



**CITY OF BLACK DIAMOND  
PLANNING COMMISSION AGENDA  
September 12, 2023  
Council Chambers, 25510 Lawson St., Black Diamond**

**THIS IS OFFERED AS A HYBRID MEETING AND MAY BE ATTENDED IN PERSON AT THE ABOVE NOTED ADDRESS OR BY JOINING VIRTUAL/TELEPHONICALLY. CALL IN AND JOINING INFORMATION FOLLOWS:**

**Zoom link to join meeting:**

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

Meeting ID: 425 415 7187

Password: PC

**Telephone dial in options:**

+1 206 337 9723 US (Seattle)

+1 253 215 8782 US (Tacoma)

Meeting ID: 425 415 7187

Password: 941820

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

**APPROVAL OF MINUTES:**

- 1) Planning Commission Meeting of August 8, 2023

**PUBLIC COMMENTS:** Persons wishing to address the Planning Commission regarding items of new business are encouraged to do so at this time. Please use the "raise your hand" feature and once recognized by the Chair, you may unmute and state your name and city for the record. Please limit your comments to 3 minutes. For those dialing in, please press \*9 to raise your hand and \*6 to unmute yourself.

**PUBLIC HEARINGS:**

- 2) Marijuana Regulations
  - a. Deliberation and possible action taken on "Marijuana Regulations".

**STUDY/WORK SESSION:**

**UNFINISHED BUSINESS:**

- 3) Draft Parks, Recreation and Open Space Element / Appendix
- 4) Draft Natural Environment Element / Appendix

**NEW BUSINESS:** None

**COMMUNITY DEVELOPMENT DEPARTMENT REPORT:**

**PUBLIC COMMENTS:**

**ADJOURNMENT:**

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



CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING MINUTES  
August 8, 2023, 6:00 PM

**CALL TO ORDER, FLAG SALUTE, ROLL CALL**

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

**Present:** Commissioner Kelley Sauskojus  
Commissioner Knut Syversen  
Commissioner Pam McCain  
Commissioner Carol Morgan  
Chair/Commissioner John Olson

**Excused:** Commissioner Steve Jensen

**Unfilled:** Position #5 - Vacant

**Staff:** Community Development Director, Mona Davis  
Deputy City Clerk, Carina Thornquist  
Comm. and Info. Sys., Jake Kapsandy

**APPROVAL OF MINUTES -**

**Regular Meeting of July 11, 2023**

The minutes of July 11, 2023, were adopted under unanimous consent.

**PUBLIC COMMENT** – None

**PUBLIC HEARING** - None

**STUDY/WORK SESSION** – None

**UNFINISHED BUSINESS –**

Director Davis noted that the Commissioners were given the task of reading chapters 3 and 4 which was the Draft of the Parks, Recreation and Open Space Element and Appendix, along with the Draft of the Natural Environment Element and Appendix; they were asked if they had any questions for her which there were none. They will revisit these chapters at the September meeting.

## **NEW BUSINESS –**

Director Davis reported that the City Council has asked the Planning Commission to review the Marijuana Regulations and to bring back a recommendation at the October City Council meeting. She gave an extensive background and handed out a map (and showed on screen) the locations with a 1,000-foot set back, but some locations could be reduced to 100 feet depending on restrictions.

The Commissioners and Director Davis had extensive back and forth discussions on the following 5 issues which are included on Resolution 23-1555:

1. Which of the City's current zoning districts would be best suited for the siting of cannabis retail, production, processing, and/or research uses, either as a permitted or conditional use.
  - a. Suggested: Business Industrial, Industrial, Community Commercial and Neighborhood Commercial
  - b. Action: Ms. Davis obtaining more info on the MPD and their designated areas.
  - c. Action: Ms. Davis to have maps recreated with both the minimum 100' and maximum 1,000' set back
2. Whether any additional zones should be created where cannabis retail, production, processing, and/or research would be a permitted and/or conditional use.
  - a. None
3. Whether any additional review criteria should be adopted by ordinance and applied by City Staff when considering cannabis retail, production, processing, and/or research as a conditional use within a specified zone.
  - a. Suggested: appropriate venting; lighting; water and sewer analysis; electrical
  - b. Action: Ms. Davis will look at federal versus state regulations and the risks involved.
4. Whether the buffers established in state law regarding placement of cannabis-related businesses near certain other types of establishments should be reduced or expanded.
  - a. Since locations were hard to see, new maps will be created before decisions are made.
5. Such other and related land-use issues as the Community Development Director finds would be helpful to the City Council in analyzing the foregoing

issues and the potential siting of cannabis retail, producing, processing, and/or research businesses in the City.

