units and habitation is prohibited.

Structure. Anything erected, the use of which has fixed location on or in the ground, or attachment to something having fixed location on the land, including but not limited to buildings, fences, signs and walls.

18.100.110 “T” definitions.

Technology/biotechnology/medical equipment use. Technical research and the design, development, and testing of technological and/or with biological components and products in advance of product manufacturing. Includes assembly of related products from parts produced off-site and limited on-site manufacturing of components where the manufacturing activity is secondary to the primary activities. Excludes any marijuana-related uses.

► Note: The following definition must be added to meet **E2SHB 1220** requirements

Transitional housing. "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living. (RCW 84.86.043(3)(c)).

► Note: The following definition is a **HB 1110 requirement** (RCW 36.70A.635; Definition is from RCW 36.70A.030)

Townhouses or townhomes. Buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

Triplex. A residential building with three attached dwelling units.

18.100.115 “U” definitions.

► Note: The following three definitions must be added to meet **SB 5258 (2023)** and **SB 5559 (2025)** requirements; “Unit lot subdivision” standards must be added to the City’s Subdivision title by July 27, 2027 (**RCW 58.17.060(3)**)

- ▶ Additionally, the term “unit lot density” is needed per HB 1110 (2023), later modified by ESHB 2321 (2024) and by ESSHB 1096 (2025) - RCW 36.70A.635

Unit density. The number of dwelling units allowed on a lot or unit lot, regardless of lot size. This term is synonymous with unit lot density.

Unit lot. A subdivided lot within a residential development as created from a “parent lot” and approved through the unit lot subdivision process.

Unit lot subdivision. A subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested, but that may result in development on one or more individual unit lots becoming nonconforming as to specified land use and development standards based on the analysis of the individual unit lot.

Use district. A specific zoned area or district designated on the official zoning map. Such area is subject to all the regulations applicable to the district that are contained in this title.

Utilities. Facilities, either publicly or privately owned, for the conveyance of power, water, waste and storm water, and communications, whether "above ground" or "below ground" installations.

18.100.120 “V” definitions.

- ▶ Note: The following definition updated to match RCW 36.70.020

Variance. The means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privilege. ~~A modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions connected with a specific piece of property, where the literal enforcement of this title would pose undue hardship unnecessary in carrying out the spirit of this title.~~

Veterinary clinic. Any establishment or premises operated under the supervision of a duly licensed veterinarian for surgical or medical treatment of domestic animals and pets; it may include overnight accommodations for purposes of recovery.

18.100.125 “W” definitions.

Warehousing and distribution uses. Storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or characteristics commonly recognized as offensive.

Wholesaling. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers and not the general public; to industrial, commercial, institutional or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

18.100.130 “X” definitions.

Reserved.

18.100.135 “Y” definitions.

Yard. An open space unoccupied from the ground to the sky of uniform depth or width ~~which~~ that lies between the property line and building line, or between the shoreline and the building line. The inside boundary shall be considered parallel to the nearest property line.

Yard, front. A yard extending across the full width of the lot from one property line to another and measured as to depth at the least horizontal distance between street line and the required setback applicable to the particular zone district. See Lot line, front definition for how to determine which property line is the front lot line.

Yard, rear. A yard extending from one property line to another except in the case of corner lots when the rear yard shall extend from the interior side property line to the opposite side yard. A yard is measured as to depth at the least horizontal distance between the rear site line and the required setback applicable to the particular zone district. See Lot line, rear definition for how to determine which property line is the rear lot line.

Yard, side. A yard extending from the front yard to the rear yard except in the case of corner building sites when the side yard on the flanking street shall extend to the rear property line. See Street, flanking for definition to determine if a street is considered flanking.

18.100.140 “Z” definitions.

Reserved.

