CITY OF BLACK DIAMOND
PLANNING COMMISSION AGENDA
May 10, 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 April 12, 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, May 10, 2022**.

2) 2022 Proposed Comprehensive Plan Amendments - Preliminary Docket

- **a.** *Deliberation and possible action taken on "*2022 Proposed Comprehensive Plan Amendments - Preliminary Docket."

STUDY/WORK SESSION: None

UNFINISHED BUSINESS: None

NEW BUSINESS: None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

PUBLIC COMMENTS:

ADJOURNMENT:

This site is barrier free. People needing special assistance or accommodations should contact the Community Development Department 72 hours in advance of the meeting at (360) 851-4447

CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
April 12, 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
Commissioner Carol Morgan
Chair/Commissioner John Olson

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

APPROVAL OF MINUTES

1) ***Regular Meeting of March 8, 2022***
The regular meeting minutes of March 8, 2022 were adopted under unanimous consent.

PUBLIC COMMENT - None

PUBLIC HEARING

2) Amend Chapter 18.08 – Administration: Procedures, Notice and Appeals to create internal consistency in the code regarding Type 6 application noticing requirements and Type 3 application appeal procedures, as well as amending the notice requirements table (Table 18-1) to remove unnecessary information.

a. *Deliberation and possible action taken on "*Amending Chapter 18.08 – Administration: Procedures, Notice and Appeals to create internal consistency in the code regarding Type 6 application noticing requirements and Type 3 application appeal procedures, as well as amending the notice

requirements table (Table 18-1) to remove unnecessary information."

Chair Olson opened the Public Hearing at 6:03 pm and turned it over to Director Davis who gave a brief overview stating this is to fix inconsistencies between the code language and the tables. In addition, written comments were received from the public and she stated the city is not staffed to notice type 1 permits and she would not recommend this.

At 6:05 pm, Chair Olson opened it up for the public to speak. He stated that written comments were taken until 5:00 pm today and those that where received, will become part of the record. Furthermore, he informed everyone of the guidelines of the public giving testimony.

Chair Olson called for anyone to speak. After the 3rd call for testimony, seeing no speakers, he closed the Public Hearing at 6:07 pm.

Chair Olson explained to the Commissioners that they may deliberate if they would like. The Commissioners deliberated and had back and forth discussion amongst each other and Director Davis. Commissioner Olson asked the Commissioners if they felt they needed more information or if someone wanted to make a motion.

Commissioner Jensen made a **Motion** to Amend Chapter 18.08 – Administration: Procedures, Notice and Appeals to create internal consistency in the code regarding Type 6 application noticing requirements and Type 3 application appeal procedures, as well as amending the notice requirements table (Table 18-1) to remove unnecessary information and forward it to City Council for approval., **Second** by Commissioner McCain.

Roll Call Vote: Commissioner LaConte - yes
Commissioner Jensen – yes
Commissioner Syversen - yes
Commissioner McCain – yes
Commissioner Wheatfall – yes
Commissioner Morgan – yes
Commissioner Olson – yes

MOTION PASSED 7-0

DRAFT

3) Incorporation of the following school districts' capital facilities plans by reference into the City of Black Diamond Comprehensive Plan, and adoption of updated school impact fee amounts as requested therein: Enumclaw School District 2021-2026 Capital Facilities Plan; Auburn School District Capital Facilities Plan 2021-2027; Tahoma School District Capital Facilities Plan 2021-2026; Kent School District Six-Year Capital Facilities Plan 2020-21 through 2026-27.

*b. Deliberation and possible action taken on "*Incorporation of the following school districts' capital facilities plans by reference into the City of Black Diamond Comprehensive Plan, and adoption of updated school impact fee amounts as requested therein: Enumclaw School District 2021-2026 Capital Facilities Plan; Auburn School District Capital Facilities Plan 2021-2027; Tahoma School District Capital Facilities Plan 2021-2026; Kent School District Six-Year Capital Facilities Plan 2020-21 through 2026-27*".*

Chair Olson opened the Public Hearing at 6:12 pm and turned it over to Director Davis who stated that the city attorney, Mr. David Linehan, would give an overview.

The following topics were discussed in the presentation while Mr. Linehan shared his screen:

- Inside the MPD's
- Comprehensive School Mitigation Agreement
- Negotiated by ESD, Oakpointe, city
- Requires conveyance of land to District for school sites
- Requires payment of mitigation fees per dwelling unit
- Outside the MPDs
- City school impact fee program
- Applies to Tahoma, Kent, Enumclaw and Auburn School Districts
- Impact fees are determined by formula based on projections provided by districts

DRAFT

At 6:26 pm, Chair Olson opened it up for the public to speak. He stated that written comments were taken until 5:00 pm today and those that where received, will become part of the record. Furthermore, he informed everyone of the guidelines of the public giving testimony.

Chair Olson called for anyone to speak and the following persons gave testimony:

Angela Fettig from Black Diamond – Ms. Fettig stated she sent in comments ahead of time. She stated she wants the Planning Commission to support this and wants the Commissioners to ask City Council to ask for maximum dollars allowed from the developers.

Geoff Bowie from Black Diamond – Mr. Bowie recommends that the schools need to ask for the maximum amount. He also stated that at the end of 2021, the school district bought 10 acres in Ten Trails and paid over 3 million for it. They also purchased 9 acres in Lawson Hills.

Kelly Sauskojus from Black Diamond – Ms. Sauskojus stated the she supports the comments from the previous speakers. In addition, she stated that growth should pay for growth and a previous Planning Commission promised to do just that and not the tax payers. She ended by stating to make the developers pay their fair share.

After the 3rd call for testimony, seeing no speakers, he closed the Public Hearing at 6:37 pm.

Mr. Linehan asked if he was able to address some of the comments that were stated by the citizens.

Chair Olson explained to the Commissioners that they may deliberate if they would like. The Commissioners deliberated and had back and forth discussion amongst one another, Director Davis and Attorney Linehan. Commissioner Olson asked the Commissioners if they felt they needed more information or if someone wanted to make a motion.

Commissioner McCain made a **Motion** to Incorporate the following school districts' capital facilities plans by reference into the City of Black Diamond Comprehensive Plan, and adoption of updated school impact fee amounts as requested therein: Enumclaw School District 2021-2026 Capital Facilities Plan; Auburn School District Capital Facilities Plan 2021-2027; Tahoma School District Capital Facilities Plan 2021-2026; Kent School District Six-Year Capital Facilities Plan 2020-21 through 2026-27 and forward it to City Council for approval., **Second** by Commissioner Jensen.

DRAFT

Roll Call Vote: Commissioner LaConte - yes
Commissioner Jensen – yes
Commissioner Syversen - abstain
Commissioner McCain – yes
Commissioner Wheatfall – yes
Commissioner Morgan – yes
Commissioner Olson – yes
MOTION PASSED 6-0-1 abstain (Syversen)

STUDY/WORK SESSION - None

UNFINISHED BUSINESS - None

NEW BUSINESS – None

COMMUNITY DEVELOPMENT DEPARTMENT REPORT –

- Director Davis gave the Commissioners a status update on the 2020 and 2021 Comprehensive Plans Annual Amendments.
- In process of preparing a staff report to present the docket suggestions for the 2022 docket to present to the Planning Commission at the May meeting
- Heard from Public Works that they will be presenting the Stormwater Manual to the Planning Commission in May or June
- The Mayor and City Council hosted a Town Hall meeting on May 10th with a focus on local business. There is a grant opportunity with Port of Seattle to partner with the Chamber to promote our local business' and update our website with more information.
- Business coalition and collaborate with the city
- Celebrating Earth Day on 4/23 at Lake Sawyer Regional Park; 4/16 Easter Egg Hunts and Pop Up event at Ten Trails.

PUBLIC COMMENTS - None

ADJOURN

Commissioner Morgan **Motioned** to adjourn, **Second** by Commissioner Syversen. **Vote**, Motion **Passed 7-0.**

DRAFT

THE MEETING ADJOURNED AT 6:58 PM.

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

ATTEST:

_____	_____
John Olson, Chairperson	Planning Commission Secretary

DRAFT

Carina Thornquist

From: Mona Davis
Sent: Tuesday, April 12, 2022 12:19 PM
To: 1johnolson@gmail.com; Carol Morgan; Felecia Wheatfall; Pam McCain <pammccain@johnlscott.com>; Knut Syversen; stevesharon2@comcast.net; Richard LaConte <ricco451@comcast.net>; Tamie Deady; Therron Smith; Leih Mulvihill; Kristiana De Leon; Trish Stallard; Bernie O'Donnell; Debbie Page; Carol Benson
Cc: Carina Thornquist; Brenda Martinez
Subject: FW: Planning Commission and City Council comments

Good afternoon Planning Commissioners and Councilmembers,

I'm forwarding this public comment to you at the request of a citizen regarding the school districts' capital facilities plans. This item is on tonight's agenda with the Planning Commission and will be on next week's Council meeting agenda.

Thank you,

Mona Davis, Community Development Director
City of Black Diamond | www.blackdiamondwa.gov
360-851-4528 DIRECT | 360-851-4447 MAIN | 360-851-4501 FAX
mdavis@blackdiamondwa.gov E-MAIL

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Angela Rossman Fettig <angimal80@hotmail.com>
Sent: Tuesday, April 12, 2022 10:47 AM
To: Mona Davis <mdavis@blackdiamondwa.gov>
Cc: Angela Rossman Fettig <angimal80@hotmail.com>
Subject: Planning Commission and City Council comments

Ms. Davis,

Please forward my comments below to the Planning Commission for tonight's meeting and to the City Council for their next meeting.

Thank you,
Angela Fettig

Black Diamond Planning Commission and City Council,

Thank you for the opportunity to comment on the addition of the newest School District 6-Year Capital Plans to the Black Diamond Comprehensive Plan.

Please support this update, which is overdue especially in the case of the Enumclaw capital plan.

According to Enumclaw's Plan, adopted June 2021, the school district is aware that for every new house built in the district, a deficit of about $24,000 in school capital need for a new school is created. This is an under-estimate because it only looks six years out, meaning it only includes one elementary school. It is also an underestimation because it does not include the cost of land.

Black Diamond had been collecting about $7000 per unit from the Ten Trails master developer in 2019. Then, in August 2020, the city finally passed an updated school impact fee to collect about $8800 per unit. In 2020, at the time the district and city knew the legally calculated need was $17,000 per unit, I was one of many who testified to the Council to please charge to full cost to new development. The builder claims to care about our community but would rather keep that money as profit in their pockets. The city council decided to give the developer a 50% discount and the only reason I could see for this discount was that this is what a lot of other jurisdictions do. This might make sense in other jurisdictions, but it just doesn't make sense for Black Diamond given our unprecedented growth.

Now we have a new impact fee max of $24,000 per unit. I ask the planning commission to recommend and city council to adopt the maximum fee. Do not give the 50% discount. Current and future residents of Black Diamond can not afford to pick up the difference of $12,000 per developer unit.

Just one elementary school will cost $54,000,000. With the minimal $7-$8k collected so far on the first 700 or so Ten Trails units, even with the state match, we can expect over $30,000,000 of that to require new taxes on existing residents to pay for Ten Trails "planned" development. That is terrible planning.

We saw the Enumclaw School district recently spent pretty much all the fees it has collected so far to buy land for two elementary school sites from the master developer. We know there are at least three additional school sites the district will need to buy from the developer in the future. So, new growth is paying for land for schools, but the overwhelming cost is not covered.

I strongly urge you adopt the maximum impact fees. Discounting just because other jurisdictions do is like jumping off a bridge because everyone else is.

The city should adopt maximum Developer School Impact Fees. Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be.

Growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids. If developers care about our community, then they should contribute much more to schools.

