



PASSPORT TO 2044:

Comprehensive Plan Workshop Series

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Comprehensive Plan Update Overview



Wednesday, June 15, 2022
9:30 a.m. – 12:00 p.m.



Online via Zoom

[>> Webinar registration page](#)

Join us for an online workshop on the comprehensive plan periodic updates. Highlights of the event include:

Welcoming Remarks

Deputy Mayor Traci Buxton,
City of Des Moines

WA State Department of Commerce
GMA and Funding

Puget Sound Regional Council
VISION and Certification

Municipal Research and Services Center

Resources and Events

Breakout Sessions

This is the first in a series of workshops that will include deeper dives in specific topic areas throughout the year. Stay tuned for more information on upcoming sessions exploring housing, climate change, and other topics in detail. Sign up to be on the list for information on upcoming events and resources [here](#).

Questions? Contact Maggie Moore at mmoore@psrc.org



The primary audience for this workshop are the planners, consultants, and staff most involved with comprehensive planning, but elected officials, planning commissioners, and others with a role in the upcoming comprehensive plan updates are also welcome to attend.



Puget Sound Regional Council



Washington State
Department of
Commerce



ORDINANCE NO. 22-1172

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, REPEALING THE 2020 ANNUAL AMENDMENTS TO THE COMPREHENSIVE PLAN (ORDINANCE NO. 21-1169); SUSPENDING FURTHER WORK ON THE PROPOSED 2021 ANNUAL AMENDMENTS; DIRECTING PLANNING RESOURCES TOWARD THE 2024 MAJOR PERIODIC UPDATE TO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in August 1996, the City of Black Diamond adopted a Comprehensive Plan in conformance with the Washington State Growth Management Act; and

WHEREAS, the 1996 Comprehensive Plan was repealed and replaced in 2009; and

WHEREAS, RCW 36.70A.130 requires jurisdictions to periodically review and update their comprehensive plans; and

WHEREAS, the City Council adopted its 2015 periodic update to the Comprehensive Plan in May 2019 via Ordinance No. 19-1121; and

WHEREAS, the Puget Sound Regional Council (PSRC) partially certified the City's Comprehensive Plan in January 2020, specifying four conditions necessary to obtain full certification; and

WHEREAS, City staff worked with PSRC senior staff to develop additional Comprehensive Plan amendments to satisfy the PSRC's conditions for full certification; and

WHEREAS, the City Planning Commission and City Council conducted numerous joint work sessions to review staff's proposed revisions to the Comprehensive Plan for the 2020 update cycle; and

WHEREAS, the City Planning Commission held meetings and conducted a public hearing on the proposed 2020 Annual Amendments to the Comprehensive Plan on December 1, 2020, and then voted on December 8, 2020 to recommend adoption by the City Council; and

WHEREAS, the proposed 2020 Comprehensive Plan Update was sent to the Washington State Department of Commerce and other agencies for 60-day review as required by the GMA pursuant to RCW 36.70A.106, and no written comments were received; and

WHEREAS, on May 26, 2021, a SEPA Determination of Nonsignificance (DNS) for the proposed 2020 Annual Amendments to the Comprehensive Plan was issued in compliance with WAC 197-11-340, and that SEPA DNS was upheld on appeal to the City's hearing examiner in a decision dated November 4, 2021, and further affirmed on December 1, 2021, when the Hearing Examiner denied the appellant's motion for reconsideration; and

WHEREAS, on December 2, 2021, the City Council conducted a duly noticed public hearing, received and considered public comments, and then passed Ordinance No. 21-1169 to adopt the 2020 Annual Amendments to the Comprehensive Plan with one additional change recommended by City Staff ("2020 Annual Amendments"); and

WHEREAS, although the City prevailed in the SEPA appeal, it nonetheless had the effect of delaying the Council's ability to adopt the 2020 Annual Amendments until December 2, 2021, when the SEPA appeal was resolved; and

WHEREAS, the 2020 Annual Amendments and the related SEPA DNS have now been further appealed to the state Growth Management Hearings Board (GMHB), and it is unlikely that the GMHB will issue a ruling on this appeal until August 2022, and depending on the outcome, that decision will be subject to still further potential appeals to Superior Court, the Court of Appeals, and potentially the state Supreme Court; and

WHEREAS, the ongoing appeals of the 2020 Annual Amendments and related SEPA DNS have left the City's planning efforts in a state of flux, precluding the City from making further progress on long-range planning efforts with any certainty while the Comprehensive Plan remains under appeal; and

WHEREAS, on June 3, 2021, the City Council passed Resolution No. 21-1424, which established the final 2021 Docket of potential Comprehensive Plan amendments, to be studied by the Planning Commission with recommendations to follow; and

WHEREAS, the main focus of the 2021 Docket was to analyze discrepancies between the land use designations in the Future Land Use Map (FLUM) in the Comprehensive Plan and the Zoning Map in the Black Diamond Municipal Code; and

WHEREAS, a key objective of the 2021 Docket process was to harmonize the FLUM and the Zoning map in a way that better reflects public input, public preferences, and the City's anticipated needs, and that helps to bridge the gap between previously approved growth and the City's regional growth targets; and

WHEREAS, on November 11, 2021, after months of public hearings and analysis, including extensive public participation and public comment that was incorporated into its recommendations, the Planning Commission forwarded a recommended set of 2021 annual amendments to the City Council for review and adoption ("2021 Annual Amendments"), which resolved the inconsistencies between the FLUM and the Zoning map; and

WHEREAS, as part of this process, the City's SEPA Official issued a DNS for the proposed 2021 Annual Amendments, which was then immediately appealed to the City's Hearing Examiner, with the appellant raising many of the same or similar concerns that it raised in the appeal of the 2020 Annual Amendments, particularly with respect to alleged inaccuracies or deficiencies in the transportation modeling used by the City's consultants when updating the Comprehensive Plan in 2015 (which was later finalized in 2019); and

WHEREAS, the appellant has argued that the Comprehensive Plan is flawed and that the 2020 and 2021 Annual Amendments cannot be approved unless and until the City updates the transportation modeling, and City Staff is concerned that even if the City were (once again) to prevail in the 2021 SEPA appeal to the Hearing Examiner, any Council action on the 2021 Annual Amendments would likewise be appealed to the GMHB and possibly beyond; and

WHEREAS, with these concerns in mind, on February 18, 2022, the City advised the Hearing Examiner that the SEPA DNS for the 2021 Annual Amendments was being withdrawn, rendering the SEPA appeal moot, and Director Davis issued the formal notice of withdrawal of the DNS on February 23, 2022; and

WHEREAS, as Director Davis explained, the City does not believe it is a productive use of limited staffing and financial resources to continue pursuing the 2021 Annual Amendments (and related appeals) while the previous year's Comprehensive Plan update remains in flux; and indeed, no final action on the recommended 2021 Annual Amendments could even be taken until there is clarity on the status of the 2020 Annual Amendments, including resolution of all related appeals, which could continue for unknown duration; and

