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April 3, 2025

Andy Williamson
Interim Community Development Director
City of Black Diamond
24301 Roberts Drive
P.O. Box 599
Black Diamond, WA 98010

Dear Mr. Williamson,

Thank you for submitting the City of Black Diamond's Comprehensive Plan Update to the Affordable Housing Committee's (AHC) Housing-focused Draft Comprehensive Plan Review Program for review on June 4, 2024 and an updated land capacity analysis on November 18, 2024. On behalf of the AHC, I am sending you this summary of our review and recommendations.

Background

The AHC is a subcommittee of the Growth Management Planning Council (GMPC), consisting of representatives of King County and its cities, housing providers, area employers, and others. By direction of the GMPC, the AHC now conducts a housing-focused review of all King County jurisdictions' draft periodic comprehensive plan updates, assessing the draft plans for alignment with the King County Countywide Planning Policies (CPP) Housing Chapter goals and policies prior to plan adoption.

As you know, our county is experiencing a deep and persistent housing shortage. In 2021, the State of Washington adopted House Bill 1220, which amended the Growth Management Act, requiring local governments to plan for and accommodate housing that is affordable to all income levels, including emergency housing. In response to this state mandate and local interest in improving the effectiveness of local housing plans and policies, the AHC led a two-year process to amend the King County CPPs.

The result was a significant update to the CPP Housing Chapter, which was recommended by the GMPC, adopted by the King County Council, and ratified by the cities in 2023. The goals of both the statute and this implementation work are to encourage cities and King County to work together to provide a full range of affordable, accessible, healthy, and safe housing choices to every resident in King County.

This review is guided by Housing-focused Comprehensive Plan Review Standards, as adopted by GMPC Motion 23-2. In summary, the AHC review seeks to determine whether each jurisdiction's draft plan and submission materials:

1. address all CPP Housing Chapter policies;
2. articulate implementation strategies for relevant CPP Housing Chapter Policies; and
3. lay out meaningful policies that, taken together, support the jurisdiction's ability to equitably meet housing needs.

This program is still relatively new and evolving, and your engagement helps the AHC understand how jurisdictions are seeking to address their housing needs while aligning with the recent changes at the state, regional, and county levels.

The AHC acknowledges the substantial amount of time and effort that went into Black Diamond's draft comprehensive plan. Below, the AHC includes recommendations necessary for Black Diamond to align with the CPP Housing Chapter policies.

Recommendations to Align with the CPP Housing Chapter

The AHC recommends Black Diamond take the following actions to align its draft comprehensive plan with CPP Housing Chapter goals and policies.

1. Identify sufficient capacity for allocated housing needs (CPPs H-1 and H-11)

Relevant Countywide Planning Policies

CPP H-1 requires Black Diamond plan for and accommodate a net new need of 2,900 permanent housing units, including 1,750 housing units that are affordable to households with incomes at or below 80 percent of area median income (AMI), 322 housing units that are affordable to households with incomes between 80 and 120 percent of AMI, and 554 emergency housing beds. CPP H-11 requires jurisdictions to identify sufficient capacity of land for housing including, but not limited to housing for low-, very low-, and extremely low-income households.

Black Diamond's Proposal and AHC Findings

The land capacity analysis submitted on November 18, 2024 does not clearly identify sufficient capacity for allocated housing needs below 120 percent of AMI, which includes moderate-, extremely low-, very low-, and low-income housing needs, as required by CPP H-11. Due to the lack of a clear land capacity analysis, the AHC therefore finds that the City is not meaningfully planning for and accomodating its housing needs below 80 percent of AMI, as required by CPP H-1.

Specifically, Table 9 identifies 253 units of capacity within designated low-rise multifamily zones, which allow housing types typically affordable to households below 80 percent of AMI. It also identifies 72 units of capacity within moderate density zones, which allow housing types typically affordable to households from 80 to 120 percent of AMI (page 11). The analysis then assumes that the remaining 1,819 units of capacity needed below 120 percent of AMI may be "attributed" to pipeline of to-be constructed units within two master planned developments, Ten Trails and Lawson Hills (page 2).[1]

The City expects 6,050 total housing units in both Ten Trails and Lawson Hills once completed, and that a high percentage of these units will be low-rise multifamily and moderate density, such as townhomes (page 12). The City identifies "likely surpluses" of unit capacity in both the 0 to 80 and 80 to 120 percent of AMI categories of the land capacity analysis, without specifying the exact unit capacity of land use zones within Ten Trails and Lawson Hills. This assumption is based on the type of development that has already occurred in Ten Trails and Lawson Hills, available subsidies for low-income housing, and current housing market conditions.

