

ORDINANCE NO. 09-900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING CHAPTER 2.24 OF THE BLACK DIAMOND MUNICIPAL CODE RELATING POWERS AND DUTIES OF THE PLANNING COMMISSION

WHEREAS, pursuant to state statute, the City of Black Diamond previously created a Planning Commission to review certain types of land use policy issues and make recommendations to the City Council; and

WHEREAS, the city council wishes to have certain review functions previously assigned to the Planning Commission be handled instead by the city's Hearing Examiner; and

WHEREAS, chapter 2.24 needs to be amended to reflect which duties shall now be handled by the Planning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN 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.

A. 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.

B. The term of office of each member of the planning commission shall be six years. Those members holding office as of January 1, 1984 shall continue to hold office, together with those members appointed during 1984 to fill vacancies occurring as of the dates of their appointments. The positions shall be designated numbers one through seven. The terms of office shall be staggered such that the terms of office of those members holding positions one through five shall terminate as of December 31, 1984, 1985, 1986, 1987 and 1988 respectively. The terms of office of those members appointed to positions six and seven shall expire as of December 31, 1989. Subsequent terms of office shall run for six years from the date of expiration of the preceding term.

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

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

Section 3. Section 2.24.020 of the Black Diamond Municipal Code is hereby amended to read as follows:

2.24.020 Powers and duties.

A. The planning commission shall perform the function of a planning agency as set forth in RCW 35A.63, provided, certain land use matters may be referred to the city's hearing examiner as elsewhere provided by the Black Diamond municipal code. The planning commission shall be an advisory body to the city council on matters relating to the city's comprehensive plan and land use regulations, including additions and amendments thereto, and shall be specifically responsible for reviewing and making a recommendation to the city council regarding proposed amendments to all or any portion of Titles 16, 17, 18 or 19 of the municipal code, or potential annexation of lands into the city limits and the zoning to be assigned thereto.

B. The planning commission shall review such other matters and take such further action as the city council may direct from time to time by motion, resolution, or ordinance.

Section 4. Section 2.24.030 of the Black Diamond Municipal Code is hereby amended to read as follows:

2.24.030 Secretary.

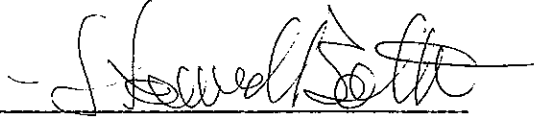
The mayor shall designate a city staff member to serve as secretary to the planning commission. The secretary shall be responsible for taking the minutes of each commission meeting and for assisting the commission with other administrative duties as assigned by the presiding member of the commission.

Section 5. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 6. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

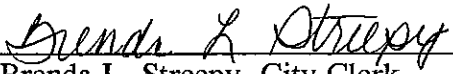
Introduced on the 16th day of April, 2009.

Passed by the City Council on the 16th day of April, 2009.



Mayor Howard Botts

ATTEST:



Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 4-21-09
Effective Date: 4-26-09