



CITY OF BLACK DIAMOND
PLANNING COMMISSION MEETING MINUTES
June 15, 2020, 6:00 PM
Zoom Virtual Meeting

1) **FLAG SALUTE, CALL TO ORDER, and ROLL CALL**

Commissioner McCain called the meeting to order at 6:02 p.m.

Present: Commissioners: Jensen, Butt, McCain, Ekberg, Ambur,
Olson
LaConte (arrived at 6:07 p.m.)
Excused:
Unexcused:
Staff: Barbara Kincaid, Community Development Director
Carina Thornquist, Deputy City Clerk

2) **APPROVAL OF MINUTES**

Regular meeting of June 9, 2020

Commissioner Jensen **Motioned** to approve the June 9, 2020 minutes

Second Commissioner Olson

Vote, Motion passed 6-0

3) **PUBLIC COMMENT**

See Written Public Comments which are attached

4) **PUBLIC HEARING**

None Scheduled

5) **STUDY/WORK SESSION**

Workshop to develop the Preliminary Docket for the Annual Amendment to the Comprehensive Plan

Commissioner McCain turned the meeting over to Community Development Director Barb Kincaid to give an overview of the Comprehensive Plan amendment process. (Commissioner LaConte entered the meeting.)

She reported that she had several public comments emailed to her and that these comments had been provided to the Commissioners and would also be attached to the meeting note; emails were reviewed among the Commissioners and discussed.

Director Kincaid noted that many of the comments were about the Comp Plan map that had been revised last year as part of the Comprehensive Plan update. She recommended the Comp Plan map not be placed on the docket and explained that we received a \$50,000. grant from the Department of Commerce for a Housing Action Plan to do an in-depth study of the housing that would be useful for doing an in-depth study of the land use buildout and housing needs. There was ongoing discussion about the purpose of the Housing Action Plan.

Director Kincaid discussed each item she had recommended on her proposed draft docket. She talked about how the priority needed to be getting full certification of the Plan from the Puget Sound Regional Council (PSRC) by the end of the year. Because of the Covid-19 pandemic, it has shortened up the timeframe for the year to get work done and we needed to be realistic about how much could get done this year.

An in depth discussion took place on these items of what needed to be done, what could be tackled this year and which topics would need to be tabled. Director Kincaid clarified that the Zoning Map had not been amended, only the Future Land Use Map was changed last year as part of the Comprehensive Plan update. Ms. Kincaid recommended changing the third bulleted item under the Number 4 in the list, Transportation, to expand this to looking at revising the entire map figure, as needed, for the conceptual 20-year future transportation network. She explained the map in the Comprehensive Plan may not be accurate.

Director Kincaid and the Commissioners reviewed the Matrix of Public Comments to have a better understanding of what the citizens' concerns are and what should move forward to the Public Hearing.

Commissioner Jensen **Motioned** to move the draft Preliminary Docket for the Comprehensive Plan as discussed to a Public Hearing on July 7, 2020.

Second Commissioner Olson

Vote, Motion passed 6-1 (Commissioner Ambur)

6) UNFINISHED BUSINESS

NONE

7) COMMUNITY DEVELOPMENT DEPARTMENT REPORT

NONE

8) ADJOURN

Commissioner Olson motioned to adjourn.

Second by Commissioner Butt

Vote, Motion passed 7-0

THE MEETING ADJOURNED AT 7:33 p.m.

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

ATTEST:



Pam McCain, Chairperson



Carina Thornquist
Planning Commission Secretary

Carina Thornquist

From: Angela Rossman Fettig <angimal80@hotmail.com>
Sent: Sunday, June 14, 2020 8:58 PM
To: Barbara Kincaid; Planning Commission
Subject: Public Comment 6/15/20 Planning Commission

To:
bkinaid@blackdiamondwa.gov
planningCommission@blackdiamondwa.gov
Subject: PUBLIC COMMENT 06/15/20 . Correction

Dear Planning Commission,

When the Comprehensive Plan Future Land Use Map was discussed at the June 9 Planning Commission meeting, a city staff member commented that more analysis was needed before "reverting" it back to the 2009 Map. This is not correct. The Map changes adopted in 2019 were not analyzed prior to that change, as evidenced in the Plan itself and the meeting audio and materials leading up to 2019 Plan adoption.

