



**CITY OF BLACK DIAMOND**  
**October 23, 2014 Special Meeting Agenda**  
25510 Lawson St., Black Diamond, Washington

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

- 1) Executive Session** as authorized by RCW 42.30.140(4) to discuss collective bargaining
- 2) Work Session** – 2015 Preliminary Budget - Mayor Gordon, Ms. Miller
- 3) Work Session** - Comprehensive Plan Update Options – Mr. Nix

**ADJOURNMENT:**



## CITY OF BLACK DIAMOND

### Work Study Memorandum

**TO: BLACK DIAMOND CITY COUNCIL**  
**FROM: AARON C. NIX, MPA**  
**SUBJECT: COMPREHENSIVE PLAN UPDATE**  
**DATE: OCTOBER 9, 2014**

Honorable Councilmembers,

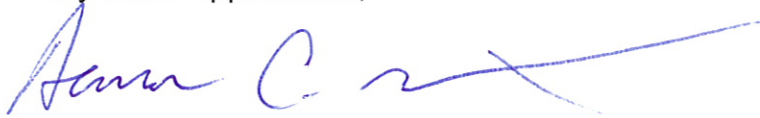
Staff has been actively working on identifying budget and Staffing options in regard to the City's required Comprehensive Plan Update, required of the City by the Legislature by June 30<sup>th</sup>, 2015. We are nearing completion of code updates, initiated by the previous Director that will have an impact on this update process, including updates to Chapter 16.30 of BDMC (Recently received from the City Attorney on September 6th) and the integration of a Public Participation Plan that has been reviewed and a recommendation offered by the Planning Commission at their August 12, 2014 Planning Commission meeting.

Finance has developed a plan in which to fund a revised version of the Scope of Work for Goal III (Review and Update the Land Use Element of the Comprehensive Plan, and Development Regulations, including critical areas), within our grant agreement with the Department of Commerce, to complete the update and it is included within this packet for your review. This has not been an easy process, as recent budget impacts have required Staff to reduce the Scope of Work for the Consultant, previously approved by the City Council to do this work, increasing existing Staff's active contribution to this effort, while realizing that the Community Development Department will have potential, further Staffing reductions within the 2015 budget cycle. The Scope of Work presented this evening is a bare bones effort in order to cover the essential elements, required under this update and specific issues as identified by the City Council in previous discussions (i.e. Transportation and Capital Facilities). A majority of the code revisions associated with this update will rely on the work of the City Attorney and the Community Development Director in moving these issues forward. The City Attorney has estimated that her costs will be in the realm of \$20,000, as discussed within the attached email.

Due to the very limiting time constraints that Staff will face in moving this update forward, talks were initiated with the Department of Commerce in order to discuss the City's options with regard to meeting the June 30, 2015 update deadline. Commerce understood the City's circumstances, based on recent events and offered their help in any way that they could in order to help the City meet this required update, on time. It was also made clear to Staff that not meeting this deadline, as per State law, would limit the City's ability to receive additional State funding on essentially all of the granting programs offered to the City by the State of Washington. This would not be retroactive to monies received prior to the June 30<sup>th</sup>, 2015 required update, but would limit any additional funding that the City was scheduled to receive or would make application to after that date.

With this in mind, Staff is presenting a revised version of the Goal III scope from the Consultant BergerABAM, for the Council's consideration and guidance moving forward with this required update.

Very Much Appreciated,



Aaron C. Nix, MPA  
City of Black Diamond  
Community Development/Natural Resources Director

Cc. Dave Gordon, Mayor, City of Black Diamond  
Brenda Martinez, City Clerk/Assistant City Administrator, City of Black Diamond  
Mayenne Miller, Finance Director, City of Black Diamond  
Anthony Boscolo, Senior Planner, Washington State Department of Commerce

Attachments

6 August 2014

Aaron Nix  
Community Development and Natural Resources Director  
City of Black Diamond  
24301 Roberts Drive  
P.O. Box 599  
Black Diamond, WA 98010

Subject: Proposal to Provide Consultant Services for 2015 Comprehensive Plan Update

Dear Mr. Nix:

We are pleased to have the opportunity to submit the following scope extension covering services necessary to update the 2015 City of Black Diamond Comprehensive Plan.