WHEREAS, continuing work on the proposed 2021 Annual Amendments and the related appeals seems unwise and impractical because, depending on the outcome of the 2020 appeal to the GMHB (and beyond), additional revisions may be required to the Comprehensive Plan, which could trigger further changes to the proposed 2021 Annual Amendments, which may then require further SEPA review and a revised threshold determination; and

WHEREAS, the GMA requires the City to undertake and complete its major periodic review of the Comprehensive Plan by June 2024, which will be an enormous undertaking for the City, and which may entail extensive revisions to many of the various elements of the Plan; and

WHEREAS, work on the 2024 periodic update cannot be completed with any certainty or confidence so long as the Comprehensive Plan remains under continuous appeal; and

WHEREAS, given the scope of the efforts that will be required for the 2024 major periodic update, City Staff have advised, and the City Council finds, that it would be in the

City's best interest to repeal the 2020 Annual Amendments, suspend further work on the proposed 2021 Annual Amendments, and direct all further long-term planning resources toward completion of the 2024 major periodic update; and

WHEREAS, by repealing the 2020 Annual Amendments and suspending further work on the proposed 2021 Annual Amendments, the City will be able to proceed with the 2024 periodic update based on the stable and certain 2019 Comprehensive Plan, which has already been upheld as valid by the GMHB during a previously completed appeal; and

WHEREAS, by repealing the 2020 Annual Amendments and suspending further work on the proposed 2021 Annual Amendments, the City will not be faced with the continual distraction and drain of resources caused by defending multiple appeals from the 2020 and 2021 update cycles; and

WHEREAS, the voluminous work of City Staff and the Planning Commission on the 2020 and 2021 updates will not be lost or rendered futile by the proposed repeal of Ordinance 21-1169; rather, their work will simply be rolled into the larger task of the 2024 major periodic update and can be considered on a holistic basis with other revisions that will necessarily be required to other elements of the Comprehensive Plan (including an update to the transportation modeling, as the appellants have so strongly urged); and

WHEREAS, a duly noticed public hearing was held on March 17, 2022, for the Council to receive and consider public comment on the proposed actions described in this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. City of Black Diamond Ordinance No. 21-1169, which adopted the 2020 Annual Amendments to the Comprehensive Plan, is hereby repealed in its entirety.

Section 2. All further work on the proposed 2021 Annual Amendments to the Comprehensive Plan, as authorized by Resolution 21-1424 for study and recommendation by the Planning Commission, is hereby suspended.

Section 3. The Mayor is requested to direct City Staff and consultants to focus all further long-range planning efforts and resources toward the work necessary for completion of the 2024 major periodic update to the Comprehensive Plan, which must be accomplished by June 30, 2024, as provided in RCW 36.70A.130.

Section 4. The foregoing recitals are hereby adopted as legislative findings of the City Council in support of the actions taken in this Ordinance.

Section 5. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of

the entire Ordinance, as authorized by State law.

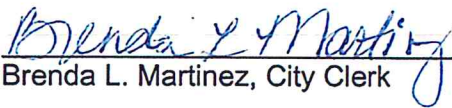
Section 6. If any portion of this Ordinance, or its application to any person or circumstance, is determined by final order of a court of competent jurisdiction to be invalid, pre-empted, or otherwise unenforceable for any reason, such determination shall not affect the validity or enforceability of the remaining provisions hereof or its application to other persons or circumstances.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A
REGULAR MEETING THEREOF ON THE 17TH DAY OF MARCH, 2022.**



Mayor Carol Benson

ATTEST:



Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

David Linehan, City Attorney

Filed with the City Clerk: 3/18/22
Date of Publication: 3/23/22
Effective Date: 3/28/22

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

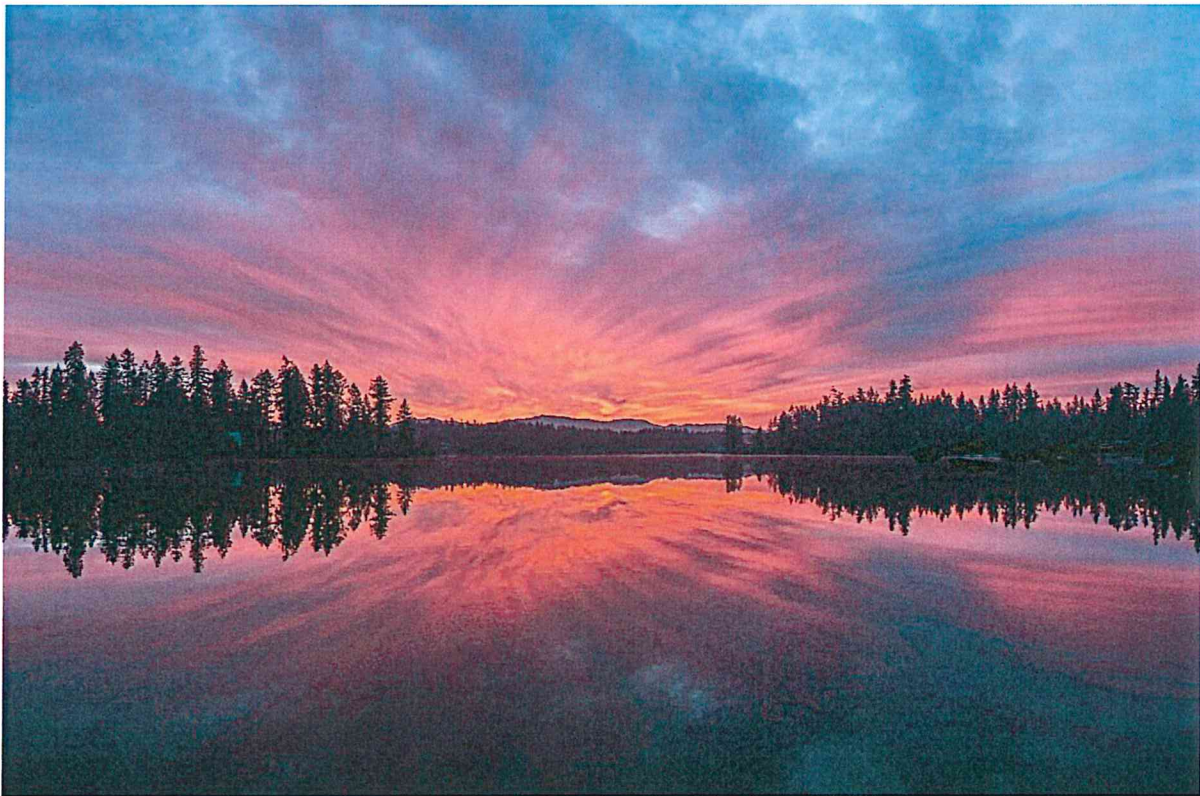


Photo credit: Craig Goodwin Photography

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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 not 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 not 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 SENSITIVE 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 not 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 not 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 and historically 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 not 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 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. **City staff recommend that Item #2022-19 be included on the 2022 Docket.**

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.

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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.

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.

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1.a. Transportation: Priorities and Forecast

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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.

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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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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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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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>).

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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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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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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

On 02/28/2022 8:05 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

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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:

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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: 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 Diamond 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.