With the 2015-2035 Comprehensive Plan update, Black Diamond's Future Land Use Map was changed to allow a significant increase in Medium Density Residential housing (8 to 12 per acre) and Commercial/Mixed Use development in future zoning. However, this change was done improperly, with no analysis of those 2018-2019 Future Land Use Map change impacts, such as :

- Housing and housing type analysis, and how the goal of having a mix of housing for all income levels will be affected.
- Analysis of the impact on school capacity of additional residential development.
- The impact on the city's police and emergency services.
- The economic impact of the loss of "Light Industrial" zoning (which typically generates more tax revenue and jobs than residential development).
- The impact on neighboring cities and King County.
- The impact on parks and wildlife.
- The impact on roads and traffic.

If you look at the Comprehensive Plan to see how the analysis would show up, the Transportation Appendix is a good example. It includes Black Diamond's two approved Ten Trails Master Planned Developments (MPD's). However, it *does not include* road or traffic analysis of changing other areas of the city to a future higher impact land use.

Black Diamond already has zoning and land use approvals to accommodate far more growth

than Black Diamond's regional share per the King County Growth Targets and Growth Management Act. Expanding roads to and from Black Diamond would not only burden taxpayers, it would destroy our small-town feel and encourage more long-distance commuting.

Please move to adopt the above reasoning, and the specific change below into the Preliminary Docket for the Comprehensive Plan in the 2020 Annual Amendment Process:

Therefore, the City of Black Diamond Comprehensive Plan is Amended As Follows:

The Future Land Use Map in the Black Diamond Comprehensive Plan is replaced with the following map: Figure 5-1 on page 5-25 (page 109) of http://ci.blackdiamond.wa.us/Depts/CommDev/planning/2013/FinalPlan_092209with20112012amendments.pdf , (the 2009 Comprehensive Plan as amended in 2012).

It is unfortunate that the record must be corrected like this, however, to assume that the map changes the community is worried about were properly analyzed would be to move ahead based on false information.

Thank you,

Angela Fettig

Carina Thornquist

From: Allison Ostrer <aostrer21@gmail.com>
Sent: Saturday, June 13, 2020 10:03 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Excluded public comments

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,
Allison Ostrer

Sent from my iPhone

Carina Thornquist

From: Duane Garcia <duane@nwreonline.com>
Sent: Monday, June 15, 2020 10:32 AM
To: Barbara Kincaid; Planning Commission
Subject: Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,

Duane Garcia
360-886-9928

Carina Thornquist

From: dawnis m <dawnis2@hotmail.com>
Sent: Sunday, June 14, 2020 8:27 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,

Dawnis Sparks
Dawnis2@hotmail.com
206-280-6866

Carina Thornquist

From: CenturyLink Customer <g.davis001@q.com>
Sent: Monday, June 15, 2020 11:09 AM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/15/20

Careful review of Comprehensive Plan and other documents will be needed to make informed decisions as to what changes and corrections are advisable.

City staff have not been providing accurate information about zoning map and proposed changes.

One example is Weston Butts indicating on his permit application's SEPA Check List that his property is zoned Community Commercial, this is not correct. It is zoned Light Industrial. It is still shown "Light Industrial" on the current zoning map. Until a proper application including proper zoning is submitted it should not be considered for a permit.

There are previous public suggestions to the Planning Commission regarding changes to the Comprehensive Plan that should have shown up in Agenda Packets but some have not. This goes back to last year! There are also poorly document actions with regard to the Future Land Use Map that should be reviewed.

There are a large number of suggested changes from the public to the Comprehensive Plan that should be adopted by the Planning Commission.

Please send all the public's changes forward to a full Public Hearing.

Regards....Gary Davis.....

Carina Thornquist

From: Jay Weeks <jayweeks07@gmail.com>
Sent: Sunday, June 14, 2020 12:35 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments. As a Black Diamond citizen I am concerned with the lack of public input and would like for the community's suggestions and concerns to be understood before any decisions are made.

Best regards,

Jay Weeks
(206) 261-1954

Carina Thornquist

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Sunday, June 14, 2020 9:06 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: PUBLIC COMMENT 06/15/20: Traffic impacts, Lake Sawyer Road, and Comprehensive Plan

Re-sending with corrected subject.

