

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.

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BDMC Section 2.24.010(A) lists term expiration dates for each the seven planning commission positions, which is outdated and should be eliminated because the continuation of listing specific term expiration dates would require a yearly code amendment;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

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Posted: 1/22/16
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