LEGISLATION	CODIFIED SECTION AND TITLE	REQUIREMENT	RESOURCE LINKS
<i>Growth Management Act of 1990</i>	RCW 36.70A.070 (2) "Comprehensive plans—Mandatory elements."	Housing element including all components of 36.70A.070(2)	Commerce: Updating GMA Housing Elements https://www.commerce.wa.gov/growth-management/housing-planning/housing-guidance/
<i>Growth Management Act of 1990</i>	RCW 36.70A.070 (2)(c) "Comprehensive plans—Mandatory elements."	Land capacity analysis demonstrating sufficient capacity of land to accommodate allocated housing growth	Commerce: Guidance to Updating Your Housing Element https://deptofcommerce.app.box.com/s/1d9d517g509r389f0mjpowh8isjpirlh
SB 5290 (2023)	RCW 36.70B.140 "Project permits that may be excluded from review." RCW 36.70B.020 "Definitions." RCW 36.70B.070 "Project permit applications—Determination of completeness—Notice to applicant." RCW 36.70B.080 "Development regulations—Requirements—Report on implementation costs." RCW 36.70B.160 "Additional project review encouraged—Construction (as amended by 2023 c 333)."	Consolidated local permit review processes and regulated time periods for review depending on the permit sought.	
ESSB 5509 (2025)	RCW 35.21.996 "Child care centers—Zoning."	Allow child care centers as an outright permitted use in all zones except industrial zones, light industrial zones and open space zones.	
SHB 1935 (2025)	RCW 36.70B.140 "Project permits that may be excluded from review."	Preclude building permits from the definition of "project permit".	
SB 5674 (2017)	RCW 58.17.100 "Review of preliminary plats by planning commission or agency—Recommendation—Change by legislative body—Procedure—Approval."	Allow city council to delegate final plat approval to an established planning commission or agency, or to such other administrative personnel in accordance with state law or local charter.	
EHB 1337 (2023)	RCW 36.70A.680 "Accessory dwelling units—Local regulation." and RCW 36.70A.681 "Accessory dwelling units—Limitations on local regulation."	Allow at least two ADUs on all lots that allow for single-family homes within a UGA, among other standards for ADU siting and regulation	Commerce: Guidance for Accessory Dwelling Units in Washington State https://deptofcommerce.app.box.com/s/cnuqx6zm0zvku2a4lbox2iwdielg6

LEGISLATION	CODIFIED SECTION AND TITLE	REQUIREMENT	RESOURCE LINKS
ESHB 1998 (2024)	RCW 36.70A.535 "Co-living housing"	Allow co-living housing on any lot located within a UGA that allows at least six multifamily residential units, among other standards for co-living siting and regulation	Commerce: Co-Living Guidance https://deptofcommerce.app.box.com/s/8zh89f3rvn4fksn5mv7vel7bi2d4e179
ESHB 2321 (2024)	RCW 36.70A.635 "Minimum residential density."	Minimum residential densities and allowance of housing types in accordance with 36.70A.635, among other standards for middle housing siting and regulation	Commerce: Planning for Middle Housing https://www.commerce.wa.gov/growth-management/housing-planning/middle-housing/
ESB 5559 (2025)	RCW 58.17.060(3) "Short plats and short subdivisions—Summary approval—Regulations—Requirements."	Include procedures for unit lot subdivision in short plat regulations	Commerce: Unit Lot Subdivisions https://deptofcommerce.app.box.com/s/ozi8jpuvtmsfa7p9pfqv77k3xajnsnow
ESSHB 1096 (2025)	RCW 58.17.145 "Residential lot splitting—Administrative approval process"	Includes procedures for lot splits	
ES3HB 5258 (2023)	RCW 82.02.060(1) "Impact fees—Local ordinances—Required provisions—Exemptions."	If utilized, impact fees must be determined using a method that produces proportionately lower fees for smaller housing units	
E2SHB 1220 (2021)	RCW 35.21.685 "Low-income housing—Loans and grants." RCW 36.70A.070(2) "Comprehensive plans—Mandatory elements.", RCW 35A.21.430 "Transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters." and RCW 35.21.683 "Transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing."	Allow emergency and supportive housing in areas required by statute, among other standards for siting and regulation of these uses	Commerce: STEP Model Ordinance, User Guide and Best Practices Report https://deptofcommerce.app.box.com/s/rawnssegfkxagfm1g45xf4b7dm3awwg1
SSB 6015 (2024)	RCW 36.70A.622 "Residential parking regulation."	Incorporate all standards for off-street parking areas and spaces for residential uses outlined in RCW 36.70A.622	Commerce: Requirements for Residential Parking Areas https://deptofcommerce.app.box.com/s/g02j71vvfi0hh6cilylkl2tqhtcbu2lx