**PROJECT UNDERSTANDING**

The City of Black Diamond (City) is required to update its comprehensive plan and deliver it to the Washington State Department of Commerce (DOC) by 30 June 2015.

The Phase 1 scope for work previously authorized by the City and BergerABAM completed preparation of the DOC Checklist, prepared a project schedule, attended the first open house in April 2014 and prepared the open house comment summary. BergerABAM is scoped to complete one additional open house that is anticipated to occur in fall or winter 2014, with the release of the draft comprehensive plan text for public comment. No additional open houses are included as part of BergerABAM's scope of work.

This scope of services includes additional consultant time at the request of City staff, including a vision check-in with the City, additional planning commission work sessions and hearings, and preparing compliance responses for the Puget Sound Regional Council (PSRC) Checklist. Additionally, based on the DOC Checklist completed by BergerABAM and the City, the comprehensive plan update will be a more significant effort than was identified in the City's initial request for proposal.

BergerABAM will work closely with staff during the development of the comprehensive plan and will incorporate public comments from the first and second open houses, and comments from Planning Commission and City Council work sessions and hearings into the draft and final comprehensive plan and development regulations.



## **OVERALL PROJECT ASSUMPTIONS**

The following assumptions include identification of the roles of the consultant and City staff, documentation that the City will provide to the consultant, and items that are not part of this scope of work.

- The City Council will support the current 2009 Comprehensive Plan vision, including past land use approvals.
- Additional visioning is not included as part of the comprehensive plan update.
- The City will provide summary of all reasonably funded improvements for transportation, capital facilities, and utilities.
- The City will provide a summary of anticipated population projections.
- Given that prior approved development in the City will accommodate 20-year forecasted residential population and employment, an urban growth boundary expansion is not anticipated.
- The City will complete the Governmental Facilities Plan (including school capital facilities) for forecasting government building needs.
- Comprehensive plan and development regulation changes will be processed together and will not require separate Planning Commission and City Council hearings.
- The City will provide all comprehensive plan, capital facilities plans, development regulations, approved master plan information, and other City Council adopted plans in MS Word format.
- The City will act as the SEPA lead agency, will complete the required SEPA documentation and will issue the SEPA Determination.
- A supplemental SEPA environmental impact statement (EIS) will not be required.
- Special studies for greenhouse gases or environmental health issues will not be required.
- Natural resource field studies will not be required and documentation of environmental conditions for the Natural Environment chapter will be based on existing County, state, and federal data sources.
- The City will be responsible for revisions to the Sensitive Aquifer Recharge and Geologic Hazard/Mine Hazard Ordinances.
- The City will be responsible for the updates to Forest Practices Regulations, Floodplain Regulations, Project Review Procedures, and all development regulation updates with the exception of wetlands and sensitive habitats.
- The City will be responsible for all Shoreline Master Program preparation work and preparing Shoreline Comprehensive Plan text.
- Changes to the City capital facilities plans will not be required.
- A detailed system and programmatic analysis of capital facilities and utility services will not be conducted and the to-be-adopted General Government Facilities Plan can be used to inform the update.
- The City will be responsible for preparing the Concurrency and Traffic Impact Fee ordinances.

- Up to eight meetings will be held with City staff; two meetings will be held in Black Diamond, and six meetings will occur via teleconference to coordinate on updates, deliverables, and schedule. BergerABAM will prepare and distribute meeting and teleconference summary documentation.
- BergerABAM will update the comprehensive plan and development regulations (up to six times) in strikethrough and underline format to clearly identify the proposed comprehensive plan and development regulation changes.
- One round of City staff review for the initial update of the comprehensive plan and development regulations with comments/edits shown in track changes provided to BergerABAM in one consolidated document.
- The City will prepare and submit the grant reports to the DOC.
- The City to provide one round of comment for DOC and PSRC checklist responses.
- The City will prepare all geographic information system (GIS) maps associated with the comprehensive plan update.
- The City will prepare and upload website updates of open house, Planning Commission, and City Council meetings.
- City staff will prepare staff reports and exhibits for the Planning Commission and City Council work sessions and hearings, and the City will lead the presentations. BergerABAM will peer review up to four staff reports.
- BergerABAM will not attend Planning Commission or City Council work sessions or hearings, with the exception of the work session in Task 1.
- City staff will provide BergerABAM with summaries of minutes from the Planning Commission and City Council work sessions and hearings.
- The City will distribute materials to the Planning Commission and City Council.
- The City will prepare the final adoption ordinances for the update process using deliverables from BergerABAM.
- BergerABAM will deliver one electronic and one hard copy of the draft and final comprehensive plan and development regulations to the City.
- The City will be responsible for the reproduction of the comprehensive plan and development regulations.