- a. Water availability/analysis; where it's going and if it needs to be treated. In addition, general utilities and security.

Further extensive discussion took place between the Commissioners and Director Davis regarding what steps would come next:

- Public Hearing to get input from the citizens.
- Deciding to lift the restrictions or not.
- If lifting the restrictions, new code would need to be written and adopted.

#### **COMMUNITY DEVELOPMENT DEPARTMENT REPORT –**

Director Davis reported on the following items:

- Last week's Comprehensive Plan Workshop at the gym which had 22 people in attendance; 18 of those consisted of councilmembers, planning commissioners, Oak Point staff, and staff.
- Suggestion to have name tags made for Planning Commissioners to wear during all the public events.
- There was a public hearing held at last Thursday's City Council meeting on the 2023 docket.
- Engaging citizens on the Comprehensive Plan update include this Friday's Throwback Hip Hop Dance Party at Ten Trails. Included are pamphlets with a QR code to a survey.
- Great deal of tree cutting violations which have huge fees. Trying to educate the public on permitting process.
- Ribbon cutting last week at Lawson Hills Fire Station.
- Conducting site plan reviews, new tenant improvements, and new business openings.
- New little library at the Gomer Evans Jr. Memorial Park constructed by Tony and Darla Clifton.
- Skatepark grant is close to being finalized. Also received a grant to start design work for the Ginder Creek Park.
- City of Maple Valley appealed the Palmer Rezones and are pending a hearing with the HEX in October.
- Special events coming up include Tough Mudder, Iron Man, Labor Days and several Ten Trails events including the Hoedown.

- The next regular Planning Commission meeting is September 12<sup>th</sup> which will include a Public Hearing on the Marijuana Regulations.
- Mayor Benson will be bringing a recommendation at the August 17<sup>th</sup> City Council meeting for a new Planning Commissioner who will hopefully begin their first meeting in September.

**PUBLIC COMMENTS** – None

**ADJOURN**

Commissioner Morgan **moved** to adjourn, **second** Commissioner Syversen. **Vote**, motion **passed 5-0**. Meeting adjourned at 8:00 p.m.

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

ATTEST:

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John Olson, Chairperson

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Planning Commission Secretary



# CITY OF BLACK DIAMOND

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MEMO TO: Planning Commissioners  
FROM: Mona Davis, Community Development Director  
DATE: August 30, 2023  
SUBJECT: Packet Materials

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## Marijuana Regulations

To recap our last regular meeting of August 8<sup>th</sup>, I wanted to provide a summary of what was discussed and provide some additional background for you in writing prior to the public hearing scheduled at the next regularly scheduled Planning Commission meeting on September 12<sup>th</sup>.

You may recall that City Council asked us to review the marijuana prohibitions outlined in Title 20 of the Black Diamond Municipal Code regulations back in 2021, where the Council held a joint work session with the Planning Commission on this topic as part of the 2021 docket (which was later withdrawn under appeal).

City Council again recently discussed the marijuana regulations and lifting the prohibition at a recent regular Council meeting on July 6<sup>th</sup>. CM Page presented information around a recent social equity program where the state was looking to issue additional licenses and proposed that Council pass a resolution referring further zoning and land use analysis to the Planning Commission on a relatively short turnaround.

The City Council proposed to keep the scope relatively narrow and requested the Planning Commission hold one or more public hearings to receive testimony, conduct deliberations, and make recommendations to the Council by October 15<sup>th</sup> on five issues outlined in Resolution No. 23-1555 (attached in the packet materials) related to the potential of allowing cannabis retail, production, processing, and/or research businesses to be cited in the City limits.

State Law requires certain buffer zones and restrictions from various land uses; however, cities can opt to reduce the 1,000-foot buffers down to 100 feet in some cases, except for proximity to schools and playgrounds. Some cities have changed their buffer requirements down to 500 feet (from the 1,000-foot) for proximity to certain land uses like libraries, public parks, and childcare centers. Some have gone down as low as 100' for parks, community centers, libraries, or childcare centers. Sometimes there are provisions to reduce the buffer zones differently for retail outlets and other marijuana activities where they fluctuate between 350-500 feet.



