



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
November 9, 2021, 6:00 PM
Zoom Virtual Meeting

FLAG SALUTE, CALL TO ORDER, and ROLL CALL:

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

Present: Chair/Commissioner John Olson
Commissioner Richard La Conte
Commissioner Jensen
Commissioner Syversen
Commissioner Pam McCain
Commissioner Dave Ambur
Excused: Commissioner Felicia Wheatfall
Staff: Community Development Director, Mona Davis
Sr. Planner, Joey Portmann
Deputy City Clerk, Carina Thornquist
City Attorney, David Linehan

APPROVAL OF MINUTES -

Special Meeting of October 26, 2021 – Commissioner McCain **Motioned** to accept the October 26, 2021 Minutes of the Special Meeting **Second** Commissioner Syversen, Vote, Motion Passed 6-0.

PUBLIC COMMENTS –

Kristen Bryant from Bellevue

PUBLIC HEARINGS - None

STUDY/WORK SESSION - None

UNFINISHED BUSINESS –

Chair Olson turned it over to the Director Davis who gave a brief overview from the previous meeting of where the presentation left off and mentioned that Joey Portmann will be running the PowerPoint presentation.

Scrivener's Error #2a & #2b

Scrivener's Error #2a - Parcels: 0421069087, 0421069106

Staff Recommendation: the FLUM be amended to designate these parcels as Public.

Suggested Motion: Motion to approve and recommend amending the FLUM to designate the parcels as Public, per the 2009 FLUM, and keep the property unzoned and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Syversen **Motioned** by confirming utilization of staff's "Suggested Motion", **Second** Commissioner Ambur.

Roll Call Vote:

- Commissioner LaConte - yes
- Commissioner Jensen – yes
- Commissioner Syversen - yes
- Commissioner McCain – yes
- Commissioner Wheatfall - absent and not voting
- Commissioner Ambur – yes
- Commissioner Olson – yes

MOTION PASSED: 6 - 0

Scrivener's Error #2b - Parcels: 1021069058, 1021069122, 1021069067, 1021069027, 1021069117, 4391600160, 1021069094, 1021069057, 1021069056, 1021069092, 1021069066, 1021069055, 1021069025, 1021069120, 1021069090, 7570700010, 1021069116, 1021069083, 1021069049, 1021069022, 1021069123, 1021069121, 1021069028, 1021069119, 1021069118, 1021069074, 1021069050, 1021069024

Staff Recommendation: the parcels be designated on the FLUM as Low Density Residential to be consistent with the zoning map.

Suggested Motion: Motion to approve and recommend to amending the FLUM to designate the parcels as Low Density Residential, per the 2009 FLUM, and maintain the R4 zoning and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner McCain **Motioned** to approve and recommend to amending the FLUM to designate the parcels as Low Density Residential, per the 2009 FLUM, and maintain the R4 zoning and to authorize staff to forward this

recommendation to City Council on behalf of the Planning Commission, **Second** Commissioner Syversen.

Roll Call Vote: Commissioner LaConte - yes
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED: 6 - 0

Scrivener's Error #3 – Parcels: 1321069012

Staff Recommendation: removing the Master Planned Development (MPD) overlay from the parcel, as the development agreement does not show this area as being part of the MPD.

Back and forth discussion took place between Commissioners, Director Davis and Mr. Portmann.

Suggested Motion: Motion to approve and recommend removal of the FLUM Master Planned Development overlay from the parcel and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Ambur **Motioned** by confirming utilization of staff's "Suggested Motion", **Second** Commissioner Jensen.

Roll Call Vote: Commissioner LaConte - yes
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED: 6 – 0

Undesignated #1 - #5

Undesignated #1 – Parcel 1021069016

Staff Recommendation: designating and zoning the parcel consistent with the surrounding parcels – FLUM: Business Park & Light Industrial and Zoning: Business/Industrial Park.

Extensive back and forth discussion took place between Commissioners, Director Davis, and Mr. Portmann. City Attorney Linehan gave further clarification as well.

Suggested Motion: Motion to approve and recommend designating the parcel Business Park and Light Industrial and zoning the parcel Business Industrial Park and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner McCain **Motioned** to approve and recommend designating the parcel Business Park and Light Industrial and zoning the parcel Business Industrial Park and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner Jensen

Roll Call Vote:

- Commissioner LaConte - no
- Commissioner Jensen – yes
- Commissioner Syversen - yes
- Commissioner McCain – yes
- Commissioner Wheatfall - absent and not voting
- Commissioner Ambur – yes
- Commissioner Olson – yes

MOTION PASSED: 5 - 1

Undesignated #2 – Parcel 1121069017

Staff Recommendation: designating and zoning the parcel consistent with the surrounding parcels – FLUM: Community Commercial and Zoning: Community Commercial.