On Sun, Jun 14, 2020 at 9:03 PM Kristen Bryant <kristenbry@gmail.com> wrote:

Hello Planning Commissioners!

Last week you received a memo from Traffic Engineer William Popp as input to your Comprehensive Planning process.

The memo was commissioned by Save Black Diamond after on-going review of the Ten Trails traffic reports and plans from 2009 through the latest Ten Trails Preliminary Plats this year.

The memo focuses on Lake Sawyer Road and 216th (along the northwest border of Black Diamond) traffic analysis in the 2015-2035 Black Diamond Comprehensive Plan. The issue identified is that the Ten Trails buildout by 2035 sends enough traffic on that road to warrant at least 3 lanes (a center turn lane) on Lake Sawyer Road and more (5) lanes north of 292nd (the Lake Sawyer Store).

The current Black Diamond residents' homes along Lake Sawyer Road and the neighborhood next to the Lake will find it more and more difficult to pull out of their driveways or side streets. Again, this is based on the number of vehicles that are forecast by your existing Comprehensive Plan and its Traffic Appendix. The road will be too full yet there is no plan to expand the road.

The Comprehensive Plan should contain some project or requirement for how this issue would be resolved. The Planning process for Comprehensive Plans is not supposed to leave issues such as this one unaddressed. Of course, there are potential re-zones that the Planning Commission held a hearing on last year to Palmer Coking Coal property. The re-zones would add dense development to the "Pipeline Road" area (Palmer Coking Coal parallel to Roberts Drive). which would send Traffic to Lake Sawyer Road, making it even worse. Lake Sawyer road can't handle the traffic forecast from Ten Trails traffic in the current comprehensive plan.

Today, we can see new development going on in the area of the Lake Sawyer store and also on Sr 169. These impacts also do not appear to have been analyzed in the Comp Plan.

Given that there is not much time to study this issue this year, it would make sense to find ways to *reduce* potential development where the impacts (such as this traffic) have not been fully analyzed and development agreements are not already in place. That would make it so a whole new traffic analysis is not needed.

Thank you for your time, and please let me know if I can provide more information.

Kristen Bryant - 425-247-9619

Carina Thornquist

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Sunday, June 14, 2020 9:04 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Traffic impacts, Lake Sawyer Road, and Comprehensive Plan

Hello Planning Commissioners!

Last week you received a memo from Traffic Engineer William Popp as input to your Comprehensive Planning process.

The memo was commissioned by Save Black Diamond after on-going review of the Ten Trails traffic reports and plans from 2009 through the latest Ten Trails Preliminary Plats this year.

The memo focuses on Lake Sawyer Road and 216th (along the northwest border of Black Diamond) traffic analysis in the 2015-2035 Black Diamond Comprehensive Plan. The issue identified is that the Ten Trails buildout by 2035 sends enough traffic on that road to warrant at least 3 lanes (a center turn lane) on Lake Sawyer Road and more (5) lanes north of 292nd (the Lake Sawyer Store).

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The Comprehensive Plan should contain some project or requirement for how this issue would be resolved. The Planning process for Comprehensive Plans is not supposed to leave issues such as this one unaddressed. Of course, there are potential re-zones that the Planning Commission held a hearing on last year to Palmer Coking Coal property. The re-zones would add dense development to the "Pipeline Road" area (Palmer Coking Coal parallel to Roberts Drive), which would send Traffic to Lake Sawyer Road, making it even worse. Lake Sawyer road can't handle the traffic forecast from Ten Trails traffic in the current comprehensive plan.

Today, we can see new development going on in the area of the Lake Sawyer store and also on Sr 169. These impacts also do not appear to have been analyzed in the Comp Plan.

Given that there is not much time to study this issue this year, it would make sense to find ways to *reduce* potential development where the impacts (such as this traffic) have not been fully analyzed and development agreements are not already in place. That would make it so a whole new traffic analysis is not needed.

Thank you for your time, and please let me know if I can provide more information.

Kristen Bryant - 425-247-9619

Carina Thornquist

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Monday, June 15, 2020 11:27 AM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments. As representatives of the community there is an obligation to listen to the voices of the people affected. We are speaking, and asking you to listen.