I've included a map in your packet materials that depicts some buffer requirements from cannabis operations where facilities cannot be within 1,000 feet of schools, playgrounds, childcare centers, public parks, the library, or game arcade where admission is restricted to 21+. Additionally, there's a 100-foot buffer depicted around these areas as you requested for that visual assistance.

At the last regular meeting, the Commissioners discussed each question outlined in the resolution, with the intent of holding a public hearing at the next regular meeting in September to gather public input and be prepared to make a recommendation to the City Council at the October 5, 2023 regular council meeting.

In response to your questions and concerns last month, I invited a representative from the Police Department to attend the public hearing to help field/answer questions. It's my understanding that a couple of councilmembers will also be in attendance that evening that may have more expertise around manufacturing and production as well.

#### 2024 Comprehensive Plan Periodic Update

I've provided two memos that were prepared by the City's Comprehensive Planning Consultant, Nicole Stickney, that provide the changes that were made to the *Natural Environment* and *Parks, Recreation, and Open Space* Elements and their Appendixes for your information. These memos provide a nice summary of the changes made to meet both the GMA and PSRC requirements.

I know we had discussed a deadline of September 1<sup>st</sup> for comments, but in light of the fact that you're just receiving this further information for review, I'm happy to extend that out until September 15<sup>th</sup> to allow you some extra time. I'm happy to discuss this more at the upcoming meeting if time allows as well.

Please contact me with any questions or concerns. I look forward to meeting with you again next month.

Thank you,  
Mona

## RESOLUTION NO. 23-1555

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, REFERRING ZONING AND LAND USE ANALYSIS FOR POTENTIAL CANNABIS RETAIL, PRODUCTION, PROCESSING, AND RESEARCH SITES TO THE PLANNING COMMISSION.**

**WHEREAS**, the Black Diamond City Council has determined that it should analyze whether it would be in the City's best interest to repeal the prohibition in the Municipal Code on the siting of cannabis businesses within the City; and

**WHEREAS**, before the Council can make an informed decision on whether to allow cannabis business establishments in the City, it is important to understand the related land use implications—including what zoning districts would be best suited for cannabis businesses, and whether any additional zones should be created where cannabis businesses would be a permitted and/or condition use; and

**WHEREAS**, the Planning Commission is authorized under the Municipal Code to hold hearings, receive testimony, and make recommendations to the City Council on matters concerning zoning, land use, and development regulations, and other such matters as the City Council may direct from time to time;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The City Council hereby requests that the Planning Commission hold one or more public hearings, receive testimony, conduct deliberations, and make recommendations to the City Council on the following issues related to the potential for allowing cannabis retail, production, processing, and/or research businesses to be sited within the City of Black Diamond:

1. Which of the City's current zoning districts would be best suited for the siting of cannabis retail, production, processing, and/or research uses, either as a permitted or conditional use;
2. Whether any additional zones should be created where cannabis retail, production, processing, and/or research would be a permitted and/or conditional use;
3. Whether any additional review criteria should be adopted by ordinance and applied by City Staff when considering cannabis retail, production, processing, and/or research as a conditional use within a specified zone; and
4. Whether the buffers established in state law regarding placement of cannabis-related businesses near certain other types of establishments should be reduced or expanded.

5. Such other and related land-use issues as the Community Development Director finds would be helpful to the City Council in analyzing the foregoing issues and the potential siting of cannabis retail, producing, processing, and/or research businesses in the City.

**Section 2.** The City Council asks that the Planning Commission complete its analysis of the above issues and report back to Council with its recommendations no later than October 15, 2023.