[1] According to CPP H-1, Black Diamond must plan for and accommodate 2,072 units of housing affordable to households at or below 120 percent of AMI. Black Diamond's land capacity analysis correctly deducts 253 units of supply added between 2019 and April 1, 2024 from this allocated total, resulting in 1,872 units of need capacity for housing types typically affordable to households between 0 and 120 percent of AMI.

The AHC appreciates the City's extra effort to predict the affordability of future development within Ten Trails and Lawson Hills; however, because the City does not include the land capacity in units for low-rise multifamily or moderate density land use zones within master planned developments, the AHC does not find that the analysis meaningfully aligns with CPP H-11, which requires Black Diamond to identify sufficient capacity of land for housing affordable to moderate-, low-, very low-, and extremely low-income households.

The submission also does not include a complete emergency housing land capacity analysis, as required by CPP H-11.

> **Recommendation 1:** To align with CPPs H-1 and H-11, Black Diamond should identify sufficient capacity of land for housing needs below 120 percent of AMI, including moderate-, extremely low-, very low-, and low-income households and specifically within land use zones in the master planned developments of Ten Trails and Lawson Hills. The City should also provide an analysis that identifies sufficient capacity for its emergency housing needs. Black Diamond should follow Washington State Department of Commerce's guidance for completing this land capacity analysis.

2. Prioritize extremely low-income households (CPP H-2)

Relevant Countywide Planning Policy

CPP H-2 requires jurisdictions prioritize the need for housing affordable to households with incomes less than or equal to 30 percent of AMI.

Black Diamond's Proposal and AHC Findings

Black Diamond's draft housing element proposes multiple policies and implementation strategies in response to CPP H-2, such as:

- maintain an adequate amount of affordable housing;
- coordinate with agencies to provide programs and services to disadvantaged households; and
- promote and enforce fair housing policies.

These policies and implementation strategies will likely benefit extremely low-income households. However, the policies and implementation strategies described above do not demonstrate how Black Diamond will *prioritize* extremely low-income households.

> **Recommendation 2:** To align with CPP H-2, Black Diamond should amend its policies and implementation strategies to explicitly prioritize the housing needs of 0 to 30 percent of AMI households. For examples of strategies Black Diamond could use to align with CPP H-2, see the CPP Housing Chapter Technical Appendix.[2]

[2] See King County Countywide Planning Policies Appendix 4: Housing Technical Appendix, pp.82. [link]

3. Complete the housing inventory and analysis (CPP H-3)

Relevant Countywide Planning Policy

CPP H-3 directs jurisdictions to conduct a housing inventory and analysis to help identify and address the greatest needs as well as summarize the findings in the housing element.

Black Diamond's Proposal and AHC Findings

While Black Diamond's submission includes many data points and substantive analysis, the AHC could not find specific information required by CPP H-3(a), (b), (c), (d), (f), and (l). This includes:

a) a statement of Black Diamond's allocated emergency housing need;

b) housing units by number of bedrooms, condition, tenure, and income-restricted housing units by AMI level;

c) emergency housing inventory;

d) percentage and geographic distribution of residential land zoned for moderate- and high-density housing and accessory dwelling units in the jurisdiction.

f) households characteristics by race/ethnicity (not only a combined "persons of color" category); and

l) the housing needs of people who need supportive services or accessible units, including, but not limited to people experiencing homelessness, persons with disabilities, people with medical conditions, and older adults.

This analysis should inform additional comprehensive plan policy responses and strategies. For example, analysis responsive to the CPP components listed above could inform Black Diamond's implementation strategy to "support development of emergency, transitional, and permanent supportive housing with appropriate services for people with special needs throughout the city and region."

