



CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING AGENDA  
February 9, 2016 7:00 PM  
25510 Lawson Street, Black Diamond, Washington

- 1) CALL TO ORDER, ROLL CALL
- 2) APPOINTMENT OF OFFICERS
- 3) DISCUSS CHANGES TO BLACK DIAMOND MUNICIPAL CODE - CHAPTER 2.24 PLANNING COMMISSION RULES AND PROCEDURES.
- 4) CONSIDER RECOMMENDATION TO REVISE PLANNING COMMISSION RULES AND PROCEDURES TO CHANGE MEETING TIME FROM 7PM TO 6PM.
- 5) PUBLIC COMMENTS
- 6) ADJOURN

# RULES AND PROCEDURES OF THE CITY OF BLACK DIAMOND PLANNING COMMISSION

The following Rules and Procedures are adopted by the City of Black Diamond Planning Commission to facilitate the performance of its duties and functions as empowered in Chapter 2.24, Black Diamond Municipal Code.

## Section 1. Meetings

- A. Regular meetings. The Planning Commission meets regularly on the first Tuesday evening following a regularly scheduled City Council meeting, commencing at ~~6:00~~ ~~7:00~~ p.m. in the City Council Chambers. Regular City Council meetings are held on the first and third Thursday of each month.
- B. Special meetings. The Planning Commission shall meet for special meetings at the call of the Chair or by majority vote of the Commission. A minimum of 24 hours notice shall be provided to each Commission member and the public for special meetings.
- C. Cancellation. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the Chair or Secretary provided at least 24 hours in advance. A majority vote of the Commission may also result in cancellation of a meeting.
- D. Open Meeting Requirements and Notification. The open meeting requirements of State law (RCW 42.30) shall apply to all Planning Commission meetings. Notification procedures shall follow the requirements of applicable sections of Black Diamond Municipal Code or standard City practice as established by the City Clerk.

Special meetings shall be noticed by: a) delivering written notice personally by mail, fax or by electronic mail at least 24 hours in advance to Planning Commission members; b) delivering written notice personally by mail, fax or electronic mail at least 24 hours in advance to the official City newspaper and also to each media publication and individual which has filed a written request with the City to be notified of Planning Commission meetings and c) posting the notice on the City's website.

- E. Record. All public hearing procedures shall be recorded. This record will normally be an audio recording by means of electronic equipment. Recording of work/study sessions is not required.
- F. Minutes. The Community Development Department staff will prepare written minutes of all meetings that includes pertinent information, motions, decisions made, and actions and votes taken.

## Section 2. Officers

- A. The Planning Commission shall have a Chair, Vice-Chair and any other such officer as the Commission may, by majority vote, approve. Officers shall be elected by majority vote of present Commission members.
- B. Temporary Chair. If both the Chair and Vice Chair are absent from a meeting, the Planning Commission shall, by a majority vote of those members present, elect a temporary Chair for that meeting.
- C. Election. The election of officers shall occur annually at a regularly scheduled meeting in the month of January. The term of office of each officer shall run until the subsequent election.
- D. Vacancies. A vacancy of the office of the Chair caused by his or her resignation shall be filled by the Vice-Chair. A vacancy of the office of Vice-Chair or any other office of the Planning Commission shall be replaced by majority vote of the Planning Commission at the next regular scheduled meeting after the vacancy occurs.
- E. Duties of Officers. The duties and powers of the Chair and Vice Chair shall be as follows; the duties and powers of any other officer shall be as defined by the Commission at the time the position is created.

### Chair:

- a. To preside at all meetings of the Planning Commission.
- b. To call special meetings of the Planning Commission.
- c. To sign documents on behalf of the Planning Commission.
- d. To appoint Planning Commission members to serve on other City committees, advisory groups and task forces when requested to do so by the City Council.
- e. To create temporary committees of one or more members.
- f. The Chair shall be considered as a member of the Commission and have full right to have his/her own vote recorded in all deliberations. Unless otherwise stated, the Chair's vote shall be considered to be affirmative for the motion.

Vice-Chair: During the absence of the Chair or upon request of the Chair, the Vice-Chair shall exercise all the duties and be subject to all the responsibilities of the Chair.

City Council Liaison: The Chair shall act as a liaison between the Planning Commission and the City Council and other City entities. The Chair may appoint an alternate liaison as needed.

### **Section 3. Secretary**

The Community Development Director or his/her appointee, shall act as the Secretary of the Planning Commission and shall keep and retain a record of all meetings of the Commission and its committees.