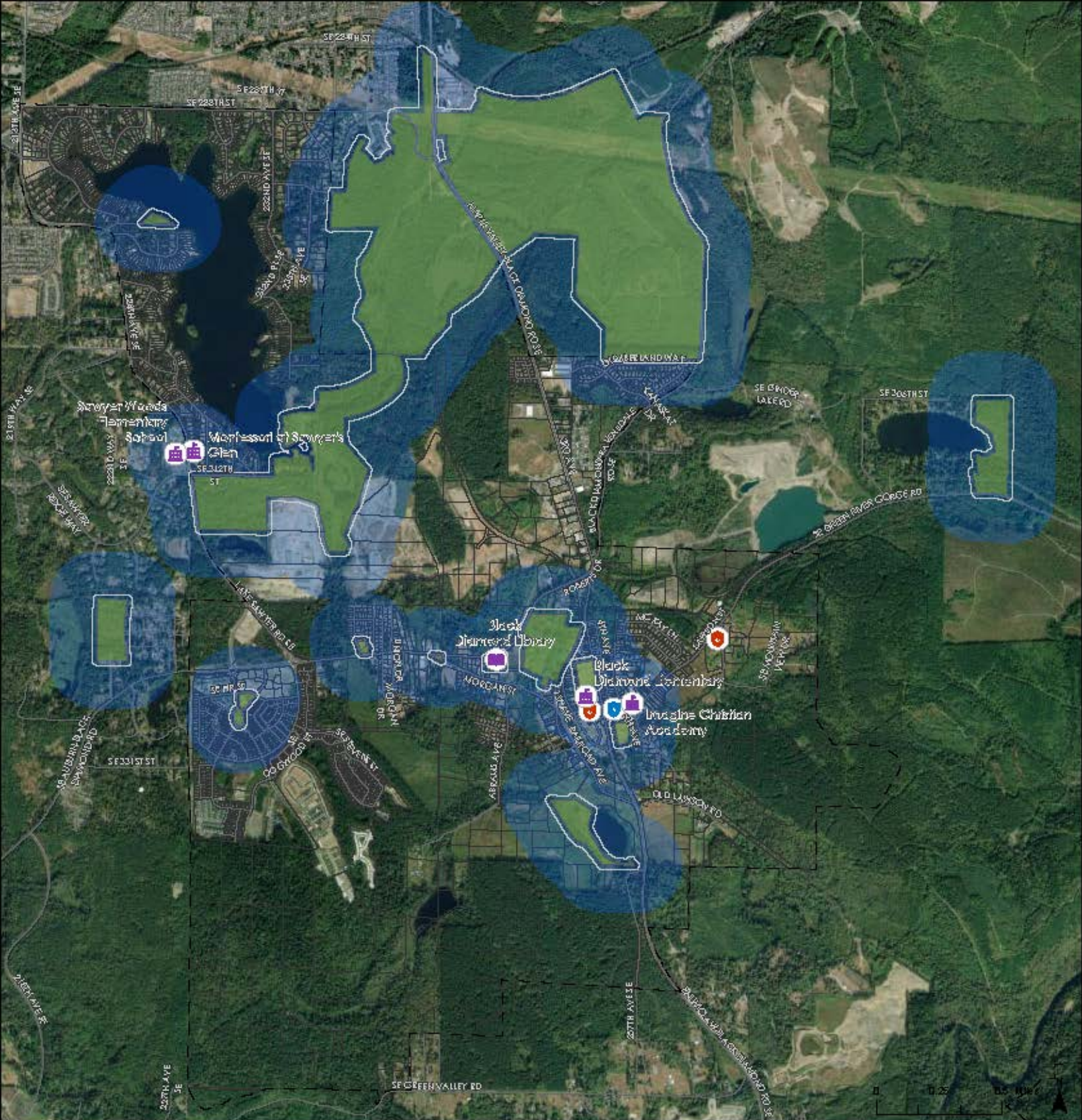
**PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 6<sup>TH</sup> DAY OF JULY, 2023.**

CITY OF BLACK DIAMOND

  
\_\_\_\_\_  
Carol Benson, Mayor

Attest:

  
\_\_\_\_\_  
Brenda L. Martinez, City Clerk



## Cannabis Restricted Entities in Black Diamond

Per RCW 69.50.331(8), the Washington State Liquor and Cannabis Board shall not issue a new cannabis license if the proposed licensed building is within one thousand feet of the following entities: Elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, game arcade (where admission is not restricted to persons age twenty-one or older). The distance will be measured as the shortest straight line between the property line of the potential location to the property line of the grounds of the restricted entity.

Recent legislation allows local governments to reduce the 1,000 foot buffer to 100 feet around all entities except elementary and secondary schools.