Periodic Update Checklist for Fully-Planning Cities

Overview: This checklist is intended to help cities that are fully planning under the Growth Management Act (GMA) conduct the “periodic review and update” of *comprehensive plans* and *development regulations* required by RCW 36.70A.130 (4). This checklist identifies components of comprehensive plans and development regulations that may need updating to reflect the latest local conditions or to comply with GMA changes since the last periodic update cycle (2015-2018).

Statutory changes adopted since 2015 are emphasized in highlighted text to help identify new GMA requirements that may not have been addressed during the last update or through other amendments outside of the required periodic update process.

What’s new: For the 2024-2027 update cycle, Commerce has updated and streamlined periodic update resources including checklists, guidebooks and a [webpage](#) to serve you better. A checklist and guidebook for *partially-planning jurisdictions* will be available prior to their 2026-2027 updates. A separate checklist is available for counties.

2021-2022 Legislative Session:

[HB 1220](#) substantially amends housing-related provisions of the GMA, [RCW 36.70A.070\(2\)](#) (codification pending). Please refer to the following Commerce housing webpages for further information about the new requirements: [Updating GMA Housing Elements](#) and [Planning for Housing](#).

[HB 1241](#) changes the periodic update cycle described in RCW 36.70A.130 (codification pending). Jurisdictions required to complete their update in 2024 now have until December 31, 2024 to finalize their review and submit to Commerce. Jurisdictions required to complete their updates in 2025-2027 are still required to submit prior to June 30th of their respective year. Additionally, jurisdictions that meet the new criteria will be required to submit an implementation progress report five years after the review and revision of their comprehensive plan.

[HB 1717](#) adds new requirements regarding tribal participation in planning efforts with local and regional jurisdictions (codification pending).

[SB 5593](#) adds new elements to RCW 36.70A.130(3) regarding changes to planning and/or modifying urban growth areas (codification pending).

[SB 5818](#) promotes housing construction in cities through amendments to and limiting appeals under the state environmental policy act (SEPA) and the GMA, amending RCW 36.70A.070(2).

Local governments should review local comprehensive plan policies, countywide planning policies and multicounty planning policies (where applicable) to be consistent with the new requirements.

City

Staff contact, phone + email

Checklist Instructions

With the most recent versions of your comprehensive plan and development regulations in hand, fill out each item in the checklist, answering the following questions:

Is this item addressed in your current plan or development regulations? If YES, fill in the form with citation(s) to where in the plan or regulation the item is addressed. Where possible, we recommend citing policy or goal numbers by element rather than page numbers, since these can change. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the Commerce [Periodic Update webpage](#) or contact the [Commerce planner assigned to your region](#).

Is amendment needed to meet current statute? Check YES to indicate a change to your plan will be needed. Check NO to indicate that the GMA requirement has already been met. Local updates may not be needed if the statute hasn't changed since your previous update, if your jurisdiction has kept current with required inventories, or if there haven't been many changes in local circumstances.

Use the "Notes" column to add additional information to note where your city may elect to work on or amend sections of your plan or development regulations, to call out sections that are not strictly required by the GMA, or to indicate if the item is not applicable to your jurisdiction.

Submit your checklist! This will be the first deliverable under your periodic update grant.

PlanView system and instructions: Completed checklists can be submitted through Commerce's PlanView portal. The PlanView system allows cities and counties to submit and track amendments to comprehensive plans or development regulations online, with or without a user account. You can also submit via email: reviewteam@commerce.wa.gov Fill out and attach a [cover sheet](#), a copy of your submittal and this checklist. *Please be advised that Commerce is no longer accepting paper submittals.*

For further information about the submittal process please visit Commerce's [Requirements and procedures for providing notice to the state](#) webpage.

Need help?

Please visit Commerce's [periodic update webpage](#) for additional resources

or contact:

Suzanne Austin, AICP
Senior Planner
Growth Management Services
WA Department of Commerce
509.407.7955
suzanne.austin@commerce.wa.gov

Checklist Navigation

(Ctrl + Click each element)

Section I:

Comprehensive Plan

LAND USE

HOUSING

CAPITAL FACILITIES

UTILITIES

TRANSPORTATION

SHORELINE

ESSENTIAL PUBLIC FACILITIES

TRIBAL PLANNING

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CONCURRENCY & TDM

TRIBAL PARTICIPATION

OPTIONAL REGULATIONS

PROJECT REVIEW PROCEDURES

PLAN & REGULATION AMENDMENTS

Section I: Comprehensive Plan Elements

Land Use Element

Consistent with countywide planning policies (CWPPs) and RCW 36.70A.070(1)

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
New 2021-2022 legislation ESSB 5593: changes to RCW 36.70A.130 (codification pending) regarding UGA size, patterns of development, suitability and infrastructure. Coordinate these efforts with your county			
a. The element integrates relevant county-wide planning policies into the local planning process, and ensures local goals and policies are consistent. For jurisdictions in the central Puget Sound region, the plan is consistent with applicable multicounty planning policies. RCW 36.70A.210 WAC 365-196-305 Coordinate these efforts with your county			
b. A future land use map showing city limits and UGA boundaries. RCW 36.70A.070(1) and RCW 36.70A.110(6) WAC 365-196-400(2)(d), WAC 365-196-405(2)(i)(ii)			
c. Consideration of urban planning approaches that increase physical activity. RCW 36.70A.070(1) and WAC 365-196-405(2)(j). Additional resources: Transportation Efficient Communities, The Washington State Plan for Healthy Communities, Active Community Environment Toolkit			
d. A consistent population projection throughout the plan which should be consistent with the county's sub-county allocation of that forecast and housing needs. RCW 36.70A.115, RCW 43.62.035 and WAC 365-196-405(f)			

Section I: Comprehensive Plan Elements

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
e. Estimates of population densities and building intensities based on future land uses and housing needs. RCW 36.70A.070(1), WAC 365-196-405(2)(i) For cities required to plan under the Buildable Lands Program, RCW 36.70A.215 amended in 2017, some jurisdictions may need to identify reasonable measures to reconcile inconsistencies. See Commerce's Buildable Lands Program page.			
f. Provisions for protection of the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1); WAC 365-196-405(1)(c); WAC 365-196-485(1)(d)			
g. Identification of lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. RCW 36.70A.150 and WAC 365-196-340			
h. Identification of open space corridors within and between urban growth areas, including lands useful for recreation, wildlife habitat, trails, and connection of critical areas. RCW 36.70A.160 and WAC 365-196-335			

i. If there is an airport within or adjacent to the city: policies, land use designations (and zoning) to discourage the siting of incompatible uses adjacent to general aviation airports. RCW 36.70A.510, RCW 36.70.547 Note: The plan (and associated regulations) must be filed with the Aviation Division of WSDOT. WAC 365-196-455	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
j. Where applicable, a review of drainage, flooding, and stormwater run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state. RCW 36.70A.070(1) and WAC 365-196-405(2)(e) Note: RCW 90.56.010(27) defines waters of the state. Additional resources: Protect Puget Sound Watersheds, Building Cities in the Rain, Ecology Stormwater Manuals, Puget Sound Partnership Action Agenda			
k. Policies to designate and protect critical areas including wetlands, fish and wildlife habitat protection areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas. In developing these policies, the city must have included the best available science (BAS) to protect the functions and values of critical areas, and give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.030(6), RCW 36.70A.172, WAC 365-190-080 Best Available Science: see WAC 365-195-900 through -925			