> **Recommendation 3:** Black Diamond should include all inventory and analysis components as required by CPP H-3 in the comprehensive plan and summarize the findings in the housing element. This analysis should inform additional comprehensive plan policy responses and strategies.

4. Document racially exclusive and discriminatory land use and housing practices and adopt intentional, targeted actions to avoid and repair harm (CPPs H-5 and H-9)

Relevant Countywide Planning Policies

CPP H-5 requires jurisdictions to identify local policies and regulations that result in racially disparate impacts, including zoning that may have a discriminatory effect. CPP H-9 requires jurisdictions to adopt intentional, targeted actions that repair harms to Black, Indigenous, and other People of Color (BIPOC) households from identified past and current racially exclusive and discriminatory land use and housing practices.

Black Diamond's Proposal and AHC Findings

Black Diamond's draft housing element includes an Equity and Racially Disparate Impacts section that:

- outlines relevant CPP requirements;
- describes at a high level how the legacy of discriminatory housing and land use policies and practices have resulted in racial disparities; and
- finds that there were no racially restrictive covenants in Black Diamond.

Other sections in Black Diamond's draft housing element identify racial disparities in income and renters' housing cost burden.

Black Diamond's submission does not identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including zoning that may have a discriminatory effect, disinvestment, and infrastructure availability. It also does not demonstrate how current strategies are addressing impacts of those racially exclusive and discriminatory policies and practices. Both of these analyses are required by CPP H-5.

Black Diamond's draft housing element proposes policy H2-10 to "promote zoning and development regulations that are non-exclusionary, and which avoid racially disparate impacts and/or disinvestment." However, Black Diamond does not clearly identify sufficient capacity for housing affordable to households at and below 80 percent of AMI. Without identified capacity for these housing types, the plan does not comply with H2-10 because low-income households in King County are disproportionately Black and Indigenous.[3] The draft plan also provides no implementation strategies to detail how its proposed zoning regulations will be inclusive and avoid racially disparate impacts and/or disinvestment.

Without a land capacity analysis that clearly identifies capacity for housing units typically affordable to low-income households and implementation strategies for policy H2-10, along with analyses required by CPP H-5, the AHC cannot assess whether the draft plan adopts intentional, targeted actions that repair harms to BIPOC households from identified past and current racially exclusive and discriminatory land use and housing practices, as required by CPP H-9.

> **Recommendation 4:** To align with CPP H-5, Black Diamond should identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing and demonstrate how strategies will address those policies and practices. To align with CPP H-9 and Black Diamond's proposed policy H2-10, Black Diamond should demonstrate sufficient capacity for low-income households and how its zoning and development regulations are inclusive and avoid racially disparate impacts.

5. Clarify community engagement findings (CPP H-8)

Relevant Countywide Planning Policy

CPP H-8 requires all jurisdictions to collaborate with and prioritize the solutions articulated by populations most disproportionately impacted by housing cost burden in developing, implementing, and monitoring strategies that achieve the goals of this chapter.

Black Diamond's Proposal and AHC Findings

Black Diamond's Housing Action Plan includes a summary of community input. However, the summary does not identify specific input or themes from populations most disproportionately impacted by housing cost burden, both within Black Diamond and throughout the county. Without

[3] Median Household Income dashboard. Communities Count. 2024 [link]

this information, the AHC cannot determine if Black Diamond is prioritizing the needs and solutions identified by these populations.

Black Diamond identifies proposed policy H2-10 as responsive to CPP H-8, which directs Black Diamond to take action against racially disparate impacts through "review of existing policies, codes and procedures." However, that proposed policy does not clearly include an intent to collaborate with populations most disproportionately impacted by housing cost burden as a part of that review, as required by CPP H-8.

> **Recommendation 5:** To align with CPP H-8, Black Diamond should include a policy to collaborate with populations most disproportionately impacted by housing cost burden. Black Diamond should also disaggregate input from community engagement and clarify how the plan prioritizes the needs and solutions articulated by these populations.

