



CITY OF BLACK DIAMOND PLANNING COMMISSION AGENDA

June 11, 2024

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 May 7, 2024
- 2) Planning Commission Meeting of May 21, 2024

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:

STUDY/WORK SESSION:

- 3) Zoning and Future Land Use Map (FLUM) Study Session

UNFINISHED BUSINESS:

- 4) Open House Recap
- 5) Middle Housing Policies Memo

NEW BUSINESS:

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
MAY 7, 2024, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

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

Present: Commissioner Kelley Sauskojus
Commissioner Steve Jensen
Commissioner Knut Syversen joined at 6:17 via Zoom
Commissioner Pam McCain
Commissioner Darcey Peterson joined at 6:03
Commissioner John Olson

Excused: Chair/Commissioner Carol Morgan

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

APPROVAL OF MINUTES:

1) Regular Planning Commission Meeting of April 9, 2024 -

There were no changes to the April 9, 2024 minutes and they were approved as presented.

PUBLIC COMMENT - None

PUBLIC HEARING - None

STUDY/WORK SESSION - None

UNFINISHED BUSINESS - None

NEW BUSINESS –

2) Draft Introduction Element for the 2024 Comprehensive Plan –

3) Survey Results with updated Word Clouds -

Director Davis introduced Andrew Love from AHBL. Mr. Love proceeded to give a presentation with the highlights being as follows:

- Chapter 1: Introduction
 - Purpose of the Comprehensive Plan.
 - Accomplishments since the previous Comprehensive Plan Update.
 - Significant changes since the last update.

- Planning framework.
- Black Diamond vision.
- Word Clouds
 - Background
 - New Word Clouds
 - What does Black Diamond need more of?
 - What does Black Diamond need less of?

Commissioner Syversen joined via Zoom at 6:17 pm

4) Middle Housing Options

Director Davis introduced Nicole Stickney from AHBL. Ms. Stickney proceeded to give a presentation via Zoom with the highlights being as follows:

- Introduction
- Understanding Middle Housing
- What About Accessory Dwelling Units?
- Benefits of Middle Housing
- Middle Housing Development Regulation Options
- Required Elements for Middle Housing Regulations
- Optional Elements for Middle Housing Regulations
- Discussion Items and Next Steps
- Additional Information and Resources

Extensive back and forth discussion between the Commissioners and Director Davis took place.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT -

Director Davis reported on the following items:

- Director Davis is actively working on a more updated version of the Work Plan for the Commissions.
- Schedules for the periodic update will need to be adjusted because there are various consultants that contribute to the work of the periodic update to the Comprehensive Plan.
 - The Transportation Element is scheduled for the additional special meetings of the Planning Commission which is being held in May and June.
 - The draft transportation element will be rolled out in 2 parts
 - 1st part being presented by Parametrix on May 21st.
 - 2nd part being presented on June 25th.

- It's anticipated that the full draft of the Comprehensive Plan will be completed by the end of June.
- She reminded the Commissioners that they will also be updating development regulations necessary to comply with the goals and policies, particularly around middle housing regulations.
 - Additionally, work needs to be done to complete the Sign Code and update the zoning code with code amendments for Cannabis regulations and BESS. It's anticipated that the BESS draft regulations will be worked on early this summer.
- Director Davis stated that staff will be bringing the Sign Code back for review after meeting with the stakeholders at the regular June 11th meeting.
- Additional meeting on Thursday, May 9th which is a joint meeting with the City Council at their regularly scheduled Work Session. There will be a presentation on the Battery Energy Storage System (BESS).
- Director Davis gave an update on the Community Open House which was on April 30th. Approximately 35 members of the public attended. They gave updates on the Comprehensive Plan, Future Land Use Map, and the Zoning Map.
- Community Development is operating on reduced staffing right now. There is a vacancy for a Senior Planner as well as a Permit Tech.
- Dock construction is almost completed at the Lake Sawyer Boat Launch Park which is expected to be completed by Memorial Day Weekend.
- The Skatepark will be going out to bid this month with construction anticipated this summer.

PUBLIC COMMENTS – None

ADJOURNMENT -

Commissioner Peterson moved to adjourn, **second** Commissioner McCain **Vote**, motion **passed** 6 - 0. Meeting adjourned at 7:25 p.m.

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

ATTEST:

John Olson, Vice Chairperson

Carina Thornquist, Planning
Commission Secretary



CITY OF BLACK DIAMOND
PLANNING COMMISSION SPECIAL MEETING MINUTES
MAY 21, 2024, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

Vice Chairperson Olson called the meeting to order at 6:02 p.m.

Present: Commissioner Kelley Sauskojus
Commissioner Knut Syversen
Commissioner Pam McCain
Commissioner Darcey Peterson
Commissioner John Olson

Excused: Chair/Commissioner Carol Morgan
Commissioner Steve Jensen

Staff: Community Development Director, Mona Davis
Deputy City Clerk, Carina Thornquist
IT Staff, Jake Kapsandy
Public Works Director, Scott Hanis

APPROVAL OF MINUTES: None

PUBLIC COMMENT -

Kristen Bryant, Bellevue spoke to the Commissioners.

PUBLIC HEARING - None

STUDY/WORK SESSION - None

UNFINISHED BUSINESS - None

NEW BUSINESS -

1) Transportation Element for the 2024 Comprehensive Plan –

Director Davis introduced Rachel Graff and Alex Atchison from Parametrix who gave a PowerPoint presentation with the highlights as follows:

- What is included in the Transportation Element?
- Existing Conditions
 - Roadway Network
 - Pedestrian Facilities
 - Bicycle Facilities
 - Transit
 - Freight

- Operations
 - Safety
- Policy Updates
 - Updates to Transportation Policies
 - Draft Transportation Goals and Policies

Extensive back and forth discussion between the Commissioners, Director Davis, Director Hanis, Ms. Graff, and Ms. Atchison took place.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT - None

PUBLIC COMMENTS –

Kristen Bryant, Bellevue, spoke to Commissioners.

ADJOURNMENT -

Commissioner McCain moved to adjourn, **second** Commissioner Syversen **Vote**, motion **passed** 6 - 0. Meeting adjourned at 6:57 p.m.

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

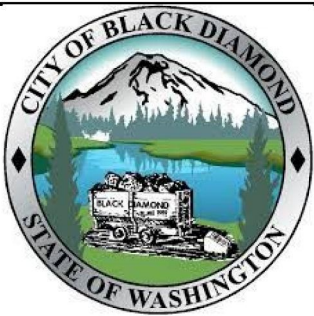
ATTEST:

John Olson, Vice Chairperson

Carina Thornquist, Planning
Commission Secretary

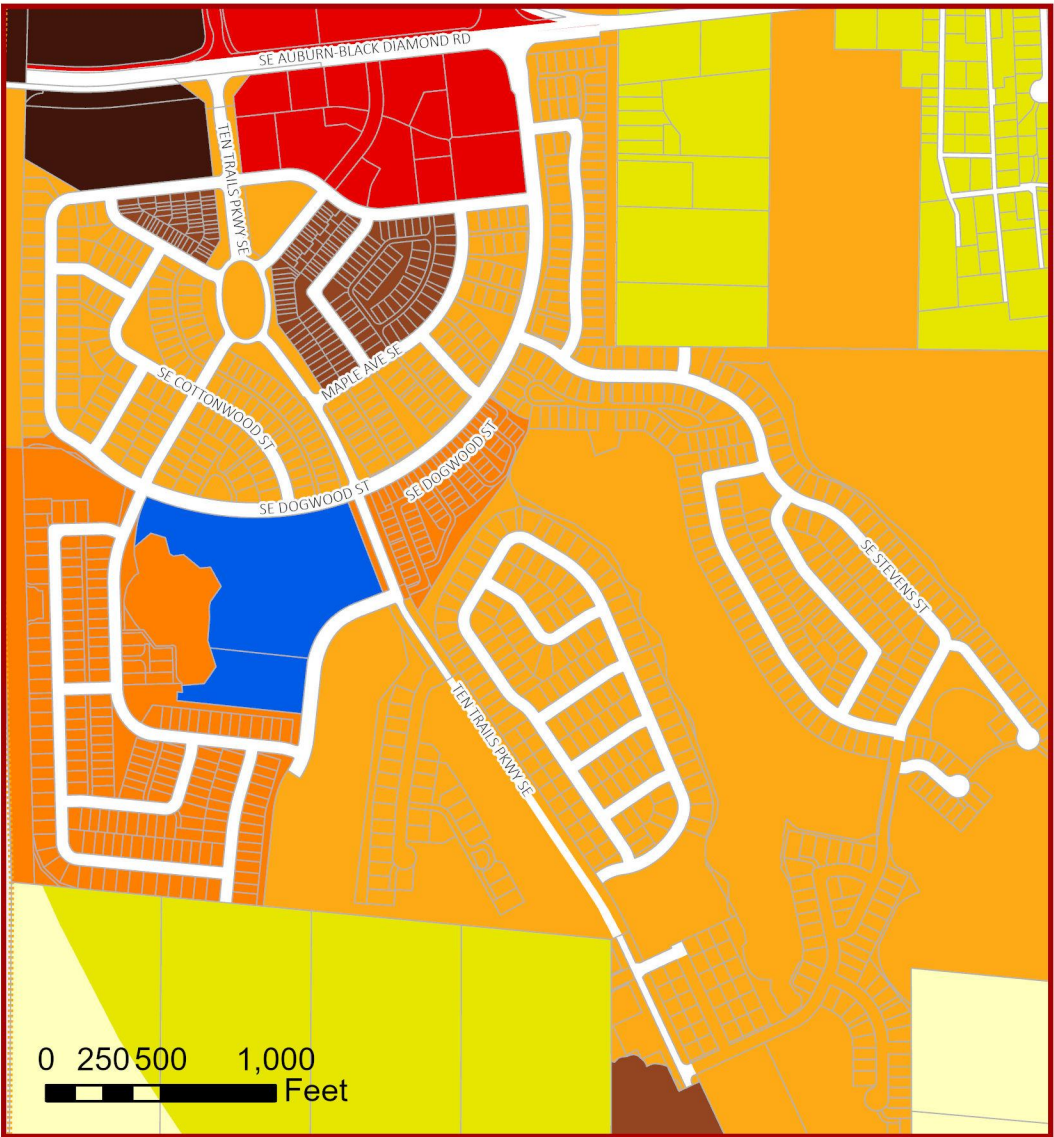
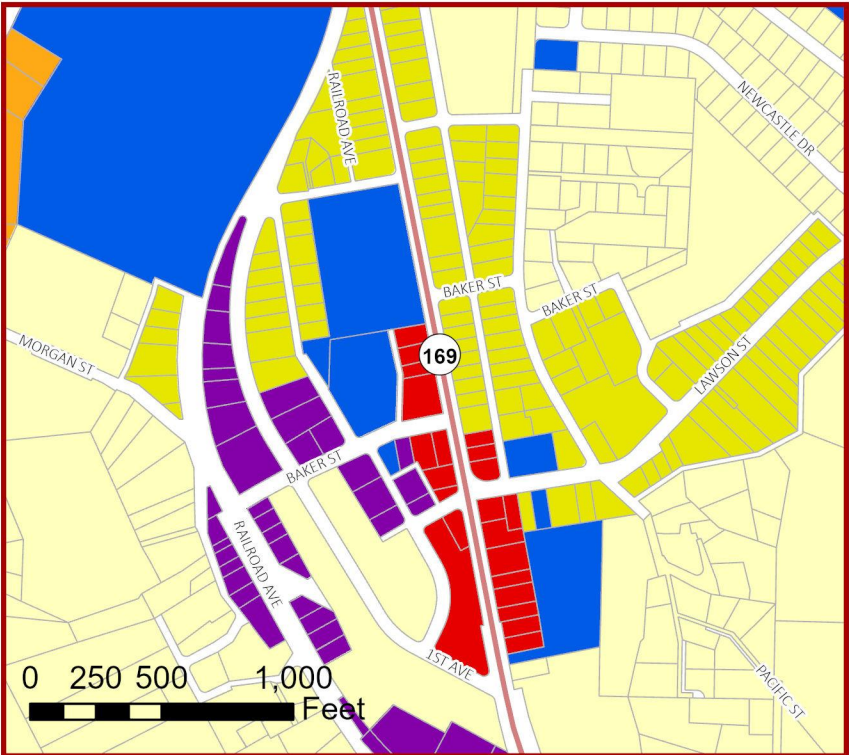
City of Black Diamond PROPOSED ZONING MAP

DATE: April 26, 2024



DRAFT

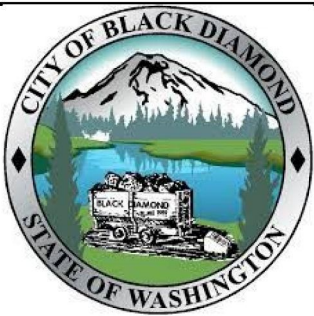
- City Limits
- UGA
- R4
- R6
- MDR8
- MDR8-L
- MDR12
- MDR12-L
- HDR18
- HDR18-L
- HDR30
- NC
- CC
- TC
- B/IP
- I
- PUB