Thank you,

Kelley Sauskojus
Black Diamond

Carina Thornquist

From: Oleg Sergeev <olleser@gmail.com>
Sent: Saturday, June 13, 2020 10:33 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,
Oleg Sergeev

Carina Thornquist

From: Philip Acosta <philamatic@comcast.net>
Sent: Monday, June 15, 2020 11:39 AM
To: Barbara Kincaid
Subject: Planning Commission Comments for meeting on 6/15/20

Attention Barb and Planning Commission members

As you are all aware I have voiced my concerns many times in the past about the safety issues concerning Black Diamonds major east/west thorough fare, 288th and its confluence with SH 169. This intersection has had many accidents over the last ten years and with advancing development in our area it only has gotten worse with no mention of imminent upgrades. Development is going to happen but it needs infrastructure to allow those of us residents who currently reside in this area to feel safe and enjoy the community we love and are so invested in.

You have an opportunity today to speak up on behalf of current residents and address the shortcomings of previous traffic studies and agreements with developers by generated new revised studies that take into account not only Black Diamond development but all development that impacts this thorough fare.

Sincerely

Philip Acosta
Black Diamond

Carina Thornquist

From: Paula Ford <paulaj4d@comcast.net>
Sent: Sunday, June 14, 2020 8:55 AM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/15/20

Ms. Kincaid and Commission:

Many of us, I would say, who live in the Morgan Creek neighborhood, here in Black Diamond, which is where we live, are concerned with the amount of traffic ever increasing through our town. We feel there needs to be a widening of Hwy 169 to help accommodate this and also some roundabouts added, or traffic lights, to be able to safely navigate our town and area. The intersections that meet with 169 are increasingly dangerous and a major concern for us. Can this be addressed sooner rather than later? We feel a two lane round-about would be helpful (or a traffic light) and some turn lanes would be so helpful. But as close to the main road as some houses are, makes it impossible to widen streets or even allow for sidewalks through town, which would make pedestrians and bike riders safer. Hwy 169 is increasingly more a bottleneck going north and south.

These concerns include winter challenges with how flooding and landslides occur. People who work north of here, in the Issaquah area, etc., are really stuck (like this past year) when flooding blocked people from getting through on Hwy 18 and through the Hobart and Ravensdale areas and on through to our area. They were forced to go I-90 and Hwy 167 and 169, however they could to get out here. We need to prepare for traffic congestion that is quickly overwhelming us with people trying to get out to Enumclaw and other areas.

We also have concerns about funding for schools that will soon need to be built with all the growth happening here and on either side of us. Please keep this in mind when allowing growth and ensure that developers pay their fair share for this important provision. I would hope this is included in the budget for our future.

We are entrusting you with our town's concerns and appreciate all you are doing on our behalf! We are pleased with how nicely Ten Trails has made the area look with all the foliage and trees they have planted. Nice job so far, although it seems like they have not planned well for parking in the development we have seen. This could be a real problem in the near future.

Bless you all as you continue to make improvements and work hard for our city. Hoping for traffic improvements and safety improvements soon!

Sincerely,

Paula & Raymond Ford
Black Diamond, WA

Carina Thornquist

From: Peter Rimbo <primbos@comcast.net>
Sent: Monday, June 15, 2020 9:42 AM
To: Barbara Kincaid; Planning Commission
Cc: Brenda Martinez; Carina Thornquist
Subject: PUBLIC COMMENT 06/15/20
Attachments: BDCP '20 Dkt--TAT Prop'd-BD Resp-TAT Rebut--MATRIX.docx; TAT Testimony--BD PC--6-9-20.docx

Importance: High

Barbara and Planning Commission,

Good morn ing. Attached please find TAT's **Written Public Comments** for tonight's *Planning Commission Special Meeting*.

Please note we have taken the 12-pg Matrix provided in the meeting packet, extracted just TAT's proposed items for the 2020 Docket, and highlighted TAT's "*rebuttal*" (shown in the 5th column) to Staff's Recommendations (shown in the 4th column). We believe this provides context needed by the Planning Commission as it discusses the proposed 2020 Docket. *[Please note: The attached matrix also comprises 12 pages, because we have included the full description of our proposed Docket Amendments, not simply the abbreviated representation provided in the Meeting Packet.]*

Further, we encourage the Planning Commission to review TAT's **Written Testimony** (re-attached for your convenience) submitted last week for the June 9 Planning Commission meeting, as it specifically addresses all four of PSRC's conditions to be met for eventual full certification of the City's Comprehensive Plan Update.

