



CITY OF BLACK DIAMOND
September 20, 2012 Workstudy Agenda
25510 Lawson St., Black Diamond, Washington

Workstudies are meetings for Council to review upcoming and pertinent business of the City. Public testimony is only accepted at the discretion of the Council.

5:00 P.M. – CALL TO ORDER, ROLL CALL

- 1.) Minor and Major Amendments to Development Agreements – Mr. Bacha
- 2.) Vesting Periods for Previously Approved Projects – Mr. Bacha
- 3.) Accepting Donation from Save Black Diamond (K9 Fundraiser) – Ms. Benson and Ms. Deady
- 4.) Process and Criteria for Selection of New Planning Commissioners – Mr. Bacha
- 5.) Code of Conduct for City Officials and doing business within the City – Mr. Goodwin
- 6.) Adjournment

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Ordinance No. 12-978, amending Chapter 18.14, Black Diamond Municipal Code, regarding vesting periods for previously approved project permits	Agenda Date: September 6, 2012	
	AB12 -069A	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator - Pete Butkus	X
	City Attorney - Chris Bacha	X
	City Clerk - Brenda L. Martinez	
	Finance - May Miller	
	Public Works - Seth Boettcher	
	Economic Devel. - Andy Williamson	
Police - Jamey Kiblinger		
Comm. Dev. - Steve Pilcher	X	
Cost Impact: legal notice; staff time		
Fund Source: none		
Timeline: Planning Comm hearing 8/7/12		
Attachments: Proposed ordinance		
SUMMARY STATEMENT:		
<p>In 2009, the City adopted Black Diamond Municipal Code Chapter 18.14, concerning vesting of project permit applications. The chapter included provisions for how long previously approved permit applications would remain valid. If the approval or code did not include a specific expiration date, previously approved permits would expire by April 1, 2012.</p> <p>Black Diamond Plaza, LLC, the proponents of a commercial development proposal along SR 169, requested an extension of time beyond the code-specific April 1 expiration date. The Community Development Director determined their request did not meet the approval criteria contained in 18.14.050.A. However, the Director did grant a 6 month extension until October 1, 2012, in order to allow the proponents the opportunity to seek a change in the regulations.</p> <p>Black Diamond Plaza, LLC subsequently requested an amendment to the code to extend the expiration date until April 1, 2016. The Planning Commission conducted a public hearing on the matter and recommends the Council amend the code to allow an extension until April 1, 2015.</p> <p>Based upon staff research, this proposed amendment would only apply to the Black Diamond Plaza property, as there are no other eligible properties within the city limits.</p>		
COMMITTEE REVIEW AND RECOMMENDATION: The Planning Commission conducted a public hearing on this request on August 7, 2012 and rendered its recommendation at the conclusion of the hearing.		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-978, amending BDMC 18.14 regarding the vesting period for previously approved project permits.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
September 6, 2012	Bring to Workstudy/Next Council	Passed 5-0
September 20, 2012		

CITY OF BLACK DIAMOND
WASHINGTON
ORDINANCE NO.12-978

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO VESTING OF PROJECT
PERMITS; AMENDING CHAPTER 18.14 OF THE BLACK
DIAMOND MUNICIPAL CODE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, on June 18, 2009, the City Council adopted Ordinance No. 09-909 to replace the majority of the City's then-existing zoning regulations and procedural requirements codified in Title 18 of the Black Diamond Municipal Code; and

WHEREAS, Ordinance No. 09-909 established a new chapter 18.14 relating to vesting of project permits; and

WHEREAS, BDMC 18.14.070 established that project permits approved prior to the adoption of Chapter 18.14 would retain their approval until April 1, 2012; and

WHEREAS, June, 2012, Black Diamond Plaza, LLC filed a request to amend the text of BDMC 18.14.070 to extend the period of approval set forth in BDMC 18.14.070; and

WHEREAS, the Planning Commission reviewed the above described request at a public hearing held on August 7, 2012; and

WHEREAS, after consideration of the request and other facts, the Planning Commission has recommended that the BDMC 18.14.070 be amended to provide the previously approved project permits shall remain vested until April 1, 2015; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety and welfare to amend BDMC Chapter 18.14 as set forth herein to extend the vesting period for previously approved project permits that have not yet expired pursuant to the provisions of BDMC 18.14.070; and

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Amendment of BDMC 18.14.070 (Lapsing of existing approvals – Notice required). Section 18.14.070 of the Black Diamond Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

18.14.070 - Lapsing of existing approvals—Notice required.

