



CITY OF BLACK DIAMOND PLANNING COMMISSION AGENDA March 8, 2022

**THIS IS OFFERED AS A ZOOM MEETING ONLY.
CALL IN AND JOINING INFORMATION FOLLOWS:**

Zoom link to join meeting:

<https://zoom.us/j/4254157187?pwd=RE9OV0VoU1RFc3psSHdjem9mMk9hdz09>

Meeting ID: 425 415 7187

Password: PC

Telephone dial in options:

+1 206 337 9723 US (Seattle)

+1 253 215 8782 US (Tacoma)

Meeting ID: 425 415 7187

Password: 941820

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

APPROVAL OF MINUTES:

1) Minutes from Regular Planning Commission Meeting on February 8, 2022

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: If you cannot attend the hearing by phone or virtually, written comments on these topics can be submitted to mdavis@blackdiamondwa.gov by 5:00 p.m. on Tuesday, March 8, 2022.

2) Adopt a zoning use matrix into the code.

a. Deliberation and possible action taken on "Adopt a zoning use matrix into the code".

3) Amend Chapter 18.100 – Definitions, to incorporate definitions for all uses permitted in the City, move definitions within other Title 18 chapters to the definitions chapter and revise existing definitions for clarity.

a. Deliberation and possible action taken on "Amend Chapter 18.100 – Definitions, to incorporate definitions for all uses permitted in the City, move definitions within other Title 18 chapters to the definitions chapter, and revise existing definitions for clarity".

STUDY/WORK SESSION:

UNFINISHED BUSINESS:

NEW BUSINESS:

COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

PUBLIC COMMENTS:

ADJOURNMENT:



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
February 8, 2022, 6:00 PM

FLAG SALUTE, CALL TO ORDER, and ROLL CALL

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

Present: Commissioner Richard La Conte
Commissioner Steve Jensen
Commissioner Knut Syversen
Commissioner Pam McCain
Commissioner Felicia Wheatfall (joined meeting at 6:04 pm)
Commissioner Carol Morgan
Chair/Commissioner John Olson

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

APPROVAL OF MINUTES

1) Regular Meeting of January 11, 2022

Commissioner Morgan **Motioned** to approve the January 11, 2022 Minutes. **Seconded** by Commissioner Syversen. **Vote**, Motion **Passed** 6 - 0.

PUBLIC COMMENT

Sarah Jolk from Black Diamond spoke to Commission

(Commissioner Wheatfall joined the meeting)

Justin Wortmann from Oakpointe spoke to Commission

Alan Gangl from Black Diamond stated his name and city but held off on commenting as the public hearing had not opened yet.

PUBLIC HEARING

2) Parks, Recreation and Open Space Plan (PROS)

Chair Olson opened the Public Hearing at 6:10 pm. Director Davis gave a brief overview of the PROS plan and confirmed with Chair Olson on the process of the Public Hearing. She then turned it over to Caitlin Hepworth, Planner for Blueline who introduced her colleagues Chris Petersen, Head of Landscape Architecture and Eric Jensen, Head of Planning. Ms. Hepworth clarified the intent of the meeting and stated that it's primarily educational. She stated that she will be reviewing the second half of the final draft and then reviewing the changes that were made from the last meeting.

The following topics were discussed in detail in the presentation:

1. Summary of the Community Engagement (reviewed by Chris Petersen).
2. Chapter 7 – Visioning the Future (reviewed by Caitlin Hepworth)
 - a. Placemaking and Wayfinding
 - b. ADA and Paved Surfaces
 - c. Recreation Program
 - d. Sustainability
 - e. Operations Strategies
 - f. Future Considerations
3. Chapter 8 – Taking the Leap: Funding (reviewed by Caitlin Hepworth)
 - a. City Budget
 - b. Grant Opportunities
 - i. King County
 - ii. State
 - iii. National
 - c. Partnerships
 - d. Park Impact Fees
 - e. Development Agreements
 - f. Park Development In-Lieu Fees
4. Chapter 9 – Investing In Our Parks (reviewed by Caitlin Hepworth)
 - a. Capital Improvement Plan Estimated Budget
 - b. Priority and Estimated Cost of each Park
5. Chapter 3 – Goals and Policies
 - a. Caitlin stated that this is new material and informed everyone that the PROS Plan is an “informational document” and is a “living document” which can be changed at any time.