### **Section 4. Quorum**

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A quorum must be in attendance in order to conduct a meeting, to transact any business or to render a recommendation. Every motion of the Planning Commission requires approval of a majority of the Planning Commission members present to pass.

### **Section 5. Absence of Members**

In the event of a member being absent for three (3) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Commission may request the Mayor to ask for his or her resignation. To be excused from a meeting, members must inform the Chair or Secretary in advance of a scheduled meeting or by the end of the next business day following the meeting.

### **Section 6. Vacancies**

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the Secretary shall immediately notify the City Clerk and request the Mayor to appoint a replacement at the earliest possible time.

### **Section 7. Disqualification**

No member of the Planning Commission should participate in any discussion or vote on any matter in which the member has a direct and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote.

### **Section 8. Conduct of meetings**

- A. General. The Chair has broad authority over all matters regarding the conduct of meetings. He/she shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Commission, while permitting the orderly and timely completion of Planning Commission business.

- B. Use of Roberts Rules of Order. The Planning Commission may refer to the applicable provisions of Roberts Rules of Order for guidance for items not addressed by these Rules and Procedures.
- C. Executive sessions. Executive sessions can only be held in accordance with the State Open Public Meetings Act.
- D. Public comment. On specific agenda items, other than public hearings, the Chair may allow comments from the audience with the consent of the Commission. Audience members must be recognized by the Chair in order to speak.

### **Section 9. Order of Business**

An agenda shall be prepared by the Secretary for each meeting and will generally consist of the following order of business:

- A. Call to order/roll call/establishment of quorum
- B. Approval of minutes of previous meetings
- C. Public comment on any topic that is not the subject of a public hearing to be considered on the agenda. The Chair may limit comment to no more than 3 minutes per speaker and no more than three speakers on any one topic.
- D. Public hearings.
- E. Study/work sessions.
- F. Unfinished business.
- G. Report of the Community Development Department.
- H. Public comments from the audience, limited to 3 minutes per speaker.
- I. Adjournment.

The order of business may be changed or amended during the meeting by the Chair with the consent of the majority of Commission members present.

### **Section 10. Rules of Procedures for Public Hearings**

Periodically, the Planning Commission conducts public hearings on various issues as required by ordinance. The following procedures shall be used for conducting all public hearings:

- A. The Chair shall declare the Public Hearing open and ask for a staff presentation.
- B. Staff shall provide a presentation of the matter under consideration.
- C. Individual Commission members may ask clarifying questions of staff.
- D. The Chair shall then call for public testimony, either for or against. Testimony must be called for three times. The Chair retains the right to establish a time limit on the length of individual testimony.
- E. Written comments may be submitted to the Community Development Department by noon of the day of the hearing or to the Chair during the hearing. These comments will become part of the official record and shall be considered by the Commission in its action.
- F. The purpose of public testimony is to provide comments to the Commission, not ask questions of staff. All members of the public shall address the Commission.

- Staff will only respond to inquiries if asked to do so by the Chair. Commission members may question a speaker on any matter related to his/her comments.
- G. At the discretion of the Chair, individuals may be allowed to speak more than once, time permitting.
  - H. Based upon the testimony, the Commission may ask questions of staff.
  - I. Chair closes the public hearing. The hearing may be reopened by motion to accept additional testimony.
  - J. The Commission shall then consider all the information presented and deliberate on the matter. Clarifying and procedural questions may be asked of staff, but public comment is not allowed unless the hearing is reopened per (I) above.
  - K. After continuation, the Commission may:
    - 1. Make a recommendation to the City Council by motion and approval of a majority of those member present; or
    - 2. Leave the written record open for a specified time period; or
    - 3. Continue the hearing to a time and date certain. At that time, the Commission may consider whether to allow additional public testimony.
  - L. For any non-legislative matter, the Commission shall make Findings and Conclusions that support its recommendation.

### **Section 13. Communications as Planning Commission members.**

The Planning Commission serves in an advisory role to the City Council and makes decisions in the form of recommendations to the Council. All Commission recommendations are forwarded to the Council for its consideration, whether a recommendation to approve or deny.

In communicating with the City Council or members of the public, Commission members need to clarify whether they are speaking as individual citizens or as a member of the Commission. If speaking as a member of the Commission, only the official, voted recommendation of the Commission should be discussed, provided that, a member can speak on behalf of a minority opinion for which the Commission has agreed it may be officially communicated.