## **SCOPE OF WORK**

### **Task 1: Comprehensive Plan Vision Check-In/City Council Work Session on Vision Assumptions**

Based on discussions with City staff, BergerABAM understands that the comprehensive plan update will be a continuation of the 2009 comprehensive plan vision that includes past land use approvals. It will be essential to confirm the City's vision moving forward with this comprehensive plan work. BergerABAM will provide the City Council with a summary of public comments from the April 2014 open house and ask for City Council confirmation on continuing with the vision of the 2009 comprehensive plan, including past land use approvals.

BergerABAM will prepare a summary report documenting the vision of the 2009 comprehensive plan and baseline existing conditions, including a summary past land use approvals and associated population, transportation, capital facilities, and utilities. The report will include a summary of the level of service methodology to be evaluated in the comprehensive plan update, including the transportation, capital facilities, and utilities level of service. BergerABAM will meet with the City Council in a work session to confirm the comprehensive plan vision moving forward and level of service methodology.

#### *Deliverables*

- Summary report documenting the 2009 vision, existing baseline conditions, past land use approvals, and level of service methodology for the comprehensive plan update
- Preparation and attendance by one BergerABAM planner, one engineer, and one DKS transportation engineer at one City Council work session

#### **Task 2: Comprehensive Plan and Development Regulations Update**

The City will provide electronic MS Word format versions of the existing comprehensive plan and development regulations. Using the completed DOC Checklist, that has been submitted to the DOC, and information obtained from the community during the open houses (which are included in BergerABAM's current contract), the BergerABAM team will work collaboratively with City to update the comprehensive plan and development regulations. BergerABAM will provide the City with draft comprehensive plan and development regulations, and the City staff will be responsible for providing consolidated comments in one document in MS Word format in strikethrough and underline format. BergerABAM will revise the draft documents based on City comments. Comprehensive plan and development regulations will be updated a total of six times following staff, Planning Commission, and City Council review. All documents will be clearly identified with a version number for document tracking purposes. The City will prepare all GIS maps for the comprehensive plan update. BergerABAM will update the comprehensive plan and development regulations, prepare the DOC and PSRC checklist responses for the chapters, and provide these documents in editable form. Both the DOC and PSRC checklist responses will address how the comprehensive plan and development regulations are compliant with the Growth Management Act.

The public will have the opportunity to review the draft comprehensive plan and development regulations during work sessions and hearings. The review and revision process is as follows:

- BergerABAM will provide a first draft of the updated comprehensive plan and development regulations to City staff, including development of the following chapters: Goals, Vision and Framework Policies, Population and Employment Character, Natural Environment Chapter, Comprehensive Plan Shoreline Policies, Land Use and Housing Chapter, Transportation Chapter, Capital Facilities and Utilities Chapter, Title 19 Sensitive Areas Ordinance, Capital Facilities, and Utilities and Transportation Chapter.