LEGISLATION	CODIFIED SECTION AND TITLE	REQUIREMENT	RESOURCE LINKS
ESHB 1042 (2023) , SSHB 1183 (2025) , HB 1757 (2025)	RCW 35.21.990 “New housing in existing buildings—Prohibitions on local regulation.”	Allow a density bonus for the addition of residential dwelling units in an existing build in commercial, mixed-use or residential zones that allow multifamily housing	
SSHB 1183 (2025)	RCW 36.70A.810 “Retrofits of existing buildings for residential housing—Nonconforming setbacks.” and RCW 36.70A.815 “Façade modulation and upper-level setbacks on residential projects.”	Adopt standards for façade modulation, non-conforming setbacks, and upper-level setbacks for building retrofits, residences using specified construction types, and affordable housing	
ESHB 1754 (2020)	RCW 35.21.915 “Hosting the homeless by religious organizations—When authorized—Requirements—Prohibitions on local actions.”	Regulate temporary shelters and encampments on religious property in accordance with statutory guidelines	
SHB 1377 (2019)	RCW 36.70A.545 “Increased density bonus for affordable housing located on property owned by a religious organization.”	Allow a density bonus for affordable housing development on religious property	
ESSB 5235 (2021)	RCW 35.21.682 “City or town may not limit number of unrelated persons occupying a household or dwelling unit—Exceptions.”	May not limit the number of unrelated people occupying a dwelling unit, except for legal limits on occupant load per sq ft or building code	
ESSB 5183 (2019)	RCW 35.21.684 “Authority to regulate placement or use of homes—Regulation of manufactured homes—Issuance of permits—Restrictions on location of manufactured/mobile homes and entry or removal of recreational vehicles used as primary residences.”	Regulate siting of manufactured homes the same as siting of traditional site built homes	
HR 1158 (1988)	Fair Housing Act and 1988 Amendments	May not make zoning or land use decisions that discriminate against housing for people with disabilities	HUD: Housing Discrimination Under the Fair Housing Act https://www.hud.gov/helping-americans/fair-housing-act-overview
SHB 2001 (2022)	RCW 36.70A.540 “Affordable housing incentive programs—Low-income housing units—Tiny house communities.”	Affordable housing incentive programs should conform to statutory provisions of RCW 36.70A.540	
SHB 2279 (2008)	RCW 36.130.020 “Restrictions on affordable housing development requirements—Preferential treatment—Requirements as conditions.”	Must not impose requirements on affordable housing that are different than those imposed on housing developments generally	



Housing Planning Requirements Tool

The HPRT summarizes housing requirements for Washington state counties, cities, and towns under the Revised Code of Washington. It is intended to support local government staff, officials, and partners in understanding and implementing housing planning requirements in state law. It is developed and maintained by the Growth Management Services division of the Washington State Department of Commerce.

Contents

- "Summary" tab overviews applicability of various housing planning requirements for your jurisdiction
Note: You must enter a jurisdiction name on this tab to populate data on other tabs
- "Timelines" tab summarizes deadlines for local standards to be consistent with statutory requirements
- "Report" tab includes citations to relevant statutes and overview of applicable requirements

Questions?

For questions on housing planning requirements, contact Anne Fritzel at Anne.Fritzel@commerce.wa.gov

For questions on use and development of this tool, contact Hannah Johnston at Hannah.Johnston@commerce.wa.gov

Summary of housing requirements for

Black Diamond

Black Diamond	
Jurisdiction type	Code city
County	King
Periodic update deadline	December 31 2024
Fully or partially planning	Fully
OFM Population estimate 04/25	7,435
Comprehensive plan	
County buildable lands report	Yes
Eligible to request reduced review	No
Eligible for 2 year delay	No
Housing element	Yes
Development regulations	
<i>Infill housing</i>	
Required to allow ADUs in UGAs	Yes
ADU deadline	June 30 2025
Required to allow co-living in UGAs	Yes
Co-living compliance deadline	December 31 2025
Required to allow middle housing	Yes
Middle housing tier	Tier 3
Middle housing deadline	June 30 2025
Unit lot subdivision	Yes
Unit lot subdivision deadline	July 27 2027
Lot splits	Yes
Lot splits deadline	July 27, 2028
Proportional impact fees	Yes
Impact fees deadline	June 30 2025
<i>Emergency and supportive housing (STEP)</i>	
Must allow STEP in specified zones	Yes
STEP compliance deadline	December 31 2024
<i>Residential parking</i>	
Subject to residential parking standards	Yes
Compliance deadline	December 31 2024
Exemptions under 36.70A.622	No
Subject to minimum parking requirements	No
Minimum parking deadline	N/A
<i>Building re-use for residential dwelling units</i>	
Density bonus for building re-use	Yes
Compliance deadline	June 30 2026
Standards for residential retrofit	Yes
Compliance deadline	June 30 2030
<i>Housing on religious organization property</i>	
Regulation of encampments	Yes
Density bonus for affordable housing	Yes
<i>Misc.</i>	
Limits on unrelated occupants	Yes
Equal treatment of manufactured housing	Yes
Equal treatment of housing for PwHandicaps	Yes
Requirements for affordable housing incentives	Yes
Equal treatment of affordable housing	Yes