Suggested Motion: Motion to approve and recommend to designating and zoning the parcel Community Commercial and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Ambur **Motioned** to approve and recommend to designating and zoning the parcel Business Park Industrial and authorize staff to forward this

recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner Syversen.

Roll Call Vote: Commissioner LaConte - no
Commissioner Jensen – no
Commissioner Syversen - yes
Commissioner McCain – no
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

TIE - MOTION FAILED: 3 - 3

Commissioner McCain **Motioned** to approve and recommend to designating and zoning the parcel Community Commercial and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission, **Second** Commissioner Jensen

Roll Call Vote: Commissioner LaConte - no
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – no
Commissioner Olson – yes

MOTION PASSED: 4 - 2

Undesignated #3 – Parcel 1121069024

Staff Recommendation: designating and zoning the parcel consistent with the surrounding parcels – FLUM: Industrial and Zoning: Industrial.

Suggested Motion: Motion to approve and recommend to designating and zoning the parcel Industrial and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Jensen **Motioned** to approve and recommend to designating and zoning the parcel Industrial and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner McCain

Roll Call Vote: Commissioner LaConte - no
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED 5 - 1

Undesignated #4 – Parcel 1221069038

Staff Recommendation: designating and zoning the parcel consistent with the surrounding parcels – FLUM: Low Density Residential and Zoning: Single Family Residential (R4).

Suggested Motion: Motion to approve and recommend to designating the parcel Low Density Residential and zoning the parcel R4 and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Syversen **Motioned** to approve and recommend to designating the parcel Low Density Residential and zoning the parcel R4 and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner McCain

Roll Call Vote: Commissioner LaConte - no
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED 5 - 1

Undesignated #5 – Parcel 1321069017

Staff Recommendation: designating and zoning the parcel consistent with the surrounding parcels – FLUM: Low Density Residential and Zoning: Single Family Residential (R4).

Suggested Motion: Motion to approve and recommend to designating the parcel Low Density Residential and zoning the parcel R4 and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Jensen **Motioned** to approve and recommend to designating the parcel Low Density Residential and zoning the parcel R4 and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner McCain.

Roll Call Vote:

- Commissioner LaConte - no
- Commissioner Jensen – yes
- Commissioner Syversen - yes
- Commissioner McCain – yes
- Commissioner Wheatfall - absent and not voting
- Commissioner Ambur – yes
- Commissioner Olson – yes

MOTION PASSED 5 - 1

Zoning Map Scrivener's Error - Parcels: 0421069018, 0421069040, 0421069021, 0421069022, 0421069026, 0421069023, 0421069024, 0421069014
Staff Recommendation: correcting the zoning map to show the parcels as R4, consistent with the 2009 and 2019 FLUM.

Back and forth discussion took place between Commissioners, Director Davis and Mr. Portmann.

Suggested Motion: Motion to approve and recommend zoning the Lake Sawyer parcels R4 and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner McCain **Motioned** to approve and recommend zoning the Lake Sawyer parcels R4 and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner Jensen.

Roll Call Vote: Commissioner LaConte - yes
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED 6 - 0

Split Zoned Parcels #1 - Parcels: 2221069054, 2221069056, 2221069008, 2221069009

Staff Recommendation: no changes to be made.

Suggested Motion: Motion to approve and recommend maintaining the split zoning and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Jensen **Motioned** to approve and recommend maintaining the split zoning and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner Syversen.

Roll Call Vote: Commissioner LaConte - yes
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED 6 - 0

Split Zoned Parcels #2 - Parcels: 1521069052

Staff Recommendation: maintaining the 2019 FLUM and current split zoning designations until further analysis can be done.

Suggested Motion: Motion to approve and recommend maintaining the split designation and zoning and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Syversen **Motioned** to approve and recommend maintaining the split designation and zoning and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner McCain.

Roll Call Vote: Commissioner LaConte - yes
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED 6 - 0

Split Zoned Parcel #3 - Parcel: 1521069023

Staff Recommendation: maintaining the 2019 FLUM and current split zoning designations until further analysis can be done.

Suggested Motion: Motion to approve and recommend maintaining the split designation and zoning and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner McCain **Motioned** to approve and recommend maintaining the split designation and zoning and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner Syversen.

Roll Call Vote: Commissioner LaConte - yes
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED 6 - 0

TDR Layer

Staff Recommendation: Remove TDR Layer from FLUM map and have a separate TDR map in the Comp Plan.

Suggested Motion: Motion to approve and recommend removal of the TDR layer from the FLUM map and create separate TDR map and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

City Attorney Linehan reported that the city does have a Council approved and adopted TDR map.

Commissioner Ambur **Motioned** to approve and recommend removal of the TDR layer from the FLUM map and create separate TDR map and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission. **Second** Commissioner Syversen.