Thank you for hearing my concern,

Angela Fettig
Black Diamond resident since 2009

Carina Thornquist

From: Mona Davis
Sent: Tuesday, April 12, 2022 1:28 PM
To: 1johnolson@gmail.com; Pam McCain <pammccain@johnlscott.com>; Felecia Wheatfall; Carol Morgan; Knut Syversen; stevesharon2@comcast.net; Richard LaConte <ricco451@comcast.net>
Cc: Carina Thornquist
Subject: FW: Public Hearing on School District Capital Plans in the Comprehensive Plan April 12, 2022

Good afternoon Commissioners,

I'm forwarding a public comment for your review prior to this evening's meeting.

Thank you,
Mona

Mona Davis, Community Development Director
City of Black Diamond | www.blackdiamondwa.gov
360-851-4528 DIRECT | 360-851-4447 MAIN | 360-851-4501 FAX
mdavis@blackdiamondwa.gov E-MAIL

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Tuesday, April 12, 2022 1:03 PM
To: Mona Davis <mdavis@blackdiamondwa.gov>; Carina Thornquist <cthornquist@blackdiamondwa.gov>
Cc: Gary Davis <g.davis001@q.com>; Philip Acosta <philamatic@comcast.net>; Angela Rossman Fettig <angimal80@hotmail.com>; karen@bryantstractorandmower.com; kristenbry@gmail.com; passportt@comcast.net; r.mixdog4@comcast.net; Kelley Sauskojus <kelleysauskojus@outlook.com>; argangl52@gmail.com
Subject: Public Hearing on School District Capital Plans in the Comprehensive Plan April 12, 2022

Comments to the Planning Commission
Public Hearing on School District Capital Plans in the Comprehensive Plan April 12, 2022

We ask that you adopt the following Recommendation:
The planning commission recommends the adoption of the School Districts' Capital Plans, HOWEVER, the City Council should consider INCREASING the amount of the developer school impact fee so that developers pay a fuller share of the cost of schools needed as a direct result of new development.

This will provide taxpayer relief and support students.

Reasons:
The Developer Impact Fees needs to be increased so that builders and developers in our community can show their support for schools and local children in a meaningful way.

Citizens have long been concerned that growth must pay for growth, and now are concerned about a rising real estate tax bill on top of other rising costs of living. If developers don't pay more of their share of new schools needed to serve new development, it means taxpayers will have higher real estate taxes.

The "discount" (See Capital Plan School Impact Fee Calculations Appendix C) is a policy choice of the City Council to not collect money for new schools from builders (developers), and instead shift the cost as a tax burden to other citizens. The way to increase developer contribution for new schools is to reduce the "discount" percent. This policy decision will determine how much voters must later be asked to pay.

It is most beneficial for developer school impact fees to be paid upfront when the market price of housing must remain competitive, because then the fee cannot be passed on. The fee, like the cost of lumber, becomes part of the cost of the house.

The current estimate is for a $54,000,000 elementary school needed to serve new growth, but we know in Black Diamond that this is just the first of many schools that will be needed for the expected growth. Tax costs will add up to thousands per household, and the developers should do more to reduce risk and contribute to schools.

Thank you,
William Bryant
Kristen Bryant
Gary Davis
for Friends of Black Diamond

Carina Thornquist

From: Mona Davis
Sent: Tuesday, April 12, 2022 6:40 PM
To: 1johnolson@gmail.com; Pam McCain <pammccain@johnlscott.com>; Carol Morgan; Richard LaConte <ricco451@comcast.net>; Felecia Wheatfall; stevesharon2 @comcast.net; Knut Syversen
Cc: Carina Thornquist
Subject: RE: Attachment # 2 Public Hearing -Schools
Attachments: 20220412_172918.jpg; 20220412_172933.jpg

My apologies...there was a second e-mail in junk folder to where I found another attachment so I'm including both.

From: Mona Davis
Sent: Tuesday, April 12, 2022 6:37 PM
To: 1johnolson@gmail.com; Pam McCain <pammccain@johnlscott.com> <pammccain@johnlscott.com>; Carol Morgan <camorgan623@msn.com>; Richard LaConte <ricco451@comcast.net> <ricco451@comcast.net>; Felecia Wheatfall <fwheat@gmail.com>; stevesharon2@comcast.net; Knut Syversen <k7syvno@gmail.com>
Cc: Carina Thornquist <cthornquist@blackdiamondwa.gov>
Subject: FW: Attachment # 2 Public Hearing -Schools

FYI...to accompany Mr. Bowie's comments at tonight's public hearing.

Thank you,
Mona

From: Geoff Bowie <geoff@cascadeutilities.com>
Sent: Tuesday, April 12, 2022 5:35 PM
To: Mona Davis <mdavis@blackdiamondwa.gov>
Subject: Attachment # 2 Public Hearing -Schools

Mona,

Thank-you,

Geoff Bowie

Sent from my T-Mobile 4G LTE Device

						12700	600	7620000
						5000	600	3,000,000.00
Tax Payment Credit								
District Average Assessed Value			428,684	196,715				
Capital Bond Interest Rate			2.44%	2.44%				
Net Present Value of Avi Single Family Re 428684			$3,763,529	$17,270,121				
Years amortized			10	10				
Property Tax levy Rate			0.99	0.99				
Present Value of Revenue Stream			$ 3,713.00	$ 1,704.00				
			# houses	# apts	combined amount	# houses	# apts	combined amount
	Single Family (SFR)	Multi-Family (MFR)	1541	152		1550	160	
Fee Summary								
$ 3,495,731 Site Acquisition Costs	$ 2,132.40	$ 1,384.31	$ 3,285,987	$ 209,744	$ 3,495,731	$ 5,093,280,067	$ 33,559,018	$ 5,126,839,085
$ 54,608,748 Permanent Facility Cost	$ 32,695.08	$ 21,225.00	$ 50,382,577	$ 3,215,909	$ 53,598,486	$ 78,092,994,338	$ 514,545,467	$ 78,607,539,805
Temporary Facility Cost	9.62	6.438	$ 14,824	$ 975	$ 15,800	$ 22,977,607	$ 156,073	$ 23,133,679
Amount needed per house **$ 34,837.09 $ 22,615.75**			**$ 53,683,388**	**$ 3,426,628**	**$ 57,110,017**	**$ 53,997,493**	**$ 3,618,520**	**$ 57,616,013**
State Funding Credt	($3,538)	($2,297)	$ (5,452,000)	$ (348,030)	$ (5,800,030)	$ (5,483,900)	$ (367,520)	$ (5,851,420)
Tax Payment Credit	($3,713)	($1,704)	$ (5,721,672)	$ (258,182)	$ (5,979,854)	$ (5,755,150)	$ (272,640)	$ (6,027,790)
District Max Fee Calc	**$ 25,453.70**	**$ 17,230.44**	$ 39,223,729	$ 2,610,673	$ 41,834,402	$ 39,453,230	$ 2,756,870	$ 42,210,100
Max Fee with Site Acquisition	$ 27,586.09	$ 18,614.75	$ 42,509,716	$ 2,820,416	$ 45,330,133	$ 42,758,443	$ 2,978,360	$ 45,736,803
Fee Discounted to reduce developer payment for schools by politician		0.5	$ -	$ -	$ -	$ -	$ -	$ -
	$ 12,726.85	$ 8,615.22	$ 19,611,865	$ 1,305,336	$ 20,917,201	$ 19,726,615	$ 1,378,435	$ 21,105,050
Percent of legally allowed amount to be c	46%	46%						
AMOUNT TO BE MADE UP BY TAXPAYERS					$ 24,412,932			$ 24,631,753
HOUSEHOLEDS IN ESD 11000					$ 2,219			$ 2,239

	$ 3,495,731	10	sq feet 435,000.00	110,578.00	

Developer Provided Si *District Debt Service Tax Rate*
Elementary School Site *Current $.9867/$1,000*

ISSAQUAH	
Student Factor SFR	Student Factor MFR
0.378	0.164
0.195	0.063
0.218	0.114

Site Cost per Acre	*Total Facilities Square Footage*				
Elementary	*N/A*	*Elementary*	*234,726*	*0.305*	*0.198*
Middle School		*Middle School*	*167,254*	*0.13*	*0.087*
High School		*High School*	*156,418*	*0.137*	*0.088*
		Total	*558,398*		

School Site Acquisition Cost
[(Acres x Cost per acre)/Facility Capacity] x Student Factor

	Facility Acreage	Cost per acre*	Facility Capacity	Student Factor SFR	Student Factor MFR	Cost / student	# Single Fam houses to fill scl	Cost/SFR	Cost/MFR
elementary	10	$ 349,573.10	500	0.305	0.198	$ 6,991.46	1639	$ 2,132.40	$ 1,384.31
middle			600	0.13	0.087				
high			1500	0.137	0.088				

*December 2021 transaction amount for Enumclaw School District purchase from OakPointe for Ten Trails elementary site

School Construction Cost
[(Facility Cost / Facility Capacity) x Student Factor] x[permanent / Total Sq Ft]

		Facility Cost	Facility Capacity	Student Factor SFR	Student Factor MFR	Cost / student	Times Avg Students per house	Times Avg Students per apartment	Times % permanent = Cost / SFR	Cost / MFR
Elementary	98.15%	$ 54,608,748	500	0.305	0.198	$ 109,217.50	$ 33,311.34	$ 21,625.06	$ 32,695.08	$ 21,225.00
Middle School	98.15%		600	0.13	0.087					
High School	98.15%		1,500	0.137	0.088					

Temporary Facilities Costs
[(Facility Cost / Facility Capacity) x Student Factor] x [Temporary / Total Sq F

	% Temp / Total	Facility Cost	Facility Size	Student Factor SFR	Student Factor MFR				Times % temporary = Cost / SFR	Cost / MFR
Elementary	1.85%		20	0.305	0.198					
Middle School	1.85%	$100,000	25	0.13	0.087	$4,000	$520	$348.00	$9.62	$6.44
High School	1.85%		25	0.137	0.088					
				TOTAL					9.62	6.438

State Funding Assistance Credit
CCA x OSPA Sq Footage x Funding Assistance % x Student Factor

	Current CCA	OSPI Sq Footage	District Funding %	Student Factor SFR	Student Factor MFR	Cost / SFR	Cost / MFR
Elementary	238.22	90	54	0.305	0.198	$3,538	$2,297
Middle School	238.22	108	0	0.13	0.087		
High School	238.22	130	0	0.137	0.088		
				TOTAL		$3,538	$2,297

New Facility Constru ***State Construction Funding***
Elementary *$54,608,748* *District Match – 54.10% Current Construction Cost Allocation $238.22*

7700 600 4620000

Staff Report and Recommendations to the Planning Commission

2022 Comprehensive Plan Amendments Preliminary Docket

CITY OF BLACK DIAMOND

Mona Davis, Community Development Director
May 10, 2022

Photo credit: Craig Goodwin Photography

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Introduction

This report is prepared pursuant to Black Diamond Municipal Code (BDMC) 16.10.140(B). Each of the preliminary docket items that were timely received by the City, or suggested by the City staff or Council, are described below. For each of these preliminary docket items, this report includes a recommendation as to whether the item should, or should not, be included on the final docket, to be set by the City Council, for consideration during the 2022 Comprehensive Plan amendment cycle.

Overview of 2022 Docket Process

Under RCW 36.70A.130(2), cities may consider proposed amendments to their comprehensive plans no more frequently than once per year, with certain limited exceptions. So that proposed amendments can be considered in an orderly and holistic manner, the state Growth Management Act (GMA) directs cities to create an annual docket that lists all proposed amendments to be considered during this once-per-year review process. The docket comprises the proposed changes to the Comprehensive Plan and development regulations that the City has resolved to evaluate during the annual update cycle. By preparing an annual docket, the City ensures that all proposed amendments are considered concurrently so that their cumulative effect can be ascertained and evaluated.[1]

Proposed amendments to the Comprehensive Plan and City development regulations may be suggested by private citizens or by members of the City staff and City Council.[2] Under BDMC 16.10.130(D), all privately initiated amendments to the Comprehensive Plan or development regulations must be submitted by March 1 of each year. City Councilmembers may suggest amendments be added to the docket at any time before the final docket is set. For 2022, there are 17 privately initiated amendments.