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
I. If forest or agricultural lands of long-term commercial significance are designated inside city: a program authorizing Transfer (or Purchase) of Development Rights. RCW 36.70A.060(4) , RCW 36.70A.170			
m. If there is a Military Base within or adjacent to the jurisdiction employing 100 or more personnel: policies, land use designations, (and consistent zoning) to discourage the siting of incompatible uses adjacent to military bases. RCW 36.70A.530(3) , WAC 365-196-475			
Housing Element In the 2021 legislative session, HB 1220 substantially amended the housing-related provisions of the Growth Management Act (GMA), RCW 36.70A.070 (2). Local governments should review local comprehensive plan policies and countywide planning policies to be consistent with the updated requirements. Please refer to Commerce's housing webpages for further information about the new requirements: Updating GMA Housing Elements and Planning for Housing			
a. Goals, policies, and objectives for the preservation, improvement, and development of housing. RCW 36.70A.070(2)(b) and WAC 365-196-410(2)(a)			
b. Within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes. RCW 36.70A.070(2)(c) amended in 2021, WAC 365-196-300			
c. Consideration of housing locations in relation to employment locations and the role of ADUs. RCW 36.70A.070(2)(d) amended in 2021			

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
d. An inventory and analysis of existing and projected housing needs over the planning period, by income band, consistent with the jurisdiction's share of housing need, as provided by Commerce. RCW 36.70A.070(2)(e) amended in 2021, WAC 365-196-410(2)(b) and (c)			
e. Identification of capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing. RCW 36.70A.070(2)(c) amended in 2021, WAC 365-196-410(e) and (f)			
f. Adequate provisions for existing and projected housing needs for all economic segments of the community. RCW 36.70A.070(2)(d) amended in 2021, WAC 365-196-010(g)(ii) , WAC 365-196-300(f) , WAC 365-196-410 and see Commerce's Housing Action Plan (HAP) guidance: Guidance for Developing a Housing Action Plan			
g. Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including: • Zoning that may have a discriminatory effect; • Disinvestment; and • Infrastructure availability RCW 36.70A.070(e) new in 2021			

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
h. Establish policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions. RCW 36.70A.070(2)(f) new in 2021			
i. Identification of areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments.¹ RCW 36.70A.070(2)(g) new in 2021 Establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing. RCW 36.70A.070(2)(h) new in 2021			

¹ This work should identify areas where anti-displacement tools may be applied, but may not need to be in the comprehensive plan. See Commerce's housing guidance: [Updating GMA Housing Elements - Washington State Department of Commerce](#)

Capital Facilities Plan (CFP) Element

To serve as a check on the practicality of achieving other elements of the plan, covering all capital facilities planned, provided, and paid for by public entities including local government and special districts, etc. including water systems, sanitary sewer systems, storm water facilities, schools, parks and recreational facilities, police and fire protection facilities. Capital expenditures from park and recreation elements, if separate, should be included in the CFP Element. The CFP Element must be consistent with CWPPs, and RCW 36.70A.070(3), and include:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
a. Policies or procedures to ensure capital budget decisions are in conformity with the comprehensive plan. RCW 36.70A.120			
b. An inventory of existing capital facilities owned by public entities. RCW 36.70A.070(3)(a) and WAC 365-196-415(1)(a)			
c. A forecast of needed capital facilities. RCW 36.70A.070(3)(b) and WAC 365-196-415(1)(b) Note: The forecast of future need should be based on projected population and adopted levels of service (LOS) over the planning period.			
d. Proposed locations and capacities of expanded or new capital facilities. RCW 36.70A.070(3)(c) and WAC 365-196-415 (1)(c) and (3)(c) ²			
e. A six-year plan (at least) that will finance such capital facilities within projected funding capacities and identify sources of public money to finance planned capital facilities. RCW 36.70A.070(3)(d), RCW 36.70A.120, WAC 365-196-415(1)(d)			

² Infrastructure investments should consider equity and plan for any potential displacement impacts.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
f. A policy or procedure to reassess the Land Use Element if probable funding falls short of meeting existing needs. RCW 36.70A.070(3)(e) WAC 365-196-415(2)(d) Note: park and recreation facilities shall be included in the capital facilities plan element			
g. If impact fees are collected: identification of public facilities on which money is to be spent. <u>RCW 82.02.050(5)</u> and <u>WAC 365-196-850(3)</u>			
Utilities Element Consistent with relevant CWPPs and RCW 36.70A.070(4). Utilities include, but are not limited to: sanitary sewer systems, water lines, fire suppression, electrical lines, telecommunication lines, and natural gas lines.			
The general location, proposed location and capacity of all existing and proposed utilities. <u>RCW 36.70A.070(4)</u> and <u>WAC 365-196-420</u>			
Transportation Element Consistent with relevant CWPPs and RCW 36.70A.070(6)			
a. An inventory of air, water, and ground transportation facilities and services, including transit alignments, state-owned transportation facilities, and general aviation airports. <u>RCW 36.70A.070(6)(a)(iii)(A)</u> and <u>WAC 365-196-430(2)(c)</u> .			
b. Adopted levels of service (LOS) standards for all arterials, transit routes and highways. RCW 36.70A.070(6)(a)(iii)(B) and (C), WAC 365-196-430			
c. Identification of specific actions to bring locally-owned transportation facilities and services to established LOS. <u>RCW 36.70A.070(6)(a)(iii)(D)</u> , WAC 365-196-430			

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
d. A forecast of traffic for at least 10 years including land use assumptions used in estimating travel. RCW 36.70A.070(6)(a)(i), RCW 36.70A.070(6)(a)(iii)(E), WAC 365-196-430(2)(f)			
e. A projection of state and local system needs to meet current and future demand. RCW 36.70A.070(6)(a)(iii)(F) and WAC 365-196-430(1)(c)(vi)			
f. A pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles. RCW 36.70A.070(6)(a)(vii), WAC 365-196-430(2)(i)			
g. A description of any existing and planned transportation demand management (TDM) strategies, such as HOV lanes or subsidy programs, parking policies, etc. RCW 36.70A.070(6)(a)(vi) and WAC 365-196-430(2)(i)(i)			
h. An analysis of future funding capability to judge needs against probable funding resources. RCW 36.70A.070(6)(a)(iv)(A), WAC 365.196-430(2)(k)(iv)			
i. A multi-year financing plan based on needs identified in the comprehensive plan, the appropriate parts of which serve as the basis for the 6-year street, road or transit program. RCW 36.70A.070(6)(a)(iv)(B) and RCW 35.77.010 , WAC 365-196-430(2)(k)(ii)			

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
j. If probable funding falls short of meeting identified needs: a discussion of how additional funds will be raised, or how land use assumptions will be reassessed to ensure that LOS standards will be met. RCW 36.70A.070(6)(a)(iv)(C), WAC 365-196-430(2)(i)(iii)			
k. A description of intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions and how it is consistent with the regional transportation plan. RCW 36.70A.070(6)(a)(v); WAC 365-196-430(1)(e) and 430(2)(a)(iii)			
Shoreline For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of the Growth Management Act (GMA) as set forth in RCW 36.70A.480. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan.			
a. The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070 , 36.70A.040(4) , 35.63.125 , 35A.63.105 , 36.70A.480			
b. Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060 .			