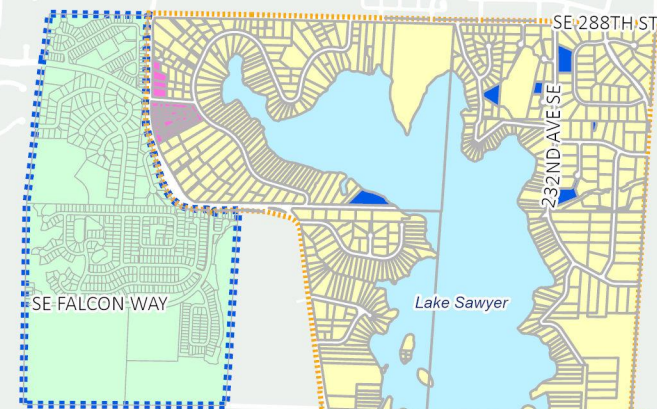
City of Black Diamond

PROPOSED FUTURE LAND USE MAP

DATE: April 26, 2024



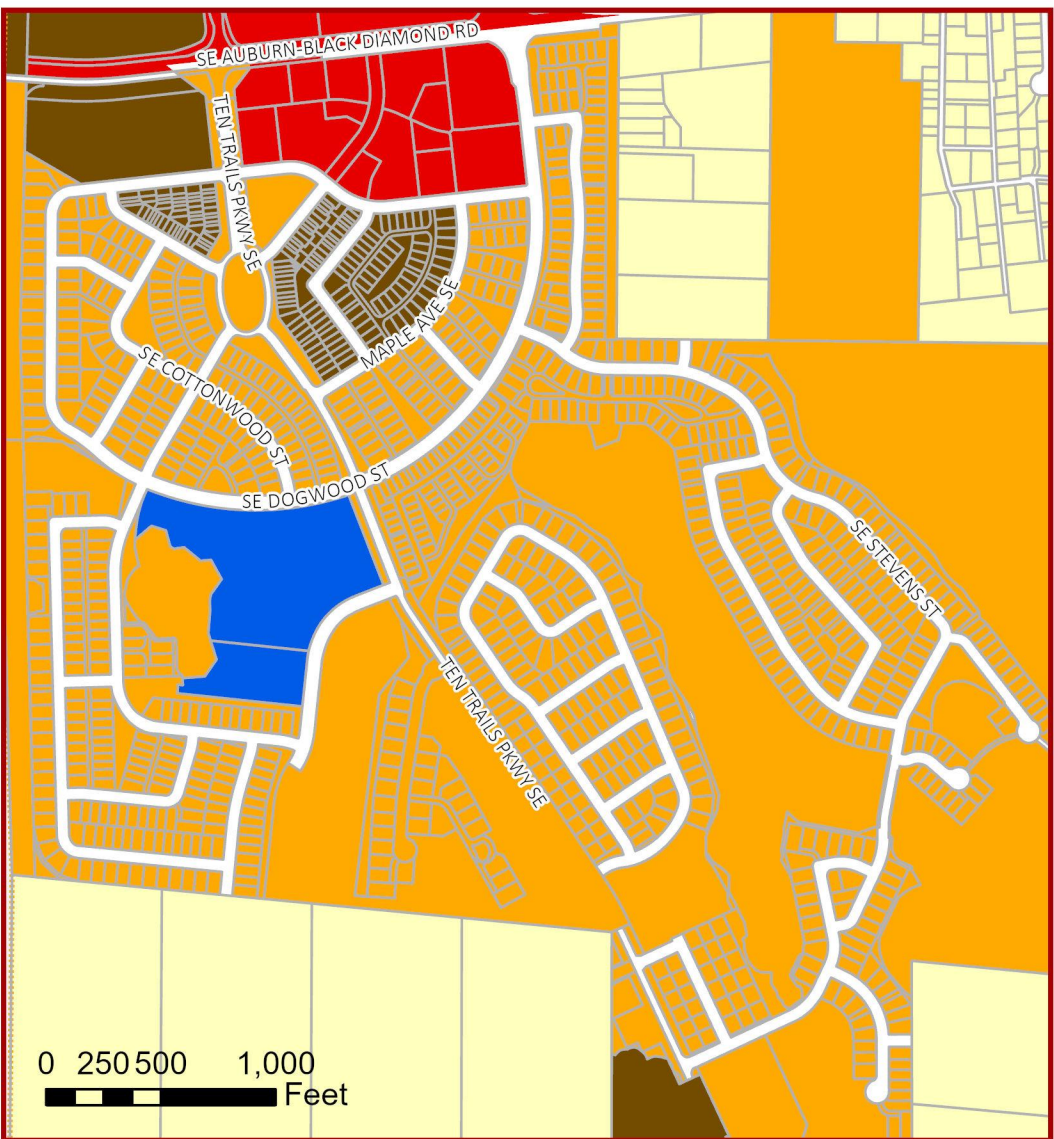
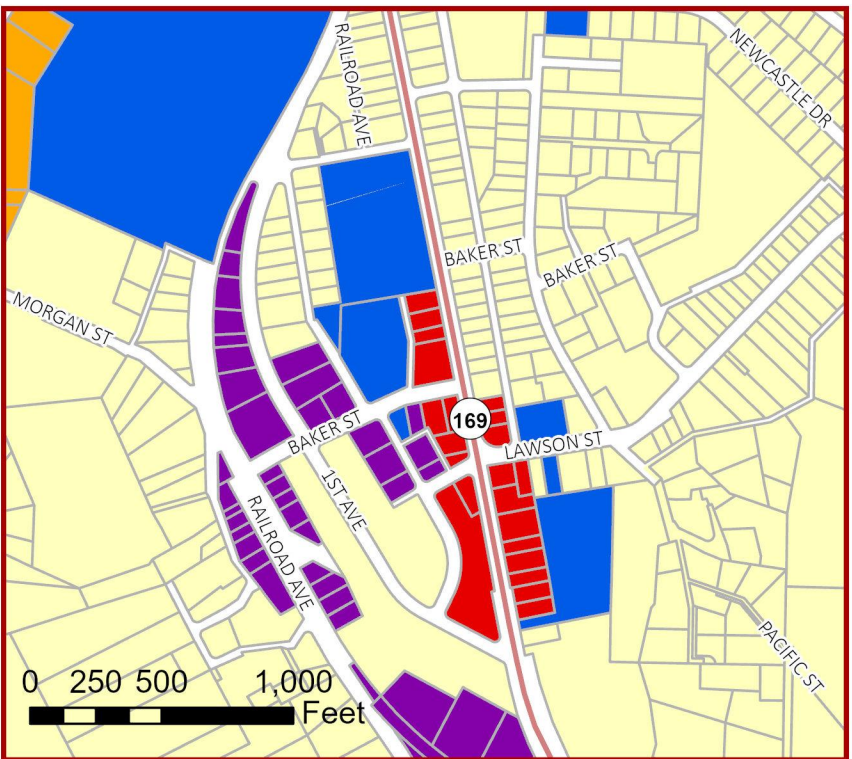
DRAFT



- City Limits
- UGA
- Low Density Residential
- Medium Density Residential
- Medium Density Residential Limited
- High Density Residential
- High Density Residential Limited
- Neighborhood Commercial
- Community Commercial
- Town Center
- Business Park & Light Industrial
- Industrial
- Public
- UGA/PAA



0 0.5 1 2 Miles



PROJECT MEMO



TO:	Mona Davis	DATE:	May 20, 2024
FROM:	Nicole Stickney, AICP Tacoma - (253) 383-2422	PROJECT NO.:	2220914.30
		PROJECT NAME:	Black Diamond 2024 Comprehensive Plan Update
SUBJECT:	Task 2.2.6 – April 30, 2024 Open House Summary		

As part of Task 2.2.6 of the City of Black Diamond Comprehensive Plan Update project, we have prepared this memorandum summarizing the purpose and results of the open house, as well as the materials prepared for and created by the open house. Andrew will ensure this summary and the presentation are added to the City's comprehensive plan project webpage.

Summary

The purpose of the event was to provide a high-level overview of the progress made since the Kick-Off event last year in March 2023. Prior to the Open House all Elements were drafted and compiled into a single document (aside from the Transportation Element, which remains in production and is through a separate contract with a different consultant). We also presented initial drafts of the proposed Future Land Use Map (FLUM) and Zoning Map. There is a separate memo which details changes incorporated into those proposed maps.

The event was well-attended by a mixture of elected officials, Planning Commissioners, around eight city staff members, and at least 30 people from the general public. The event was widely advertised with multiple social media posts, by posting flyers around town, and sending email invites to parties of record and all of these efforts helped to spread the word and encourage as many attendees as possible.

The following materials were available to the public at the workshop:

- Comment cards
- Sign-in sheet with option to be added to the interested parties list

Desserts and beverages including coffee were also provided.

AHBL prepared large several boards that were used during the presentation and displayed in view of the audience:

- Unofficial, existing FLUM that was adopted in 2019 (symbology changed for easier comparison to proposed FLUM)
- An unofficial, existing Zoning Map of 2024 (symbology changed for easier comparison to proposed Zoning Map)
- An unofficial, initial draft FLUM

In addition, an unofficial, initial draft zoning map was projected on the screen after the presentation.

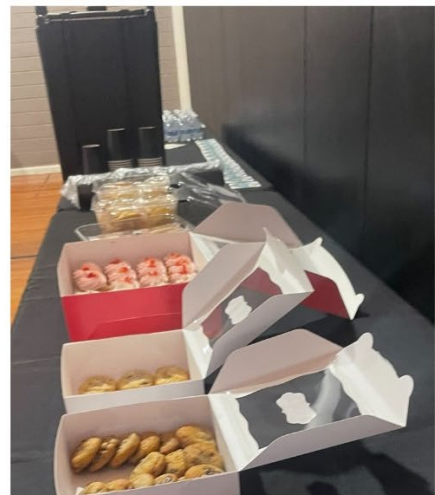
Nicole presented a series of slides and gave a high-level overview of major updates since the kick-off meeting in March 2023. She noted how public feedback and agency checklists helped guide the draft updates to the plan. Other key points included brief summaries of the updates to each chapter (except the Transportation Element) and the rollout of the initial FLUM and Zoning Map drafts. People in attendance have seemed to enjoy the online mapping tool (<https://engage.ahbl.com/BD2024/BD-map-comparison>) that shows a sliding comparison of the “before” and “after” maps, and it was also useful to have larger versions of the maps printed.