Director Davis suggested to Chair Olson to take public testimony and follow it with discussion. At 6:33 pm, Chair Olson opened it up for the public to speak. He stated that written comments were taken until 2:00 pm today and have been forwarded to the Commissioners to review. Furthermore, he informed everyone of the guidelines of the public giving testimony.

Brandon Bradshaw from Black Diamond – Mr. Bradshaw is the President of the Northwest Disc Golf Association which is a non-profit 501c3 organization. He

stated that they raise the money themselves and work with cities to build the courses on public land. He reported that it's the second fastest growing sport behind Pickleball and thought the residents of Black Diamond would enjoy having a course.

Kristen Bryant from Bellevue – she lives in Bellevue but grew up in Black Diamond. She loves the natural spaces along with many others in the community whom she has spoken with. Ms. Bryant stated that she mainly will be speaking about Open Spaces regarding county wide issues and conservation funding. She mentioned the acreage in the cities parks and recreation plan is misleading. It states there are 176 acres of parks, but actually 143 acres is the Lake Sawyer Region Park at the south end of lake. She explained that it inflates the Parks and Open Space numbers. A large number of that acreage is mainly wet with streams and undevelopable property but it does have public value. But again, it inflates the Parks and Open Space numbers which makes it look as if Black Diamond has much more acreage to use for parks than it actually does. Ms. Bryant remarked that the remainder of trees in Black Diamond will be removed for future development and currently, there are far too little number of parks. She stated that Black Diamond has limited infrastructure and Puget Sound Regional Council has asked the City to limit their growth because of this. She concluded by saying that she is part of the group, "Friends for Black Diamond" which submitted a three page document of suggestions that was forwarded to the Commissioners and recommends for them to consider those options.

Alan Gangl from Black Diamond – Mr. Gangl spoke about additional Open Space Parks and expressed his opinion of not lowering the standards of the parks. He believes going to the park in Maple Valley next to Tahoma High School is better than any of the parks in Black Diamond and those are the standards the city should be aiming for.

Sarah Jolk from Black Diamond – Ms. Jolk stated that she owns an art studio and will be moving into the building on Roberts Dr. across the street from City Hall. She would like to see more partnerships in Black Diamond regarding the Arts. Ms. Jolk concluded by expressing her desire to have a recreation department in the city.

Johna Thompson from Black Diamond – Ms. Thompson requested that Blueline delete the October 5, 2021 meeting sign up pages from the PROS plan since they didn't obtain permission to publish her information. She was surprised by which items were high on the priority list and felt there were items already started and should be circled back around on, such as the Lake Sawyer boat dock which was started 10 years ago and never completed. Ms. Thompson concluded by saying she is a member of the Lake Sawyer Regional Park Foundation. She would like to see more emphasis on what the community would like to see that park developed, aside from the influence from the soccer team/organization. As that

soccer organization is the only one on the list, she feels the soccer organization has overly influenced the priority list.

Leah Grant from Black Diamond – Ms. Grant is the President of Lake Sawyer Parks Foundation and said the plan looks great and thanked Mona and Blueline for their work. She stated that she would like to see more thought put in to the terminology and definitions. Specifically, that Parks and Open Space seems to be used interchangeably. Ms. Grant was surprised that Lake Sawyer Regional Park wasn't a higher priority especially since the highest activity that people chose was walking and hiking. Finally, she would like a Recreation Program, have the city increase their budget, and have the gym used more.

Angela Fettig from Black Diamond – Ms. Fettig communicated that the City should make the existing parks more walkable with crosswalks and lights. The priority should be to focus on safety and usability.

Renee Mix from Black Diamond – Ms. Mix expressed that we need more parks and open space.

Gary Jones from Black Diamond – Mr. Jones stated that he has lived here for six months and there are no parks that he wants to take his grandkids to. He suggested that funding could come from developers to pay for parks, streetlights, etc.

Chair Olson called for anyone else to speak. After the 3rd call for testimony, seeing no other speakers, he closed the Public Hearing at 6:59 pm.

Extensive discussion took place between the Commissioners, Director Davis and Blueline staff after the public testimony. Chair Olson stated that after the discussion, the Commissioners may deliberate if they would like to make the decision to approve the PROS plan and forward it to City Council for approval.

After several questions regarding grant money, Eric Jensen from Blueline explained how the prioritization process took place. He further stated that he previously was a Parks and Public Infrastructure Federal Grant Program Manager so he explained in great detail how it works and what needs to be done.