Thank you.

Peter Rimbo
Leader, Citizens' Technical Action Team (TAT)
primbos@comcast.net

"To know and not to do is not to know."-- Chinese proverb

Please consider our shared environment before printing.

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
<p>Transportation Element, Appendix 7</p>				
<p>• Travel Forecasts p. 18, 1st para, under "Travel Forecasts": The 2nd bullet shows "land-use projections" for "year 2035" that do not even fully take into account the planned 6,050 homes in the MPDs, let alone any other development over the 19-yr period covered. Those "land-use projections" for "year 2035" are not consistent with the City's agreed-to Growth Targets, nor either PSRC's Regional Transportation Plan (20189) or PSRC's VISION 2050 (now being finalized). Regarding the statement about "existing traffic-demand models" the City must take care in recognizing that the TDM used to support approval of the MPDs was completely rejected by the City's Hearing Examiner and creation of a new one to evaluate the impacts of the MPDs on the City's and region's traffic patterns and volumes was put off by the City Council until 650 building permits have been issued. Consequently, the City can have no confidence or reasonable assurance with any travel forecasts based on the discredited TDM, as enumerated in painstaking detail by the city's Hearing Examiner's MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations.</p>	<p>This is necessary to meet the requirements of RCW 36.70A.070(6)(a)(iii)(E); "Travel forecasts should be based on adopted regional growth strategies, the regional transportation plan, and comprehensive plans within the region to ensure consistency."</p>	<p>City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.</p>	<p>Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.</p>	<p>As with the TAT's exhaustive comments provided to the city (which appeared to be not even technically reviewed by the City or its "reputable transportation consultants"), TAT's proposed Docket Amendments again have been not technically reviewed by the city as evidenced by the City Staff's response: "The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed." This constitutes a non-response. Then, City Staff recommends that ANY input received from the Public on "the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC." This is not a realistic Public Participation Plan. The City cannot state it has held many Public meetings/accepted numerous Public comments and then state it has not, and will not, even consider those Public comments—and admit same in writing as it has done! TAT provided herein six top-level issues extracted from many more in its exhaustive comments on the Transportation Appendix (all provided to the city in 2018. These issues require attention to meet RCW mandates as cited in the "TAT ACCOMPANYING COMMENTS" column herein.</p>

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
<p>• Funding Sources p. 35, Table 0-2, under "Funding Strategy": There are no cost numbers shown, only issues and potential mechanisms that <i>might</i> be available to solve them. Thus, the table does not constitute a realistic assessment of the cost risks to the city and its taxpayers. Under the "Transportation Benefit District" item there is nothing in the Comments column. Yet, under the Realistic Acceptance column it states: "<i>in-place but could be raised.</i>" On what basis would this be contemplated (all five "potential use of funds" are identified, i.e., footnotes 1 thru 5), especially when nearly all impacts to the City's transportation infrastructure are the result of the MPD buildout? Under the "State and Federal Grants" item in the Comments column it states: "<i>Once the City has their comprehensive plan approved they will also be eligible for more grants including Federal.</i>" However, since the city's Comprehensive Plan Update reflects a gross exceedance of its agreed-to Growth Targets the PSRC could decide not to certify or certify with strong conditions related to funding sources. In earlier versions there was a heading here called "Developer Contributions," We can understand why some of it was removed, but the subheading called "Disadvantages" stated some very key aspects the City should be cognizant of and consider going forward and should be put back, in some condensed form, into this Comprehensive Plan Update: <i>"Disadvantages: The primary disadvantage is that developer improvements are focused on fixing the "immediate problem" and can result in solutions that may not be desired by the City. As mentioned earlier this "piece-meal" approach can often result in some unforeseen off-site impacts that may cause more traffic congestion or result in improvements that will need to be torn-out in the future to accommodate future improvements. If an intersection already operates below the standard developers are only required to pay their "fair share" or the cost of an improvement—often requiring the City to fund a portion of the improvement. Further issues can arise over how to deal with developments which are approved after the original</i></p>	<p>This is necessary to meet the requirements of RCW 36.70A.070(6)(a)(iv)(A): "An analysis of funding capability to judge needs against probable funding resources," and by RCW 36.70A.070(6)(a)(iv)(C): "if probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;"</p>	<p>City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.</p>	<p>Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.</p>	<p>[SEE ABOVE]</p>

