



CITY OF BLACK DIAMOND
PLANNING COMMISSION SPECIAL MEETING MINUTES
July 13, 2021, 6:00 PM
Zoom Virtual Meeting

1) FLAG SALUTE, CALL TO ORDER, and ROLL CALL:

Chair Olson called the meeting to order at 6:01 p.m.

Present: Chair/Commissioner John Olson
Commissioner Richard La Conte
Commissioner Crystal Perez
Commissioner Pam McCain
Commissioner Felicia Wheatfall (joined @ 6:05 p.m.)
Commissioner Dave Ambur

Excused: Commissioner Steve Jensen

Staff: Community Development Director, Mona Davis
Deputy City Clerk, Carina Thornquist

2) APPROVAL OF MINUTES - None

3) PUBLIC COMMENTS - None

4) PUBLIC HEARINGS -

a) Senior Housing Code Amendments –

Chair Olson introduced Community Development Director Mona Davis and asked her to give the staff presentation. She gave a brief overview of reducing the senior age from 65 years old to 55 years old and recommended including “cottage housing” which she explained in further detail. She said there are three (3) types of housing exemptions and the HUD specifically states that 55 years and older is the most common of the three (3) types of exemptions. Director Davis answered questions from the Commissioners and provided clarification where needed.

Chair Olson opened the Public Hearing at 6:04 p.m. He asked the Commissioners if they had any clarifying questions for Director Davis. The Commissioners asked multiple questions which Director Davis provided answers to. Chair Olson stated that there will be time after the public speaks for the Commissioners to discuss this topic some more before making decisions.

Director Davis stated that Commissioner Wheatfall joined the meeting and Chair Olson stated that her arrival was documented at joining at 6:05 p.m.

Chair Olson opened up the public speaking portion at 6:16

Jeff Potter of Integrity Land in Maple Valley and resident of Black Diamond – Mr. Potter started by stating that he and his company concur with changing the age to 55 years old. When his company started the permit process a couple of years ago for the Tamarack development, they were told the age for senior housing was 65 years old but the City was working on changing it and updating that code. Jeff stated that all the agencies that their company works with use the age of 55 as it's the standard and is mostly used now by HUD. Traffic analysis that was used for trip count generation for the Tamarack Development was based on the ITE Manual which is an international manual for traffic count generation based on particular land use. When their company submitted information back in 2019 for their permit, all of the numbers that they put in and were based off the ITE Manual for 55 years old persons. Jeff stated that younger persons could possibly reside there but there are no amenities for younger kids so therefore, they usually would prefer not to reside in such an area. He said they don't come across that very often. In addition, he said typically there are rules in most of these facilities. Residents do not pay school impact fees and the nature of the project dictates that. Jeff stated that as it stands now with COBD requiring 65 as the age limit for seniors, it poses a negative impact on the City and it's residents by limiting the opportunities for a large number of seniors from purchasing or residing in senior housing. Since 55 is mostly the standard, those persons will typically look elsewhere first and potentially eliminate Black Diamond from their selection. Lowering the age to 55 and older will provide more options for the citizens and ultimately the City of Black Diamond.

Kristen Bryant from Bellevue - Kristen stated that she sent an email to the Commissioners on Monday with her concerns. She stated that looking at the code that it's not that simple to just changing the age, there are a couple of things to consider prior to reducing the age to 55 years old. Currently with Black Diamond's code of 65 years old, it says that at least one (1) person in the household must be that age. This means that their spouse might be significantly younger. If the age is changed to 55 years old, there's a good possibility that they are not retired but still working which means a contributing factor to the traffic problems. Another concern would be that there would be one person of age and then perhaps move in their much younger family members. Ms. Bryant stated that the City Council has repeatedly expressed interest in

being eligible for Regional Transportation Funding which is controlled by the Puget Sound Regional Council (PSRC). Because Black Diamond's growth is above the county's target and forecasts, the PSRC has asked Black Diamond not to take actions to further increase growth above those targets, and has asked Black Diamond to do more to mitigate traffic. Ms. Bryant feels making this change from 65 years old to 55 years old actually does the opposite and a compromise should be looked at.

Chair Olson asked if there were any further public testimony regarding the Senior Housing Code Amendments. **Hearing and Seeing none**, Chair Olson **Closed** the Public Hearing regarding the Senior Housing Code Amendments at 6:29 p.m.

Chair Olson opened it up for the Commissioners to ask the Director any questions they may have on either of the topics, or to have general discussion. Director Davis gave clarification on Senior Housing concerns. Back and forth discussion, as well as questions took place between the Director and the Commissioners. Chair Olson stated that Commissioner Wheatfall shared a document from Seattle King County on aging and disability (dated 2009) which specifically addressed the projected housing crisis through 2025 for seniors 55 years and older. Further extensive discussion took place between Chair Olson, the Commissioners and Director Davis.