After the March 1 submission deadline has passed, a preliminary docket is prepared by the Community Development Director (Director). The preliminary docket consists of all timely suggestions for Comprehensive Plan and development regulation amendments received for the annual review cycle.[3]

The Director is charged with preparing a report summarizing the proposed docket items and making a recommendation to the Planning Commission about which, if any, of the proposed items should be included on the final docket to be approved by the City Council.[4] The Director's recommendations to the Planning Commission are informed by the following factors, as laid out in BDMC 16.10.140(B):

- The need, urgency, and appropriateness of the suggested amendments;
- The availability of sufficient planning staff to substantively review the suggested amendments and to manage the public participation process; and
- The anticipated costs and budget impacts associated with processing the suggested amendments.

[1] BDMC 16.10.130(c)
[2] BDMC 16.10.130(B)
[3] BDMC 16.10.140(A)
[4] BDMC 16.10.140(B)

The Planning Commission is then required to hold a public hearing on the preliminary docket and to make a recommendation to the City Council as to which, if any, of the suggested amendments from the preliminary docket should be included on the final docket.[5] The City Council then considers the Planning Commission's recommendations before adopting a final docket by resolution.[6] The City Council may adopt the docket as recommended, or add to, subtract from, or modify the recommendations from the Planning Commission.[7] However, if the Council decides to add to, subtract from, or modify the suggested amendments, it may first be required to hold a public hearing under RCW 36.70A.035(2)(a) and BDMC 16.10.230(B).

The final docket—which consists of all suggested amendments that the City Council elects in its discretion to include on the docket, as well as any complete applications for site-specific amendments that were timely submitted by an applicant—serves as the road map for the City's consideration of amendments to the Comprehensive Plan and development regulations during the annual review cycle.

- Note: The fact that an item is included on the final docket does not mean that the item will result in any changes to the Comprehensive Plan or development regulations (BDMC 16.10.190). Rather, it is a commitment by the City to study the requested amendment during the annual review cycle.

Once the City Council has established the final docket, the items on the docket will be studied by City staff and the Planning Commission over a series of months, with meetings and public hearings convened to receive public testimony and deliberate on each of the docketed items.[8] These deliberations include careful consideration of the impacts of the proposed amendments on long-term planning goals and potential environmental impacts.

When the Planning Commission has completed its review of the docketed items, it will transmit a report to the City Council with a list of recommended amendments to the Comprehensive Plan and/or development regulations for final adoption.[9] The Director will also prepare a SEPA determination for the recommended amendments.[10] The City Council will then deliberate on the Planning Commission's recommendations and vote in a public meeting to adopt, reject, or modify the proposed amendments, as required by BDMC 16.10.120(A) and 16.10.230.

A tentative schedule for finalizing the docket and considering the docketed items is set forth at the end of this report.

[5] BDMC 16.10.160
[6] BDMC 16.10.170, 16.10.230
[7] BDMC 16.10.230
[8] BDMC 16.10.120(A)
[9] BDMC 16.10.210
[10] BDMC 16.10.200

Proposed Amendments for the 2022 Docket

Each of the items on the preliminary docket of proposed 2022 amendments to the Black Diamond Comprehensive Plan is described below. For ease of reference, a Summary of all City staff recommendations begins on page 20 of this report.

ITEM #2022-01: AMEND THE TRANSPORTATION CHAPTER TO ADD A NEW POLICY RELATING TO TRANSPORTATION DEMAND MODELING

Requestor

This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description

The requestors ask that the Transportation chapter be amended to add a new policy:

> Add statement or Transportation Policy T-##: The public has an interest in understanding and managing the impacts of a two-lane State Highway 169 on land use and the road future network. Therefore, the City's future transportation demand modelling will include: travel times on city through-roads for the peak hour; safety hazards for all modes of travel; intersections outside the City limits in the close vicinity of the City; and an updated Transportation project list. This model will be based on likely or proposed development and will use a future SR-169 corridor based only on known transportation projects with identified funding sources.

Similar language about the same topic was also provided by Kelley Sauskojus as follows:

> The public and WSDOT are not funding a widening of SR-169 and therefore such widening is not assumed in the Comprehensive Plan. The public has an interest in understanding and managing the impacts of a two-lane SR-169 on land use and the road future network. Therefore, for the 2022 Comprehensive Plan Update, the City will create an updated transportation demand model that includes travel times, safety hazards, intersections outside the City limits in the close vicinity of the City, and an updated Transportation project list. This model will be based on updated traffic counts, updated development projects, and will use a future SR-169 corridor based only on known projects with identified funding sources.

The requestors offer the following rationale for the requested changes:

> Black Diamond is undergoing unprecedented growth and wishes to maintain small-town character, maintain quality of life, and understand road needs and costs. Road funds at the state, county, and local level are limited. The safety of Black Diamond residents is the most important consideration and should be called out. The city recognizes that according to the city's growth targets, MPD fiscal projections, and the experience of other similar cities, the majority of employed residents will continue to commute to work outside the city and therefore roads in and out of town are an important consideration in the Black Diamond Comprehensive Plan. State and County roads leading to Renton, Issaquah, Auburn, and Enumclaw have land slide risks, areas with site distance limitations, pedestrian, and bicycle safety problems.

Recommendation
The transportation issues will require extensive analysis and opportunities for public participation before final recommendations can be reached. In addition, evaluation and traffic modeling will need to be completed as part of the 2024 Comprehensive Plan periodic update. City staff recommend that Item #2022-01 be evaluated as part of the periodic update with traffic modeling and studies to be completed in the next 12-24 months. **City staff recommend that Item #2022-01 not be included on the 2022 Docket.**

ITEM #2022-02: AMEND THE TRANSPORTATION CHAPTER TO ADD A NEW POLICY RELATING TO FUTURE ROAD NETWORK DESIGN

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Transportation chapter be amended to add a new policy:

> Transportation Policy T-##: Consistent with prior agreements for future development, new roads in the future road network shall be designed to accommodate as much of the traffic from new development as possible. Neighborhood character and safety are priorities for existing roads.

The requestors offer the following rationale for the requested changes:

> The city's existing roads are lined with housing and are not appropriate for dramatic increases in traffic from new development. Affordable housing and safety of the existing community can and should be maintained.

Recommendation
This policy recommendation is already in practice. Traffic concurrency is required in the City. New roads in the City are designed to accommodate existing and projected traffic based on traffic impact analyses/ reports and developers are required to contribute their fair share. See Policy T-19 Concurrency Policy, and Policy T-22 Financial Impact Mitigation Policy. **City staff recommend that Item #2022-02 not be included on the 2022 Docket.**

ITEM #2022-03: AMEND THE TRANSPORTATION CHAPTER TO ADD A NEW POLICY RELATING TO DESIGN STANDARDS

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Transportation chapter be amended to add a new policy:

> Transportation Policy T-##: The City will improve, create, and enforce design standards that improve safety, enhance neighborhoods and walkability, and that apply to all modes of transportation.

The requestors offer the following rationale for the requested changes:

> Black Diamond wishes to maintain existing affordable housing and maintain and enhance neighborhood walkability. Developments like Ten Trails do not contain homes with 4-lane roads through people's front yards. Without design and planning for the rest of Black Diamond, we will become a two-tiered community. Black Diamond's roads were built to old rural standards and need to be made safer for cars and for pedestrians as the city grows and traffic increases.

Recommendation

The City understands and agrees with the intent behind this policy. However, policy language is already in place regarding design standards for safety, neighborhoods, and walkability, and adding this policy would be redundant. The existing related policy language includes:

- Policy T-3 Connectivity Policy: Improve local roadway features, and patterns in a manner that enhances walking, bicycling, and transit use through improved connectivity.
- Policy T-10 Pedestrians, Bicycles, and Transit Policy *(last bullet point)*: Explore options to upgrade the physical environment of older existing neighborhoods to improve safety for pedestrians and bicyclists through reduced vehicular speed, warning signage, sidewalk widening at intersections, adding shoulders, improved paving, vegetation trimming to improve visibility and walkability to provide a safe and appealing walking environment.
- Policy T-14 Character of the City Policy *(bullet point four)*: Implementing separate road standards for the older, historic areas within the city that are specific to individual street geometries, with the goal of not causing undue disruption to existing neighborhoods.

Regulations specifically regarding street design already exist and are within the City of Black Diamond Engineering Design and Construction Standards. Design standards and specifications are not appropriate to be put in the Comprehensive Plan, which is a guiding policy document. **City staff recommend that Item #2022-03 <u>not</u> be included on the 2022 Docket.**

ITEM #2022-04: AMEND THE TRANSPORTATION CHAPTER TO ADD A NEW POLICY REGARDING LEVEL OF SERVICE FOR ALTERNATIVE TRANSPORTATION MODES

Requestor

This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description

The requestors ask that the Transportation chapter be amended to add a new policy:

> Transportation Policy T-##: The City shall update its level of service to a measurable unit for sidewalks, trails, bikeways, and transit. New development shall be required to include a concurrency analysis for these modes of transportation, showing how the Level of Service will be met. Traffic Impact Fees will include funding to meet these levels of service.

The requestors offer the following rationale for the requested changes:

Adding level of service for non-vehicle travel modes is consistent with the Puget Sound Regional Council's recommendations and Black Diamond's evolving improvements to its transportation network.

Recommendation

Having a level of service standard for alternative modes of transportation is a great way to ensure the City's sidewalks, trails, bikeways, and transit are being monitored and serve the current and future needs of the community. This is on the City's radar, as a policy (Policy T-4) exists in the adopted comprehensive plan to assess LOS standards for potential inclusion of alternative modes of transportation. **City staff recommend that Item #2022-04 not be included on the 2022 Docket, but be considered as part of the 2024 Periodic Comprehensive Plan Update.**

ITEM #2022-05: AMEND THE LAND USE CHAPTER TO ADD A NEW POLICY RELATING TO CONSERVING NATURAL OPEN SPACE

Requestor

This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description

The requestors ask that the Land Use chapter be amended to add a new policy:

> Land Use Policy LU-##: The City shall create incentives to conserve natural open space beyond conservation of critical areas. The goal is to retain a portion of net developable land (excluding sensitive and critical areas) on every development site to be conserved as open space or parks with retention and restoration of native vegetation.

The requestors offer the following rationale for the requested changes:

> The community will benefit from a balance of careful growth that retains open spaces and the feeling of a small town with natural areas around and through the City. Many community members were disappointed to learn that open space in the Black Diamond MPDs did not necessarily mean "natural" or "green" open space.

Recommendation

City staff understand the intent behind this request. The City currently has a TDR program in place that provides incentives for property owners to preserve natural areas in designated TDR Sending Site Areas by placing conservation easements on their property. These conservation easements impose extensive restrictions on how the property may be used, including a prohibition on development other than for purposes of conservation of natural features and recreational open space. In exchange, the owner may sell or transfer the severed development rights to properties within a designated TDR Receiving Site Area, where greater density may then be constructed.