Ms. Hepworth gave clarification regarding populations and levels of service after questions arose. Director Davis acknowledged that there seemed to be quite a bit of confusion regarding the levels of service of some of the parks and suggested to Blueline staff that there be some clarification included.

Additional extensive discussion took place between the Commissioners, Director Davis and Blueline staff. Director Davis introduced Andy Williamson who is the MDRT/Economic Development Director for the City of Black Diamond to give

explanations of Development Agreements for Master Planned Developments versus smaller developments, as well as a developers financial responsibility for parks.

STUDY/WORK SESSION - none

UNFINISHED BUSINESS - none

NEW BUSINESS –

3) *Possible Action on Parks, Recreation and Open Space Plan (PROS)*

Commissioner Jensen made a **Motion** to approve the PROS plan and take it to City Council for adoption, **Second** by Commissioner McCain.

Commissioner Morgan made an **Amendment to the Original Motion** that we will request the administrative staff to make grammatical and photography changes to make the document more correct in its presentation, as well as removing the signature pages as requested by one of the citizens, **Second** by Commissioner Wheatfall. **Vote, Motion Passed 7 - 0.**

Chair Olson asked Commissioner Morgan to summarize the Amendment to the Original Motion for clarity.

Vote, Main Motion Passed as Amended 7 - 0.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT –

Director Davis thanked the staff at Blueline for all of their hard work on the PROS plan and to the Commissioners for their input.

PUBLIC COMMENTS

Kristen Bryant from Bellevue spoke to Commissioners

ADJOURN

Commissioner Syversen **Motioned** to adjourn, **Second** by Commissioner McCain. **Vote, Motion passed 7 - 0.**

THE MEETING ADJOURNED AT 8:02 PM.

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

ATTEST:

John Olson, Chairperson

Planning Commission Secretary



CITY OF BLACK DIAMOND

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Meeting Date: March 8, 2022

To: Planning Commissioners

Staff Contact: Emily Adams, Contract Planner
Mona Davis, Community Development Director

Subject: Adding Zoning Use Matrix to BDMC Title 18

Findings of Fact

The Black Diamond Municipal Code (BDMC) currently has a different chapter for each zone, within which conditional and permitted uses for that zone are listed. There is no combined list of all uses allowed within the City and to which zone they are allowed. This can make it more time-consuming and difficult for someone who has a specific use that would like to develop in the City to ascertain where they can locate. A zoning matrix is a very common aspect of codes and increases how user-friendly a code is. With the matrix someone can easily identify a use and see what zones it is permitted in.

As each zone has its own chapter within Title 18, the proposal is to put the matrix in its own chapter. The chapter would be Chapter 18.20 – Zoning Use Matrix, which would put it in the chapter directly before all the zoning regulations.

It is important to note that under this amendment no uses or what is permitted is being changed in any way. This code amendment simply shows existing code in a more user-friendly format.

Proposed Code Amendments

See attached “Zoning Use Matrix” document.

Staff Recommendation

Staff recommends approval of the new code as proposed.

Public Noticing

Notice was published in the newspaper February 23 and March 2, 2022, and on the city website February 17, 2022 under Public Notices, advertising the public hearing before the Planning Commission.

Process and Appeal

Code amendments are a Type 5, legislative decision made by the City Council. The process includes a public hearing before the Planning Commission, which will make a recommendation to the City Council. There is no administrative appeal of Type 5 decisions, but they may be appealed to the Washington State Growth Management Hearings Board.

Chapter 18.20 – Zoning Use Matrix

- The Zoning Use Matrix below combines the uses permitted in all zones within the City. For further information on each zone, see the zone-specific chapters in Chapter 18.30 - 18.44.
- 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.
- 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.