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
c. Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by *RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2) .			
d. If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f) , then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).			
Provisions for siting essential public facilities (EPFs) Consistent with CWWPs and RCW 36.70A.200 amended 2021. This section can be included in the Capital Facilities Element, Land Use Element, or in its own element. Sometimes the identification and siting process for EPFs is part of the CWWPs.			
a. A process or criteria for identifying and siting essential public facilities (EPFs). RCW 36.70A.200 and WAC 365-196-550(1) Notes: RCW 36.70A.200 amended 2021 regarding reentry and rehabilitation facilities. EPFs are defined in RCW 36.70A.200. Regional transit authority facilities are included in the list of essential public facilities.			
b. Policies or procedures that ensure the comprehensive plan does not preclude the siting of EPFs. RCW 36.70A.200(5) Note: If the EPF siting process is in the CWWPs, this policy may be contained in the comprehensive plan as well. WAC 365-196-550(3)			

Tribal Participation in Planning new in 2022 (codification pending – see [HB 1717](#))

A federally recognized Indian tribe may voluntarily choose to participate in the local and regional planning processes.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
a. Mutually agreeable memorandum of agreement between local governments and tribes in regard to collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period. RCW 36.70A.040(8)(a) new in 2022			
b. <i>Port elements</i> , if adopted, are developed collaboratively between the city, the applicable port and the applicable tribe(s), which shall comply with RCW 36.70A.040(8) . RCW 36.70A.085 amended in 2022			
c. <i>Urban Growth Areas</i> : counties and cities coordinate planning efforts for any areas planned for urban growth with applicable tribe(s). RCW 36.70A.110(1) amended 2022, RCW 36.70A.040(8)			

Future required elements: pending state funding

As of 2022, these elements have not received state funding to aid local jurisdictions in implementation. Therefore, these elements are not required to be added to comprehensive plans at this time. Commerce encourages jurisdictions to begin planning for these elements, pending the future mandate.

	In Current Plan? Yes/No If yes, cite section	Notes
Economic Development Although included in RCW 36.70A.070 "mandatory elements" an economic development element is not currently required because funding was not provided to assist in developing local elements when this element was added to the GMA. However, provisions for economic growth, vitality, and a high quality of life are important, and supporting strategies should be integrated with the land use, housing, utilities, and transportation elements. RCW 36.70A.070(7) amended 2017		
Parks and Recreation Although included in RCW 36.70A.070 "mandatory elements" a parks and recreation element is not required because the state did not provide funding to assist in developing local elements when this provision was added to the GMA. However, park, recreation, and open space planning are GMA goals, and it is important to plan for and fund these facilities. RCW 36.70A.070(8)		

Optional Elements

Pursuant to RCW 36.70A.080, a comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

	In Current Plan? Yes/No If yes, cite section	Notes
Climate Change Mitigation & Resilience As of 2022, this optional element has not yet received state funding to aid local jurisdictions in implementation. Please visit Commerce's Climate Program page for resources and assistance if interested in developing climate mitigation and resilience plans for your jurisdiction.		
Sub-Area Plans		
Other		

Consistency is required by the GMA

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
a. All plan elements must be consistent with relevant county-wide planning policies (CWPPs) and, where applicable, multi-county planning policies (MPPs), and the GMA. RCW 36.70A.100 and 210 , WAC 365-196-305 , 400(2)(c) , 510 and 520			
b. All plan elements must be consistent with each other. RCW 36.70A.070 (preamble) and WAC 365-197-040			
c. The plan must be coordinated with the plans of adjacent jurisdictions. RCW 36.70A.100 and WAC 365-196-520			
Public Participation			
a. Plan ensures public participation in the comprehensive planning process. RCW 36.70A.020(11) , .035 , and .140 , WAC 365-196-600(3) provide possible public participation choices.			
b. If the process for making amendments is included in the comprehensive plan: - The plan provides that amendments are to be considered no more often than once a year, not including the exceptions described in RCW 36.70A.130(2), WAC365-196-640 - The plan sets out a procedure for adopting emergency amendments and defines emergency. RCW 36.70A.130(2)(b) and RCW 36.70A.390, WAC 365-196-650(4)			

Consistency is required by the GMA

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
c. Plan or program for monitoring how well comprehensive plan policies, development regulations, and other implementation techniques are achieving the comp plan's goals and the goals of the GMA. WAC 365-196-660 discusses a potential review of growth management implementation on a systematic basis. New 2021-2022 legislation HB 1241 provides that those jurisdictions with a periodic update due in 2024 have until December 31, 2024 to submit. The legislation also changed the update cycle to every ten years after the 2024-2027 cycle. Jurisdictions that meet the new criteria described in RCW 36.70A.130(9) (codification pending) will be required to submit an implementation progress report five years after the review and revision of their comprehensive plan.			
d. Considerations for preserving property rights. Local governments must evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. RCW 36.70A.370. For further guidance see the 2018 Advisory Memo on the Unconstitutional Taking of Private Property			

Section II: Development Regulations

Must be consistent with and implement the comprehensive plan. [RCW 36.70A.040](#), [WAC 365-196-800](#) and [810](#)

Critical Areas

Regulations protecting critical areas are required by RCW 36.70A.060(2), RCW 36.70A.172(1), WAC 365-190-080 and WAC 365-195-900 through 925.

Please visit Commerce's [Critical Areas webpage](#) for resources and to complete the [Critical Areas Checklist](#). Critical areas regulations must be reviewed and updated, as necessary, to incorporate legislative changes and best available science. Jurisdictions using periodic update grant funds to update critical areas regulations must submit the critical areas checklist as a first deliverable, in addition to this periodic update checklist.