- City staff will present the second draft plan and development regulations prepared by BergerABAM to the Planning Commission at up to two work sessions, and BergerABAM will prepare one set of revisions based on Planning Commission comments.
- City staff will present the third revised draft plan and development regulations prepared by BergerABAM to City Council in one work session, and BergerABAM will prepare one set of revisions based on City Council comments.
- City staff will present the fourth revised draft plan and development regulations prepared by BergerABAM to the Planning Commission at up to two hearings, and BergerABAM will prepare one set of revisions based on Planning Commission comments.
- City staff will present the fifth revised plan and development regulations prepared by BergerABAM to City Council in one hearing, and BergerABAM will prepare one set of revisions based on City Council comments. BergerABAM will provide a package for City submittal to the DOC and PRSC for review and comment.
- BergerABAM will prepare the sixth and final revision of the comprehensive plan and development regulations based on DOC and PSRC comments, and City staff will present this to the City Council for final adoption.
- City staff will prepare the staff reports for two Planning Commission and two City Council hearings, and BergerABAM will peer review the staff reports for the City.

#### **Comprehensive Plan Chapters and Development Regulations**

BergerABAM will prepare the following comprehensive plan and development regulation updates:

- Goals and Vision and Framework Policies chapters (using information from Task 1 and including the Community Vision for 2035 and documentation of consistency with King Countywide Planning Policies).
- Population and Employment Character chapter (using 20-year population projections from King County and including City-approved development to identify forecasted residential units and employment).
- Natural Environment chapter (including an update of critical area information in the 2009 comprehensive plan).
- Land Use chapter (including preparation of the land use map based on existing conditions). Using the population data provided by the City and DOC, BergerABAM will work with City staff to determine population and building intensities for the 20-year comprehensive plan horizon, including undeveloped properties and prior-approved development. City staff will develop the comprehensive plan map consistent with City and King County population projections and the DOC population allocation. Given that prior-approved development in the City will accommodate 20-year forecasted residential population and employment, an urban growth boundary expansion is not anticipated.
- Housing chapter (including an evaluation of existing and projected housing needs and verification that forecasted housing needs can be met over the next 20-years).



- BergerABAM will make minor edits to update the Title 19 Sensitive Areas Ordinance by confirming that reference is made to the use of best available science for wetlands and habitat in the 2009 ordinance. BergerABAM will also include edits to add the federal wetland delineation methods and the Washington State Department of Ecology's proposed new wetland rating system to be adopted in 2014.

The City will be responsible for the updates to Forest Practices Regulations, Floodplain Regulations and Project Review Procedures, and the Sensitive Aquifer Recharge and Geologic Hazard/Mine Hazard Ordinances, Shoreline Comprehensive Plan Policies and for preparing the Governmental Facilities Plan for forecasting government building needs, including school capital facilities.

#### *Deliverables*

- Draft comprehensive plan and development regulation for the following chapters: Goals, Vision and Framework Policies, Population and Employment Character, Natural Environment, Land Use and Housing, Transportation, Capital Facilities and Utilities, and the Title 19 Sensitive Areas Ordinance (minor revisions)
- Final comprehensive plan and development regulation revisions distributed to City
- Up to six rounds of revision to the comprehensive plan and development regulations
- Peer review up to four staff reports prepared by City staff
- One electronic and one hard copy of draft and final comprehensive plan and development regulations

#### **Capital Facilities and Utilities Chapter**

BergerABAM will update the inventory of existing City capital facilities, update forecasted capital facilities, document the proposed location and capacity of proposed facilities, and update the six-year source of public money to finance capital facilities using existing data from City staff. A detailed system and programmatic analysis will not be necessary to complete this work, and the to-be-adopted General Government Facilities Mitigation Fee Plan can be used to inform this work. The update will rely upon the following background materials:

- Transportation Improvement Plan – Adopted by the City Council in July 2013
- General Sewer Plan – Adopted by the City Council in December 2012
- Water System Comprehensive Plan – Adopted by the City Council in December 2009 (to be updated in 2015)
- Storm and Surface Water Comprehensive Plan – Adopted by the City Council in July 2010
- Trails Plan – Adopted by the City Council in December 2011
- Parks, Recreation, and Open Space – Adopted by the City Council in December 2008 (to be updated in 2015)
- Fire Impact Fee
- General Government Facilities Mitigation Fee Plan – to be readopted by City Council in 2014

BergerABAM will work with City staff to evaluate the implementation and finance schedules for capital projects and facilities. BergerABAM will update the Capital Facilities and Utilities chapter of the comprehensive plan and development regulations, including utilities, parks and recreation, and public services specifically as follows:

- Update implementation schedules based on information from existing capital facility plans to align with the current status of proposed projects and improve schedule implementation, where necessary, based upon changes since the adoption of the 2009 Comprehensive Plan.
- Evaluate potential opportunities to coordinate chapters of capital facility investment to reduce individual project costs and increase added value.
- Update financing and project estimates to account for inflation, using data provided by authorized City staff.