Roll Call Vote:

- Commissioner LaConte - yes
- Commissioner Jensen – yes
- Commissioner Syversen - yes
- Commissioner McCain – yes
- Commissioner Wheatfall - absent and not voting
- Commissioner Ambur – yes
- Commissioner Olson – yes

MOTION PASSED 6 - 0

Marijuana Businesses Policy - Repeal city prohibitions on marijuana businesses and update the land use chapter as needed to facilitate appropriate siting. Staff Recommendation: adding a policy to Chapter 5 Land Use, Section 5.13 Commercial Goals and Policies that states: “Policy LU-50: Analyze the siting of marijuana retail businesses to ensure they are permitted in the appropriate zoning district and to limit impacts on the surrounding community.”

Suggested Motion: Motion to approve and recommend to add Policy LU-50 to the comprehensive plan as written and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Ambur **Motioned** to approve and recommend to add Policy LU-50 to the comprehensive plan as written and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission, **Second** Commissioner Syversen

Roll Call Vote: Commissioner LaConte - no
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – no
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – yes

MOTION PASSED 4 - 2

Ecological Inventory Policy - “Conduct a feasibility study, including costs and scope of operations, on conducting an ecological inventory.”

Staff Recommendation: adding a policy to Chapter 4 Natural Environment, section 4.3 that states: “Policy NE-6: Conduct an ecological inventory of the natural areas within the City to aid in identifying and protecting all sensitive areas.”

Suggested Motion: Motion to approve and recommend adding Policy NE-6 to the comprehensive plan as written and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Chair Olson questioned the verbiage that was being voted upon today from what the Planning Commission actually agreed upon. Extensive back and forth discussion took place between Commissioners and Director Davis. City Attorney Linehan gave further clarification as well.

Commissioner Syversen **Motioned** to approve and recommend adding Policy NE-6 to the comprehensive plan as written and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission, **Second** Commissioner Ambur .

Roll Call Vote: Commissioner LaConte - no
Commissioner Jensen – no
Commissioner Syversen - yes
Commissioner McCain – no
Commissioner Wheatfall - absent and not voting
Commissioner Ambur – yes
Commissioner Olson – no

MOTION FAILED 2 - 4

Moving Economic Development Policy - Delete policy ED-4.5 from the Economic Development Chapter or move it to the Transportation Chapter.

Staff Recommendation: Staff recommends moving Policy ED-4.5 from Chapter 9 (Economic Development) to Chapter 7 (Transportation) as Policy T-26 beneath the *Coordination and Consistency Policies* section.

Suggested Motion: Motion to approve and recommend to move the Policy ED-4.5 to the transportation chapter of comprehensive plan as Policy T-26 and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission.

Commissioner Ambur **Motioned** to approve and recommend to move the Policy ED-4.5 to the transportation chapter of comprehensive plan as Policy T-26 and to authorize staff to forward this recommendation to City Council on behalf of the Planning Commission, **Second** Commissioner Syversen

Roll Call Vote:

- Commissioner LaConte - yes
- Commissioner Jensen – yes
- Commissioner Syversen - yes
- Commissioner McCain – yes
- Commissioner Wheatfall - absent and not voting
- Commissioner Ambur – yes
- Commissioner Olson – yes

MOTION PASSED 6 - 0

Director Davis reminded everyone that the original plan was to get through the docket items and get a recommendation from the Planning Commission to take to the City Council. However, the Docket SEPA threshold determination was appealed so it won't make the deadline for this year, hoping for the first half of next year.

2020 Comp Plan Amendments will be going forward to the City Council on December 2nd after a work session on November 8th. Council agreed with most of the changes except for putting Residential back into the Community Commercial but there will be a Public Hearing to get feedback from the citizens.

Chair Olson noted that he feels in the future it would be good practice to have the Chair present the Planning Commission's recommendations to the City Council.

NEW BUSINESS – None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT –

Director Davis stated that three (3) of the Commissioners terms are expiring on December 31, 2021. Applications have been received and the Mayor and the Director will be holding Zoom interviews Monday, November 15th. Mayor Benson will make recommendations and appointments on December 2nd at City Council followed by

introductions at the December 7th Planning Commission meeting. Director Davis is planning on bringing a draft of the PROS plan in December. She thanked the Commissioners for putting in all the extra time and effort this past year. She reminded Chair Olson that he will need to put together a written recommendation to the City Council.

PUBLIC COMMENTS –

Hearing no one wanting to speak during the public comments section, Commissioner Jensen wanted to thank Ms. Davis for the approach in directing the public who would like to get in touch with the Commissioners. Instead of giving out their personal email addresses, all the comments should be directed to the general Planning Commissioners email at the city and then the Director will forward them to the appropriate person.

Kristen Bryant from Bellevue (had technical issues having her hand raised)

ADJOURNMENT –

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

The meeting ended at 7:43 p.m.

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

ATTEST:



John Olson, Chairperson
Secretary


Planning Commission