What We Heard

- **FLUM and Zoning Map:** We did not hear any major concerns or comments from attendees regarding the initial drafts of the FLUM and Zoning Map. In general, people liked the opportunity to know what some areas around town are currently designated and how many areas would have the same future land use or zoning. Several people did express confusion over the zoning acronyms, and this is something we need to consider when talking about zones to the public and when producing maps. One of the Planning Commissioners expressed they would like to see an area of older homes on 3rd Avenue be used for commercial or mixed uses in the future.
- **Miscellaneous:** Many people expressed their appreciation for the opportunity to talk to city staff regarding development around town, roadway construction projects, and proposed commercial uses.
- **Board Comment:** One individual included a sticky note on the unofficial, existing FLUM which encourages mixed use development in the general area of Old Town near SR 169/ 3rd Avenue.
- **Comment Card:** As of the date of this memo, we have received one comment card from the open house that reads, "Trails, walking/biking, connect BDOS [Black Diamond Open Space] to skatepark."

Open House Photos





NS/ajl

c: Scott Hanis, Andy Williamson – City of Black Diamond
Wayne Carlson, Andrew Love – AHBL

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PROJECT MEMO



TO:	Mona Davis, Community Development Director	DATE:	June 3, 2024
FROM:	Nicole Stickney, AICP Seattle - (206) 267-2425	PROJECT NO.:	2230833.30
		PROJECT NAME:	Black Diamond Middle Housing
SUBJECT:	Middle Housing Policies Memo (HB 1110)		

Background

In April we supplied a memo on “Middle Housing Options” in which we provided background information and details about HB 1110, explained what Middle Housing is (and is not), discussed the benefits of Middle Housing, outlined the options available to the city to amend the development regulations, and so forth. We also identified discussion items for the Planning Commission / City Council and outlined some of the next steps.

In this memo, we will provide an assessment of the city’s existing and proposed Comprehensive Plan policies pertaining to middle housing and provide some general recommendations. Our objective is to review the Land Use, Housing, and Capital Facilities and Utilities elements of the City’s draft Comprehensive Plan to explore opportunities to remove impediments and incentivize the production of middle housing units within the City of Black Diamond by removing, editing, or adding goals and policies.

Comprehensive Plan Periodic Update - Status

As you are aware the city is still in the midst of the periodic update to the Comprehensive Plan. This is a lengthy process that requires research, editing, review of city documents in relation to state and regional plans, and so forth. The process is also characterized by a thorough public participation process.

The City’s Planning Commission has reviewed all draft elements with the exception of the Transportation Element, which is forthcoming. The most recent versions of the drafts are labeled “City of Black Diamond Comprehensive Plan Update Draft – March 2024” in the document footer and are compiled on the city’s project webpage at <https://www.blackdiamondwa.gov/comprehensive-plan/pages/draft-documents>.

Analysis

Part One: Comprehensive Plan Policies

In the following chart we list selected policies which relate either directly or indirectly to middle housing and note the ways in which each policy may be supportive of middle housing development or a barrier to it. (Please note that we have not indicated if policies are existing, proposed new, or proposed to be amended.)

For each policy we have indicated if the policy appears to be very supportive, supportive, or neutral for middle housing (with color coding) and flagged policies which, as written, could present potential barriers.



POLICY IDENTIFIER	STATEMENT	ASSESSMENT
Policy LU3-3	Use building design, zoning regulations, and design standards, together with signage regulations, to promote the development of buildings of a character and scale appropriate to the site and foster building variety while providing for designs that reflect the distinctive local character, historical character, and natural features.	Potential Barrier – Design standards can result in features which add to a project's cost and slow down the permitting time. <i>How this policy could be improved:</i> Remove “building design” and “design standards” or be more specific on how they do/ don't apply. Note: HB 1110 has narrow provisions for design review, and the process for reviewing compliance with middle housing design standards is limited to an administrative, objective process.
Policy LU3-8	Integrate significant natural areas (wetlands, streams, steep slopes, geologic hazards, and flood hazard areas) into protected open spaces, where feasible.	Potential Barrier – this requirement could lead to increased project costs, potentially preventing affordable housing from being built or making it more difficult for a project to “pencil.” <i>How this policy could be improved:</i> Amend the policy to be clearer and to ensure it does not become a barrier.
Policy LU4-1	Promote the preservation and rehabilitation of historically and culturally valuable buildings and sites.	Supportive – this policy may boost the potential for middle housing development.
Policy LU6-1	Give priority to infill development within the city limits and existing urbanized unincorporated areas.	Supportive – this policy may boost the potential for middle housing development.
Policy LU7-1	Promote a variety of housing types to provide homes for all income levels and all family sizes on a mix of small and large lots.	Very Supportive – this policy directly supports the production of middle housing.
Policy LU7-2	Residential development patterns must allow for efficient provision of public services and utilities.	Supportive – this policy may boost the potential for middle housing development.
Policy LU12-8	Maintain open communications between the City and the School Districts which serve the community and encourage the location of schools in close proximity to existing or proposed residential areas when feasible, in a manner that is compatible with surrounding development.	Supportive – this policy may boost the potential for middle housing development.



POLICY IDENTIFIER	STATEMENT	ASSESSMENT
Policy H1-1	Use building design, zoning regulations, and design standards to promote the development of buildings with character and scale appropriate to the site and foster building variety while providing for designs that reflect the distinctive local character, historical character, and natural features.	Potential Barrier – Design standards can result in features which add to a project's cost and slow down the permitting time. <i>How this policy could be improved:</i> Remove “building design” and “design standards” or be more specific on how they do/ don't apply Note: HB 1110 has narrow provisions for design review, and the process for reviewing compliance with middle housing design standards is limited to an administrative, objective process.
Policy H1-2	Promote a variety of residential densities and moderate density housing types, including but not limited to duplexes, triplexes, and townhomes.	Very Supportive – this policy directly supports the production of middle housing.
Policy H1-4	Provide a balance of dwelling unit types, residential densities, and prices within the City.	Supportive – this policy may boost the potential for middle housing development.
Policy H1-5	Provide flexibility in zoning and subdivision regulations to encourage a diversity of owner and rental housing types to ensure capacity to accommodate growth. A diversity of types and styles should include attached and detached units.	Supportive – this policy may boost the potential for middle housing development. <i>How this policy could be improved:</i> After “Provide flexibility.... regulations” add the phrase “and promote innovative techniques” which will better align with the PSRC VISION 2050 item #MPP-H-10
Policy H1-6	Coordinate with PSRC and appropriate agencies to achieve the goals of the Regional Housing Strategy.	Very Supportive – this policy directly supports the production of middle housing
Policy H1-10	Monitor housing supply, type, and affordability to maintain diversity and affordability.	Very Supportive – this policy directly supports the production of middle housing <i>How this policy could be improved:</i> add the phrase “with a particular focus on the capacity for moderate density housing, i.e., “missing middle” which will better align with the PSRC VISION 2050 item #MPP-H-9



POLICY IDENTIFIER	STATEMENT	ASSESSMENT
Policy H2-1	Work with King County, other local governments and appropriate agencies and programs to maintain an adequate amount the City's "fair-share" of affordable housing and provide affordable homeownership opportunities for extremely low, very low-, low-, and moderate-, and middle-income households.	Supportive – this policy may boost the potential for middle housing development.
Policy H2-2	Eliminate unnecessary or excessive requirements that create barriers to affordable housing.	Very Supportive – this policy directly supports the production of middle housing. Consider adding another policy to address how permit processes can be streamlined or foster programs that could be helpful (such as pre-approved building plans for duplexes).
Policy H2-5	Incorporate the Housing Action Plan implementation strategies to overcome the lack of access to affordable housing options.	Supportive – this policy may boost the potential for middle housing development.
Policy H4-1	Encourage private reinvestment in residential neighborhoods and private rehabilitation of housing by providing information, technical assistance, and referrals to appropriate agencies and organizations.	Supportive – this policy may boost the potential for middle housing development.
Policy H4-3	Encourage housing design and development that promotes public safety including "Crime Prevention through Environmental Design" components.	Neutral – this policy does not include a requirement for CPTED, but merely states it should be encouraged
Policy H4-9	Encourage new developments and redevelopment to be compatible with existing and planned neighborhood character such as through design and landscape features.	Potential Barrier – requiring "compatibility" could lead to a non-objective process being used and prevent middle housing projects from being built affordability (or prevent them from being built at all if they are not considered "Compatible.") However, the beginning verb of "encourage" moderates how specifically this may be applied. <i>How this policy could be improved:</i> Consider removing this policy or amending it to be more direct, for example, ensure landscaping standards are in place to foster attractive residential development.