City staff agrees that additional development regulations concerning preservation of existing natural areas and landscape buffers would be a useful addition to City code, perhaps as part of a new chapter in Title 18, but amendments to the Comprehensive Plan are not necessary to undertake this work. **City staff recommend that Item #2022-05 not be included on the 2022 Docket.**

ITEM #2022-06: CREATION OF A CONSERVATION EASEMENT DEVELOPMENT CREDIT PROGRAM

Requestor

This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description

Requestor suggests amending the Land Use chapter of the Comprehensive Plan to add the following new Policy:

> Land Use Policy LU-##: The City will explore the creation of a Conservation Easement Development Credit Program in addition to its existing TDR (Transfer of Development Rights) program. The program will allow property of higher conservation value that does not meet the definition of critical areas or buffers to be put into permanent "natural area" conservation in exchange for a zoning or land use change elsewhere that increases the allowed density of development on other property of lower conservation value. The program should allow developers to contribute funds or land of higher conservation values in exchange for increased development density on land of lower conservation value.

The requestors offer the following rationale for the requested changes:

> Black Diamond has a unique location in the foothills at the far edge of the urban growth boundary. Economic development appropriate for Black Diamond will retain more open space as an asset that attracts light industry, recreational tourism, customers, and employees. Clustered development is appropriate so that intense land use is balanced with a natural space that feels like "small town" Black Diamond.

Recommendation

This item was requested as part of the 2021 docket (#2021-12) and our recommendation remains the same. This is an intriguing suggestion that, if implemented correctly, could support important existing land use goals of preservation of natural areas and open space, while focusing additional development in areas of lower environmental value as open space and wildlife habitat. However, creation of a new program of this nature would require extensive study to determine the scope of lands that would be able to participate, appropriate standards to be used in evaluating applications for participation in such a program, and a complex code-drafting effort to establish necessary procedures, use restrictions, and administrative rules for the program. Moreover, even if successfully established, administration of the program would require additional staffing resources in Community Development. At this time, City staff do not have the staffing availability or budget to sponsor, develop, and administer such a program. **City staff recommend that Item #2022-06 <u>not</u> be included on the 2022 Docket.**

ITEM #2022-07: AMEND THE LAND USE CHAPTER TO ADD A NEW POLICY RELATING TO TREE RETENTION

Requestor

This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description

The requestors ask that the Land Use chapter be amended to add a new policy:

> Land Use Policy LU-##: Retention of existing trees shall be prioritized over removal and replacement. Tree protection during construction shall use best management practices.

The requestors offer the following rationale for the requested changes:

> Trees are beneficial to the feel of the community, wildlife, water, and air. Trees take a long time to grow. Past development reveals the city's existing tree protections are not sufficient to realize benefits or meet many community members' expectations.

Recommendation

Both the City's adopted Comprehensive Plan and Municipal Code address this topic. The comprehensive plan has the following goals and policies regarding tree preservation:

- NE Goal 10: Preserve trees and native vegetation to protect habitat and ecological functions.
- Policy NE-34: Require protection of significant trees and limit unnecessary disturbance of vegetation during all phases of development and require mitigation as needed, including replacement for trees removed during development.
- Policy NE 40: Monitor compliance with the City's Tree Preservation Ordinance as a means to maintain rural character.

The BDMC specifically addresses tree removal, retention, and replanting in Chapter 19.30 and the portion of the request regarding tree protection during construction in Chapter 19.30.080.A: *"During land alteration and construction, in order to provide for the protection and health of retained significant trees, the applicant shall utilize the best management practices for tree protection."*

Staff understands the requestors desire is to see retention of trees prioritized over removal and agrees that tree preservation is important. However, for landowners to enjoy their substantial property rights under the law, the preservation of all trees on site is typically not possible. While all trees are encouraged to be preserved, only significant trees and trees in the shoreline jurisdiction are required to be preserved and/or replaced. The adoption of this proposed policy is not necessary because it's already consistent with the tree preservation code. **City staff recommend that Item #2022-07 not be included on the 2022 Docket.**

ITEM #2022-08: AMEND THE LAND USE CHAPTER TO ADD A NEW POLICY RELATING TO PARKS IN COMMERCIAL/INDUSTRIAL DEVELOPMENTS

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Land Use chapter be amended to add a new policy:

> Land Use Policy LU-##: All land uses including Industrial and Commercial shall include Park space or shall pay fees to contribute to city Parks.

The requestors offer the following rationale for the requested changes:

> Those employed in or using commercial, retail, industrial and office space also use parks. The development of land increases the overall need for parks and open space as areas that were previously more open and contributed to peace and quiet are developed.

Recommendation
The City currently does not have an established park impact fee, so this policy would be unable to be implemented. What land uses are charged park impact fees and how much will be established as part of a future process. Due to the lack of an established park impact fee**, staff would instead recommend that a comprehensive plan policy be added to Section 3.5 regarding establishing a park impact fee, in conjunction with the Parks chapter update to incorporate the adopted PROS plan (Docket Item #2022-19)**.

ITEM #2022-09: AMEND THE LAND USE CHAPTER TO ADD A NEW POLICY RELATING TO DEVELOPMENT NEAR SENSTIVE AREAS

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Land Use chapter be amended to add a new policy:

> Land Use Policy LU-##: The lowest density land use and zoning option is preferred next to and surrounding sensitive areas. The city shall encourage development only at the intensities recommended for protection of sensitive areas by the Department of Ecology.

The requestors offer the following rationale for the requested changes:

> See wetland studies and Department of Ecology recommendations for wetland and riparian buffers and land use intensity (https://apps.ecology.wa.gov/publications/parts/0506008part3.pdf).

Recommendation
Staff understands the requestors desire is to see low density and less intrusive uses be allowed near sensitive areas, however, BDMC Chapter 19.10 provides for the mentioned critical areas protections, which are required to be preserved and protected. The adoption of this proposed policy is not necessary because it's already consistent with the sensitive areas code and Department of Ecology regulations.
City staff recommend that Item #2022-09 not be included on the 2022 Docket.

ITEM #2022-10: AMEND THE LAND USE CHAPTER TO ADD A NEW POLICY RELATING TO OPEN SPACE IN MULTI-FAMILY DEVELOPMENTS

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Land Use chapter be amended to add a new policy:

> Land Use Policy LU-##: Commercial Zones used for multi-family development are allowed a maximum of 16 units per acre. All multi-family development shall include outdoor space for residents such as picnic area, play area, natural space with appropriate access. A buffer of trees or natural area shall separate residential buildings from other commercial uses. Design standards shall be reviewed regularly for opportunities to improve safety and comfort of residents neighboring commercial development or in mixed use development.

The requestors offer the following rationale for the requested changes:

> Existing commercial zoning in Black Diamond allows any number of apartment units, making it difficult to plan. Limiting units and requiring open space for residents maintains small town character. Apartments or connected units are fundamentally housing, and need the same quality of life protections as other housing types. In the case of open space, more incentive for natural space retention is needed than in single family zoning.

Recommendation
The Land Use Element of the Comprehensive Plan contains substantive policies for how land is to be used and developed within the City. These policies then inform the creation of more specific development regulations and standards in the municipal code. The language proposed by the requestor does not describe a substantive land use policy to guide future development. Rather than proposing policy language, it proposes specific density and landscaping requirements. Furthermore, Black Diamond Design Guidelines specifically address Multi-Family Development around site design, building design, and landscaping. It therefore appears to be inappropriate for inclusion in the 2022 Docket. It is also noted that the proposed minimum outdoor-space and unit number requirements, while possibly promoting some existing policies to preserve natural habitat and rural character, may also be inconsistent with other City objectives of increasing the availability of affordable housing across the socio-economic spectrum. The net effect of the proposed amendments may be to disincentivize the construction of affordable, multi-family dwelling units if not balanced with other incentives. Understanding how these requested Comprehensive Plan amendments would affect the balance of

these competing policy goals and impacts to affordable housing would require extensive use of City staff and consulting resources to conduct necessary investigation and analysis. In light of the procedural nature of the requested amendment, City staff have no basis to recommend this item for this year's docket, but would recommend revisiting this issue and our Design Standards as part of the 2024 Periodic Update. **City staff recommend that Item #2022-10 not be included on the 2022 Docket**.

ITEM #2022-11: AMEND THE LAND USE CHAPTER TO CREATE NEW LAND USE DESIGNATIONS

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Land Use chapter be amended to add a new land use designations including "Mineral and Resource Extraction", "Forestry" and designations for lower and higher density residential, conservation, and separating business/office from the light industrial category.

The requestors offer the following rationale for the requested changes:

> Review development potential in conjunction with adopted growth targets to identify areas within the city that should be rezoned in order to bring the City's growth capacity into closer conformity with regionally adopted growth targets and the Puget Sound Regional Vision. Review the city's Land Use Designations and consider whether growth management, conservation, economic, and small-town character goals could be served by assigning land areas to the above categories.

Recommendation
Requestor provided no real justification or rationale for this change to the Comprehensive Plan or zoning code and the creation of two new zones. Similar requests were previously made with the 2021 docket. Meeting growth targets and other goals is possible with the existing designations. Further, it would be unusual for an incorporated city lying within an Urban Growth Area to have a zoning designation for "forestry," which is more typically found in unincorporated rural areas. Without additional information, City staff have no basis to recommend this item for the docket. In light of other high priority items that must be completed and limited staffing resources available, **City staff recommend that Item #2022-11 not be included on the 2022 Docket.**

ITEM #2022-12: AMEND THE LAND USE MAP TO REMOVE CHANGES MADE IN 2019

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Future Land Use Map changes made in 2019 be removed and the Land Uses be the Land Use designation that most closely match the current use of the parcels, including the new designations created by the above docket item. Further, it is requested the prior in-city forest (2021

inconsistency #6), be designated as Forestry and that old rail right-of-way remain undesignated until the landowner formally applies for land use designation using the process in BDMC 16.10, or designate it mineral extraction/forestry, and requests the city encourage maintaining the rail right-of-way for public access, rail, or trail use.

The requestors offer the following rationale for the requested changes:

> Address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth strategies and develop goals or policies that would help to better align them. Transportation analysis has shown that potential development far exceeds road capacity. Future road projects designed to meet the concurrency needs of the MPDs are at risk of being allocated to other developments. According to the MPD's legal obligations and the MPD EIS Transportation Technical Report, the MPDs only need to meet transportation concurrency minimum levels of service. Additional vehicle capacity to serve other development is not included in the Comprehensive Plan's list of future road projects, and the impacts of other development in the City have not been analyzed.
>
> Redesignating land use to "current use" decreases the workload of analyzing the impacts because SEPA only requires analysis and mitigation of adverse impacts. There are not adverse impacts to "current use" because those impacts are already absorbed.
>
> The ongoing tension between regional plans and Black Diamond's available undeveloped land has resulted in delays in updating the Comprehensive Plan. This has been unproductive, costly, and could result in difficulties coordinating with neighboring jurisdictions. Residents are concerned about insufficient or expensive infrastructure, public services, and loss of natural space. A land use review can look at these issues with a goal of resolving future delays, place the cost as appropriate on land developers, and managing the conflicts based on data and best practices.
>
> The passage of time since the 2019 Future Land Use map updates has not improved the problem. The issues and impacts still need to be made clear to public and decision makers. For example, in the 2019 Comprehensive Plan update, Future Land Use Map changes allowed a significant increase in Medium Density Residential housing (8 to 12 per acre) and Commercial development in future zoning. However, the Comprehensive Plan does not contain descriptions of these Map changes or analyze their impacts.

Recommendation

These topics were addressed during the 2021 Comprehensive Plan Amendment cycle. Substantial public input and several public hearings and meetings where the inconsistencies between the 2009 Future Land Use Map (FLUM), 2019 adopted FLUM, and the current adopted zoning map were analyzed and discussed. Regarding the In-City Forest, the landowner maintains that the agreement for the City to possibly buy that land has expired. The parcel cannot be designated as Forestry, as such a designation does not exist. Furthermore, the land is privately owned and doing so would greatly diminish or potentially remove all development abilities from the land, which may be considered a taking and could be illegal without payment of just compensation.