Zoning Code

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
a. Permanent supportive housing or transitional housing must be allowed where residences and hotels are allowed. RCW 36.70A.390 New in 2021, (HB 1220 sections 3-5) "permanent supportive housing" is defined in RCW 36.70A.030; "transitional housing" is defined in RCW 84.36.043(2)(c)			
b. Indoor emergency shelters and indoor emergency housing shall be allowed in any zones in which hotels are allowed, except in cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within one-mile of transit. Indoor emergency housing must be allowed in areas with hotels. RCW 35A.21.430 amended in 2021, RCW 35.21.683, amended in 2021, (HB 1220 sections 3-5) "emergency housing" is defined in RCW 84.36.043(2)(b)			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
c. The number of unrelated persons that occupy a household or dwelling unit except as provided in state law, for short term rentals, or occupant load per square foot shall not be regulated or limited by cities. (HB 5235) , RCW 35.21.682 new in 2021, RCW 35A.21.314 new in 2021 RCW 36.01.227 new in 2021			
d. Limitations on the amount of parking local governments can require for low-income, senior, disabled and market-rate housing units located near high-quality transit service. RCW 36.70A.620 amended in 2020 and RCW 36.70A.600 amended in 2019			
e. Family day care providers are allowed in all residential dwellings located in areas zoned for residential or commercial RCW 36.70A.450 . Review RCW 43.216.010 for definition of family day care provider and WAC 365-196-865 for more information.			
f. Manufactured housing is regulated the same as site built housing. RCW 35.21.684 amended in 2019, RCW 35.63.160 , RCW 35A.21.312 amended in 2019 and RCW 36.01.225 amended in 2019. A local government may require that manufactured homes: (1) are new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood, but may not discriminate against consumer choice in housing. See: National Manufactured Housing Construction and Safety Standards Act of 1974			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
g. Accessory dwelling units: cities (and counties) must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations and other official controls the requirements of RCW 36.70A.698 amended in 2021. Review RCW 36.70A.696 amended in 2021 through 699 and RCW 43.63A.215(3). Watch for new guidance from Commerce on the Planning for Housing webpage.			
h. Residential structures occupied by persons with handicaps, and group care for children that meets the definition of "familial status" are regulated the same as a similar residential structure occupied by a family or other unrelated individuals. No city or county planning under the GMA may enact or maintain ordinances, development regulations, or administrative practices which treat a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals. RCW 36.70A.410, RCW 70.128.140 and 150, RCW 49.60.222-225 and WAC 365-196-860			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
i. Affordable housing programs enacted or expanded under RCW 36.70A.540 amended in 2022 comply with the requirements of this section. Examples of such programs may include: density bonuses within urban growth areas, height and bulk bonuses, fee waivers or exemptions, parking reductions, expedited permitting conditioned on provision of low-income housing units, or mixed-use projects. WAC 365-196-300 See also RCW 36.70A.545 and WAC 365-196-410(2)(e)(i) “affordable housing” is defined in RCW 84.14.010 Review RCW 36.70A.620 amended in 2020 for minimum residential parking requirements			
j. Limitations on regulating: outdoor encampments, safe parking efforts, indoor overnight shelters and temporary small houses on property owned or controlled by a religious organization. RCW 36.01.290 amended in 2020			
k. Regulations discourage incompatible uses around general aviation airports. RCW 36.70.547 and WAC 365-196-455. Incompatible uses include: high population intensity uses such as schools, community centers, tall structures, and hazardous wildlife attractants such as solid waste disposal sites, wastewater or stormwater treatment facilities, or stockyards. For more guidance, see WSDOT’s Aviation Land Use Compatibility Program.			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
l. If a U.S. Department of Defense (DoD) military base employing 100 or more personnel is within or adjacent to the jurisdiction, zoning should discourage the siting of incompatible uses adjacent to military base. RCW 36.70A.530(3) and WAC 365-196-475 . Visit Military One Source to locate any bases in your area and help make determination of applicability. If applicable, inform the commander of the base regarding amendments to the comprehensive plan and development regulations on lands adjacent to the base.			
m. Electric vehicle infrastructure (jurisdiction specified: adjacent to Interstates 5, 90, 405 or state route 520 and other criteria) must be allowed as a use in all areas except those zoned for residential, resource use or critical areas. RCW 36.70A.695			
Shoreline Master Program Consistent with RCW 90.58 Shoreline Management Act of 1971			
a. Zoning designations are consistent with Shoreline Master Program (SMP) environmental designations. RCW 36.70A.480			
b. If updated to meet RCW 36.70A.480 (2010), SMP regulations provide protection to critical areas in shorelines that is at least equal to the protection provided to critical areas by the critical areas ordinance. RCW 36.70A.480(4) and RCW 90.58.090(4) See Ecology's shoreline planners' toolbox for the SMP Checklist and other resources and Ecology's Shoreline Master Programs Handbook webpage			

Resource Lands

Defined in RCW 36.70A.030(3), (12) and (17) and consistent with RCW 36.70A.060 and RCW 36.70A.170

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
a. Zoning is consistent with natural resource lands designations in the comprehensive plan and conserves natural resource lands. RCW 36.70A.060(3) , WAC 365-196-815 and WAC 365-190-020(6) . Consider innovative zoning techniques to conserve agricultural lands of long-term significance RCW 36.70A.177(2) . See also WAC 365-196-815(3) for examples of innovative zoning techniques.			
b. Regulations to assure that use of lands adjacent to natural resource lands does not interfere with natural resource production. RCW 36.70A.060(1)(a) and WAC 365-190-040 Regulations require notice on all development permits and plats within 500 feet of designated natural resource lands that the property is within or near a designated natural resource land on which a variety of commercial activities may occur that are regulations to implement comprehensive plan			
c. For designated agricultural land, regulations encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes. Accessory uses should be located, designed and operated to support the continuation of agricultural uses. RCW 36.70A.177(3)(b)			
d. Designate mineral lands and associated regulations as required by RCW 36.70A.131 and WAC 365-190-040(5) . For more information review the WA State Dept. of Natural Resources (DNR)'s Geology Division site			

Siting Essential Public Facilities

Regulations for siting essential public facilities should be consistent with RCW 36.70A.200 and consider WAC 365-196-550. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities. Regulations may be specific to a local jurisdiction, but may be part of county-wide planning policies (CWPPs).

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
Regulations or CWPPs include a process for siting EPFs and ensure EPFs are not precluded. RCW 36.70A.200(2), (3), (5) . WAC 365-196-550(6) lists process for siting EPFs. WAC 365-196-550(3) details preclusions. EPFs should be located outside of known hazardous areas. Visit Commerce's Behavioral Health Facilities Program page for information on establishing or expanding new capacity for behavioral health EPFs.			

Subdivision Code

a. Subdivision regulations are consistent with and implement comprehensive plan policies. RCW 36.70A.030(5) and 36.70A.040(4) .			
b. Written findings to approve subdivisions establish adequacy of public facilities. RCW 58.17.110 amended in 2018 - Streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students. - Potable water supplies, sanitary wastes, and drainage ways. RCW 36.70A.590 amended 2018 - Open spaces, parks and recreation, and playgrounds - Schools and school grounds Other items related to the public health, safety and general welfare WAC 365-196-820(1) .			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
c. Preliminary subdivision approvals under RCW 58.17.140 are valid for a period of five or seven years (previously five years). RCW 58.17.140 and RCW 58.17.170 Note: preliminary plat approval is valid for: seven years if the date of preliminary plat approval is on or before December 31, 2014; five years if the preliminary plat approval is issued on or after January 1, 2015; and ten years if the project is located within city limits, not subject to the shoreline management act, and the preliminary plat is approved on or before December 31, 2007.			
Stormwater			
a. Regulations protect water quality and implement actions to mitigate or cleanse drainage, flooding, and storm water run-off that pollute waters of the state, including Puget Sound or waters entering Puget Sound. RCW 36.70A.070(1) Regulations may include: adoption of a stormwater manual consistent with Ecology's latest manual for Eastern or Western Washington, adoption of a clearing and grading ordinance – See Commerce's 2005 Technical Guidance Document for Clearing and Grading in Western Washington. Adoption of a low impact development ordinance. See Puget Sound Partnership's 2012 Low Impact Development guidance and Ecology's 2013 Eastern Washington Low Impact Development guidance. Additional Resources: Federal Grants to Protect Puget Sound Watersheds, Building Cities in the Rain, Ecology Stormwater Manuals, Puget Sound Partnership Action Agenda			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
b. Provisions for corrective action for failing septic systems that pollute waters of the state. RCW 36.70A.070(1). See also: DOH Wastewater Management, Ecology On-Site Sewage System Projects & Funding			
Impact Fees May impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds; cannot rely solely on impact fees.			
a. If adopted, impact fees are applied consistent with RCW 82.02.050 amended in 2016, .060 amended in 2021, .070, .080, .090 amended in 2018 and .100. WAC 365-196-850 provides guidance on how impact fees should be implemented and spent.			
b. Jurisdictions collecting impact fees must adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction, consistent with RCW 82.02.050(3) amended in 2016			
c. If adopted, limitations on impact fees for early learning facilities RCW 82.02.060 amended in 2021			
d. If adopted, exemption of impact fees for low-income and emergency housing development RCW 82.02.060 amended in 2021. See also definition change in RCW 82.02.090(1)(b) amended in 2018			