POLICY IDENTIFIER	STATEMENT	ASSESSMENT
Policy CFU-1.7	Require underground installation of existing utility lines when significant site improvements or development occur, with street improvement projects, or through a local improvement district.	Potential Barrier – requiring undergrounding of utilities can add to a project cost. <i>How this policy could be improved:</i> Consider amending the policy to be flexible for low income or missing middle development.
Policy CFU-1.8	Require architectural screening for above-ground utility structures such as transformers and vaults.	Potential Barrier – requiring architectural screening can add to a project cost. <i>How this policy could be improved:</i> Consider amending the policy to be flexible for low income or missing middle development.
Policy CFU-2.5	Include alternative design and construction techniques in the City's design standards to minimize sensitive area impacts and allow for new technologies that have proven efficiencies.	Supportive – this policy may help to boost the potential for middle housing development as it could potentially provide relief from strict requirements or options.
Policy CFU-8.1	Coordinate with school districts serving the City to encourage the provision of safe, secure, and permanent education space for all students. Provide frequent updates on platting and permitting activity (housing) within the city to the school districts.	Supportive – this policy may help to boost the potential for middle housing development.
Policy CFU-8.6	Require that new development pay the appropriate school impact fees to the school district.	Potential Barrier – collecting fees for housing construction can increase project costs, potentially preventing affordable housing from being built or making it more difficult for a project to “pencil.” <i>How this policy could be improved:</i> Consider adjusting the policy to require new market-rate development to pay the appropriate school impact fees (or providing a discount for housing intended for families earning below a certain percent of the AMI).

Additional notes on Table 1:

1. When we scanned for policies to list in the above chart, we took care to look for policies that would relate to parking, lot size standards, requirements for driveways, landscaping, and so forth that could lead to potential barriers, but we found that the Comprehensive Plan (appropriately) does not go into these types of details.
2. The City's Comprehensive Plan does not set out maximum density provisions/ limitations, which could have presented a problem or barrier for Middle Housing implementation.



3. We have already proposed the removal of a policy under Land Use Goal #10 which reads “Promote quality in the design and construction of development through the use of design guidelines to maintain or enhance community character” which is problematic language and appears to be in conflict with the provisions of HB 1110.

Part Two: Review of South King County Affordable Housing Preservation Strategies

In Spring 2024 the South King Housing and Homelessness Partners (SKHHP) circulated a document containing three goals, with 17 related policies and a list of implementing actions for each goal. We reviewed the document to identify if any suggested policies could be incorporated into the City of Black Diamond’s comprehensive plan to support the Middle Housing regulations project. There were none, however, as the policies were uniquely focused on the preservation of the existing supply of affordable housing, the preservation of existing rental housing stock, and preventing displacement of community members. This is not to say that the policies aren’t beneficial and could be considered in the process of updating the Comprehensive Plan; rather, the policies just don’t have a direct nexus with the middle housing effort.

Part Three: Review of Commerce’s Middle Housing Model Ordinance User Guide

We reviewed the User Guide for Middle Housing Model Ordinances as provided by the State Department of Commerce (dated January 26, 2024) in hopes that we could find recommended policy language. Instead, the document remains focused on development regulations.

Nonetheless, in carefully reviewing the “Discussion” section we generated the following ideas:

- Consider adding a policy that pertains to building accessibility (i.e., ground floor/ above ground floor with stairs vs. elevators). Commerce notes, “fourplexes and courtyard apartments may provide more opportunities for accessible housing than stacked flats and townhouses. However, the provision of accessible housing should not be viewed competitively... [provide] more choice of housing for people at all stages of life and at different points on the spectrum of physical mobility...” *We don’t have a suggested draft policy for this topic at this time.*
- Consider adding a policy that requires design standards for middle housing to address compatibility with single-family homes, which can be done “even if there are no design standards for single-family houses in place” in order to ensure that the middle housing structures are “buildings that are compatible in scale, form, and character with single-family houses...” as stated in RCW 36.70A.030. RCW 36.70A.635(6)(a) sets out the administrative design review process, which the city can use to apply objective design standards.
- Consider adding a policy providing a framework and a basis for Common Open Space requirements (development regulations) for Cottage Housing. By its very nature Cottage Housing emphasizes shared outdoor areas, and the city can codify requirements for what must be provided within the framework of HB 1110.
- A policy to balance the “practical need for vehicular access while prohibiting designs that are dominated by multiple garages and driveways along a street, which can have significant impacts on the walkability and visual character of residential neighborhoods” could be introduced.
- The International Building Code (IBC) pertains to structures with three or more units and the IBC standards are more extensive and costly than the International Residential Code (IRC). The IRC applies to buildings with one or two dwelling units and to townhouses that not more than three stories above grade and with a separate means of egress. The City could determine that it wants to increase flexibility and could update the locally adopted version of the IRC and IBC to allow structures with up to six units to be built under the IRC. Consider adding a policy that says, “Study the potential benefits and drawbacks



of modifying the locally adopted version of the IRC to allow structures with up to six units to be built under that code.”

Part Four: Review the City’s Housing Action Plan

After reviewing the City’s Housing Action Plan we identified the following could be helpful:

- Set out a policy to study if the City would like to establish a multi-family tax exemptions (MFTE) program; it appears that although Black Diamond was not previously eligible due to size there was new legislation passed that would allow for such a program to be established. (While we have already added language about the MFTE under the “Affordable Housing Programs” section, no new policy has been proposed).
- Set out a policy to consider offering density bonuses in exchange for affordable units so as to mandate or incentivize the development of more affordable units in the future.

NS/ns

c: Wayne Carlson, FAICP and Andrew Love, AICP – AHBL, Inc.

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PROJECT MEMO



TO: Mona Davis, Community Development Director
FROM: Nicole Stickney, AICP
Seattle - (206) 267-2425
DATE: April 10, 2024
PROJECT NO.: 2230833.30
PROJECT NAME: Black Diamond Middle Housing
SUBJECT: Middle Housing Options Memo (HB 1110)

Introduction

In 2023 the Washington State Legislature passed [E2SHB 1110](#) ("HB 1110") which amended the Growth Management Act (GMA)¹ and requires cities make it easier to build middle housing. Middle housing is an umbrella term that refers to buildings or groupings of buildings that are similar in size and style to single-family homes but include multiple units on one lot.

HB 1110 defines "Middle housing" as:

"buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing."

Cities subject to HB 1110 are required to implement the requirements no later than 6 months following the next periodic Comprehensive Plan update due date. For the City of Black Diamond, compliance with HB 1110 will be required by June 30, 2025.

Under HB 1110, Black Diamond is considered a "Tier 3" city, which are cities with a population under 25,000 that are contiguous with a UGA that includes the largest city in a county with a population over 275,000 (HB 1110, Sec. 3(1)(c)). **As a Tier 3 city, the City must allow for a minimum of two middle housing units per lot on all lots that are zoned predominantly for residential use.**² In the City of Black Diamond, this is likely to apply to the R4, R6, and MDR8 zones.

To accommodate the density of middle housing and account for the differences between it and single-family homes, the City may establish objective design and development standards that differ from those for single-family homes. However, these standards cannot be more restrictive than those for single-family homes. Alternatively, the City may employ an administrative design review process to apply these design standards.

The City of Black Diamond received a grant from the Department of Commerce to help cover the costs associated with adopting regulations to plan for and accommodate middle housing. This memo provides the community and elected officials with background information on HB 1110, as well as some ideas and issues that the City may consider as it develops its middle housing regulations.