#### *Deliverables*

- Draft comprehensive plan Capital Facilities and Utilities chapter
- Up to six rounds of revision to the comprehensive plan Capital Facilities and Utilities chapter
- Final comprehensive plan Capital Facilities and Utilities chapter
- One electronic and one hard copy of draft and final Capital Facilities and Utilities chapter

#### **Transportation Chapter**

The update of the Transportation chapter will rely on City available transportation planning documents and models and will include documentation of the 20-year forecasted traffic and level of service, required pedestrian and bicycle component (multimodal transportation), and future funding capability and a multiyear financing plan.

The BergerABAM team will review the following background materials and assemble the relevant transportation information:

- 2009 Black Diamond Comprehensive Plan Transportation Element
- City of Black Diamond Transportation Improvement Plan – Adopted by City Council in July 2013

The BergerABAM team will highlight areas where the existing Transportation Element of the comprehensive plan has deficiencies that need to be addressed in the Transportation chapter update. Specifically, the BergerABAM team will review the current street network plan and make recommendations for any new roadway facilities for the 2035 planning horizon. The available traffic data, analysis, findings, and input from City staff and the project team will be used to:

- Forecast traffic volumes for the year 2035.
- Identify specific roadway needs and projects for the City's Capital Facilities and Utilities chapter.

- Make recommendations for pedestrian and bicycle (multimodal transportation) needs and projects.
- Identify project funding sources and update the financing forecast for transportation planning for purposes of the Capital Facilities and Utilities chapter update.
- Prepare responses to the PSRC and DOC checklist related to transportation.
- Provide input on confirming the community comprehensive plan vision and establish traffic study methodology based on vision and state and regional requirements.
- Assemble intersection evening peak period turn movement counts at the study intersections using available count data from the current Transportation Element and recent master plans. (Add-on Expense – Counts could be collected for approximately \$200 per intersection per peak period, as an additional scope of work.)
- Conduct inventory of current transportation system. (Update text and figures to reflect current system.)
- Provide a future travel demand modeling Methods and Assumptions memo to PSRC to gain acceptance prior to forecasting task, coordinate with PSRC staff.
- Update the City's travel demand models (2014 base year and 2035 future year models) using current PSRC land use data and a review of PSRC 2035 model projections at the study area external nodes.
- Forecast 2035 baseline traffic volumes that include funded improvements.
- Update the City's traffic operations models (2014 base year and 2035 future year models) based on a review of current and planned study intersection characteristics.
- Determine state and local system needs and deficiencies to meet future demand.
- Provide transportation system management and demand management programs and strategies
- Identify specific projects to bring local transportation facilities and services to established level of service standards. Future 2035 baseline analysis is a requirement for the update. (Contingent Task – Additional scenarios [beyond 2035 baseline conditions] to test improvements, such as roadway connections, would require separate traffic volume forecasting and analysis – approximately \$3,000 to \$5,000 per future scenario, depending on complexity. This could be added as an additional scope of work.
- Determine pedestrian and bicycle needs and projects. The current plan section would be expanded to identify specific pedestrian, bicycle, and trail projects and programs with City input on needs
- Identify project finance plan and update the six-year transportation plan
  - This is a requirement for the update
  - City staff will provide the funding assessment with consultant input on project priorities/phasing
  - Planning level cost estimates will be provided by consultant
- Provide PSRC checklist for transportation sections
  - Transportation – VISION 2040 and Transportation 2040

- Transportation – Growth Management Act Requirements
- Transportation Provisions

*Deliverables*

- Draft comprehensive plan Transportation chapter
- Up to six rounds of revision to the comprehensive plan Transportation chapter
- Final comprehensive plan Transportation chapter
- One electronic and one hard copy of draft and final Transportation chapter

**Project Meetings**

BergerABAM will attend up to two meetings with staff held in Black Diamond and up six meetings via teleconference. Additionally, ongoing phone calls and e-mail communication will occur throughout the project. BergerABAM will prepare and distribute meeting and conference call summaries, consisting of major topics discussed and action items.