	R-4	R-6	MDR-8	NC	CC	TC	B/IP	I	PUB
Use									
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	
Childcare, including nursery schools and day care centers	p ¹² /C ¹⁰	p ¹² /C ¹⁰	p ¹² /C ¹⁰			C	P		
Drive through facilities				C	P				
Entertainment/ cultural facilities				p ⁹	P	P	C		
Essential Public Facilities				C	C		C	C	C
General Office				p ⁸		P	p ¹⁸	p ¹⁷	
Group Homes			C						
Heavy Industry								P	
Home Occupations per BDMC 18.54	P	P	P						
Hotels/ Motels/ Visitor Lodging					P				
Hybrid wholesale/ retail establishments					C				
Light Manufacturing							p ^{1, 19}	p	
Major Institutions					C	C	C	C	C
Mini storage facilities					C				
Office activities							p ¹		
Other or related uses									P
Parking structures (not associated with primary use)						C	C		

	R-4	R-6	MDR-8	NC	CC	TC	B/IP	I	PUB
Parks							C		P
Personal and professional services				p ⁷	P	P			
Pet Daycare					P				
Pet Stores				p ²⁰					
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	C ¹¹	C ¹¹	C ¹¹	C	P	C	C		
Research and Development							p ¹	P	
<i>Residential</i>									
Accessory Dwelling Units per BDMC 18.56	P	P	P						
Caretakers Quarters									P
Cottage Housing			P						
Duplexes	C ¹⁴	C ¹⁴							
Elderly Housing			C						
Manufacture Home Park			C						
Manufactured Housing per BDMC 18.90	P	P	P						
Mixed Use				p ⁴	p ⁵	p ⁵			
Multi-Family up to 6 units			P						
Single Family Structures	P	P	P						
Senior Housing			C	C		C			
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				p ²⁰	P				
Warehousing / distribution								P	
Wholesaling							P	P	

- 1 That do not create significant noise, emissions, risk of explosion or release of hazardous materials, or air or water pollution.
- 2 Permitted limited to general administrative offices, otherwise a conditional use.
- 3 Including uses involving outdoor product display or storage.
- 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 40,000 SF, typical neighborhood retail uses limited to 10,000 SF per individual use and one building not to exceed 100,000 SF excludes drive throughs and gas stations.
- 7 Personal services provided primarily to neighborhood residents limited to 4,000 SF per business.
- 8 Limited to 4,000 SF per business and excluding drive throughs.
- 9 Limited to 5,000 SF or capacity of not more than 100 patrons per business, whichever is greater and excluding drive-throughs.
- 10 For more than 12 children.
- 11 Not to exceed 10,000 SF.
- 12 Up to 12 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 300 feet of any other lot containing a duplex or multi-family structures or constitute more than 10% of the dwelling units in a single block; subject to design standards.

- 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 20% of the total project gross floor area and a 5,000 SF 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 20% of the total district area and a 5,000 SF maximum for any individual use.
- 17 Associated with primary manufacturing use.
- 18 Including call centers and other customer service communication centers.
- 19 Provided all production and storage activity is conducted indoors.
- 20 No boarding of dogs or outdoor kennels allowed.



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Meeting Date: March 8, 2022

To: Planning Commissioners

Staff Contact: Emily Adams, Contract Planner
Mona Davis, Community Development Director

Subject: Definitions Code Amendments

Findings of Fact

The code amendments for the definition chapter can be broken down into three types of amendments, as described below. These amendments help provide a more user-friendly code that is easier for staff to administer, and for the public to understand.

Moved Definitions

Title 18 had definitions throughout different chapters. Part of these proposed code amendments is to move the definitions within the chapters into Title 18, Chapter 18.100 - Definitions. Many of the words defined in certain chapters are used elsewhere in Title 18, so it is important to have all those definitions consolidated in one location for ease of use and to ensure it's clear that the definitions apply to the entire title. An example is the Accessory Dwelling Unit (ADU) definitions. These used to be housed in Chapter 18.54, which deals specifically with ADUs, however ADUs are referenced in various other chapters, and therefore the definitions should exist for Title 18 as a whole, not just a single specific chapter. Some chapters in which the definitions are exclusive to the chapter are not recommended to move, such as adult oriented businesses and wireless facilities.

New Definitions

Multiple new definitions have been added to the Title 18 definitions chapter. These definitions are largely for uses that are listed as permitted/conditional for certain zones but were not previously defined (ex: caretaker's quarters). Having a clear definition of each use makes regulating the use easier for staff and helps applicants to know what exactly is allowed and prevents conflicting interpretations. The definitions of various other cities, and the dictionary definition, were compared/utilized in creating the new definitions.



Revised Definitions

Definitions that are proposed to be revised are done so to provide clarity. The revised definitions help staff administer the code today and provide for longevity of the code by preventing conflicting interpretations today and in the future. For instance, the definition of lot width has proved to be confusing to numerous applicants, the use of “a midway point” is vague and often leads to different interpretations; the revision uses more precise language to help prevent confusion. The code amendments proposed maintain the intent of the original definition but are stated in a more precise and clear way.