### **Section 12. Amending the Rules of Procedure**

The rules of procedure may be amended at any regular meeting of the Planning Commission by a majority vote of the appointed members.

**Section 13. Validity**

If any portion of these rules and procedures are found to be invalid, that part or parts will not invalidate the remainder of the rules.

INITIALLY ADOPTED by the Planning Commission March 10, 2009.  
AMENDED FEBRUARY 21, 2012.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Vice-Chair

Attest:

\_\_\_\_\_  
Barbara Kincaid, Community Development Director

ORDINANCE NO. 16-1072

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, RELATING TO QUALIFICATIONS OF THE PLANNING COMMISSION, ESTABLISHING THAT MEMBERS MUST RESIDE IN THE CITY AT LEAST 180 DAYS OF EACH CALENDAR YEAR OR BE OWNERS OF A BUSINESS WITH A PHYSICAL PRESENCE WITHIN THE CITY, AND MAKING OTHER HOUSEKEEPING AMENDMENTS, AMENDING BLACK DIAMOND MUNICIPAL CODE SECTION 2.24.010.**

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**WHEREAS**, the City of Black Diamond has created a planning commission pursuant to RCW 35A.63.020; and

**WHEREAS**, there is no residency requirement in state law for planning commission members; and

**WHEREAS**, the Council established the qualifications of the planning commission in Black Diamond Municipal Code (BDMC) Section 2.24.010(B), which requires, among other things, that planning commission members “reside in the community at least one hundred eighty days each calendar year or owners of businesses with a physical presence within the city”; and

**WHEREAS**, BDMC Section 2.24.010(D) on the subject of removal of a planning commission member conflicts with Section 2.24.010(B), as it provides that “failure of a planning commission member to either reside or be a business owner in the City shall constitute a forfeiture of office;”

**WHEREAS**, BDMC Section 2.24.010(A) lists term expiration dates for each the seven planning commission positions, which is outdated and should be eliminated because the continuation of listing specific term expiration dates would require a yearly code amendment;

**WHEREAS**, the City Council considered this Ordinance during its regular meeting of January 21, 2016; now, therefore,

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

**Section 1.** Section 2.24.010 of the Black Diamond Municipal Code is hereby amended to read as follows:

**2.24.010 Membership.** Pursuant to RCW chapter 35A.63, there is created for the city a planning agency to be known as the city planning

commission, consisting of seven members who shall be appointed by the mayor and confirmed by the city council.

A. The positions of planning commissioners shall be designated numbers one through seven. The term of each member of the planning commission shall be four years. The terms of office shall be staggered based on the date of appointment. Terms expire on December 31, but members of the planning commission shall continue to serve until their successor is appointed and qualified ~~The existing term of office of each member of the planning commission shall expire according to the following schedule:~~

~~Position 1: Term expires December 31, 2014  
Position 2: Term expires December 31, 2015  
Position 3: Term expires December 31, 2016  
Position 4: Term expires December 31, 2017  
Position 5: Term expires December 31, 2012  
Position 6: Term expires December 31, 2013  
Position 7: Term expires December 31, 2013~~

~~Following the term expiration dates noted above, each term shall be four years in duration.~~

B. Qualifications. Members of the planning commission shall be selected from individuals who have an interest in planning, land use, environmental affairs or residential and commercial development as evidenced by training, experience or actions. Consideration will also be given toward maintaining an equitable balance of geographic representation of the community. Members of the planning commission shall be limited to individuals who reside in the community City at least one hundred eighty days each calendar year or owners of businesses with a physical presence within the city. A "physical presence" means that the individual or business owner does business in the City of Black Diamond and has obtained a Black Diamond business license.

C. The planning commission ~~may~~ shall adopt rules and procedures to address the conduct of its meetings, elections of officers and other administrative matters. Conflicts of interest shall be addressed as set forth in RCW 35A.63.020.

D. Removal. A planning commissioner may be removed by the mayor, with the concurrence of the city council, for misfeasance in office or other just cause, or for unexcused absences from more than three consecutive meetings. Failure of a planning commission member to qualify as provided in Section B. shall constitute forfeiture of office. The decision of the city council regarding membership on the planning commission shall be final.

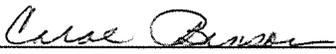
E. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members shall serve service without compensation.