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
<p><i>developer has completed a major improvement (late-comer's agreements)."</i></p>				

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
<p>• Transportation Improvements pp. 19-32, under "Transportation Improvement Recommendations":</p> <p>TAT provided a large number of technical comments on transportation improvements that covered over 22 pp (including the original text and figures)—our comments comprised, in total, ~7 pp. Below is a very, very brief summary of those comments:</p> <p>"The city should not address road and intersection improvements "incrementally with developments as traffic volumes increase," as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. The State GMA calls for <u>identifying the long-term scope in advance, then assigning reasonable proportion of those improvements to each development.</u></p> <p>We remain concerned the verbiage herein is not consistent.</p> <p>Several 2022-2035 intersection projects listed in Table 0-9 (also labeled Table 0-1) are not shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met.</p> <p>Further, although traffic volume predictions, etc. are provided, <u>there is insufficient explanation of the 2035 scenario.</u> Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance listed for each in Table 7-11. We would expect this all to be connected and sufficiently explained in the text, but it isn't. In fact, the text simply states: "...additional arterial roads will be needed. ..."</p> <p>It must be kept in mind that the information provided in Figure 7-7 is <i>critical</i> to evaluating future traffic impacts and whether or not this Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents. Unfortunately, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7."</p>	<p>This is necessary to meet the requirements of RCW 36.70A.070 (6)(a)(iii)(F): "The transportation element shall include the following subelements: ...Facilities and services needs, including: ...<u>Identification of state and local system needs to meet current and future demands, ...</u>"</p>	<p>City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.</p> <p>The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.</p>	<p>Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.</p>	<p>[SEE ABOVE]</p>

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
<p>• Transportation Concurrence pp. 36-41, under "Concurrence": Add a <i>Flow Chart</i> (not dissimilar to Figure 0-1 "Concurrence Management System" on p. 41) that delineates the interrelationship between the continuing cycle of: Meeting LOS Sids; Traffic Monitoring ; Traffic-Impact Analyses ; Modifying Development Size/Pace ; Traffic Monitoring ; TAT provided a large number of technical comments on Concurrence that covered over 9 pages (including the original text and figures)—our comments comprised, in total, ~2 pages, which cannot be repeated here, but it is strongly suggested they be read and considered. Below is a <u>very, very brief</u> summary of those comments:</p> <p>"Herein it is stated (and DKS Associates' transportation experts have stated same in meetings): "The City's strategy to tie concurrence directly to THE major developer within the City should give the City a step ahead of most communities that struggle to keep up with maintaining concurrence requirements." This is true to a point, but it is not a get out of jail free card, as it depends heavily on MPD COA 20's <i>Traffic Monitoring Plan</i>, which has some flaws. The city's Hearing Examiner recognized these flaws and clearly pointed them out in his Recommendations on the MPD Development Agreements, which were <u>not</u> heeded and subsequently rejected by the 2011 City Council. In fact, the city's Hearing Examiner enumerated major concerns with how concurrence was handled in the <u>MPD Application Permit Conditions of Approval</u> and the <u>Development Agreements</u>. These should be addressed here.</p> <p>The MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, <u>not</u> actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The city must recognize the MPD Master Developer will be providing the bare minimum to meet its local direct impacts, so that <u>cumulative</u> long-term growth could be ignored until it is too late to address</p>	<p>City must recognize Concurrence is the mechanism that allows land-use and transportation infrastructure planning to succeed in producing a high quality of life and a strong economic climate.</p> <p>Discussion of concurrence is governed by the requirements of: RCW 36.70A.070 (6)(b): <i>"After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after</i></p>	<p>City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.</p> <p>The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.</p>	<p>Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.</p>	<p>[SEE ABOVE]</p>

Citizens' Technical Action Team
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<p>transportation infrastructure needs in a cost-effective and timely manner."</p>	<p>full payment of all impact fees is due to the county or city."</p>			