Proposed Code Amendments

See attached “Proposed Code Amendments for Definitions in Title 18” document.

Staff Recommendation

Staff recommends approval of the code amendments as proposed.

Public Noticing

Notice was published in the newspaper February 23 and March 2, 2022, and on the city website February 17, 2022 under Public Notices, advertising the public hearing before the Planning Commission.

Process and Appeal

Code amendments are a Type 5, legislative decision made by the City Council. The process includes a public hearing before the Planning Commission, which will make a recommendation to the City Council. There is no administrative appeal of Type 5 decisions, but they may be appealed to the Washington State Growth Management Hearings Board.

Proposed Code Amendments Regarding Definitions in Title 18

KEY

Green with double underlined (example) indicates moved definitions (it is stricken where it is moved from, and not stricken where it is moved to).

Red underlined (example) indicates new language

Red strikethrough (~~example~~) indicates removed language

Chapter 18.14 PERMIT PROCESSING STANDARDS

~~18.14.010—Definitions.~~

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

~~"Complete project permit application" means 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.~~

~~"Lapse" means that any project permit application submitted to the city for processing is expired and/or void under BDMC Section 18.14.050.~~

~~"Project permit" means 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.~~

Chapter 18.56 - ACCESSORY DWELLING UNITS

~~18.56.010—Definitions.~~

~~"Accessory dwelling unit" (ADU) means a smaller, auxiliary dwelling unit located on a lot occupied by a single-family detached 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.~~

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

~~"Detached accessory dwelling unit" means an accessory dwelling unit that consists of a building that is separate and detached from the primary single-family housing unit. Examples include converted garages or new standalone construction.~~

~~"Dwelling unit" means 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.~~

Chapter 18.100 DEFINITIONS

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.)

18.100.020 Abutting.

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

18.100.XXX 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.).

18.100.030 Accessory building.

A building, or structure, or portion of a building, devoted to an activity subordinate to the principal use of the premises.

18.100.XXX Accessory dwelling unit.

A smaller, auxiliary dwelling unit located on a lot occupied by a single-family detached 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.

18.100.XXX Accessory dwelling unit, attached.

An accessory dwelling unit that is attached to or part of the primary single-family housing unit. 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. Examples include converted garages or new standalone construction.

18.100.040 Accessory living quarters.

Living quarters, which 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.

18.100.050 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.

~~**18.100.060 Acres or acreage, gross.**~~

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

~~**18.100.070 Acres or acreage, 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.~~

18.100.XXX Adjacent

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

18.100.080 Alley.

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

18.100.XXX Adult oriented business.

See BDMC 18.60.010.

18.100.090 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.

18.100.XXX 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.

18.100.110 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.

18.100.120 Basement.

That portion of a building between floor and ceiling, which 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.

18.100.130 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.

18.100.135 Bed and breakfast.

A lodging use, within a 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.

18.100.140 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.

18.100.150 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.

18.100.160 Buildable area.

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

18.100.170 Building.

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

18.100.180 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 ~~foundation~~roofline, including eaves/overhangs. (See also, Development Coverage.)

18.100.190 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.

18.100.210 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.

18.100.220 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.

18.100.XXX Caretaker's quarters.

A residence that is accessory to a site with a nonresidential primary use and that is needed for security, 24-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

18.100.XXX 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 24 hours. Includes nursery schools and day care centers and can occur in the home of the provider or at a commercial location.

18.100.XXX 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.

18.100.230 Conditional uses.

Certain uses which 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.

18.100.235 Cottage housing.

A form of residential development consisting of small, detached dwelling units, with one or more units on a lot. A cottage 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.

18.100.240 Density.

The number of dwelling units per acre.

18.100.060~~XXX~~ Acres or acreage Density, gross.

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

18.100.070~~XXX~~ Acres or acreage 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.

18.100.245 Department.

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

18.100.250 Development coverage.

The amount or percentage of ground area covered by impervious surfaces (i.e., surfaces which 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.

18.100.255 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.

18.100.XXX 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.

18.100.XXX Duplex.

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

18.100.260 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 and manufactured homes.

18.100.270 Dwelling unit.

A building or portion thereof designed exclusively for residential purposes providing complete housekeeping services for one family.

18.100.280 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 aboveground structures.