Analysis and a recommendation for this request was completed with the 2021 Comprehensive Plan amendment by Planning Commission for the City Council. However, the 2020 Comprehensive Plan Amendments were going through an extensive appeal process and subsequently those amendments were appealed to the Growth Management Hearings Board (GMHB). The City Council repealed the 2020 Comprehensive Plan amendments, which essentially nullified the 2021 comprehensive plan amendments.

Analysis of the FLUM and Zoning map will occur as part of the 2024 periodic comprehensive plan update which will include new analysis for various topics, such as traffic/transportation. Due to the forthcoming Periodic Update, and the clear direction from the City Council to focus long-range planning efforts on the 2024 Periodic Update, **City staff recommend that Item #2022-12 not be included on the 2022 Docket.**

ITEM #2022-13: AMEND THE LAND USE CHAPTER TO ADD A NEW POLICY FOR SITE PLAN REVIEW

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Land Use chapter be amended to add a new policy:

> Land Use Policy LU-##: Provide early and significant opportunities for public involvement when considering a proposal on a site of more than 3 acres. The Site Plan Review process should use the Type 3 process, with a public hearing before the Hearing Examiner, on sites larger than 3 acres or on all development following the Site Plan Review process.

The requestors offer the following rationale for the requested changes:

> Development on large sites has a greater long-term impact on residents who travel past, interact with, and are affected by the uses of the site. Public input can greatly improve a project by bringing the impacts on residents to the fore during the planning stages. Existing code and policies are insufficient to ensure small town character remains or that impacts are addressed.

Recommendation
The Land Use Element of the Comprehensive Plan contains substantive policies for how land is to be used and developed within the City. These policies then inform the creation of more specific development regulations and standards in the municipal code. The language proposed by the requestor does not describe a substantive land use policy to guide future development. Rather than proposing policy language, it describes a procedural mechanism for processing an application. BDMC Chapter 18.08 establishes procedures for processing all types of permits and Chapter 18.16 establishes the Site Plan Review process and applicability. It therefore appears to be inappropriate for inclusion in the 2022 Docket as a Comprehensive Plan amendment. In light of the procedural nature of the requested amendment, City staff have no basis to recommend this item for the docket. **City staff recommend that Item #2022-13 not be included on the 2022 Docket.**

ITEM #2022-14: AMEND THE LAND USE CHAPTER TO ADD A NEW POLICY TO REQUIRE A FORMAL APPLICATION TO AMEND THE FLUM OR ZONING REGULATIONS FOR CHANGES THAT WOULD INCREASE RESIDENTIAL UNITS OR REDESIGNATE PROPERTY AS "COMMERCIAL"

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Land Use chapter be amended to add a new policy:

> Land Use Policy LU-##: Future Land Use Map and/or zoning changes that increase residential units allowed or change a property to a "commercial" designation must go through the formal docket application and Land Use Map Amendment process as defined in the Black Diamond Municipal Code.

The requestors offer the following rationale for the requested changes:

> Chapter 16.10 of the municipal code has an application process for developers to request a change in future Land Use designations. This process includes applicant fees to cover staff time, and applicant submission of studies to disclose impacts on roads, services, utilities, etc. This removes the burden of creating these materials from city staff. This also removes the use of public funds for this process. Such removal is desirable because use of public funds for the private benefits involved may be inappropriate.

Recommendation
The Land Use Element of the Comprehensive Plan contains substantive policies for how land is to be used and developed within the City. These policies then inform the creation of more specific development regulations and standards in the municipal code. The language proposed by the requestor does not describe a substantive land use policy to guide future development. Rather than proposing policy language, it describes a procedural mechanism for seeking changes to the FLUM and zoning code. It therefore appears to be inappropriate for inclusion in the 2022 Docket. In light of the procedural nature of the requested amendment, City staff have no basis to recommend this item for the docket. **City staff recommend that Item #2022-14 <u>not</u> be included on the 2022 Docket.**

ITEM #2022-15: AMEND THE LAND USE CHAPTER TO REMOVE POLICY LU-42

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Land Use chapter be amended to remove the following policy:

> Land Use Policy LU-42: Retain and enhance the existing commercial areas while providing sites large enough to accommodate significant commercial uses.

The requestors offer the following rationale for the requested changes:

> There are sufficient commercial spaces already developed in Black Diamond or permitted through the MPD's. Additionally, the Institute for Traffic Engineers recognizes that commercial and mixed-use development generate significant new traffic. Growth in neighboring cities shows that despite retail and commercial development, the vast majority of new residents commute outside the city. The City wishes to further mitigate transportation impacts from growth and to encourage commercial development in the master planned locations.

Recommendation

The request is contradictory. The requestors ask to remove a policy regarding retaining and enhancing *existing* commercial sites, and in the rationale state they would like to encourage commercial development in master planned locations – which are existing commercially designated areas. Furthermore, this could be addressed in the next periodic update when the Land Use element is open for public comment. In light of the contradictory nature of the request, and in light of repeated Council statements prioritizing the attraction of new commercial enterprises and related revenue streams for the City, **staff recommends that item #2022-15 <u>not</u> be included on the 2022 Docket.**

ITEM #2022-16: AMEND THE LAND USE CHAPTER TO AMEND POLICY 18 RELATING TO HISTORIC SITES

Requestor

This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description

The requestors ask that the Land Use chapter be amended to amend the following policy:

> Land Use Policy LU-18: "Partner with county, state and tribal agencies to ensure preservation of archaeologically **<u>and historically</u>** significant sites."

The requestors offer the following rationale for the requested changes:

> Black Diamond's historic heritage is visible in its layout and housing, but much of this is taken for granted. The city's historic homes are affordable but are at risk of redevelopment into bigger and more expensive houses. The city's historic streets, buildings, & natural areas should be evaluated to identify how they contribute to the city's small-town character and livability so that the beneficial aspects for residents and visitors are maintained.
> Existing code and policies are insufficient to ensure historic protection.

Recommendation

This item was requested as part of the 2021 Docket (Docket Item #2021-20). To remind the Commissioners and Council, the City already has a chapter in its Municipal code dedicated to preservation of historic landmarks (BDMC 15.38). The process for designating properties for landmark status is governed by Chapter 15.38, which in turn incorporates King County Code Chapter 20.62. See KCC 20.62.050. Amending the text of the Comprehensive Plan to include

"historically significant" sites in addition to "archaeologically significant" sites for preservation efforts would be consistent with current City codes, as implemented through the City's partnership with the King County Landmarks Commission. However, **City staff recommend that Item #2022-16 not be included on the 2022 docket and instead recommend this item be reviewed as part of the 2024 periodic update to amend Land Use Policy LU-18.**

ITEM #2022-17: AMEND THE CAPITAL FACILITIES CHAPTER TO AMEND LANGUAGE AND ADD A POLICY REGARDING SCHOOLS

Requestor
This item is requested by Angela Fettig, Gary Davis, Kelley Sauskojus, Kristen Bryant, Philip Acosta, and William Bryant.

Description
The requestors ask that the Public Services chapter be amended to adopt the latest Capital Facilities Plans for all school districts.
Further, the requestors ask that a new policy be added as follows:

> Public Services Policy PS-##: School districts are encouraged to ensure all development is included in capital plans. The City should adopt the maximum allowed and legally defensible developer school impact fees under state law.

Recommendation
The first point is unapplicable as the latest capital facilities plans for all school districts are to be adopted by the City each year with a Comprehensive Plan update to the Capital Facilities element in Chapter 8 as part of the budget process, per RCW 36.70A.130(2)(a)(iv). Furthermore, significant deviations from the amount of impact fees requested by the school districts would require additional coordination with the four school districts during their Capital Facilities planning. The City Council currently reviews the school's recommended impact fees for adoption into the City's fee schedule on an annual basis pursuant to BDMC 3.70.050. **Staff recommends that item #2022-17 not be included on the 2022 docket.**

ITEM #2022-18: UPDATE THE HOUSING CHAPTER OF THE COMPREHENSIVE PLAN TO INCORPORATE RELEVANT COMPONENTS OF THE 2021 HOUSING ACTION PLAN

Requestor
This item was suggested by Community Development Director Mona Davis.

Description
In 2021 the City worked with a consultant, Blueline, to finalize the 2021 Housing Action Plan. This Plan started with data collected from a citywide housing needs assessment survey conducted by Blueline. Blueline's work incorporated this survey data into an overall plan that reflects realistic residential growth targets and provides insights into how the City can provide for the mix of housing that is likely to meet the needs of current and future populations. The Housing Action Plan creates three strategic objectives for meeting future housing needs in the City: (1) monitoring housing needs and demographic

shifts as the City continues to grow; (2) increasing housing diversity while preventing displacement of current residents and preserving small-town feel; and (3) creating opportunity for investment in more housing for lower income brackets. The Housing Action plan should inform the Planning Commission and City Council's consideration of potential changes to the Housing element of the Comprehensive Plan.

Recommendation
The objectives and proposed action items from the Housing Action Plan should be harmonized with the Housing element of the Comprehensive Plan. This item was on the 2021 Docket and was not completed because the zoning and FLUM maps needed to be consistent before staff could further analyze the housing needs and locations. These inconsistencies are planned to be analyzed as part of the 2024 periodic update. **City staff recommend that Item #2022-18 <u>not</u> be included on the 2022 docket and instead recommend this item be reviewed as part of the 2024 periodic update.**

#2022-19: UPDATE THE PARKS CHAPTER OF THE COMPREHENSIVE PLAN TO INCORPORATE RELEVANT COMPONENTS OF THE PROS PLAN

Requestor
This item was suggested by Community Development Director Mona Davis.

Description
The City is currently working to adopt the Parks, Recreation, & Open Space Plan (PROS Plan) in the next few months. This work included a survey that was be sent out to seek input from residents and various public meetings to gather input. The PROS Plan assesses the City's current inventory of parks and recreation property and facilities and provides an evaluation of how those facilities may need to be expanded and improved to meet the needs and preferences of current and future residents of the City. The Parks element of the Comprehensive Plan should be updated to reflect the key findings and action items from the PROS Plan, once it is adopted.

Recommendation
The objectives and proposed action items from the PROS Plan should be incorporated into the Parks element of the Comprehensive Plan. This item was on the 2021 Docket and was not completed because the PROS Plan needed to be completed and adopted first. Staff anticipates the PROS Plan going to Council in June 2022. **<u>City staff recommend that Item #2022-19 be included on the 2022 Docket.</u>**

Summary of Recommendations

In total, City staff recommends only including the following item on the final 2022 Docket:

- Item #2022-19: Update the Parks chapter of the comprehensive plan to incorporate relevant components of the Parks, Recreation & Open Space (PROS) Plan

The 2020 Comprehensive Plan is still pending appeal with the Growth Management Hearings Board as of the date of this report.

Staff recommends holding joint workshops with the Planning Commission and City Council to establish a Work Plan for completing the 2024 Period Update to the Comprehensive Plan in the second half of 2022 and all of 2023 without taking on additional suggested amendments that are not formally submitted and paid for.