*Deliverables*

- Preparation for and attendance by two BergerABAM staff and two DKS Transportation staff for two 2-hour in-person meetings and six 1-hour teleconference meetings with City staff

**Department of Commerce and Puget Sound Regional Council Approval Process and SEPA Addendum**

The City will provide the 60-day notice of intent to adopt the comprehensive plan and development regulations to the DOC and PSRC. A City Council public hearing will be scheduled following incorporation of DOC and PSRC input. The City will manage all coordination with the DOC and PSRC and submit materials to them. BergerABAM will finalize the DOC and PSRC periodic update checklist responses and will provide them to the City for submittal. BergerABAM will complete the required DOC and PSRC plan update documentation with one round of City review and comment.

It is expected that the SEPA documentation provided with this effort will be a non-project SEPA addendum. An addendum was completed to the prior SEPA documentation prepared by the City for the 2009 comprehensive plan update. For the 2016 update, City staff is anticipating an addendum and will prepare the SEPA addendum during the preparation of the final comprehensive plan and development regulations update. The City staff will be the lead agency, prepare the SEPA documentation, and issue the SEPA determination. The comprehensive plan update is not anticipated to result in the need for an EIS.

*Deliverables*

- Draft DOC checklist responses to City staff
- Final DOC checklist responses to City staff
- Draft and final PSRC checklist

Mr. Aaron Nix  
6 August 2014  
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### FEE AND HOURS

The following professional fees, including expenses, will be billed as incurred and will not exceed \$149,970 without written authorization.

Task		Hours	Cost Estimate
Comprehensive Plan Vision Check-In/City Council	BergerABAM	98	\$11,062
Work Session on Vision Assumptions	DKS	13	1,849
Comprehensive Plan and Development	BergerABAM	797	93,595
Regulations Update	DKS	303	42,939
Expenses			\$525
<b>Total</b>			<b>\$149,970</b>

### CLOSING

If you agree with the above, please show your acceptance by signing in the space provided below. Please return a fully executed copy of the entire proposal to me by fax or PDF and retain the original for your files. We will consider the signed date as our notice to proceed. This proposal is valid for 30 days.

We thank you for the opportunity to provide this proposal, and we look forward to working with you. If you have questions, please call me at 360/823-6100.

Sincerely,



Helen Devery  
Vice President

HD:DCH:llt

**ACCEPTED BY**

**CITY OF BLACK DIAMOND**

\_\_\_\_\_  
Signature

Dave Gordon, Mayor  
(Printed)

\_\_\_\_\_  
Date



## Aaron Nix

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**From:** Carol Morris <carol\_a\_morris@msn.com>  
**Sent:** Thursday, August 14, 2014 1:42 PM  
**To:** Aaron Nix  
**Subject:** RE: Model Code / Comprehensive Plan Update

I don't think it will take that much -- but it will depend on the City. For example, if I get 6 pages of comments (like on the SEPA ordinance) that I need to answer on each one, that could be \$\$.

I guess I would estimate \$20,000 -- but this is going to be part of the City Attorney work.

Carol Morris, Morris Law, P.C.

3304 Rosedale Street N.W., Suite 200

Gig Harbor, WA 98335

(253) 851-5090

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[carol@carolmorrislaw.com](mailto:carol@carolmorrislaw.com)

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From: ANix@ci.blackdiamond.wa.us  
To: carol\_a\_morris@msn.com  
Subject: RE: Model Code / Comprehensive Plan Update  
Date: Thu, 14 Aug 2014 20:24:45 +0000

Thanks Carol. 50k??? I will include the additional information that you provide below as well in the memo.

Thank you!