Understanding Middle Housing

Washington State is facing a significant housing crisis due to its growing population and deficit of housing stock. To combat this, the state estimates that 1.1 million new homes will need to be constructed over the next 20 years.³ According to the Department of Commerce, over half of these homes will need to be affordable to low-

¹ The main provisions of HB 1110 are codified in RCW 36.70A.635 through RCW 36.70A.638. HB 1110 has been amended by a trailer bill, [ESHB 2321](#), which alters some of its requirements for Tier 3 cities.

² Some exceptions apply, including lots or portions of lots that contain critical areas or their buffers and lots that were created through the splitting of a single residential lot.

³ <https://www.commerce.wa.gov/news/washington-state-will-need-more-than-1-million-homes-in-next-20-years/>



income households, or those who earn below 50% of the area median income (AMI). Another 25% of these homes will need to be affordable to those who make between 50% to 120% AMI. Continuing to build new single-family homes would not satisfy these needs. Instead, building middle housing at higher densities can help accommodate this need by providing more affordable homes as well as providing diverse housing types that meet the needs of different family sizes and income levels.

Middle housing is a category of housing types that are designed to be compatible in scale and form with single-family houses. These types offer a variety of attached, stacked, or clustered homes and are intended to bridge the gap between single-family homes and mid-rise apartment buildings.



Source: Opticos Design, Inc

Middle housing comes in different shapes and sizes. "Small" middle housing types are equal to or similar in size to a typical single-family house footprint. They include duplexes (two units), triplexes/fourplexes (3-4 units), and cottage housing (3-10 units).



Duplex Stacked
2 units



Duplex Side-by-Side
2 units



Cottage Housing
3-10 units



Triplex/Fourplex
3-4 units

Source: Washington State Department of Commerce, Opticos Design, Inc.

"Medium" middle housing types are slightly larger than "small" types but still similar to a typical house in building footprint size, and they have heights up to 2.5 stories. These include medium multiplexes (5-10 units), courtyard apartments (6-16 units), and townhouses (multi-story units with shared walls).



Multiplex Medium
5-10 units



Courtyard Medium
6-16 units



Townhouse Medium
1 unit



Stacked Triplex
3 units

Source: Washington State Department of Commerce, Opticos Design, Inc.

"Large" middle housing types are taller (3-4 stories) and slightly wider and deeper than "small" and "medium" types, but they can still fit on the typical lot sizes found in residential neighborhoods. These include large multiplexes (7-18 units), large courtyard apartments (20-28 units), and large townhouse developments. However, "large" middle housing types require more care to ensure that they are articulated and fit with the scale of surrounding smaller-scale residential buildings.



Multiplex Large
7-18 units



Courtyard Large
20-28 units



Townhouse Large
1 unit

Source: Washington State Department of Commerce

What About Accessory Dwelling Units?

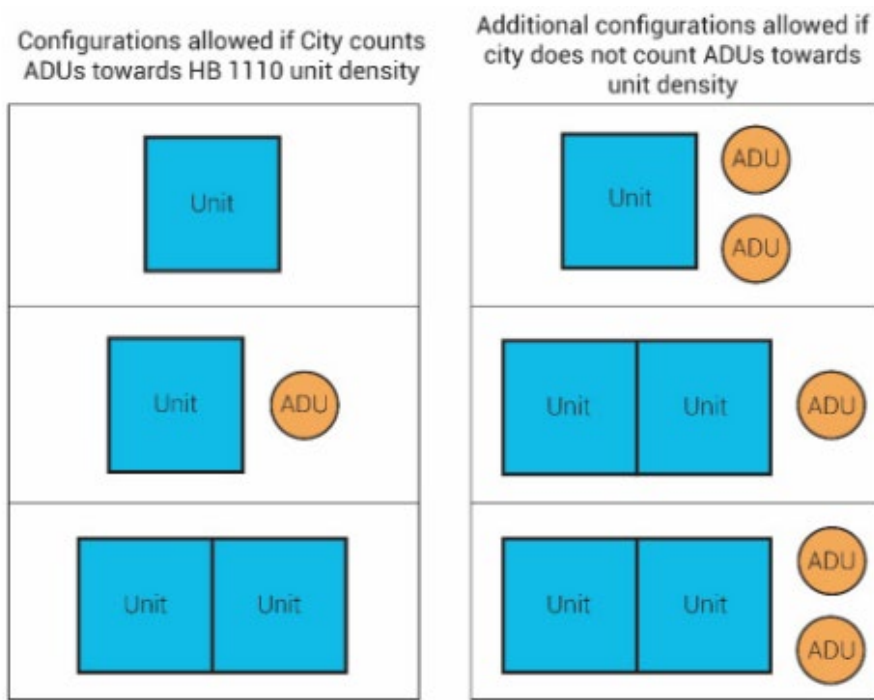
In addition to passing HB 1110 last year, the Washington State Legislature also passed HB 1337 which focuses on ADUs. HB 1337 requires cities and counties within urban growth areas to allow at least two ADUs on all lots zoned for single-family homes.

To meet the requirements of both laws, the City must allow up to two ADUs on all lots zoned for single-family homes. Additionally, the City must allow middle housing to achieve the required unit count. ADUs may help to achieve the required unit count, but they alone cannot be used to meet the requirements of HB 1110 (meaning the City must allow middle housing but can satisfy the unit count with ADUs).

Because the City is only required to allow two units per lot, if the City chooses to count ADUs towards the unit count, it could result in a situation where ADUs were not permitted on a lot that already includes two units of middle housing. This could conflict with the requirements in HB 1337. **The City should consider carefully if it**



would like to count ADUs towards the unit count and consult with the City Attorney to make sure the City's middle housing regulations comply with HB 1337.



*Configurations allowed in the Model Ordinances where the base unit density is two units on lots zoned predominantly for residential use.
Source: MAKERS*

Source: MAKERS

Benefits of Middle Housing

The City's housing supply is comprised primarily of single-family homes, though this is changing. According to the OFM Postcensal Estimate of Housing Units (2023), approximately 82.4% of the City's housing supply is single-family housing. However, the City has experienced an increase in the development of multi-family housing in the last few years through the Master Planned Developments (MPDs). The MPDs will add around 1,520 multi-family units to the City, according to the City's Housing Action Plan. Additionally, there are two manufactured home communities in the City providing about 150 homes. One of these communities is owned by the King County Housing Authority and reserved for low-income seniors (age 55+).

Despite the gains in multi-family housing that will be made through the MPDs, the City could still benefit from the addition of middle housing types. The multi-family units built under the MPDs often feature premium interior and exterior finishes and amenities, which drives up the cost of housing. This makes these units unaffordable for individuals with lower incomes.

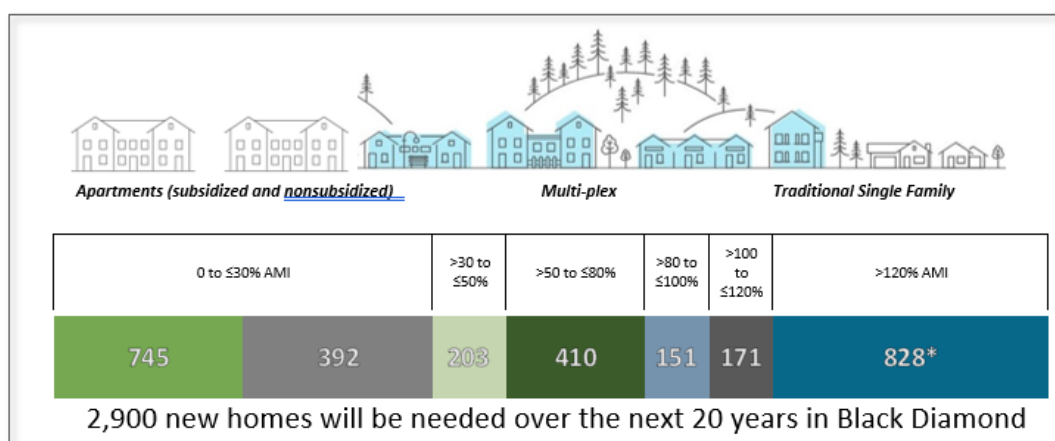
Middle housing (particularly if it is built with affordability in mind) can provide more options for low-income earners who face limited availability due to the market being geared towards higher-cost, detached homes. By offering a variety of housing types, Black Diamond can attract and retain a diverse population, including professionals who may work in industries with comparatively lower incomes but are essential to the community, such as teachers, police officers, firefighters, and others.