Schedule for 2022 Docket Consideration (tentative)

May 10, 2022	Planning Commission meeting and public hearing to consider the 2022 preliminary docket and staff report
June 7, 2022	Planning Commission recommendations for 2022 Docket transmitted to City Council
June 16, 2022	City Council holds public meeting to consider and establish final 2022 Docket
July – September 2022	Planning Commission holds meeting(s) and public hearing(s) to deliberate on 2022 Docket items
October 2022	Planning Commission transmits recommended amendments to the Comprehensive Plan to City Council for adoption
	Staff provides draft comprehensive plan amendments transmitted to state agencies for comment
	SEPA Threshold Determination on proposed amendments issued
November – December 2022	City Council holds public meeting (and possible public hearing) to review and consider final adoption of 2022 amendments to the Comprehensive Plan
December 2022	Adopted amendments transmitted to Department of Commerce

Attachments

1. E-mail and attachment from Angela Fettig dated February 28, 2022
2. E-mail from Gary Davis dated March 1, 2022
3. E-mail from Kristen Bryant dated February 28, 2022
4. E-mail from Philip Acosta dated March 1, 2022
5. E-mail from William Bryant dated February 28, 2022
6. E-mails and attachment from Kelley Sauskojus dated February 28, 2022

Emily Adams

From: Angela Rossman Fettig <angimal80@hotmail.com>
Sent: Monday, February 28, 2022 5:05 PM
To: Mona Davis
Cc: kristen bryant; Gary Davis; Kelley Sauskojus; Karen Bryant; Philip Acosta
Subject: 2022 Comprehensive Plan ammendments
Attachments: Amendments for Comprehensive Plan 2022.docx

Ms. Davis,

Please include the attached amendments for the 2022 Comprehensive Plan Update.
Please reply that these comments have been received.

Thank you,

Angela Fettig

Proposed Amendments to Black Diamond Comprehensive Plan - 2022 Update

This submission is grouped into four docket items: Transportation Improvements, Conservation, Land Use to Manage Growth and Regional Coordination, and Schools. Within each are detailed amendments that can be considered individually, but we suggest it is easier to consider them as a package. Underlined language is drafted to be adopted into the plan, or revised as appropriate.

Many of these amendments are based on feedback from suggestions made previously, or were recognized by staff as good suggestions but there was not time for all of them.

1. **Transportation: Road impacts, funding, and community safety.**

1.a. Transportation: Priorities and Forecast

Add a statement or policy that: The public has an interest in understanding and managing the impacts of a two-lane State Highway 169 on land use and the road future network. Therefore, the City's future transportation demand modelling will include: travel times on city through-roads for the peak hour; safety hazards for all modes of travel; intersections outside the City limits in the close vicinity of the City; and an updated Transportation project list. This model will be based on likely or proposed development, and will use a future SR-169 corridor based only on known transportation projects with identified funding sources.

Rationale: Black Diamond is undergoing unprecedented growth and wishes to maintain small-town character, maintain quality of life, and understand road needs and costs.

Road funds at the state, county, and local level are limited. The safety of Black Diamond residents is the most important consideration and should be called out. The city recognizes that according to the city's growth targets, MPD fiscal projections, and the experience of other similar cities, the majority of employed residents will continue to commute to work outside the city and therefore roads in and out of town are an important consideration in the Black Diamond Comprehensive Plan. State and County roads leading to Renton, Issaquah, Auburn, and Enumclaw have land slide risks, areas with site distance limitations, pedestrian and bicycle safety problems.

1.b. Transportation: Accommodating New Development Traffic

New Transportation Policy: Consistent with prior agreements for future development, new roads in the future road network shall be designed to accommodate as much of the traffic from new development as possible. Neighborhood character and safety are priorities for existing roads.

Rationale: The city's existing roads are lined with housing and are not appropriate for dramatic increases in traffic from new development. Affordable housing and safety of the existing community can and should be maintained.

1.c. Transportation: Neighborhood Design Standards

New Transportation Policy: The City will improve, create, and enforce design standards that improve safety, enhance neighborhoods and walkability, and that apply to all modes of transportation.

Rationale: Black Diamond wishes to maintain existing affordable housing and maintain and enhance neighborhood walkability. Developments like Ten Trails do not contain homes with 4-lane roads through people's front yards. Without design and planning for the rest of Black Diamond, we will become a two-tiered community. Black Diamond's roads were built to old rural standards and need to be made safer for cars and for pedestrians as the city grows and traffic increases.

1.d Transportation: Level of Service for Active Transportation

New Transportation Policy: The City shall update its level of service to a measurable unit for sidewalks, trails, bikeways, and transit. New development shall be required to include a concurrency analysis for these modes of transportation, showing how the Level of Service will be met. Traffic Impact Fees will include funding to meet these levels of service.

Rationale: Adding level of service for non-vehicle travel modes is consistent with the Puget Sound Regional Council's recommendations and Black Diamond's evolving improvements to its transportation network.

2. Conservation, Parks, and Natural Open Space

2.a. Conservation: Incentivize Natural Area Retention in New Development

New Land Use Policy: The City shall create incentives to conserve natural open space beyond conservation of critical areas. The goal is to retain a portion of net developable land (excluding sensitive and critical areas) on every development site to be conserved as open space or parks with retention and restoration of native vegetation.

Rationale: The community will benefit from a balance of careful growth that retains open spaces and the feeling of a small town with natural areas around and through the City. Many community members were disappointed to learn that open space in the Black Diamond MPDs did not necessarily mean "natural" or "green" open space.

2.b. Conservation: Conservation Development Credits

New Land Use Policy: The City will explore the creation of a Conservation Easement Development Credit Program in addition to its existing TDR (Transfer of Development Rights) program. The program will allow property of higher conservation value that does not meet the definition of critical areas or buffers to be put into permanent "natural area" conservation in exchange for a zoning or land use change elsewhere that increases the allowed density of development on other property of lower conservation value. The program should allow developers to contribute funds or land of higher conservation values in exchange for increased development density on land of lower conservation value.

Rationale: Black Diamond has a unique location in the foothills at the far edge of the urban growth boundary. Economic development appropriate for Black Diamond will retain more open space as an asset that attracts light industry, recreational tourism, customers, and employees. Clustered development is appropriate so that intense land use is balanced with a natural space that feels like "small town" Black Diamond.

2.c. Conservation: Tree Retention

New Land Use Policy: Retention of existing trees shall be prioritized over removal and replacement. Tree protection during construction shall use best management practices.

Rationale: Trees are beneficial to the feel of the community, wildlife, water, and air. Trees take a long time to grow. Past development reveals the city's existing tree protections are not sufficient to realize benefits or meet many community members' expectations.

2.d. Conservation: All Land Uses Benefit from Parks and Open Space

New Land Use Policy: All land uses including Industrial and Commercial shall include Park space or shall pay fees to contribute to city Parks.

Rationale: Those employed in or using commercial, retail, industrial and office space also use parks. The development of land increases the overall need for parks and open space as areas that were previously more open and contributed to peace and quiet are developed.

2.e. Conservation: Improve Protection of Sensitive Areas

New Land Use Policy: The lowest density land use and zoning option is preferred next to and surrounding sensitive areas. The city shall encourage development only at the intensities recommended for protection of sensitive areas by the Department of Ecology.

Rationale: See wetland studies and Department of Ecology recommendations for wetland and riparian buffers and land use intensity (https://apps.ecology.wa.gov/publications/parts/0506008part3.pdf).

2.f. Conservation: Open Space for People in Multi-Family Development

New Land Use (LU) Policy: Commercial Zones used for multi-family development are allowed a maximum of 16 units per acre. All multi-family development shall include outdoor space for residents such as picnic area, play area, natural space with appropriate access. A buffer of trees or natural area shall separate residential buildings from other commercial uses. Design standards shall be reviewed regularly for opportunities to improve safety and comfort of residents neighboring commercial development or in mixed use development.

Rationale: Existing commercial zoning in Black Diamond allows any number of apartment units, making it difficult to plan. Limiting units and requiring open space for residents maintains small town character. Apartments or connected units are fundamentally housing, and need the same quality of life protections as other housing types. In the case of open space, more incentive for natural space retention is needed than in single family zoning.

3. Land Use. Updates to Manage Growth and Improve Regional Coordination

The following Docket items involve land use designation changes that use existing Plan text, or may require new Plan text that will be drafted later as needed to implement the docket item.

3.a. Docket Item: Create New Land Use Designation Categories

Add a new Land Use Designation of "Mineral and Resource Extraction." (Natural Resources).

Add a new Land Use Designation of "Forestry." (Natural Resources). Descriptions of these resource categories will be created and added to the Comprehensive Plan and will be similar to other cities that have these designations.

Consider whether there would be interest served in creating land use designations for lower or higher residential density, separation of business/office from the light industrial category, conservation districts, etc.

Review development potential in conjunction with adopted growth targets to identify areas within the city that should be rezoned in order to bring the City's growth capacity into closer conformity with regionally adopted growth targets and the Puget Sound Regional Vision. Review the city's Land Use Designations and consider whether growth management, conservation, economic, and small-town character goals could be served by assigning land areas to the above categories.

3.b. Docket Item: Appropriate Designations in Future Land Use Map

Remove the Future Land Use Map changes made in 2019. The Land Uses shall be the Land Use designation that most closely match the current use of the parcels, including the new designations created by the above docket item.

Designate the prior in-city forest (2021 inconsistency #6) as Forestry.

Old rail right-of-way shall remain undesignated until the landowner formally applies for land use designation using the process in BDMC 16.10, or shall be designated mineral extraction / forestry. The city shall encourage maintaining the rail right-of-way for public access, rail, or trail use.

Rationale:

Address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth strategies and develop goals or policies that would help to better align them.

Transportation analysis has shown that potential development far exceeds road capacity. Future road projects designed to meet the concurrency needs of the MPDs are at risk of being allocated to other developments. According to the MPD's legal obligations and the MPD EIS Transportation Technical Report, the MPDs only need to meet transportation concurrency

minimum levels of service. Additional vehicle capacity to serve other development is not included in the Comprehensive Plan's list of future road projects, and the impacts of other development in the City have not been analyzed.

Redesignating land use to "current use" decreases the workload of analyzing the impacts because SEPA only requires analysis and mitigation of *adverse* impacts. There are not adverse impacts to "current use" because those impacts are already absorbed.

The ongoing tension between regional plans and Black Diamond's available undeveloped land has resulted in delays in updating the Comprehensive Plan. This has been unproductive, costly, and could result in difficulties coordinating with neighboring jurisdictions. Residents are concerned about insufficient or expensive infrastructure, public services, and loss of natural space. A land use review can look at these issues with a goal of resolving future delays, place the cost as appropriate on land developers, and managing the conflicts based on data and best practices.

The passage of time since the 2019 Future Land Use map updates has not improved the problem. The issues and impacts still need to be made clear to public and decision makers. For example, in the 2019 Comprehensive Plan update, Future Land Use Map changes allowed a significant increase in Medium Density Residential housing (8 to 12 per acre) and Commercial development in future zoning. However, the Comprehensive Plan does not contain descriptions of these Map changes or analyze their impacts.

3.c. Land Use. Improve Public Process on Larger Developments

New Land Use (LU) Policy: Provide early and significant opportunities for public involvement when considering a proposal on a site of more than 3 acres. The Site Plan Review process should use the Type 3 process, with a public hearing before the Hearing Examiner, on sites larger than 3 acres or on all development following the Site Plan Review process.

Rationale: Development on large sites has a greater long-term impact on residents who travel past, interact with, and are affected by the uses of the site. Public input can greatly improve a project by bringing the impacts on residents to the fore during the planning stages. Existing code and policies are insufficient to ensure small town character remains or that impacts are addressed.

3.d. Land Use. **Developer / Owner Pays for Processing Land Use or Zoning changes**

New Land Use Policy: Future Land Use Map and/or zoning changes that increase residential units allowed or change a property to a "commercial" designation must go through the formal docket application and Land Use Map Amendment process as defined in the Black Diamond Municipal Code.

Rationale: Chapter 16.10 of the municipal code has an application process for developers to request a change in future Land Use designations. This process includes applicant fees to cover staff time, and applicant submission of studies to disclose impacts on roads, services, utilities, etc. This removes the burden of creating these materials from city staff. This also removes the use of public funds for this process. Such removal is desirable because use of public funds for the private benefits involved may be inappropriate.

