



CITY OF BLACK DIAMOND

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Meeting Date: April 12, 2022

To: Planning Commissioners

Staff Contact: Mona Davis – Community Development Director

Subject: Administrative Process Code Amendments

Findings of Fact

The code amendments for Chapter 18.08 - Administration: Procedures, Notice and Appeals, are proposed to fix internal inconsistencies in the code.

The Type 6 noticing requirements are not consistent between Table 18-1 and the code text in 18.08 BDMC. Type 6 decisions do not require notice of application, notice of decision, or notice of public hearing per 18.08.120, 18.08.150 and 18.08.180. Therefore, the indication of required noticing in the table is incorrect.

Table 18-1 also includes an “Other” column that is not defined in the text and is not utilized in noticing procedures. It should be eliminated to prevent confusion. The notice requirements stated in the table without that column are sufficient and meet state requirements.

The Type 3 application appeal process within the code is inconsistent between Table 18.08.200-1 and the text of 18.08.210. The decision maker of a Type 3 application is the Hearing Examiner, and the application should not therefore be appealed to the Hearing Examiner, it is appealed to the Superior Court, per the table. The text needs to be revised to match the table.

Proposed Code Amendments

See attachment.

Staff Recommendation

Staff recommends approval of the code amendments as proposed.

Public Noticing

Notice was published in the newspaper March 30 and April 6, 2022, and on the city website March 30, 2022, under Public Notices, advertising the public hearing before the Planning Commission.

Process and Appeal

Code amendments are a Type 5, legislative decision made by the City Council. The process includes a public hearing before the Planning Commission, which will make a recommendation to the City Council. There is no administrative appeal of Type 5 decisions, but they may be appealed to the Washington State Growth Management Hearings Board.