Chair Olson said he would entertain a motion to recommend the senior code amendments as heard tonight by city staff to forward to City Council.

Commissioner Wheatfall **Motioned** to change the age of senior housing from 65 years old to 55 years old and have it forwarded and presented to City Council. **Second** Commissioner McCain. **Vote by Roll Call**, Commissioner LaConte-no, Commissioner Perez-yes, Commissioner McCain-yes, Commissioner Wheatfall-yes, Commissioner Ambur-no, Commissioner Olson-no, Motion **Failed** 3-3 (LaConte, Ambur and Olson.)

Commissioner Ambur started to make a **Motion** but then changed his mind and withdrew his motion.

Commissioner Olson **Motioned** to change the age from 65 years old to 62 years old instead of 55 years old. **Second** None. **Motion** failed.

Continued extensive discussion took place amongst the Commissioners and Director Davis of all elements of senior housing. Chair Olson expressed the importance of moving this amendment to the City Council. He also stated that the Planning Commission has a responsibility to the citizens to look into all aspects of how this will affect the City of Black Diamond and the seniors, favorable and unfavorable. Chair Olson added that all of the research needs to be completed before making final decisions. Finally, he stated that he would change his vote to be in favor of this change requesting Director Davis to express

the views and concerns of the Planning Commission and strongly request that the City Council will do thorough research on both sides before making any decisions.

Commissioner Wheatfall **Motioned** to re-enter the original motion to propose to the City Council the age change from 65 years and older senior housing to 55 years and older senior housing and all of the other details outlined in the Senior Housing Code Amendment presented by Director Davis. **Second** Commissioner McCain. **Vote by Roll Call**, Commissioner LaConte-no, Commissioner Perez-yes, Commissioner McCain-yes, Commissioner Wheatfall-yes, Commissioner Ambur-no, Commissioner Olson-yes, Motion **Passed** 4-2 (LaConte and Ambur)

b) Fences, Hedges and Walls Code Amendments –

Chair Olson opened the floor to the Commissioners for discussion of the Fences, Hedges and Walls Code Amendments. Director Mona Davis gave a brief overview of Fences, Hedges and Walls Code Amendments. Director Davis answered questions from the Commissioners and provided clarification where needed.

Chair Olson opened the Public Hearing for Fences, Hedges and Walls Code Amendments at 6:33 p.m. and asked if there was anyone wanting to speak. The Chair asked three (3) times before closing the Public Hearing for the Fences, Hedges and Walls Code Amendments at 6:34 p.m..

Chair Olson said he would entertain a motion to take the Fences, Hedges and Walls Code Amendments to City Council. Hearing no one,

Discussion of Fences, Hedges and Walls took place between the Commissioners and Director Davis.

Chair Olson said he would entertain a motion to move the Fences, Hedges and Wall Code Amendments to City Council. No motion was made by Commissioners. Chair Olson advised Director Davis that this Amendment will not move forward to the City Council.

5) STUDY/WORK SESSION - None

6) UNFINISHED BUSINESS -

a) Discussion of work plan for remainder of 2021 – Director Davis reported on the following items that will be researched, discussed and worked on for the remainder part of the year. Those items include: the 2021 Docket, which entails review of the Zoning Map and Future Land Use Map; Transportation element to the Comp. Plan and an alternate to the SW Connector Loop; the Housing element to the Comp. Plan; the Parks Plan (PROS); Marijuana; and ecological

inventory study cost analysis. Director Davis suggested scheduling extra meetings on August 24, September 21 and October 26 to handle the workload prior to the end of the year.

Commissioner Ambur **Motioned** to add a second meeting a month for August 24, September 21 and October 26. **Second** Commissioner Perez. **Vote**, Motion **passed** 6-0.

7) **PUBLIC COMMENTS** – None

8) **COMMUNITY DEVELOPMENT DEPARTMENT REPORT** –

Director Davis reported briefly on the staffing of the Community Development office stating that Joey Portmann was promoted from Permit Tech/Asst. Planner to Sr. Planner. Jill Kuzaro has moved positions from Administrative Asst. in the City Hall Bldg. to the Permit Tech. Position. Director Davis has requested to extend the on-call senior planner's contract to assist the department with the docket and other senior planner duties.

9) **ADJOURNMENT** –

Commissioner Ambur **Motioned** to adjourn the meeting. **Second** Commissioner Wheatfall. **Vote**, Motion **passed** 6-0.

The meeting ended at 8:02 p.m.

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

ATTEST:



John Olson, Chairperson


Planning Commission Secretary