Dates for adoption of housing requirements for	Black Diamond
Comprehensive plan	
Comprehensive plan periodic update	December 31 2024
Housing element consistent with all GMA requirements	December 31 2024
Zoning for sufficient housing capacity	December 31 2024
Development regulations	
Provisions for ADUs	June 30 2025
Provisions for co-living housing	December 31 2025
Provisions for proportional impact fees	June 30 2025
Allow STEP housing in specified zones	December 31 2024
Residential parking standards (SB 6015)	December 31 2024
Regulations for encampments on religious property	Incorporate ASAP
Density bonus for affordable housing on religious property	Incorporate ASAP
Limits on unrelated occupants	Incorporate ASAP
Equal treatment of manufactured homes	Incorporate ASAP
Provisions for middle housing	June 30 2025
Provisions for building re-use	June 30 2026
Standards for residential retrofit	June 30 2030
Provisions for unit lot subdivision	July 27 2027
Provisions for lot splits	July 27, 2028

Housing requirements and citations applicable to		Black Diamond
Requirement	Statutory citation	Relevant resource (right-click to copy link)
Housing element including all components of 36.70A.070(2)	RCW 36.70A.070 (2)	https://www.commerce.wa.gov/growth-management/housing-planning/housing-guidance/
Land capacity analysis demonstrating sufficient capacity of land to accommodate allocated housing growth	RCW 36.70A.070(2)(c)	https://deptofcommerce.app.box.com/s/1d9d5l7g509r389f0mjpowh8isjpirlh
Allow at least two ADUs on all lots that allow for single-family homes within a UGA, among other standards for ADU siting and regulation	RCW 36.70A.680, RCW 36.70A.681	https://deptofcommerce.app.box.com/s/cnuqx6zm0zvku2a4lbox2iwdielg6
Allow co-living housing on any lot located within a UGA that allows at least six multifamily residential units, among other standards for co-living siting and regulation	RCW 36.70A.535	https://deptofcommerce.app.box.com/s/8zh89f3rvn4fksn5mv7vel7bi2d4e179
Minimum residential densities and allowance of housing types in accordance with 36.70A.635, among other standards for middle housing siting and regulation	RCW 36.70A.635	https://www.commerce.wa.gov/growth-management/housing-planning/middle-housing/
Include procedures for unit lot subdivision in short plat regulations	RCW 58.17.060(3)	https://deptofcommerce.app.box.com/s/ozi8jpuvtmsfa7p9pfqv77k3xajnsnow
Include procedures for lot splits	RCW 58.17.145	
If utilized, impact fees must be determined using a method that produces proportionately lower fees for smaller housing units	RCW 82.02.060(1)	
Allow emergency and supportive housing in areas required by statute, among other standards for siting and regulation of these uses	RCW 35.21.685	https://deptofcommerce.app.box.com/s/rawnssegfkxagfm1g45xf4b7dm3awwg1
Incorporate all standards for off-street parking areas and spaces for residential uses outlined in 36.70A.622	RCW 36.70A.622	https://deptofcommerce.app.box.com/s/g02j71vvf10hh6cilykl2tqhtcbu2lx
Allow a density bonus for the addition of residential dwelling units in an existing build in commercial, mixed-use or residential zones that allow multifamily housing	RCW 35.21.990	
Adopt standards for façade modulation, non-conforming setbacks, and upper-level setbacks for building retrofits, residences using specified construction types, and affordable housing	RCW 36.70A.810, RCW 36.70A.815	
Regulate temporary shelters and encampments on religious property in accordance with statutory guidelines	RCW 35.21.915	
Allow a density bonus for affordable housing development on religious property	RCW 36.70A.545	
May not limit the number of unrelated people occupying a dwelling unit, except for legal limits on occupant load per sq ft or building code	RCW 35.21.682	
Regulate siting of manufactured homes the same as siting of traditional site built homes	RCW 35.21.684	
May not make zoning or land use decisions that discriminate against housing for people with disabilities	Fair Housing Act and 1988 Amendments	https://www.hud.gov/helping-americans/fair-housing-act-overview
Affordable housing incentive programs should conform to statutory provisions of RCW 36.70A.540	RCW 36.70A.540	
Must not impose requirements on affordable housing that are different than those imposed on housing developments generally	RCW 36.130.020	