## Aaron C. Nix, MPA

City of Black Diamond

Community Development and Natural Resources Director

360.886.5700 Office

[anix@ci.blackdiamond.wa.us](mailto:anix@ci.blackdiamond.wa.us)

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**From:** Carol Morris [[mailto:carol\\_a\\_morris@msn.com](mailto:carol_a_morris@msn.com)]  
**Sent:** Thursday, August 14, 2014 1:23 PM  
**To:** Aaron Nix  
**Subject:** RE: Model Code / Comprehensive Plan Update

Sorry, I forgot about this. Here is a list of what needs to be done:

1. Chapter on adoption of comp plan and development regulation amendments and public participation program
2. Permit processing chapter
3. Subdivision code
4. Conditional uses chapter
5. Variances chapter
6. Nonconforming uses and structures chapter
7. Code enforcement chapter
8. Planned Unit Development chapter (to replace the MDP type of code)

The above have already been written. So, the only cost associated with them is to put them in an ordinance that will repeal the existing chapter and adopt the new chapter. Then, the cost for me to answer questions about the chapters, take them to the city council (if you take them to the planning commission).

What I don't have and what I will be working on (and could split the cost with another city and black Diamond) concurrency, impact fees.

Carol Morris, Morris Law, P.C.  
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Gig Harbor, WA 98335  
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F: (360) 850-1099  
[carol@carolmorrislaw.com](mailto:carol@carolmorrislaw.com)  
Website: [carolmorrislaw.com](http://carolmorrislaw.com)

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From: [ANix@ci.blackdiamond.wa.us](mailto:ANix@ci.blackdiamond.wa.us)  
To: [carol a morris@msn.com](mailto:carol_a_morris@msn.com)  
Subject: RE: Model Code / Comprehensive Plan Update  
Date: Thu, 14 Aug 2014 19:53:15 +0000  
Hi Carol,

I know your busy. I was hoping to get a very rough estimate of your thoughts on costs associated with the code updates that you have slated in order to finish the memo the Mayor has asked me to do for the Council. I'm tying these costs into the Comprehensive Plan Update.

Thanks,

**Aaron C. Nix, MPA**

City of Black Diamond  
Community Development and Natural Resources Director  
360.886.5700 Office  
[anix@ci.blackdiamond.wa.us](mailto:anix@ci.blackdiamond.wa.us)

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**From:** Carol Morris [[mailto:carol\\_a\\_morris@msn.com](mailto:carol_a_morris@msn.com)]  
**Sent:** Monday, June 30, 2014 3:58 PM

**To:** Aaron Nix  
**Subject:** Model Code

Aaron: I can't figure out from the letter what development regulations the consultant will provide. Here is the list of ordinances that you will get from me:

1. SEPA (you have it).
2. Chapter on adoption of comp plan and development regulation amendments -- legislative adoption procedure with public participation program (replaces Title 16 of the BDMC). This needs to be adopted ASAP so that the City follows the public participation program and we don't get an appeal based on failure to follow such a program.
3. Zoning code definitions, which include family day care and adult family home. Replaces chapter 18.100.
4. Conditional Use Permits (replaces existing chapter on CUP's).
5. Variances (replaces existing chapter on variances).
6. Nonconforming uses and Structures (replaces existing chapter on this subject).
7. Permit Processing (replaces existing chapter on this subject).
8. Subdivisions (replaces existing title on this subject).
9. Planned Unit Developments (replaces existing MPD chapter).
10. Rezones -- site specific (replaces existing procedures that don't distinguish between legislative and quasi-judicial rezones).
11. Code interpretations (replaces existing procedures).
12. Development Agreements (replaces existing chapter).
13. Zoning and Subdivision Code Enforcement (replaces existing procedures).
14. Impact fee ordinance.
15. Concurrency ordinance.

This is what the City needs to either draft or have updated (if necessary, I haven't reviewed these codes to figure out whether updates are required).

1. Critical areas ordinance.
2. Zoning matrix -- (showing the zones and permitted uses, so that the development standards are not in narrative form) -- this needs to be drafted.
3. Floodplain regulations.

Here is what the City will need to pay me for:

General clean up of the code to eliminate outdated or provisions that are contrary to law, such as the chapter on vested rights in the Zoning Code.

Let me know if you have any questions.

**Carol Morris, Morris Law, P.C.**

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