Concurrency and Transportation Demand Management (TDM)

Ensures consistency in land use approval and the development of adequate public facilities as plans are implemented, maximizes the efficiency of existing transportation systems, limits the impacts of traffic and reduces pollution.

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
a. The transportation concurrency requirement includes specific language that prohibits development when level of service standards for transportation facilities cannot be met. RCW 36.70A.070(6)(b), WAC 365-196-840. Note: Concurrency is required for transportation, but may also be applied to park facilities, etc.			
b. Measures exist to bring into compliance locally owned transportation facilities or services that are below the levels of service established in the comprehensive plan. RCW 36.70A.070(6)(a)(iii)(B) and (D). Levels of service can be established for automobiles, pedestrians and bicycles. See WAC 365-196-840(3) on establishing an appropriate level of service.			
c. Highways of statewide significance (HSS) are exempt from the concurrency ordinance. RCW 36.70A.070(6)(a)(iii)(C)			
d. Traffic demand management (TDM) requirements are consistent with the comprehensive plan. RCW 36.70A.070(6)(a)(vi) Examples may include requiring new development to be oriented towards transit streets, pedestrian-oriented site and building design, and requiring bicycle and pedestrian connections to street and trail networks. WAC 365-196-840(4) recommends adopting methodologies that analyze the transportation system from a comprehensive, multimodal perspective.			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
e. If required by RCW 70.94.527, a commute trip reduction (CTR) ordinance to achieve reductions in the proportion of single-occupant vehicle commute trips has been adopted. The ordinance should be consistent with comprehensive plan policies for CTR and Department of Transportation rules. RCW 70.94.521-551			

Tribal Participation in Planning new in 2022 (codification pending – see [HB 1717](#))

A federally recognized Indian tribe may voluntarily choose to participate in the county or regional planning process.

a. Mutually agreeable memorandum of agreement between local governments and tribes in regard to collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period RCW 36.70A.040(8)(a) new in 2022			
b. Policies consistent with countywide planning policies that address the protection of tribal cultural resources in collaboration with federally recognized Indian tribes that are invited, provided that a tribe, or more than one tribe, chooses to participate in the process. RCW 36.70A.210(3)(i) new in 2022			

Regulations to Implement Optional Elements

a. New fully contained communities are consistent with comprehensive plan policies, RCW 36.70A.350 and WAC 365-196-345			
b. If applicable, master planned resorts are consistent with comprehensive plan policies, RCW 36.70A.360, RCW 36.70A.362 and WAC 365-196-460			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
c. If applicable, major industrial developments and master planned locations outside of UGAs are consistent with comprehensive plan policies, RCW 36.70A.365, RCW 36.70A.367 and WAC 365-196-465			
d. Regulations include procedures to identify, preserve, and/or monitor historical or archaeological resources. RCW 36.70A.020(13), WAC 365-196-450			
e. Other development regulations needed to implement comprehensive plan policies such as energy, sustainability or design are adopted. WAC 365-196-445			
f. Design guidelines for new development are clear and easy to understand; administration procedures are clear and defensible.			
Project Review Procedures			
Project review processes integrate permit and environmental review. RCW 36.70A.470, RCW 36.70B and RCW 43.21C. Also: WAC 365-196-845, WAC 197-11 (SEPA Rules), WAC 365-197 (Project Consistency Rule, Commerce, 2001) and Ecology SEPA Handbook. Integrated permit and environmental review procedures for: • Notice of application • Notice of complete application • One open-record public hearing • Combining public hearings & decisions for multiple permits • Notice of decision • One closed-record appeal			

Plan & Regulation Amendments

If procedures governing comprehensive plan amendments are part of the code, then assure the following are true:

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
a. Regulations limit amendments to the comprehensive plan to once a year (with statutory exceptions). RCW 36.70A.130(2) and WAC 365-196-640(3)			
b. Regulations define emergency for an emergency plan amendment. RCW 36.70A.130(2)(b) and WAC 365-196-640(4)			
c. Regulations include a docketing process for requesting and considering plan amendments. RCW 36.70A.130(2), RCW 36.70A.470, and WAC 365-196-640(6)			
d. A process has been established for early and continuous public notification and participation in the planning process RCW 36.70A.020(1), RCW 36.70A.035 and RCW 36.70A.140. See WAC 365-196-600 regarding public participation and WAC 365-196-610(2) listing recommendations for meeting requirements.			
e. A process exists to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property RCW 36.70A.370. See the 2018 Advisory Memo on the Unconstitutional Taking of Private Property			
f. Provisions ensure adequate enforcement of regulations, such as zoning and critical area ordinances (civil or criminal penalties). See implementation strategy in WAC 365-196-650(1) .			

Mona Davis

From: Eric Jensen <ejensen@thebluelinegroup.com>
Sent: Wednesday, May 11, 2022 5:36 PM
To: Mona Davis
Cc: Scott Hanis
Subject: 2024 Comp Plan Periodic update direct disbursement \$\$ from WA Commerce is coming