**Section 2. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

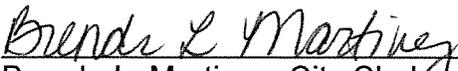
**Section 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 4. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

Passed by the City Council on 1/21, 2016.

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

Attest:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Carol Morris, City Attorney

Published: 1/26/16  
Posted: 1/22/16  
Effective Date: 1/31/16

These are just opening discussion points:

As described in Section 1.1 Purpose of Comp Plan, I have put down some of my visions and goals and policies in regard to urban growth, housing, transportation, capital facilities, utilities, and the economy. My thoughts are in no particular order and randomly laid out as I thought of them. I welcome feedback and the chance to discuss this at our next meeting along with everyone else's thoughts. I left this as a word document so others can cross things out, add things, do whatever to it.

In almost every description of the future of Black Diamond from the original UGA agreement of '95 through the MPDs it is written, several times, that it is the desire and intention of these agreements that Black Diamond retains a small town charm, rural by design. This is very vague, and maybe left that way for future interpretations. I very strongly feel that now we are the future that needs to define that. This phrase is, I think, a central part of the opening vision of our Comp Plan. We all probably have a different view of this definition. By "We" I am not just referring to us on the Planning Commission or the City Council. I mean everyone that cares enough to offer up a definition. Sub-urban and Rural are two different characters. Is Covington a small sub-urban town? Is Covington a small rural town? What about Maple Valley? Enumclaw? Orting? North Bend? Cle Elum? Twisp? Eatonville? Issaquah? Do we want our sidewalks to roll-up at 9pm? Do we want 24 hour businesses? Should we recommend that there be one area along the highway designated for 24 hour retail? Other commercial areas could be 8am-9pm. With maybe an exception for dine-in only restaurants and bars.

Another thing that was brought up at the UGA and MPD procedures was light pollution. Public area lighting needs to serve the pedestrian and the automobile driver. These two have different needs. The Pedestrian needs lighting closer to the street and the auto needs it up higher, but less bright. Current lighting techniques are one size covers both needs. This causes tall lights that are very bright. It is cost effective installing these, but light pollution is a real concern, and we might as well start out with it done responsibly instead of regretting the cheap and easy later. I am no fan of glaring city lights. That is one of the reasons I was sold on Black Diamond. I find it annoying. I am sure many others out here do to, along with the local wildlife, which is also a goal of the City's in concern with the MPDs as discussed in the original UGA conversations. One technique that might be used that might help is to have lighting that is not too bright 8 feet off the ground for pedestrians and then dimmer lighting up higher for autos. Maybe LED lighting that saves energy is tinted with a certain color to reduce glare, but provide visibility. This is something that needs some experimentation, but excessive light pollution does not fit into a rural town.

I imagine that bike paths and pedestrian paths are going to be together, much like the Burke Gillman trail. I would suggest that these paths be widened further to accommodate Neighborhood Electric Vehicles (NEVs) and Moderate-Speed Electric Vehicles (MEVs). In regard to the county desire for multi-modal transportation and to connect all of the areas of Black Diamond in a way that does not encourage cars, maybe we could require that bike paths built in the MPD connect all of Black Diamond with a pathway wide enough to accommodate this. With the county pushing multi-modal transport, we might

get the county to fund a lot of it in conjunction with the MPD. This will accomplish several things that I believe can be interpreted from the UGA and MPD visions. Neighborhoods are connected with continuous non-automobile paths. People are encouraged to hang out locally. Realistically most people are not going to walk or bike around town. People who live in Maple Woods don't walk to the Safeway shopping center; they get in their car and drive. This behavior is typical of, I estimate, 90% of the people. I'm one of that 90%, especially with our weather up here. NEVs and MEVs are something I think people will use to get around locally if they have access to that. There are a lot of areas in Florida that I have heard do this and it is very successful. Washington provides for the use of the NEVs and MEVs under certain conditions.

In regard to future traffic lights, I think the way Vancouver BC does traffic lights is great. During heavy use times the lights function normally; red, yellow, and green. In off-hours the lights flash green for the main traffic and red for the cross traffic. It makes absolutely no sense that on the main roads at midnight you have the light turn red for one car. This causes un-necessary wear on the car, wastes fuel, and frustrates drivers. I would strongly recommend we adopt traffic signal requirements to accomplish this objective.

In regard to housing it was the general consensus of the City Council and the public back in '97 that houses should not be a mirror of the house next door. A wide mix of house types, colors, styles, and materials used, intermingled along the street give the area a much homier look. Definitely not the cheapest way to build a neighborhood, but why do we want our town to look cheap and just like every other development in the USA.