Meeting the City's Growth Targets

Black Diamond is expected to plan for an increase of 2,900 housing units by 2044, as per the King County Countywide Planning Policies (CPPs). The CPPs assign population and housing growth targets to the City, based on population projections provided by Puget Sound Regional Council (PSRC), which are further broken down to identify housing unit needs by income level.

The City has sufficient capacity within its existing zoning classifications to accommodate the anticipated new housing units over the next two decades, in fact, the City is expected to exceed its growth targets due to previously approved MPD growth. The City may however face challenges in providing enough affordable housing to meet the needs of individuals from different income groups. Addressing middle housing may help to meet the needs of those who make less than the income required to afford traditional single-family homes without being cost-burdened.



Source: Figure 6-5 of the City's Draft Comprehensive Plan Housing Element

The City also faces a lack of jobs, with most residents commuting to their jobs outside of the City. The MPDs are expected to bring in over 2,000 new jobs through the development of new office and commercial space. Increasing housing options for different income groups may also help to address the City's low jobs-to-housing ratio, increasing quality of life for all residents by reducing commute times and decreasing traffic congestion.

Middle Housing Development Regulation Options

The City of Black Diamond, like other cities in Washington State, has two primary options to comply with the requirements of HB 1110:

Option 1: Adopting the Model Ordinance Prepared by the Department of Commerce

The Department of Commerce published a model ordinance that cities can adopt to meet the requirements of HB 1110. This model ordinance includes common development standards that the City can adopt to facilitate middle housing developments. The model ordinance sets out which parts are mandatory and which parts are optional. Cities are allowed to adjust any optional standards contained within the model ordinance based on local preferences. The model ordinance can be applied to existing zones by either amending the allowed uses to allow for middle housing or by creating a "middle housing overlay zone."

By adopting the model ordinance, the City would ensure compliance with HB 1110 as the ordinance has already been crafted to meet state requirements. This may also make it easier for developers to create



middle housing as it provides consistency with other cities that have adopted the model ordinance. The ordinance has already been reviewed by a technical committee comprised of local government staff and has gone through outreach to stakeholder groups and the public. The City would still need to go through a public engagement process prior to adoption.

Following adoption of the model ordinance, the language would be codified into the Black Diamond Municipal Code and be a stand-alone section in the City's zoning regulations.

Option 2: Amending the City's Development Regulations to Allow for Middle Housing

Alternatively, the City can choose to amend its development regulations to allow for middle housing pursuant to RCW 36.70A.636(3). This approach would involve reviewing and revising the City's existing zoning code and development regulations to meet the requirements of HB 1110 in a substantially similar way to the model ordinance but integrated into the city's existing codes.

The City's existing zoning code and development regulations include many barriers to the production of the middle housing types discussed above. These range from a lack of definitions and allowed uses for middle housing types, to required setbacks that would preclude zero lot line short subdivisions such that units can be sold separately. Amending the City's zoning code and development regulations would require more time and resources and could pose a risk that the City's amendments may not fully comply with HB 1110, leading to potential legal challenges.

The first step that the City should take in addressing the middle housing requirements of HB 1110 is determining if the City can amend its development regulations by the required deadline of June 30, 2025. **If the City does not amend its development regulations to comply with HB 1110 by the deadline of June 30, 2025, the model ordinance will automatically go into effect.**

Required Elements for Middle Housing Regulations

The City must address certain required elements in its middle housing regulations as specified in HB 1110.

Definitions

The City must include definitions for "Middle housing" as well as the housing types that it chooses to allow. HB 1110 specifies nine housing types and includes definitions for four of the housing types ("cottage housing", "courtyard apartments", "stacked flat" and "townhouses"). The remaining housing types have been defined in the model ordinance, though these can be altered by the local jurisdiction. The City should also address other definitions that may create confusion with these added terms if amending development regulations and not adopting the model ordinance.

Allowed Uses

As a Tier 3 city, the City must allow some middle housing types on all lots that are zoned predominantly for residential use. The middle housing types specified by HB 1110 include the following:

- **Duplexes**
- Triplexes
- Fourplexes
- Fiveplexes
- Sixplexes
- Townhouses
- **Stacked flats**
- **Courtyard apartments**
- **Cottage housing**

As the City is classified as a Tier 3 city, it is required to allow two units per lot. Therefore, we recommend that the City permits the four middle housing types which are shown above in boldface, as they allow for two units per lot.



Additionally, the City should consider the allowed densities of the R6 and MDR8 zones to determine which other middle housing types may be appropriate to allow.

The City already allows for duplexes in the R4 and R6 zones but requires that the lot size be one and one-half times that required for a detached single-family residence. This requirement would not comply with HB 1110. Within the MDR8 zone, the City permits multifamily housing and cottage housing, subject to design requirements contained in Chapters 18.74 and 18.88 of the Black Diamond Municipal Code (BDMC), respectively. These requirements will need to be reviewed to ensure they are not more restrictive than those applied to detached single-family homes.

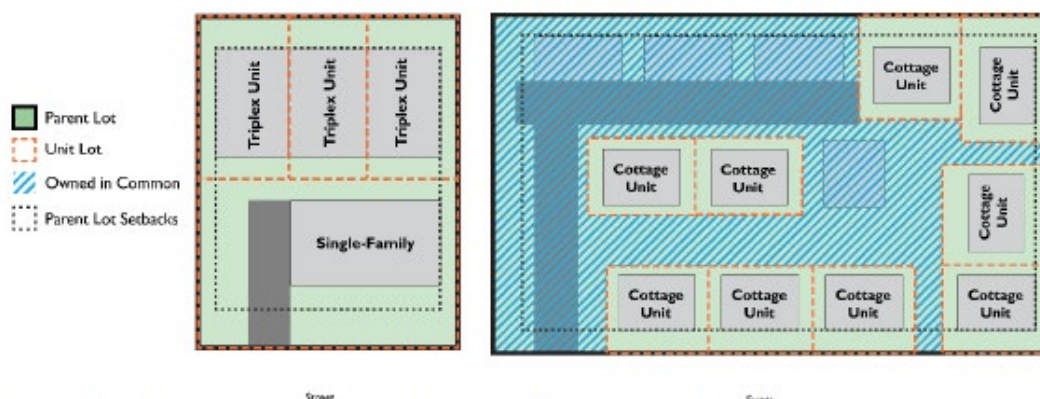
Unit Density

The City must allow for a unit density of at least two middle housing units per lot. The City may allow ADUs to count towards the minimum unit density, such that a single-family residence with an ADU would be considered a unit density of two. The concept of unit density differs from the traditional calculation of density based on acreage, meaning that a minimum of two units is required to be allowed on a lot, regardless of lot size. If the City chooses to allow a maximum unit density of two units per lot, the City must also take care to ensure that ADUs required by HB 1337 are not precluded from being developed if the ADUs count towards unit density and the lot is already developed with two units of middle housing.

Land Divisions

SB 5258, passed in 2023, amends RCW 58.17.060 and requires that cities incorporate into their short plat regulations procedures for unit lot subdivisions. Unit lot subdivisions are used to divide a parent lot into two or more lots, allowing for the sale of each unit and facilitating the development of middle housing. **By adopting a unit lot subdivision process through the model ordinance or into the City's short subdivision chapter, the City would apply the dimensional standards of the zoning districts to the development as a whole on the parent lot, rather than to each unit lot.**

The diagram shown below illustrates how unit lot subdivisions are used to create lots for middle housing units that can be sold individually. The parent lot is subject to dimensional standards such as setbacks, building and impervious surface coverage. To ensure that common elements such as garages, parking and vehicle access areas, bike parking, solid waste collection areas, underground utilities, common open space, and shared walls, façade or roofs on the parent lot are adequately maintained, access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) may be executed and recorded.