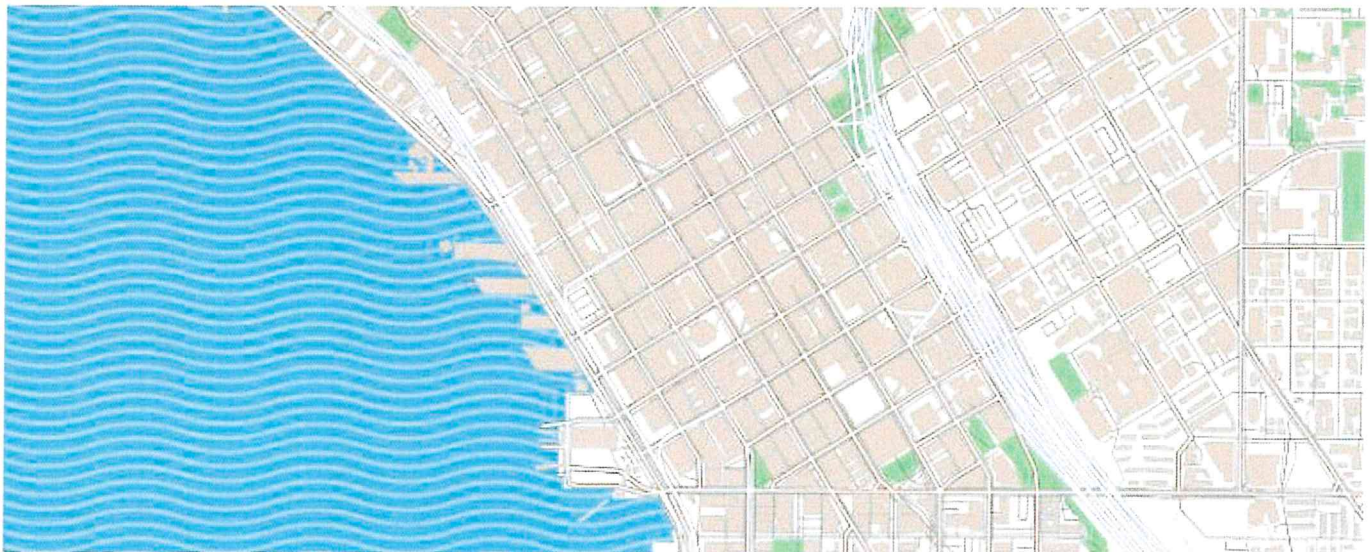
Great news Mona! The 2024 Comprehensive Plan Periodic update numbers have been announced and the City of Black Diamond will receive **\$125,000** in direct disbursement to help pay for the update. This disbursement will occur in two stages, half of the amount (\$62,500) arriving around July 1st of this year and the remaining half (\$62,500) coming next summer – 2023.

Congrats! - EJ

<https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-grants/>

Growth Management Grants

Commerce Planning Grants available for State Fiscal Year 2023 (July 1, 2022 – July 1, 2023)



Comprehensive Plan – Periodic Update Grants

The Governor and the Legislature made a historic investment in Growth Management Act planning during the 2022 Legislative Session. As a result, we expect to provide grant funding to all counties, and cities within those counties, in advance of their upcoming comprehensive plan and development regulation “periodic updates,” required under RCW 36.70A.130(5).

Funding is Available Under the Following Formula

Grants are available to counties and cities based on fully planning or partially planning status under the GMA, as well as population:

Fully Planning

- Counties with 100,000 population and over: \$700,000
- Counties under 100,000 population: \$350,000
- Cities with 100,000 population and over: \$325,000
- Cities under 3,000 population: \$100,000
- Cities with 50,000 to 99,999 population: \$175,000
- Cities with 3,000 to 49,999 population: \$125,000

Partially Planning

- Counties with 10,000 population and over: \$150,000
- Counties under 10,000 population: \$100,000
- Cities (No population limits): \$20,000

Starting July 1, 2022, counties and cities with a 2024 deadline are eligible to receive the first half of their grant, with the second half coming the following year. Subject to continuing legislative appropriation, Commerce intends to provide these same grant amounts to all counties and cities throughout the update cycle, with due dates from 2024 through 2027, under [RCW 36.70A.130\(5\)\(a\)-\(d\)](#). Grants should be available for all jurisdictions starting two years before the statutory deadlines for review and revision, established under [RCW 36.70A.130\(5\)](#).

Grant Requirements

Periodic update grant award notifications and instructions will be issued to counties and cities with 2024 updates by June 2022, and Commerce will be working with you to finalize the grant agreements. Jurisdictions will be eligible to request grant reimbursement for all periodic update grant work, defined in the grants agreements, beginning July 1, 2022. The second half of this grant is scheduled for the following state fiscal year (beginning July 1, 2023).

Note: Buildable Land Reports & GMA Implementation Reports

In addition to the required periodic update, seven counties (Clark, King, Kitsap, Pierce, Snohomish, Thurston and Whatcom), and the cities within these counties, must also complete a review and evaluation program for buildable lands (i.e. the Buildable Lands Report) every eight years under [RCW 36.70A.215](#). Adding a new requirement this year, [HB 1241](#) requires certain jurisdictions to complete an implementation progress report five years after the end of their periodic update.

GMA Update Grant

- 2022 historic commitment to GMA
- Funding for all counties & cities with a 2024 Comprehensive Plan update deadline
- Funding based on population and 2024 planning status
- More Information on GMA Update Grants may be found [here](#)

Middle Housing Grant

- \$7.5 million in grant funding for King, Kitsap, Pierce and Snohomish counties and cities
- Grant applications are available for state fiscal year 2023; on the [Growth Management Grants Page](#)

Climate Planning Grant

- \$2.3 million in grant funding for King, Kitsap, Pierce and Snohomish counties and cities
- Must incorporate climate action into periodic updates
- Competitive application process
- Application info and deadlines for state fiscal year 2023, on the [Growth Management Grant Page](#)

Fully Planning Grant

- Counties with 100,000 or more population: \$700,000
- Counties up to 99,999 population: \$350,000
- Cities with 100,000 or more population: \$325,000
- Cities with 50,000 to 99,999 population: \$175,000
- Cities with 3,000 to 49,999 population: \$125,000

Partially Planning Grant

- Counties with 10,000 or more population: \$150,000
- Counties up to 9,999 population: \$100,000
- Cities (no population limits): \$20,000

Supplemental Funding Amounts

- Cities over 20,000 population: \$100,000
- Cities 10,000-20,000 population: \$75,000
- Cities under 10,000 population: \$60,000

Priorities to applicants who

- Aim to authorize middle housing types in the greatest proportion of zones
- Plan to subcontract with multiple community-based organizations that represent different vulnerable populations in overburdened communities to engage in eligible activities

Supplemental Funding Amounts

- Counties will be eligible for up to \$100,000
- Cities will be eligible for up to \$80,000

Bonus Funding Info

- Department of Ecology plans to have a \$3 million competitive grant program **during the 2023-2025 biennium** to help jurisdictions address climate issues in their Shoreline Master Programs

- Award based on counties / cities scheduled deadlines

- Funding available two years before the statutory deadlines

- Starting July 1, 2022, all with a 2024 deadline, are eligible to receive the first half of their grant

- Will be eligible to request grant reimbursement for all periodic update grant work

- Second half of grants available in July 2023

- Ordinance must authorize middle housing types on at least 30% of lots currently zoned as single family residential

- Middle housing types: duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, cottage housing and stacked flats

- Must use a racial equity analysis and establish anti-displacement policies

- Ensure no net displacement of very low-, low- or moderate-income households or individuals from racial, ethnic and religious communities that were subjected to discriminatory housing policies in the past

- Grant funds must be applied toward eligible activities:

- Identification or implementation of measures to reduce per capita greenhouse gas emissions or per capita vehicle miles traveled
- Development of a vulnerability and risk assessment, including:
 - * Exploring climate-related trends to identify current and anticipated impacts
 - * Identifying vulnerable populations and assets
 - * Characterizing risks for such assets to identify where policies are needed