Any project permit issued by the city prior to the enactment of this chapter, if such approval or permit is not already subject to a definite expiration date under the provisions of the city's municipal code, shall hereby lapse and become void on April 1, ~~2012~~ 2015; provided, the city shall take reasonable steps to notify persons who may possess such approval or permits of this deadline. Reasonable steps may include putting notice on the city's website or mailing written notice to any person whom the city is aware would be affected and for whom the city is able, through reasonable effort, to determine a current mailing address. Extension of such an approval or permit, or issuance of a new approval or permit, shall be subject to the provisions of this chapter.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6TH ~~20TH~~ DAY OF SEPTEMBER, 2012.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

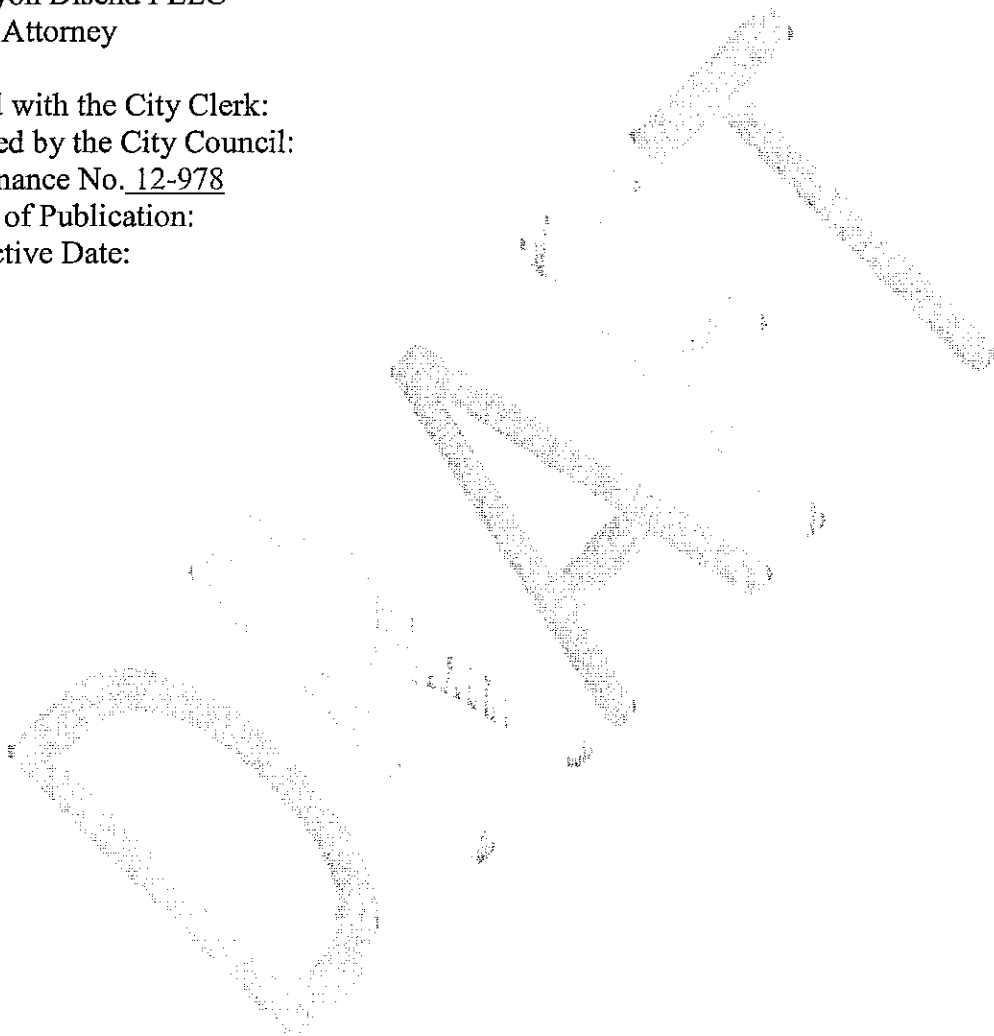
ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 12-978
Date of Publication:
Effective Date:



CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION

SUBJECT: Resolution No. 12-830, establishing a policy for and authorizing acceptance of donations for support of the City of Black Diamond Police Department K-9 Unit	Agenda Date: September 20, 2012		AB12-071
	Department/Committee/Individual		
	Mayor Rebecca Olness		
	City Administrator - Pete Butkus		X
	City Attorney - Chris Bacha		X
	City Clerk - Brenda L. Martinez		
	Finance - May Miller		
	Public Works - Seth Boettcher		
	Economic Devel. - Andy Williamson		
	Police - Jamey Kiblinger		
Cost Impact: N/A	Court - Stephanie Metcalf		
Fund Source:	Comm. Dev. - Steve Pilcher		
Timeline:			

Attachments: Draft Resolution

SUMMARY STATEMENT:

Councilmembers Benson & Deady asked to have this matter considered at the Workstudy Meeting and the following Regular Meeting on 20 September, 2012.

COMMITTEE REVIEW AND RECOMMENDATION:

None, is going to the Committee of the Whole

RECOMMENDED ACTION: MOTION to adopt Resolution No. 12-830, establishing a policy for and authorizing acceptance of donations for support of the City of Black Diamond Police Department K-9 Unit

RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
September 20, 2012		

CITY OF BLACK DIAMOND
WASHINGTON
RESOLUTION NO. 12-830

**A RESOLUTION OF THE CITY OF BLACK DIAMOND,
WASHINGTON, ESTABLISHING A POLICY FOR AND
AUTHORIZING ACCEPTANCE OF DONATIONS FOR
SUPPORT OF THE CITY OF BLACK DIAMOND POLICE
DEPARTMENT K- 9 UNIT**

WHEREAS, the City of Black Diamond has in the past accepted donations from the community for the support of the Black Diamond Police Department K-9 unit; and

WHEREAS, there is community interest in raising funds for continued support of the Black Diamond Police Department K-9 unit, and in particular there is community support from Save Black Diamond, a Washington non-profit corporation which is actively engaged in such fund raising activities; and

WHEREAS, the Black Diamond City Council desires to express its support for the efforts of the community and Save Black Diamond to raise funds for the Black Diamond Police Department K-9 unit; and

WHEREAS, in support thereof the City Council desires to express the policy of the City to accept donations from the community in support of the Black Diamond Police Department K-9 unit;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. That the City of Black Diamond supports the efforts of the community to raise funds for the support of the Black Diamond Police Department K-9 unit, and in support thereof, establishes that it is the policy of the City to accept donations from the community for the Black Diamond Police Department K-9 unit regardless of the source of such funds, which funds upon receipt shall be allocated solely to costs and expense of the Black Diamond Police Department K-9 unit.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF SEPTEMBER, 2012.

CITY OF BLACK DIAMOND

Rebecca Olness , Mayor

ATTEST/AUTHENTICATED:

Brenda Martinez, City Clerk

Approved as to form:

Chris Bacha, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.: 12-830
Date Posted:

CITY COUNCIL AGENDA BILL

City of Black Diamond
Post Office Box 599
Black Diamond, WA 98010

ITEM INFORMATION		
SUBJECT: Ordinance No. 12-977, amending Chapter 2.24, Black Diamond Municipal Code, regarding qualifications and terms of membership for the Planning Commission	Agenda Date: July 19, 2012	
	AB12 -057	
	Department/Committee/Individual	
	Mayor Rebecca Olness	
	City Administrator – Pete Butkus	
	City Attorney –Chris Bacha	
	City Clerk – Brenda L. Martinez	
	Finance – May Miller	
	Public Works – Seth Boettcher	
	Economic Devel. – Andy Williamson	
Cost Impact: NA	Police – Jamey Kiblinger	
Fund Source: NA	Comm. Dev. – Steve Pilcher	X
Timeline: NA		
Attachments: Proposed Ordinance No. 12-977; appointment process		
SUMMARY STATEMENT:		
<p>During its consideration of confirming two recent appointments to the City Planning Commission, the City Council determined it desired to have changes made to the appointment process. The matter was referred to the Council’s Planning and Community Services Committee.</p> <p>The Committee met with the Mayor and staff and is now proposing the attached amendment to the Municipal Code. The proposed code amendment would reduce the term limits of commissioners from six years to four years, effective at the expiration of the applicable position’s term. The amendment also creates a list of qualifications for potential Commission members, indicating a preference for maintaining equitable geographic representation within the community. Membership is limited to either residents or owners of businesses with a physical presence within the city limits. Finally, the amendment also provides a mechanism for the removal of a commissioner, should that become necessary.</p> <p>Also attached is the Committee-approved process for the appointment process. This will involve the participation of both a Council member and a Planning Commission member. This will not become part of the Municipal Code, but will become standard policy.</p>		
COMMITTEE REVIEW AND RECOMMENDATION: Final review and approval by the Planning and Community Services Committee occurred on May 31, 2012.		
RECOMMENDED ACTION: MOTION to adopt Ordinance No. 12-977, amending BDMC 2.24 regarding the qualifications and terms of membership for the Planning Commission.		
RECORD OF COUNCIL ACTION		
Meeting Date	Action	Vote
July 19, 2012		

CITY OF BLACK DIAMOND
WASHINGTON

ORDINANCE NO. 12-977

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO ESTABLISHMENT OF
THE PLANNING COMMISSION; SHORTENING THE
TERM OF MEMBERSHIP TO FOUR YEARS;
ESTABLISHING QUALIFICATIONS OF MEMBERSHIP;
PROVIDING FOR REMOVAL OF COMMISSION
MEMBERS; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City has authority pursuant to RCW 35A.63.020 to establish a planning commission and provide for its membership and organization; and

WHEREAS, the City has previously established a Planning Commission which authorization has been codified at Chapter 2.24 of the Black Diamond Municipal Code; and

WHEREAS, the City Council desires to shorten the current six-year term of Planning Commission Members, establish qualifications for membership, and establish authority for removal of members; and

WHEREAS, the City Council finds that it is in the public interest to enact this ordinance;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

Section 1. Amendment of BDMC 2.24.010 (Membership). Section 2.24.010 of the Black Diamond Municipal Code is hereby repealed in its entirety and re-enacted 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 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. Membership on the planning commission shall be limited to individuals who reside in the community at least 180 days each calendar year or owners of businesses with a physical presence within the City.

C. The planning commission may adopt rules and procedures to address the conduct of its meetings, election of officers, and other administrative matters.

E. **Removal.** A planning commissioner may be removed by the Mayor, with the concurrence of the city council, for misfeasance or malfeasance in office, or other just cause, or for unexcused absences from more than three consecutive meetings. Failure of a planning commission member to either reside in or be a business owner in the city shall constitute forfeiture of office. The decision of the City Council regarding membership on the planning commission shall be final.

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

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 19TH DAY OF JULY, 2012.

CITY OF BLACK DIAMOND

Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.
Date of Publication:
Effective Date:

PROCEDURE FOR FILLING PLANNING COMMISSION VACANCIES

1. Vacancies are created either by expiration of a term, resignation of a Commission member or removal of a member by the Mayor.
2. It is the goal of the appointment process to maintain a full seven-member Commission. No more than one meeting should elapse without a vacancy being filled.
3. All vacancies will be advertised on the City's website for a minimum two week period. The Mayor will also announce vacancies at a City Council meeting. Time permitting, vacancies will also be announced at Planning Commission meetings.
4. Individuals interested in serving on the Commission will be required to submit a written application to the City Clerk by a specified date. The application shall include questions that address the criteria for Commission membership as outlined in Municipal Code.
5. A committee consisting of the Mayor, one City Councilmember, one Planning Commission member and one City staff member will review the applications and determine which individuals to invite for a formal interview.
6. The same committee will also conduct candidate interviews. The same questions will be asked of each candidate. Follow-up questions may also be asked. Each committee member will score each candidate on a common scale.
7. The committee will discuss qualifications and scoring to determine which candidate should be recommended for appointment.
8. All candidate materials and committee score sheets shall be retained by the City Clerk.
9. The Mayor will recommend the selected candidate for appointment. Confirmation by the City Council is required per Municipal Code.