3.e. Land Use. **Encourage Commercial Vision for Planned Developments**

Remove policy LU-42: ~~Retain and enhance the existing commercial areas while providing sites large enough to accommodate significant commercial uses.~~

Rationale: There are sufficient commercial spaces already developed in Black Diamond or permitted through the MPD's. Additionally, the Institute for Traffic Engineers recognizes that commercial and mixed-use development generate significant new traffic. Growth in neighboring cities shows that despite retail and commercial development, the vast majority of new residents commute outside the city. The City wishes to further mitigate transportation impacts from growth and to encourage commercial development in the master planned locations.

3.f. Land Use. **Preserve Historic Buildings and Sites**

Amend Policy LU-18: "Partner with county, state and tribal agencies to ensure preservation of archaeologically and historically significant sites."

Rationale: Black Diamond's historic heritage is visible in its layout and housing, but much of this is taken for granted. The city's historic homes are affordable but are at risk of redevelopment into bigger and more expensive houses. The city's historic streets, buildings, & natural areas should be evaluated to identify how they contribute to the city's small-town character and livability so that the beneficial aspects for residents and visitors are maintained.

Existing code and policies are insufficient to ensure historic protection.

4. **Schools. Support Students and Support Growth Paying for Growth**

4.a. Amend Public Services Section 8.8 Schools to Adopt the latest Capital Facilities Plans for all school districts.

4.b. New Public Service (PS) Policy: School districts are encouraged to ensure all development is included in capital plans. The City should adopt the maximum allowed and legally defensible developer school impact fees under state law.

Emily Adams

From: Gary Davis <g.davis001@q.com>
Sent: Tuesday, March 1, 2022 12:15 AM
To: Mona Davis
Subject: Fwd: 2022 Comprehensive Plan ammendments
Attachments: Amendments for Comprehensive Plan 2022.docx

From: "g.davis001@q'com
To: "Mona Davis" <mdavis@blackdiamondwa.gov>
Cc:
Sent: Tue. 01/Mar/2022
Subject: 2022 Comprehensive Plan ammendments

Ms. Davis,

Please regard the attached amendments for the 2022 Comprehensive Plan Update as my own as I helped compile them.
Please reply that these comments have been received.

Thank you,

Gary Davis.

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Rationale: Development on large sites has a greater long-term impact on residents who travel past, interact with, and are affected by the uses of the site. Public input can greatly improve a project by bringing the impacts on residents to the fore during the planning stages. Existing code and policies are insufficient to ensure small town character remains or that impacts are addressed.

3.d. Land Use. **Developer / Owner Pays for Processing Land Use or Zoning changes**

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Rationale: Chapter 16.10 of the municipal code has an application process for developers to request a change in future Land Use designations. This process includes applicant fees to cover staff time, and applicant submission of studies to disclose impacts on roads, services, utilities, etc. This removes the burden of creating these materials from city staff. This also removes the use of public funds for this process. Such removal is desirable because use of public funds for the private benefits involved may be inappropriate.

3.e. Land Use. **Encourage Commercial Vision for Planned Developments**

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Emily Adams

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Monday, February 28, 2022 8:27 PM
To: Mona Davis
Cc: Angela Rossman Fettig
Subject: Re: 2022 Comprehensive Plan ammendments

Hello Mona,
I would like to incorporate the suggestions for the 2022 Comprehensive Plan Update from Angela Fettig as my own. The suggestions are submitted according to the Black Diamond Municipal Code 16.10 preliminary docket / Comprehensive Plan amendment suggestion process.

I am not forwarding a separate copy of the same document that Angie already sent because I thought that might be unnecessary or confusing. However can you let me know if I should send a copy ?

Thank you
Kristen Bryant

On Mon, Feb 28, 2022 at 5:05 PM Angela Rossman Fettig <angimal80@hotmail.com> wrote:

> Ms. Davis,
>
> Please include the attached amendments for the 2022 Comprehensive Plan Update.
> Please reply that these comments have been received.
>
> Thank you,
>
> Angela Fettig

Proposed Amendments to Black Diamond Comprehensive Plan - 2022 Update

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Rationale: Black Diamond is undergoing unprecedented growth and wishes to maintain small-town character, maintain quality of life, and understand road needs and costs.

Road funds at the state, county, and local level are limited. The safety of Black Diamond residents is the most important consideration and should be called out. The city recognizes that according to the city's growth targets, MPD fiscal projections, and the experience of other similar cities, the majority of employed residents will continue to commute to work outside the city and therefore roads in and out of town are an important consideration in the Black Diamond Comprehensive Plan. State and County roads leading to Renton, Issaquah, Auburn, and Enumclaw have land slide risks, areas with site distance limitations, pedestrian and bicycle safety problems.

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Rationale: The city's existing roads are lined with housing and are not appropriate for dramatic increases in traffic from new development. Affordable housing and safety of the existing community can and should be maintained.

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Rationale: Black Diamond wishes to maintain existing affordable housing and maintain and enhance neighborhood walkability. Developments like Ten Trails do not contain homes with 4-lane roads through people's front yards. Without design and planning for the rest of Black Diamond, we will become a two-tiered community. Black Diamond's roads were built to old rural standards and need to be made safer for cars and for pedestrians as the city grows and traffic increases.

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Rationale: Adding level of service for non-vehicle travel modes is consistent with the Puget Sound Regional Council's recommendations and Black Diamond's evolving improvements to its transportation network.

2. Conservation, Parks, and Natural Open Space

2.a. Conservation: Incentivize Natural Area Retention in New Development

New Land Use Policy: The City shall create incentives to conserve natural open space beyond conservation of critical areas. The goal is to retain a portion of net developable land (excluding sensitive and critical areas) on every development site to be conserved as open space or parks with retention and restoration of native vegetation.

Rationale: The community will benefit from a balance of careful growth that retains open spaces and the feeling of a small town with natural areas around and through the City. Many community members were disappointed to learn that open space in the Black Diamond MPDs did not necessarily mean "natural" or "green" open space.

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Rationale: Those employed in or using commercial, retail, industrial and office space also use parks. The development of land increases the overall need for parks and open space as areas that were previously more open and contributed to peace and quiet are developed.

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Rationale: See wetland studies and Department of Ecology recommendations for wetland and riparian buffers and land use intensity (https://apps.ecology.wa.gov/publications/parts/0506008part3.pdf).

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Rationale: Existing commercial zoning in Black Diamond allows any number of apartment units, making it difficult to plan. Limiting units and requiring open space for residents maintains small town character. Apartments or connected units are fundamentally housing, and need the same quality of life protections as other housing types. In the case of open space, more incentive for natural space retention is needed than in single family zoning.

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Consider whether there would be interest served in creating land use designations for lower or higher residential density, separation of business/office from the light industrial category, conservation districts, etc.

Review development potential in conjunction with adopted growth targets to identify areas within the city that should be rezoned in order to bring the City's growth capacity into closer conformity with regionally adopted growth targets and the Puget Sound Regional Vision. Review the city's Land Use Designations and consider whether growth management, conservation, economic, and small-town character goals could be served by assigning land areas to the above categories.

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Rationale:

Address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth strategies and develop goals or policies that would help to better align them.

Transportation analysis has shown that potential development far exceeds road capacity. Future road projects designed to meet the concurrency needs of the MPDs are at risk of being allocated to other developments. According to the MPD's legal obligations and the MPD EIS Transportation Technical Report, the MPDs only need to meet transportation concurrency

minimum levels of service. Additional vehicle capacity to serve other development is not included in the Comprehensive Plan's list of future road projects, and the impacts of other development in the City have not been analyzed.

Redesignating land use to "current use" decreases the workload of analyzing the impacts because SEPA only requires analysis and mitigation of *adverse* impacts. There are not adverse impacts to "current use" because those impacts are already absorbed.

The ongoing tension between regional plans and Black Diamond's available undeveloped land has resulted in delays in updating the Comprehensive Plan. This has been unproductive, costly, and could result in difficulties coordinating with neighboring jurisdictions. Residents are concerned about insufficient or expensive infrastructure, public services, and loss of natural space. A land use review can look at these issues with a goal of resolving future delays, place the cost as appropriate on land developers, and managing the conflicts based on data and best practices.

The passage of time since the 2019 Future Land Use map updates has not improved the problem. The issues and impacts still need to be made clear to public and decision makers. For example, in the 2019 Comprehensive Plan update, Future Land Use Map changes allowed a significant increase in Medium Density Residential housing (8 to 12 per acre) and Commercial development in future zoning. However, the Comprehensive Plan does not contain descriptions of these Map changes or analyze their impacts.

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Emily Adams

From: Philip Acosta <philamatic@comcast.net>
Sent: Tuesday, March 1, 2022 11:39 AM
To: Mona Davis
Subject: Proposed amendments to 2022 comprehensive plan
Attachments: Amendments for Comprehensive Plan 2022.docx

Please add my support for the following proposed amendments as it inherently supports many of the concerns I have for the future development of our once small community.

Best Regards
Philip N Acosta
BD
206 406 4404

Sent from my iPhone

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Emily Adams

From: Karen Bryant <karen@bryantstractorandmower.com>
Sent: Monday, February 28, 2022 8:16 PM
To: Angela Rossman Fettig; Mona Davis
Subject: Re: 2022 Comprehensive Plan ammendments

Dear Ms. Davis,
I support the suggestions from Angela Fettig for the Comprehensive Plan Amendments. Please consider them suggestions for the 2022 Docket from me as well.

Thank you,
William Bryant
25100 Roberts Drive
Black Diamond, WA 98010

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Rationale: Black Diamond wishes to maintain existing affordable housing and maintain and enhance neighborhood walkability. Developments like Ten Trails do not contain homes with 4-lane roads through people's front yards. Without design and planning for the rest of Black Diamond, we will become a two-tiered community. Black Diamond's roads were built to old rural standards and need to be made safer for cars and for pedestrians as the city grows and traffic increases.

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New Transportation Policy: The City shall update its level of service to a measurable unit for sidewalks, trails, bikeways, and transit. New development shall be required to include a concurrency analysis for these modes of transportation, showing how the Level of Service will be met. Traffic Impact Fees will include funding to meet these levels of service.

Rationale: Adding level of service for non-vehicle travel modes is consistent with the Puget Sound Regional Council's recommendations and Black Diamond's evolving improvements to its transportation network.

2. Conservation, Parks, and Natural Open Space

2.a. Conservation: Incentivize Natural Area Retention in New Development

New Land Use Policy: The City shall create incentives to conserve natural open space beyond conservation of critical areas. The goal is to retain a portion of net developable land (excluding sensitive and critical areas) on every development site to be conserved as open space or parks with retention and restoration of native vegetation.

Rationale: The community will benefit from a balance of careful growth that retains open spaces and the feeling of a small town with natural areas around and through the City. Many community members were disappointed to learn that open space in the Black Diamond MPDs did not necessarily mean "natural" or "green" open space.

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Rationale: Black Diamond has a unique location in the foothills at the far edge of the urban growth boundary. Economic development appropriate for Black Diamond will retain more open space as an asset that attracts light industry, recreational tourism, customers, and employees. Clustered development is appropriate so that intense land use is balanced with a natural space that feels like "small town" Black Diamond.

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New Land Use Policy: All land uses including Industrial and Commercial shall include Park space or shall pay fees to contribute to city Parks.

Rationale: Those employed in or using commercial, retail, industrial and office space also use parks. The development of land increases the overall need for parks and open space as areas that were previously more open and contributed to peace and quiet are developed.

2.e. Conservation: Improve Protection of Sensitive Areas

New Land Use Policy: The lowest density land use and zoning option is preferred next to and surrounding sensitive areas. The city shall encourage development only at the intensities recommended for protection of sensitive areas by the Department of Ecology.

Rationale: See wetland studies and Department of Ecology recommendations for wetland and riparian buffers and land use intensity (https://apps.ecology.wa.gov/publications/parts/0506008part3.pdf).