6. Explicitly plan for and prioritize income-restricted housing (CPPs H-10, H-14, and H-21)

Relevant Countywide Planning Policies

CPPs H-10 and H-14 address the need for "income-restricted housing." CPP H-10 requires jurisdictions to adopt policies, incentives, strategies, actions, and regulations that increase the supply of long-term income-restricted housing for extremely low-, very low-, and low-income households and households with special needs. CPP H-14 requires jurisdictions to prioritize resources for income-restricted housing, particularly for extremely low-income households, populations with special needs, and others with disproportionately greater housing needs. CPP H-21 requires jurisdictions adopt policies and strategies that promote equitable development and mitigate displacement risk.

Black Diamond's Proposal and AHC Findings

Black Diamond's proposed Housing Goal 3 to "recognize the need for and support housing for special needs populations," and policy H2-1 commits the City to work with partners to "maintain an adequate amount of affordable housing and provide affordable homeownership opportunities for extremely low-, very low-, and low-, and moderate-income households." However, neither policy mentions *income-restricted* housing. Income-restricted housing helps to mitigate displacement risk, ensuring that a portion of the city's housing stock remains affordable to low-income households as costs rise and is an important housing planning tool even in cities like Black Diamond, with many unregulated homes that are affordable at market today.

The AHC therefore finds that Black Diamond's submission does not clearly demonstrate a commitment to increase the supply and prioritize resources for income-restricted housing, as required by CPPs H-10 and H-14. The AHC also finds that in doing so, Black Diamond misses an opportunity to mitigate displacement, as required by CPP H-21.

> **Recommendation 6:** To align with CPPs H-10, H-14, and H-21, Black Diamond should adopt policies and submit updated implementation strategies to increase the supply and prioritize resources for income-restricted housing.

7. Submit updated implementation strategies to support renter households (CPP H-23)

Relevant Countywide Planning Policies

CPP H-23 requires jurisdictions adopt and implement policies that protect housing stability for renter households.

Black Diamond's Proposal and AHC Findings

Black Diamond's draft housing element includes proposed policies encouraging a "diversity of owner and rental housing types," establishing "policies and procedures to mitigate displacement," considering "reduced utility rates for low-income seniors and disabled residents," and considering establishing a Multifamily Tax Exemption program (proposed policies H1-5, H2-9, H2-10, H2-12, and H2-13, respectively). These policies likely will improve housing stability for renter households. However, the draft implementation strategies submitted in response to CPP H-23 focus on zoning and regulations and are not clearly connected to the policies listed above.

The AHC recognizes that Black Diamond's size and budget present a challenge to implementing certain renter projections. However, the majority of Black Diamond's allocated housing need is for households with incomes at or below 80 percent of AMI, which are more likely to rent than own their housing. Black Diamond will therefore need to further develop policies and implementation strategies for supporting stability in rental housing, as it will likely continue to become an increasing share of Black Diamond's residents.

> **Recommendation 7:** To align with CPP H-23, Black Diamond should submit updated implementation strategies to support housing stability for renter households to AHC staff after adoption of its comprehensive plan. AHC staff are available to meet with Black Diamond staff as they consider and develop these implementation strategies.

Conclusion and AHC Resources

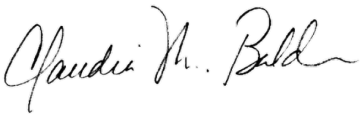
Thank you again for your submission to the Committee's Housing-focused Draft Comprehensive Plan Review Program. AHC members valued the opportunity to review Black Diamond's Comprehensive Plan Update and related submission materials. Black Diamond's participation in the plan review program is instrumental in the broader work of the Committee to empower local jurisdictions to address the affordable housing crisis in King County.

AHC staff are happy to assist Black Diamond in addressing these recommendations. For immediate resources and guidance on aligning with the CPP Housing Chapter, refer to the:

- Engrossed 2021 King County CPPs;
- AHC Housing-focused Draft Comprehensive Plan Review Program Guide; and
- King County Resources for Documenting the Local History of Racially Exclusive and Discriminatory Land Use and Housing Practices.

If you have questions or need additional information regarding aligning with the CPP Housing Chapter, please contact lead staff for the AHC plan review program, Carson Hartmann, at AHCplanreview@kingcounty.gov or 206-848-0681.

Sincerely,



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