Transportation concurrency:

As we all know it is highly disruptive to construct new roads and infrastructure when there are already people living there. As part of the original UGA agreement and part of the Counties annexation agreement the infrastructure is supposed to go in first. This means sewer, water, power, communications, and roads. I have always interpreted that to mean the whole project, not one little piece here and one little piece there. That is how new developments are done in other cities when they are done piecemeal. You end up with a widened road around a new development then back to congestion until decades later with the developer long gone the people have to tie everything together at a greater expense and interruption. I think that the infrastructure should be required to be put in for

the whole build out first. That way we don't have 10,000 new residents and then start tearing up streets and putting in intersections. It was years and years of frustration and construction of Witte Rd and SR 169 through Maple Valley. This was because each new development had to do something, then the City and the State had to do something to bring it all together smoothly. It is far more convenient and less disruptive to do this work before the new residents arrive. I think this is consistent with the required Policy Determination requirements, Page 6 of 19. Looking at the big picture, this is where Black Diamond is heading and we need this in place to smoothly achieve that end.

#### Economics:

I cannot think of one city that is successful, that relies solely on its local people for revenue. I know that some people have pie in the sky dreams of industry coming to Black Diamond with high paying jobs that will make it so no one has to leave the city to work. That is not really going to happen, and would it fit into our definition of Rural to have a huge Amazon or aero-space company here? Incubating small starter companies is great, but by the time they get big enough to support more than the owner and one other person, because of space limitations, they will leave; if they even survive one year. A successful city relies on Other People's Money, and tourist who want to spend and then go home. How do you draw tourist in? Leavenworth is a great example. A planning commission much like this took place in 1965 to transform Leavenworth into a picturesque Bavarian village. They needed Other People's Money and they are getting it now. Port Orchard tried a similar move, but with a Western theme. Port Orchard failed because it really had no draw. Leavenworth had the draw with their setting and what they did to the downtown. Black Diamond can have that draw, but it needs a gimmick. Black Diamond has a beautiful setting with a great view of the mountain on the way in. Black Diamond has history; Black Diamond has the location to be a tourist draw because of its proximity to a major metropolitan area. Black Diamond also has a clean slate to work with. What I think would be a great draw is a shopping center like Kent Commons or the Renton Landing. It could have a theme. I really don't think that an 1880 coal town is an attractive theme for a town. Coal towns were put together really cheap and bland. I think

something art deco themed around 1959 would be great. That was the year Black Diamond incorporated, and the big theme in the late 50's was the future. Space travel, new gadgets, mobility etc. That is today. So you fill the shopping area with restaurants, bars, small retail specialty stores, luxury and exotic cars, art galleries, furniture stores etc. You limit the square footage of the store so you keep it rural by design. If they need more space for storage they can get that out of the shopping area, preferably in the zoned industrial area. But what is going to be the gimmick. What will draw people here to spend their money? The above described shopping area alone won't do it. Money talks. You make the Black Diamond portion of the sales tax the lowest in the state. People who spend thousands on art work, furniture, \$50-\$100 thousand on autos, those people will come to Black Diamond to save money and have a great day in a beautiful little rural town that they did not have to drive half way across the state to get to. You hear sales pitches all the time from Puyallup and Sumner about how their sales tax is lower than the metro area of Seattle, Tacoma, Everett, and people go there to buy big ticket items because of that pitch. Black Diamond would be even lower. As it sits right now Black Diamond is not making that much on sales tax. If this town is built and it looks just like Covington, Maple Valley, Issaquah or any other town with a few national box stores, a couple dozen fast food joints, an Olive Garden, and some 7-11's, what is going to be the draw to get outside money spent here. Local money cannot support a town. Why would someone in Issaquah drive to Black Diamond for the day to shop if Black Diamond looked just like the town they live in, costs just as much to buy something, and had the same national box stores. You need to draw in people from outside to visit, spend, and leave. Restaurant and bars would not have the lowered tax rate, because it is not necessary to lower the tax at these types of establishments. The city would make more money in the volume of high value items sold, taxed at a lower rate, than taxing everything at the same rate as every other city in the Puget Sound and therefore not selling much. A successful city needs a gimmick to get people in to spend money. Black Diamond has few options and I think this option would be a huge success. The draw of the city lay-out, the rural setting, the lowest sales tax rate in the State, it has major tourist draw written all over it.