Two examples of situations in which unit lot subdivision would be used. Source: MAKERS

Source: MAKERS



Dimensional Standards

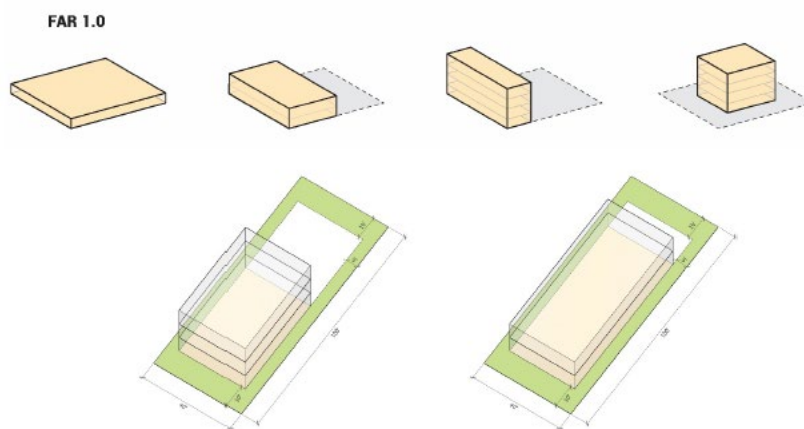
The City cannot impose stricter standards for middle housing than those required for detached single-family homes. However, it can enforce objective regulations that are also mandatory for single-family homes. This implies that the City can apply its existing building height, setbacks, building and impervious coverage, landscape, and tree preservation requirements to middle housing. For unit lot subdivisions, the setbacks and building coverage would be applied to the parent lot, not the individual unit lots.

The City should still consider whether these requirements would conflict with certain middle housing types. For example, the City allows a maximum building height of 32' in the R4 and R6 zones, while the model code employs a maximum height of 35' to accommodate three stories for stacked flats, which is consistent with the definition in HB 1110. The City's maximum height may encourage structures to utilize flat roofs, rather than pitched roofs, to comply with the City's calculation of building height. Increasing the allowed building height for structures that use a pitched roof could facilitate more compatible middle housing development.

The City currently regulates building and impervious surface coverage in the R4, R6, and MDR8 zones. However, a maximum floor area ratio (FAR) is not specified. **In adopting the middle housing regulations, the City could consider incorporating a FAR requirement to ensure compatibility with middle housing and existing detached single-family homes.** FAR helps to address a building's size and shape and can help two- or three-story buildings better fit into residential neighborhoods without impacting unit count. If the City chooses to employ FAR in addition to lot coverage, the City must apply the FAR standard to detached single-family homes per HB 1110 Sec. 3(6)(b):

[the City] "...shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences..."

The graphic below illustrates how FAR can impact building massing and character as compared to simply regulating building and impervious surface coverage:



Source: Washington State Department of Commerce User Guide for Middle Housing

The City may not apply its maximum density requirements if they invalidate the minimum number of units per lot that the City must allow.



Parking Requirements

HB 1110 restricts the amount of on-site parking that the city can require for middle housing based on lot size. For lots no greater than 6,000 square feet, the city can require one parking space but no more. For lots greater than 6,000 square feet, a maximum of two parking spaces may be required.

Optional Elements for Middle Housing Regulations

HB 1110 provides cities with the flexibility to incorporate optional elements into their middle housing regulations, allowing them to tailor their regulations to local needs and preferences.

Design Standards

While design standards for middle housing are not required by HB 1110, the bill provides the City with an opportunity to use administrative design review or apply objective design standards to ensure compatibility with detached single-family homes. The model ordinance includes design standards for cottage housing and courtyard apartments to reflect the objectives of the housing types defined in HB 1110. Additional design standards are provided for pedestrian and vehicle access, carports, garages, and driveways to accommodate middle housing without significantly impacting the character of residential neighborhoods. Tier 3 cities also may utilize design standards for entries, windows, and doors. Utilizing the design standards provided in the model ordinance ensures that the City has design standards for middle housing in place that comply with HB 1110 by the deadline of June 30, 2025.

The City may choose to adopt additional design standards to ensure compatible development of middle housing. The City currently includes development standards for cottage housing in BDMC Chapter 18.88 and design review requirements for multi-family housing in BDMC Chapter 18.74. These standards will need to be reviewed to ensure they do not conflict with the requirements of HB 1110.

For example, RCW 70A.681(1)(f) states that the maximum gross floor area for accessory dwelling units must not be less than 1,000 square feet. According to the Department of Commerce's User Guide for Middle Housing, cottage housing floor area limits should be set above 1,000 square feet to be considered reasonable. However, the City currently mandates the maximum floor area for cottage housing to be no more than 975 square feet for at least 50% of the units, and no more than 1200 square feet for the remainder (BDMC 18.88.040).

The City currently regulates open space as part of the dimensional requirements applied to the lot, including setbacks, and building and impervious surface coverage. These standards may not be enough to ensure that an adequate amount of open space is provided for the increased density of middle housing. The City could integrate additional open space requirements into the regulations for middle housing. This could involve requiring a percentage of the parent lot area as open space and ensuring minimal dimensions for usable open space.

If the City applies design review to middle housing, only administrative design review may be used, and the process must follow the standards of RCW 36.70A.630 which was established in 2023 under HB 1293.

Discussion Items and Next Steps

HB 1110 requires that the City allow middle housing on all lots zoned predominantly for residential use. It sets forth clear requirements for middle housing regulations, including minimum unit densities, maximum parking restrictions, and administrative design review processes that the City must comply with. It also allows for optional elements that the City can adopt to align with local preferences, such as specific design standards and open space requirements.

The City is required to adopt middle housing regulations by June 30, 2025. This memo serves as a summary of the bill's requirements and aims to initiate a discussion with the community and elected officials on how to best



address these requirements in Black Diamond. The following discussion prompts will help to formulate a work plan for adopting middle housing regulations:

- Should the City modify the model ordinance to reflect local preferences or revise its development regulations to allow for middle housing on all lots zoned predominantly for single-family housing?
- The City must allow for at least two units of middle housing on all lots zoned predominantly for single-family housing. Should the City consider ADUs required by HB 1337 in the calculation of unit density?
- As a Tier 3 city, the City can allow any of the middle housing types that it deems appropriate for meeting the unit density and adding additional housing types to the City's housing stock. Which of the middle housing types should the City permit?
- Regardless of the City's choice to adopt the model ordinance or modify its development regulations, the City should incorporate objective design standards for middle housing that ensure compatibility in residential zones where single-family homes are the predominant use. What types of design standards would help to ensure compatibility with existing single-family homes?

HB 1110 presents an opportunity for the City of Black Diamond to address its growing housing needs across all income levels. The City's Comprehensive Plan emphasizes providing "a range of housing choices for all income levels with opportunities for people to live in close proximity to work." Middle housing offers the potential to provide more affordable and varied housing options within existing neighborhoods of the City.

Additional Information and Resources

The Washington State Legislature in enacting HB 1110 directed the Department of Commerce to provide technical assistance to cities subject to the bill. The following resources can be used by the City in enacting its middle housing regulations and provide additional information on the bill's requirements and middle housing.

- [Department of Commerce User Guide for Middle Housing Ordinances](#)
- [Final Model Ordinance for cities under 25,000](#)
- [Middle Housing Building Types](#)
- [Middle Housing Lot and Block Models](#)
- [General Middle Housing FAQ](#)

NS/bp

c: Brittany Port, AICP
Wayne Carlson, FAICP and Andrew Love, AICP – AHBL, Inc.

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