MIDDLE HOUSING CHECKLIST

Overview: This checklist provides the framework Commerce regional planners will use to review all relevant development regulation submissions. **This checklist is NOT required to be completed by each jurisdiction;** it is an additional tool to help local planners meet the intent of the statute.

The Tier 1 provisions in this checklist apply to cities with a population of at least 75,000 based on 2020 Office of Financial Management population estimates. Tier 2 provisions apply to cities with a population of at least 25,000 but less than 75,000 based on 2020 Office of Financial Management population estimates. Tier 3 provisions apply to cities with a population of less than 25,000, that are within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates.

Timeline: Local codes should be updated to reflect all applicable requirements with the city's next periodic comprehensive plan and development regulation update required under RCW [36.70A.130](#). Local codes not updated on this timeline will be invalidated and superseded by the appropriate version of the Commerce Middle Housing Model Ordinance until the city takes all actions necessary to implement RCW 36.70A.635.

Guidance: Information on implementing middle housing requirements may be found on the Commerce Planning for Middle Housing web page: [Planning for Middle Housing – Washington State Department of Commerce](#)

Questions: Contact Lilith Vespier at Lilith.vespier@commerce.wa.gov or (509)-606-3530.

Definitions

The statutory definitions in this section are needed to implement middle housing requirements under state law

Code requirement	Consistent? Yes/No	Notes
Administrative design review means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public pre-decision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards. RCW 36.70A.030 (3)	Yes 18.34.050 B Also see 18.34.060(E) and 18.74.010(A)	
Cottage housing means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) Has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. RCW 36.70A.030 (10)	Yes 18.34.050 C	(Black Diamond already allowed for "cottage housing" but it wasn't identical to what the state had. The state MANDATES the use of this term so we changed the BD version to "Neighborhood Pocket" development)
Courtyard apartments means attached dwelling units arranged on two or three sides of a yard or court. RCW 36.70A.030 (11)	Yes 18.100	(this isn't used for middle housing purposes in Black Diamond but we've added the definition to the code and listed it in the high density zoning districts)
Major transit stop means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes, including bus rapid transit routes under construction. RCW 36.70A.030 (27)	Yes 18.34.050 D	
Middle housing means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. RCW 36.70A.030 (28)	Yes – 18.100 (customized to Black Diamond application to meet the requirements)	

Single-family zones means those zones where single-family detached residences are the predominant land use. RCW 36.70A.030 (42)	No - We didn't use / define this term but applied its meaning to the regs	
Stacked flat means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned. RCW 36.70A.030 (43)	Yes 18.100	
Townhouses means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides. RCW 36.70A.030 (45)	Yes 18.100	

Lots zoned predominantly for residential use

Requirements in this table should be applied to all lots zoned predominantly for residential use, and represent the minimum requirements necessary to meet state law

Code requirement	Consistent? Yes/No	Changes needed?
Allows at minimum the following permitted unit per lot densities: ● TIER 1 CITIES: (1) Four units per lot, (2) six units per lot on all lots within one-quarter mile walking distance of a major transit stop, (3) six units per lot if at least two units on the lot are affordable housing as defined below ● TIER 2 CITIES: (1) Two units per lot, (2) four units per lot on all lots within one-quarter mile walking distance of a major transit stop, (3) four units per lot if at least one unit on the lot is affordable housing as defined below ● TIER 3 CITIES: Two units per lot Exempts lots below 1,000 square feet after subdivision, unless the city has enacted an allowable lot size below 1,000 square feet in the zone. RCW 36.70A.635(1)(a - c)	Yes. This only needs to be instituted for R4 and R6 because of the clause "unless zoning permitting higher densities or intensities applies"	