18.100.285 Elderly housing, assisted.

A shared multifamily 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.

18.100.290 Entertainment/cultural use.

A venue, either indoor 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.

18.100.295 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.

18.100.XXX Examiner

The City of Black Diamond Hearing Examiner.

18.100.300 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.

18.100.310 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.

18.100.315 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.

18.100.320 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.

18.100.XXX Group Homes.

Any dwelling unit used as a home for six to 14 unrelated persons (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 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).

18.100.325 Heavy industry.

Manufacturing, materials storage or other activities with significant external environmental or operational effects, or which 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."

18.100.330 Home occupation.

See Chapter 18.54.

18.100.340 Hotel.

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

18.100.XXX 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.

18.100.350 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 similarly impede the natural infiltration of surface and stormwater. Impervious surfaces do not include areas of turf, landscaping, or natural vegetation.

18.100.XXX Lapse, Permit.

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

18.100.355 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.

18.100.370 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.

18.100.380 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.

18.100.390 Lot line, front.

That boundary of a lot which 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.

18.100.400 Lot line, rear.

The lot line which 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:

- 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.

18.100.410 Lot depth.

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

18.100.420 Lot width.

The horizontal distance ~~between side lot lines 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. ~~at a point midway between the front lot line and the rear lot line.~~

18.100.430 Lot, corner.

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

18.100.440 Lot, interior.

A lot that has frontage on one street only.

18.100.445 Lot, through.

A lot that fronts on two parallel or nearly parallel streets.

18.100.450 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.

18.100.455 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.

18.100.460 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.

18.100.470 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.

18.100.480 Manufactured home ~~subdivision~~.

A structure, transportable in one or more sections, which 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.

18.100.XXX 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.

18.100.XXX 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.

18.100.490 Motel.

A building or group of buildings containing guest rooms which 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.

18.100.500 Nonconforming building or structure.

A building, structure, or portion thereof that was legally in existence, either constructed or altered prior to the effective date of this title, which does not conform with the requirements of this title.

18.100.510 Nonconforming lot.

A parcel of land, in separate ownership, and of record prior to the effective date of this title, which does not conform to the dimensional or area requirements of this title.

18.100.520 Nonconforming use.

An activity in a structure or on a tract of land that was legally in existence prior to the effective date of this title, which does not conform to the use regulations of the use district in which it is located.

18.100.530 Open space.

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

18.100.540 Open space, common.

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

18.100.550 Open space, useable.

Undeveloped or unbuilt portions of land designed and maintained in a manner which makes said open space accessible and usable by and for the persons for whom the space is intended.

18.100.XXX 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.

18.100.560 Parcel.

A contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same person.

18.100.570 Parking area.

An open area, other than a street or alley, which contains one or more parking spaces, and the aisles which provide access to such spaces.

18.100.575 Parking space.

An unobstructed space or area other than a street or alley which is permanently reserved and maintained for the parking of one motor vehicle.

18.100.580 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.

18.100.585 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.

18.100.590 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.

18.100.XXX 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.

18.100.XXX 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.

18.100.600 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.

18.100.610 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.

18.100.615 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.

18.100.XXX 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.

18.100.620 Property line.

A line bounding and indicating the ownership, or intended ownership, of a parcel of land.

18.100.625 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.

18.100.630 Religious institution.

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 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.

18.100.640 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.

18.100.645 Resource use.

Mineral extraction and processing, including asphalt or concrete plants and facilities and structures related to such activities; and forestry.

18.100.650 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.

18.100.655 Senior housing.

Multifamily 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 sixty-five years or older and that does not provide on-site life-care services and staffing for living support and health care.

18.100.658 Shoreline.

A line determined by the "ordinary high water mark" as defined in the Shoreline Management Act of 1971. See the adopted Shoreline Master Program for shoreline-related definitions.

18.100.660 Street, flanking.

A street, alley or right-of-way other than the one on which a corner lot has its main frontage.

18.100.670 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.

18.100.680 Street, minor.

A street or road not designated as a primary or secondary arterial.

18.100.690 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.XXX 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.

18.100.700 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.

18.100.710 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.

18.100.715 Variance.

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.

18.100.XXX 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.

18.100.720 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.

18.100.725 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.

18.100.730 Yard.

An open space unoccupied from the ground to the sky of uniform depth or width which 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.

18.100.735 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.

18.100.740 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.

18.100.745 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.