

ORDINANCE NO. 14-1028

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO THE AUTHORITY OF THE PLANNING COMMISSION, DEFINING THE TYPES OF ACTIONS FOR WHICH THE PLANNING COMMISSION WILL HOLD HEARINGS AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL AS THOSE RELATING TO LEGISLATIVE COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION AMENDMENTS, INSTEAD OF LIMITING SUCH ACTION TO THE PLACEMENT OF CODES IN PARTICULAR TITLES OF THE MUNICIPAL CODE, AMENDING BLACK DIAMOND MUNICIPAL CODE SECTION 2.24.020 AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Black Diamond Planning Commission's authority, as expressed in Black Diamond Municipal Code Section 2.24.020 is defined substantively as "matters relating to the City's comprehensive plan and land use regulations, including additional and amendments thereto;" and

WHEREAS, said authority in BDMC Section 2.24.020 is also defined as extending to "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," even though there are provisions in Titles 16, 17, 18 or 19 which do not relate to the City's comprehensive plan and land use regulations; and

WHEREAS, the City Council desires to define the scope of the Planning Commission's authority to eliminate confusion and to ensure that the Planning Commission's schedule is not unduly burdened with unnecessary reviews of ordinances in Titles 16, 17, 18 or 19 of the BDMC; and

WHEREAS, the SEPA Responsible Official has determined that adoption of this Ordinance is exempt from SEPA under WAC 197-11-800(19) as relating solely to procedure; and

WHEREAS, on May 15, 2014, the City Council considered this Ordinance during its regular meeting and adopted it;

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

Section 1. 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 chapter 35A.63 RCW, 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. The planning commission will hold public hearings and make recommendations to the city council on zoning code text and development regulation amendments, area-wide rezones, adoption of comprehensive plan and any other plan amendments. "Development regulations" are defined as "controls placed on development of land use activities by the city including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, PUD ordinances, subdivision ordinances, binding site plan ordinances, together with any amendments thereto."

~~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.

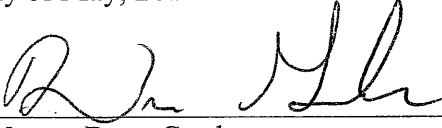
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase 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 be effective five days after publication as provided by law.

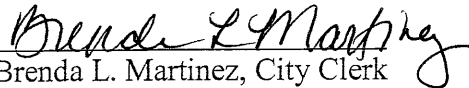
ADOPTED by the City Council of the City of Black Diamond and attested by the City Clerk in authentication of such passage on this 15th day of May, 2014.

APPROVED by the Mayor this 15th day of May, 2014.



Mayor, Dave Gordon

ATTEST/AUTHENTICATED:


Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Carol Morris, City Attorney

PUBLISHED: 5/19/14
POSTED: _____
EFFECTIVE DATE: 5/24/14