For Tier 1 and 2 cities, requires units qualifying for affordable housing provisions to meet the following standards, per RCW 36.70A.635(2): ● Housing costs do not exceed 30% of the monthly income of a household making at or below 60% of median household income for rental housing, or 80% of median household income for owner-occupied housing for the county where the household is located. Median household income is as reported by the United States Department of Housing and Urban Development. Housing costs include utilities other than telephone. Median household incomes are adjusted for household size. ● A covenant or deed restriction ensures that units are maintained as affordable for a term of at least 50 years, consistent with the conditions in chapter 84.14 RCW. ● A covenant or deed restriction addresses criteria and policies to maintain public benefit if the property is converted to a use other than affordable housing. ● Affordable units are provided in a format comparable to other units in the development, including in range of size, number of bedrooms, functionality, and distribution throughout the development. * If a city has enacted a program under RCW 36.70A.540, then the terms of that program govern to the extent they vary from the requirements of RCW 36.70A.635(2). However, programs under RCW 36.70A.540 are not to substitute for the Tier 1 and Tier 2 cities' middle housing affordable housing density requirement.	Does not apply	
For Tier 1 and Tier 2 cities, allows at least six of the nine types of middle housing by-right in all zones predominantly for residential use: duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, cottage housing. RCW 36.70A.635(5) For Tier 3 cities, allows all middle housing types that meet the two unit per lot density requirements in RCW 36.70A.635(1)(c) (i.e. duplex, stacked flats, courtyard apartments, cottage housing) by-right in all zones predominantly for residential use. RCW 36.70A.635(5)	Yes ADUs are included in unit lot density so we have stated that and made adjustments as necessary.	
Allows zero lot line short subdivisions where the number of lots created is equal to the required unit density. RCW 36.70A.635(5)	N/A that will be subdivision code change	

Reviews compliance with middle housing design standards using an administrative design review process. RCW 36.70A.635(6)(a)	Yes – we have specifically set that out see 18.34.060(E)	
Does not require more restrictive development regulations for middle housing than those required for detached single-family residences. RCW 36.70A.635(6)(b)	Yes – we have specifically set that out see 18.34.060(E)	
Applies the same development permit and environmental review processes to middle housing as those applied to detached single-family residences, unless otherwise required by state law. RCW 36.70A.635(6)(c)	Yes – we have specifically set that out	
Does not require off-street parking within one-half mile walking distance of a major transit stop. RCW 36.70A.635(6)(d)	Does not apply Black Diamond does not have any major transit stop	
Requires no more than one off-street parking space per unit on lots 6,000 square feet or less, before any zero lot line subdivisions or lot splits. RCW 36.70A.635(6)(e)	18.34.060(E)(4)	
Requires no more than two off-street parking spaces on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits. RCW 36.70A.635(6)(f)	18.34.060(E)(4)	
For cottage housing , requires a minimum of 20 percent of the lot be common open space. The common open spaced must be owned in common or has condominium units with property owned in common.	Yes, this is in the definition	
For courtyard apartments , requires at least one yard or court, which must be bordered by attached dwelling units on two or three sides.	Yes, this is in the definition	

For townhouses, requires at least three attached single family dwelling units that extend from the foundation to roof and have a yard or public way on not less than two sides.	Yes, this is in the definition	
Exemptions As applicable, local code should specify the following exemptions to middle housing requirements		
Code requirement	Consistent? Yes/No	Changes needed?
Exempts the following areas from the middle housing requirements of RCW 36.70A.635: • Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. • Watersheds serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)). • Lots designated as urban separators by countywide planning policies as of July 23, 2023. • A lot that was created through the splitting of a single residential lot. • Areas designated as sole source aquifers by the United States Environmental Protection Agency on islands in the Puget Sound.		
Exempts the following areas from parking standards for middle housing, per RCW 36.70A.635(7): • Portions of the city for which the Department of Commerce has certified a parking study in accordance with RCW 36.70A.635(7)(a), in which case off-street parking requirements are as provided in the certification from the Department of Commerce. • Areas within a one-mile radius of Seattle-Tacoma International Airport. RCW 36.70A.635(7)(b).	Does not apply	