2.f. Conservation: Open Space for People in Multi-Family Development

New Land Use (LU) Policy: Commercial Zones used for multi-family development are allowed a maximum of 16 units per acre. All multi-family development shall include outdoor space for residents such as picnic area, play area, natural space with appropriate access. A buffer of trees or natural area shall separate residential buildings from other commercial uses. Design standards shall be reviewed regularly for opportunities to improve safety and comfort of residents neighboring commercial development or in mixed use development.

Rationale: Existing commercial zoning in Black Diamond allows any number of apartment units, making it difficult to plan. Limiting units and requiring open space for residents maintains small town character. Apartments or connected units are fundamentally housing, and need the same quality of life protections as other housing types. In the case of open space, more incentive for natural space retention is needed than in single family zoning.

3. Land Use. Updates to Manage Growth and Improve Regional Coordination

The following Docket items involve land use designation changes that use existing Plan text, or may require new Plan text that will be drafted later as needed to implement the docket item.

3.a. Docket Item: Create New Land Use Designation Categories

Add a new Land Use Designation of "Mineral and Resource Extraction." (Natural Resources).

Add a new Land Use Designation of "Forestry." (Natural Resources). Descriptions of these resource categories will be created and added to the Comprehensive Plan and will be similar to other cities that have these designations.

Consider whether there would be interest served in creating land use designations for lower or higher residential density, separation of business/office from the light industrial category, conservation districts, etc.

Review development potential in conjunction with adopted growth targets to identify areas within the city that should be rezoned in order to bring the City's growth capacity into closer conformity with regionally adopted growth targets and the Puget Sound Regional Vision. Review the city's Land Use Designations and consider whether growth management, conservation, economic, and small-town character goals could be served by assigning land areas to the above categories.

3.b. Docket Item: Appropriate Designations in Future Land Use Map

Remove the Future Land Use Map changes made in 2019. The Land Uses shall be the Land Use designation that most closely match the current use of the parcels, including the new designations created by the above docket item.

Designate the prior in-city forest (2021 inconsistency #6) as Forestry.

Old rail right-of-way shall remain undesignated until the landowner formally applies for land use designation using the process in BDMC 16.10, or shall be designated mineral extraction / forestry. The city shall encourage maintaining the rail right-of-way for public access, rail, or trail use.

Rationale:

Address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth strategies and develop goals or policies that would help to better align them.

Transportation analysis has shown that potential development far exceeds road capacity. Future road projects designed to meet the concurrency needs of the MPDs are at risk of being allocated to other developments. According to the MPD's legal obligations and the MPD EIS Transportation Technical Report, the MPDs only need to meet transportation concurrency

minimum levels of service. Additional vehicle capacity to serve other development is not included in the Comprehensive Plan's list of future road projects, and the impacts of other development in the City have not been analyzed.

Redesignating land use to "current use" decreases the workload of analyzing the impacts because SEPA only requires analysis and mitigation of *adverse* impacts. There are not adverse impacts to "current use" because those impacts are already absorbed.

The ongoing tension between regional plans and Black Diamond's available undeveloped land has resulted in delays in updating the Comprehensive Plan. This has been unproductive, costly, and could result in difficulties coordinating with neighboring jurisdictions. Residents are concerned about insufficient or expensive infrastructure, public services, and loss of natural space. A land use review can look at these issues with a goal of resolving future delays, place the cost as appropriate on land developers, and managing the conflicts based on data and best practices.

The passage of time since the 2019 Future Land Use map updates has not improved the problem. The issues and impacts still need to be made clear to public and decision makers. For example, in the 2019 Comprehensive Plan update, Future Land Use Map changes allowed a significant increase in Medium Density Residential housing (8 to 12 per acre) and Commercial development in future zoning. However, the Comprehensive Plan does not contain descriptions of these Map changes or analyze their impacts.

3.c. Land Use. Improve Public Process on Larger Developments

New Land Use (LU) Policy: Provide early and significant opportunities for public involvement when considering a proposal on a site of more than 3 acres. The Site Plan Review process should use the Type 3 process, with a public hearing before the Hearing Examiner, on sites larger than 3 acres or on all development following the Site Plan Review process.

Rationale: Development on large sites has a greater long-term impact on residents who travel past, interact with, and are affected by the uses of the site. Public input can greatly improve a project by bringing the impacts on residents to the fore during the planning stages. Existing code and policies are insufficient to ensure small town character remains or that impacts are addressed.

3.d. Land Use. **Developer / Owner Pays for Processing Land Use or Zoning changes**

New Land Use Policy: Future Land Use Map and/or zoning changes that increase residential units allowed or change a property to a "commercial" designation must go through the formal docket application and Land Use Map Amendment process as defined in the Black Diamond Municipal Code.

Rationale: Chapter 16.10 of the municipal code has an application process for developers to request a change in future Land Use designations. This process includes applicant fees to cover staff time, and applicant submission of studies to disclose impacts on roads, services, utilities, etc. This removes the burden of creating these materials from city staff. This also removes the use of public funds for this process. Such removal is desirable because use of public funds for the private benefits involved may be inappropriate.

3.e. Land Use. **Encourage Commercial Vision for Planned Developments**

Remove policy LU-42: ~~Retain and enhance the existing commercial areas while providing sites large enough to accommodate significant commercial uses.~~

Rationale: There are sufficient commercial spaces already developed in Black Diamond or permitted through the MPD's. Additionally, the Institute for Traffic Engineers recognizes that commercial and mixed-use development generate significant new traffic. Growth in neighboring cities shows that despite retail and commercial development, the vast majority of new residents commute outside the city. The City wishes to further mitigate transportation impacts from growth and to encourage commercial development in the master planned locations.

3.f. Land Use. **Preserve Historic Buildings and Sites**

Amend Policy LU-18: "Partner with county, state and tribal agencies to ensure preservation of archaeologically and historically significant sites."

Rationale: Black Diamond's historic heritage is visible in its layout and housing, but much of this is taken for granted. The city's historic homes are affordable but are at risk of redevelopment into bigger and more expensive houses. The city's historic streets, buildings, & natural areas should be evaluated to identify how they contribute to the city's small-town character and livability so that the beneficial aspects for residents and visitors are maintained.

Existing code and policies are insufficient to ensure historic protection.

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4.a. Amend Public Services Section 8.8 Schools to Adopt the latest Capital Facilities Plans for all school districts.

4.b. New Public Service (PS) Policy: School districts are encouraged to ensure all development is included in capital plans. The City should adopt the maximum allowed and legally defensible developer school impact fees under state law.

Emily Adams

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Monday, February 28, 2022 8:20 PM
To: Angela Rossman Fettig
Cc: Mona Davis; kristen bryant; Gary Davis; Karen Bryant; Philip Acosta
Subject: Re: 2022 Comprehensive Plan ammendments
Attachments: Amendments for Comprehensive Plan 2022.docx

Ms Davis

These comments include all the same information as my previous submission. I wish to incorporate these comments as my own.

Kelley 😉

> On Feb 28, 2022, at 5:05 PM, Angela Rossman Fettig <angimal80@hotmail.com> wrote:
>
> Ms. Davis,
>
> Please include the attached amendments for the 2022 Comprehensive Plan Update.
> Please reply that these comments have been received.
>
> Thank you,
>
> Angela Fettig

Proposed Amendments to Black Diamond Comprehensive Plan - 2022 Update

This submission is grouped into four docket items: Transportation Improvements, Conservation, Land Use to Manage Growth and Regional Coordination, and Schools. Within each are detailed amendments that can be considered individually, but we suggest it is easier to consider them as a package. Underlined language is drafted to be adopted into the plan, or revised as appropriate.

Many of these amendments are based on feedback from suggestions made previously, or were recognized by staff as good suggestions but there was not time for all of them.

1. **Transportation: Road impacts, funding, and community safety.**

1.a. Transportation: Priorities and Forecast

Add a statement or policy that: The public has an interest in understanding and managing the impacts of a two-lane State Highway 169 on land use and the road future network. Therefore, the City's future transportation demand modelling will include: travel times on city through-roads for the peak hour; safety hazards for all modes of travel; intersections outside the City limits in the close vicinity of the City; and an updated Transportation project list. This model will be based on likely or proposed development, and will use a future SR-169 corridor based only on known transportation projects with identified funding sources.

Rationale: Black Diamond is undergoing unprecedented growth and wishes to maintain small-town character, maintain quality of life, and understand road needs and costs.

Road funds at the state, county, and local level are limited. The safety of Black Diamond residents is the most important consideration and should be called out. The city recognizes that according to the city's growth targets, MPD fiscal projections, and the experience of other similar cities, the majority of employed residents will continue to commute to work outside the city and therefore roads in and out of town are an important consideration in the Black Diamond Comprehensive Plan. State and County roads leading to Renton, Issaquah, Auburn, and Enumclaw have land slide risks, areas with site distance limitations, pedestrian and bicycle safety problems.

1.b. Transportation: Accommodating New Development Traffic

New Transportation Policy: Consistent with prior agreements for future development, new roads in the future road network shall be designed to accommodate as much of the traffic from new development as possible. Neighborhood character and safety are priorities for existing roads.

Rationale: The city's existing roads are lined with housing and are not appropriate for dramatic increases in traffic from new development. Affordable housing and safety of the existing community can and should be maintained.

1.c. Transportation: Neighborhood Design Standards

New Transportation Policy: The City will improve, create, and enforce design standards that improve safety, enhance neighborhoods and walkability, and that apply to all modes of transportation.

Rationale: Black Diamond wishes to maintain existing affordable housing and maintain and enhance neighborhood walkability. Developments like Ten Trails do not contain homes with 4-lane roads through people's front yards. Without design and planning for the rest of Black Diamond, we will become a two-tiered community. Black Diamond's roads were built to old rural standards and need to be made safer for cars and for pedestrians as the city grows and traffic increases.

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Emily Adams

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Monday, February 28, 2022 4:18 PM
To: Mona Davis
Subject: Proposed amendments for the 2022 Comprehensive Plan Update
Attachments: Proposed amendments for the Comprehensive Plan Update.docx

Ms Davis

Attached are my comments for the proposed comprehensive plan amendments. please forward them to the city planning commission and city council. As a resident of the City of Black Dimond and member of the Friends of Black Diamond Group I look forward to participating in engaging around the improvement of the city standards that will benefit all the residents.

thank you,

Kelley Sauskojus
Black Diamond City Resident since 1991
kelleysauskojus@outlook.com

Proposed amendments for the Comprehensive Plan Update that will improve the transportation element.

Proposed Amendment "A."

The proposed amendment is to add a statement clarifying that:

"The public and WSDOT are not funding a widening of SR-169 and therefore such widening is not assumed in the Comprehensive Plan. The public has an interest in understanding and managing the impacts of a two-lane SR-169 on land use and the road future network. Therefore, for the 2022 Comprehensive Plan Update, the City will create an updated transportation demand model that includes travel times, safety hazards, intersections outside the City limits in the close vicinity of the City, and an updated Transportation project list. This model will be based on updated traffic counts, updated development projects, and will use a future SR-169 corridor based only on known projects with identified funding sources."

Proposed Amendment "B."

"The City shall update its level of service to a measurable unit for sidewalks, trails. bikeways and transit. New development shall be required to include a concurrency analysis for these modes of transportation, showing how the Level of Service will be met. Traffic Impact Fees will include funding to meet the level of service."

Proposed Amendment "C."

Remove the Future Land Use Map changes made in 2019. The Land Uses would use the Land Use designation that most closely match the city's zoning map as it existed prior to the most recent (2019) Comprehensive Plan update.

(This is to address 2020 Docket Item 6: "6. All Plan Chapters / Review all Plan Chapters to address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth Strategies and develop goals or policies that would help to better align them.")

Proposed Amendment "D."

The City will create more enforceable design standards that improve safety, enhance neighborhoods and walkability, and that apply to pedestrians, bicycles, transit, automobiles and trucks.