

CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES

*REVISED 10/10/22

July 12, 2022, 6:00 PM

CALL TO ORDER, FLAG SALUTE, ROLL CALL

Chairperson Olson called the meeting to order at 6:10 p.m.

Present: Commissioner Steve Jensen
Commissioner Knut Syversen
Commissioner Pam McCain
Commissioner Carol Morgan (via zoom)
Chair/Commissioner John Olson
Absent: Commissioner Felicia Wheatfall (excused)
Resigned: Commissioner La Conte
Staff: Community Development Director, Mona Davis
Deputy City Clerk, Carina Thornquist

APPROVAL OF MINUTES

1) Regular Meeting of June 7, 2022

The regular meeting minutes of June 7, 2022 were adopted under unanimous consent

PUBLIC COMMENT

Kristen Bryant from Bellevue spoke to Commission

PUBLIC HEARING - None

STUDY/WORK SESSION - None

UNFINISHED BUSINESS - None

NEW BUSINESS –

- 2) Discussion and any needed updates to the “Rules and Procedures of the City of Black Diamond Planning Commission”**

- ❖ **Item: Regular meetings.** The Planning Commission meets regularly on the first Tuesday evening following a regularly scheduled City Council meeting, commencing at 6:00 p.m. in the City Council Chambers. Meetings may also be conducted via video conference when appropriate. Regular City Council meetings are held on the first and third Thursday of each month.

Commissioner Olson **moved** to approve edits to Section 1.A. Regular Meetings as presented tonight to clarify the hybrid meeting process; **second** Commissioner Syversen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

- ❖ **Item: Add new section – “Virtual Participation”**

Commissioner Syversen **moved** to approve the addition of a new section titled ‘Virtual Participation in meetings’ which communicates Planning Commissions expectations and allowances concerning electronic participation, as presented tonight into bullet point 1.B and to re-order the following bullet points as appropriate.; **second** Commissioner Jensen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

- ❖ **Item: Appearance of Fairness.**

Director Davis suggested that this item be run through the attorney before making a motion to approve this item. The Planning Commissioners were in agreement to wait and discuss it at the next meeting after hearing what the attorney said.

- ❖ **Item: 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.

Commissioner McCain **moved** to add verbiage into newly titled section 1.E (from previous addition re-order) regarding the Open Meeting Requirements and its application as presented tonight; **second** Commissioner Syversen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

❖ **Item: 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.

Commissioner Syversen **moved** to remove the word 'present' from Section 2.A and to add the sentences 'The nominee receiving the majority vote of those present shall be declared elected and will assume their duties immediately. Elections shall only be held when a minimum of five members are in attendance' to Section 2.C; **second** Commissioner Jensen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

- ❖ **Item: 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.

Commissioner Olson **moved** to remove the sentence “Unless otherwise stated, the Chair’s vote shall be considered to be affirmative for the motion” from 2.E.f; **second** Commissioner Jensen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

❖ **Item: 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.

Commissioner Olson **moved** to edit Section 3 Secretary to better clarify the Secretary’s role as presented tonight; **second** Commissioner Syversen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

❖ **Item: 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.

Commissioner Olson **moved** to amend section 5. Absence of members to clarify excused and unexcused absences of Planning Commissioners as presented; **second** Commissioner McCain.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

❖ **Item: 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.

Commissioner Olson **moved** to add three paragraphs to Section 8 Conduct of meetings to clarify the Chair's general protocol as presented tonight; **second** Commissioner Syversen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

❖ **Item: Add new section 8.E – "Training"**

Chair Olson **moved** to approve the addition of a new section 'Training: Commission members shall attend any training required by the City and to re-order the following bullet points as appropriate; **second** Commissioner McCain.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

❖ **Item: 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.
- D. Public hearings.
- E. Study/work sessions.
- F. Unfinished business.
- G. New Business
- H. Report of the Community Development Department.
- I. Public comments from the audience, limited to 3 minutes per speaker.
- J. 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.

Commissioner Olson **moved** to edit Section 9 Order of business to clarify the preparation and processing of the Planning Commissions agenda as presented tonight; **second** Commissioner Syversen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

❖ **Item: 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.

Commissioner Syversen **moved** to edit Section 13's 2nd paragraph to say "In communicating with the City Council or members of the public, a member will not appear to speak for the Commission except as authorized by the Chair. In any public or private statements, members may indicate whether they are speaking for the Commission or for themselves as needed"; **second** Commissioner McCain.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

❖ **Item: Add new section 13 – “Suspension of Rules”**

Commissioner Olson **moved** to add new section titled “Suspension of Rules” into #13 which states “Any provision of these rules not governed by the City code may be temporarily suspended by an affirmative vote of a majority of the Commission members.” and to renumber the section titled Validity to #14; **second** Commissioner Jensen.