### Cannabis Restricted Entities

-  Library
-  School
-  Park

### Public Safety Buildings

-  Police Station
-  Fire Station

### City Limits

-  Tax Parcel
-  100 Foot Buffer
-  1,000 Foot Buffer



# PROJECT MEMO



**TO:** Mona Davis  
**FROM:** Nicole Stickney  
Tri-Cities - (509) 380-5883  
**DATE:** August 15, 2023  
**PROJECT NO.:** 2220914.30  
**PROJECT NAME:** Black Diamond Comprehensive Plan  
Periodic Update  
**SUBJECT:** Proposed Edits and Changes to the Parks, Recreation, and Open Space Element

Thank you for your preliminary review of the draft ***Parks, Recreation, and Open Space Element*** and accompanying Appendix document (drafts dated 6/5/2023) that we prepared, which we understand you distributed earlier this summer to the Planning Commission. The purpose of this memo is to follow up with a short summary documenting the key changes that have been made as we work to prepare an update to the City's Comprehensive Plan. We recommend that this memo be circulated to the Planning Commission with a request for feedback / comments or questions.

We will also provide this information (though likely in a different format) in a future staff report when we have a full draft ready for official public comment and a public hearing. This is because there were multiple edits, corrections and updates (including formatting refinements), and as such we only used "Tracked changes" to call out the proposed changes to the Goals and Policies.

In order to meet both the GMA and PSRC requirements and the City's goals, we have made the following updates. To perform our work, we reviewed the city's most recently adopted Parks, Recreation, and Open Space (PROS) Plan which was adopted in 2022, follow a public process; many updates that we have proposed for the Comprehensive Plan reflect and align with that document.

#### Summary of changes to Chapter 3, Parks, Recreation and Open Space:

- Chapter title edited to reflect PROS Plan title
- Added additional information and description to the introduction
- Added information about Washington State Recreation and Conservation Office (RCO) grants
- Incorporated Goals and Objectives from the PROS plan (as recommended by City staff and the Planning Commission)

#### Summary of changes to the Parks, Recreation, and Open Space Appendix:

- Added references and information about the Master Planned Developments
- Updates to various dates, facts, and statistics as needed, including updated references to the PROS Plan
- Updated inventory tables with data from the PROS Plan
- Overhauled the Level of Service (LOS) section to incorporate new LOS standards and ratings from the PROS Plan
- Updated the future needs section with new information from the PROS Plan

NS/cs

c: Wayne Carlson, AHBL  
Claire Swearingen, AHBL

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# PROJECT MEMO



**TO:** Mona Davis  
**FROM:** Nicole Stickney  
Tri-Cities - (509) 380-5883  
**DATE:** August 15, 2023  
**PROJECT NO.:** 2220914.30  
**PROJECT NAME:** Black Diamond Comprehensive Plan  
Periodic Update  
**SUBJECT:** Proposed Edits and Changes to the Natural Environment Element

Thank you for your preliminary review of the draft ***Natural Environment Element*** and accompanying Appendix document (drafts dated 5/24/2023 and 6/5/2023 respectively).

In order to meet both the GMA and PSRC requirements and the City's goals, we have made the following updates to the Natural Environment Element of the Black Diamond Comprehensive Plan.

#### Summary of changes to Chapter 4, Natural Environment:

- Added information regarding the Shoreline Master Program (SMP) to the Planning Framework section
- Updated policies associated with NE Goal 1 to reflect language and goals from the State and PSRC gap analysis checklists
- Added text and goals to the Climate Change and Air Quality sections to reflect State and PSRC requirements

#### Summary of changes to Natural Environment Appendix:

- Updated dates, facts, and statistics based on new information, including new data sources and updated City documents
- Updated fish species data for water bodies in Black Diamond based on new information from the Statewide Washington Integrated Fish distribution Map (SWIFDM), created by the Washington Dept. of Fish and Wildlife and the Northwest Indian Fisheries Commission
- Added information regarding wildfire impacts to the Air Quality section based on data from the Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA)
- Added a climate section, with data regarding climate change from the EPA and King County

We look forward to hearing more about the Planning Commission's preliminary review of these documents (ahead of any workshop or public hearing) and will provide future memos to accompany drafts as we proceed with the project.

NS/cs

c: Wayne Carlson, AHBL  
Claire Swearingen, AHBL

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