

**BLACK DIAMOND
PLANNING COMMISSION
MINUTES OF JUNE 7, 2011 MEETING**

CALL TO ORDER

Chairman Bob Kaye called the meeting to order at 7:00 p.m. with the introduction of the role and duties of the Planning Commission.

ROLL CALL

Present: Commissioners Bob Kaye, Greg Thesenvitz, Darryl Buss, Sheri Roth, Ron Taylor, Keith Watson
Absent: Pam Thurmond (excused)
Staff: Community Development Director Steve Pilcher

PUBLIC COMMENTS

Peter Rimbos, 19711 241st Ave. SE, Maple Valley, stated that he leads a Citizens' Technical Advisory Team that has been reviewing the proposed Development Agreements. He mentioned he had appeared at the last Commission meeting and indicated his group's desire to meet with the Planning Commission to discuss their concerns regarding the two Master Planned Developments. Mr. Rimbos reviewed the primary issues they wished to discuss. He noted the Commission had stated they would get back to him on the question of if/when to meet.

Commissioner Taylor stated that he would be willing to meet with the Technical Advisory Team.

The Commission discussed how they might meet with the group, whether as individuals, smaller groups or collectively. Mr. Pilcher noted that if four or more Commission members were to convene, it would have to be a duly advertised meeting of the Planning Commission.

Mr. Rimbos also stated that the Technical Advisory Team was also proposing an amendment to the City's Comprehensive Plan concerning Transportation Concurrency on SR-169. He read their proposed language revisions and indicated he would provide a copy to staff tomorrow as a formal submission.

Commissioner Taylor invited continued contact from the Technical Advisory Team.

Mr. Pilcher noted that the Planning Commission email box is up and running, so if any member of the public wishes to contact the Commission directly, they can do so through the City's website.

Cindy Proctor, 718 Griffin Ave., #241, Enumclaw, addressed the proposed amendments to Title 17 regarding the preliminary plat appeals process. She urged the Commission to vote "no" on the proposal.

Bob Edelman, 29871 232nd Ave SE, Black Diamond, stating he believed the memorandum from the City Attorney represented an attempt to limit public comment on this issue. He requested the Commission to re-open public testimony. Mr. Edelman also noted that pursuant to State law, meeting minutes are to be prepared promptly; this has been an issue with City Council minutes. He also inquired where to obtain a copy of the Planning Commission's Rules and Procedures.

APPROVAL OF MINUTES

Moved by Commissioner Watson, seconded by Commissions Taylor, to approve the minutes of the April 12, 2011 meeting as written. Passed 6-0.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO TITLE 17, REGARDING PRELIMINARY PLAT APPEAL PROCESSES (TESTIMONY CLOSED)

Mr. Pilcher gave a brief report on this issue, calling the Commission's attention to a memorandum prepared by the City Attorney that is included in their packet. He noted there currently is a conflict between Title 17 and Chapter 18.08 of the Municipal Code regarding the course of an appeal of a Hearing Examiner decision on a preliminary plat application. Title 17 indicates appeals would proceed to City Council, while Chp. 18.08 indicates they would go directly to Superior Court. He stated that staff continues to recommend the proposed amendments as drafted.

Commissioner Thesenvitz asked how long the conflict has existed in the code. Mr. Pilcher indicated at least since June 2009, when the new Zoning Code was adopted.

Commissioner Taylor stated that he is opposed to the proposed changes due to: 1) public testimony in opposition to the amendments and 2) that there are several plats currently in process. He indicated he was dissatisfied with the tone of the City Attorney's memorandum. He supports citizens having access to their City Council.

Chair Kaye asked what to do about the current conflict. Commissioner Taylor stated Chapter 18.08 could be amended to be consistent with Title 17.

Mr. Pilcher indicated it would probably be at least August until the Commission could conduct a public hearing on any proposed change.

Commissioner Buss indicated he agrees with Commissioner Taylor.

Commissioner Watson stated he agreed this matter should be forwarded to the City Council with no recommendation. Commissioner Roth indicated she concurred.

Moved by Commissioner Taylor, seconded by Commissioner Thesenvitz, to 1) not approve as drafted and 2) to ask staff to draft amendment language to Chapter 18.08 to reconcile it with the various sections in Title 17. Passed 6-0.

PUBLIC HEARING ON TEMPORARY SIGNS (TESTIMONY CLOSED)

Mr. Pilcher noted the Commission had received public testimony at its last meeting indicating support of fewer restrictions on the use of signs. He also noted that the Washington State Department of Transportation had clarified its comments and was now requesting Black Diamond's Code include a prohibition of the use of sandwich board signs within the right-of-way for SR-169.

Commissioner Thesenvitz indicated that City staff shouldn't be required to enforce State laws. However, he supports the concept of including language that indicates City Code cannot supersede State law.

Commissioners Taylor and Watson indicated they agreed with including that type of language.

Moved by Commissioner Thesenvitz, seconded by Commissioner Taylor, to recommend approval of the proposed code changes, with the addition of BDMC 18.82.050.A.11 stating that nothing in Black Diamond Code supersedes State law concerning the use of signs within the state right-of-way. Passed 6-0.

COMPREHENSIVE PLAN AMENDMENTS

Mr. Pilcher noted that the Comprehensive Plan may only be amended once each calendar year. There are two methods for having an amendment be considered: 1) placing a proposal on "the docket" or 2) filing an amendment request. The latter ensures an amendment will be considered, while placing an item on the docket gives the Commission the ability to decide whether to move forward with a proposal or not. Prior to the meeting, there haven't been any proposed amendments submitted.

Mr. Pilcher then reviewed a list of potential amendments that have been developed by staff. He indicated he is not asking for formal Commission action this evening, but, if there were certain items the Commission found objectionable, staff would remove them from the list. Otherwise, staff will be back at the Commission's July meeting to request they formally initiate the list.

The Commission did not indicate any objections to proceeding forward with any of the suggested amendments.

DEPARTMENT REPORT

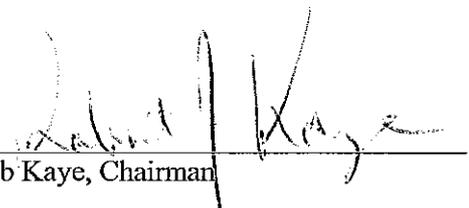
Mr. Pilcher noted that on Thursday afternoon at 4:00, the City Council will be conducting a work study session on the possibility of establishing school impact fees to apply city-wide.

Mr. Pilcher also noted the legal status of the various appeals on the MPDs. He noted that at this time, it has yet to be determined whether the MPDs will ever come before the Commission for its consideration. He indicated the Commission should bear that in mind when considering whether to meet with members of the Technical Advisory Team as requested by Mr. Rimbo.

The Commission then discussed whether to meet as a whole with the Technical Committee and agreed it would not do so at this time. Individual members may choose to do so.

ADJOURNMENT

Moved by Commissioner Watson, seconded by Commissioner Thesenvitz, to adjourn. Passed 6-0. **The meeting adjourned at 8:45 p.m.**



Bob Kaye, Chairman

ATTEST:


Planning Commission Secretary