Roll Call Vote: Jensen, **yes**; Syversen, **yes**; McCain, **yes**; Wheatfall, **absent**; Morgan, **yes**; Olson, **yes**. Motion **Passed** 5-0

**Red-lined version along with the final clean version of Rules and Procedures of the City of Black Diamond Planning Commission attached to these minutes.*

COMMUNITY DEVELOPMENT DEPARTMENT REPORT –

Director Davis reported on the following items:

- Thanked Chair Olson for doing research for the Policies and Procedures
- She was sad to hear that Commissioner La Conte resigned; working on replacement for Position #1 to fill term which ends 12/31/22
- Docket items presented to Council June 9th
- Low staffing and in-process of training new employees. She hopes to fill a couple more positions soon (Permit Tech and Senior Planner).
- Permit submittals are up from last year
 - June 2022 - 78 permits (June 2021 - 69 permits)
- 2022 Fee Schedule – Capital School Fees recently updated
- New Business (Gravity Coffee) has opened
- Weed treatment will be done in August on Lake Sawyer. Notices were mailed out to residents on the lake.
- King County is holding a workshop on lake weed control on Thursday, 7/14 at 5:30 pm at Lake Sawyer boat launch
- Miner’s Day event being held this weekend 7/16 and Community Development booth will be located next to the Police Department
- Recommending cancelling the August meeting since some Commissioners had reported they would be on vacation, which the Commissioners were in agreement with.
- Gave update on Comp Plan Amendments and SEPA appeals
- Business coalition of local businesses is currently forming in the city and a potential grant with Port of Seattle would assist in partnership and support
- Working on grants for the skatepark

PUBLIC COMMENTS

ADJOURN

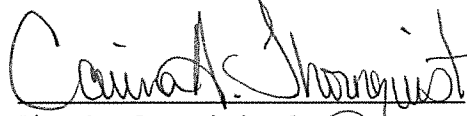
The meeting was adjourned by Chair Olson under unanimous consent at 7:43 p.m.

These minutes were respectively recorded by Carina Thornquist, Deputy City Clerk

ATTEST:



John Olson, Chairperson


Planning Commission Secretary

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 6:00p.m. in the City Council Chambers. Meetings are offered as a hybrid meeting; the public may attend in person, or by joining virtual/telephonically.
- B. Virtual Participation in Meetings – Members of the Commission may participate in meetings electronically, through the platform provided by the City. Electronic participation in meetings shall be used on a limited basis; it should be used to accommodate members whose physical presence at the meeting is prevented due to unforeseen circumstances. Members who wish to participate in such a meeting must notify staff before the scheduled start time for the meeting, allowing adequate time for staff to make necessary preparations. Participation in such a meeting shall constitute presence in person at such meeting, and that presence shall count toward a quorum of the Commission for all purposes.
- C. 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.
- D. 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 and Secretary/Community Development Director, or designee, provided at least 24 hours in advance. A majority vote of the Commission may also result in cancellation of a meeting.
- E. Open Meeting Requirements and Notification. The open meeting requirements of State law (RCW 42.30) shall apply to all Planning Commission meetings. All meetings must be open to the public and communications or discussions of official business in person, by email, phone, or text messages, amongst a quorum of governing body members can be considered a public meeting. Such an exchange that is not open to the public is a violation of the OPMA since public notice has not been given and attendance by the public is not possible. 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.

- F. 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.
- G. 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 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 nominee receiving the majority vote of those present shall be declared elected and will assume their duties immediately. Elections shall only be held when a minimum of five members are in attendance. 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.

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 provide proper and legal notice for all public hearings; prepare and post the agendas of all regular and special meetings, and draft and sign routine correspondence of the Commission. The Secretary shall record and retain, by electronic means, each meeting of the Planning Commission and any of its committees. The Secretary shall prepare summary minutes, which must be approved by the Commission and maintain a file of all studies, plans, reports, and recommendations for the official record.

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

Members are expected to attend all regular and special meetings and to fully participate in and contribute to the work of the Commission. Any member who is absent from three consecutive meetings without being excused or six meetings in a calendar year, whether excused or unexcused, may be deemed to have forfeited the position and the Chair may recommend to the Mayor that a new member be appointed to fill the unexpired term. To be excused from a meeting, members must inform the Chair or Secretary in advance of a scheduled 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.

As a general protocol, the Chair of the meeting should introduce the agenda topic, provide for a staff presentation and questions from the Commission, and call for discussion among the Commission members.

The Chair should generally provide for each Commission member to offer a comment prior to weighing in on an issue. The Chair should ensure that all members have an opportunity to speak.

The Chair should also expedite the discussion in a timely manner and summarize the recommendation or direction from the Commission as appropriate

- 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.
- E. Training: Commission members shall attend any training required by the City .

Section 9. Order of Business

The agenda shall be prepared by the Secretary in consultation with the Chair. Members of the Commission who wish to add any item to the agenda shall first notify the planning staff and Chair of their request at least fifteen (15) days prior to the meeting. The preferred order of the Planning Commission agenda shall be as follows:

- 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.
- D. Public hearings.
- E. Study/work sessions.
- F. Unfinished business.
- G. New Business
- H. Report of the Community Development Department.

- I. Public comments from the audience, limited to 3 minutes per speaker.
- J. 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, a member will not appear to speak for the Commission except as authorized by the Chair. In any public or private statements, members may indicate whether they are speaking for the Commission or for themselves as needed.

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. Suspension of Rules

Any provision of these rules not governed by the City code may be temporarily suspended by an affirmative vote of a majority of the Commission members.

Section 14. 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.
AMENDED APRIL 6, 2021
AMENDED JULY 12, 2022

John Olson, Chair

Pam McCain, Vice-Chair

Attest:

Mona Davis, Community Development Director