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<p>• Level of Service p. A7-2 [note that Appendix 7 has multiple page numbering formats], under "Level of Service and Concurrence":</p> <p>(1) Add a discussion of level of service standards and how they have been and will continue to be regionally coordinated.</p> <p>(2) The following from the 2009 BDCP should be placed back in: <i>"The requirements of Black Diamond's Transportation Concurrence Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as 'highways of statewide significance.' The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test."</i></p> <p>(3) Please note TAT's detailed comments on what used to be called section 7.5 Actions Needed to Meet Level of Service Standards (see p. 35 of TAT's Appendix 7 comments) regarding WSDOT's comments on the SR-169 roundabouts and mitigation needed for the failing LOS for the 216th Ave/288th St intersection.</p>	<p>1) Discussion of level of service standards is governed by the requirements of RCW 36.70A.070 (6)(a)(iii)(B): "Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;"</p> <p>(2) This statement should be restored.</p> <p>(3) WSDOT's concerns must be thoroughly evaluated.</p>	<p>City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.</p> <p>The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.</p>	<p>Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.</p>	<p>[SEE ABOVE]</p>

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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
<p>• Inter-Governmental Coordination p. 43, under "Transportation Facilities and LOS Standards Coordination":</p> <p>The discussion herein on such coordination is grossly deficient and simply talks about participating on various transportation boards—<i>which is necessary, but not sufficient.</i></p> <p>At a minimum, the city needs to sit down with its counterparts in both the cities of Maple Valley and Covington to decide what can be done by all three to minimize traffic impacts of their combined developments. The three cities share several major roads and, thus, share several major problems today and into the future. Also, the three cities need to share information to better understand their respective traffic-demand models and assumptions: Where they dovetail? Where they conflict? How can they be coordinated and, at least, respective results be understood in the same regional context?</p> <p>The City needs to sit down with King County to discuss impacts to its road infrastructure.</p> <p>The City must recognize that it has chosen to far, far exceed its agreed-to Growth Targets. This decision will have a strong negative impact on traffic in much of southeast King County for generations. Taxpayers who do not live in Black Diamond should not be asked to pay—through State Grants, State highway funds, County highway funds, etc.—for the City's decision to permit the two massive MPDs without a full transportation evaluation that was acceptable to the city's Hearing Examiner and Council.</p>	<p>This is required by RCW 36.70A.070(6)(a)(v): <i>"Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;..."</i></p>	<p>City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.</p> <p>The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.</p>	<p>Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.</p>	<p>[SEE ABOVE]</p>

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Transportation Element, Chapter 7				
<ul style="list-style-type: none"> Modify Policy T-4 Level of Service Standard to add back in the following from the 2009 Comprehensive Plan: "Adopt levels of service that reflect the preference of the community." 	<p>This is the intent of the State's Growth Management Act.</p>	<p>The adoption of Levels of Service (LOS) standards must consider many things including the community vision. This specific language was removed because it sets a false expectation that LOS standards can be set based on what the community wants, and it is not as simple as that.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>TAT did not state it was "simple" to set LOS standards, but that such standards should "reflect the preference of the community" that must live with them. The city clearly is ignoring this and removed it from its Comprehensive Plan in this major Update.</p>
<ul style="list-style-type: none"> Modify Policy T-14 Character of the City to add back in the following from the 2009 Comprehensive Plan: "Discourage widening of SR 169 to a four or five lane facility thus creating a 'thoroughfare' that will tend to divide the City." 	<p>This was the first item listed in the 2009 Comprehensive Plan as Policy T-10.</p>	<p>Policy T-1 addresses Roadway Design which includes "establishing a range of transportation standards and criteria to ensure roadways are designed in a manner that fits within the context of the built or natural environment, and consistent with the intended functional classification" as well as ensuring roadway designs are coordinated with King County, Washington State, and Federal Highways to achieve compatible design criteria.</p> <p>The 2009 statement is not particularly useful nor is it necessary when the reality is SR 169 in its current condition already creates a thoroughfare through the City. The City must be proactive in continuing to work with the state to improve SR 169 as the corridor develops. It might seem inconsistent for the Land Use Chapter to promote Community Commercial (CC) uses along the corridor without any intention of improving the roadway to handle the additional traffic. And we know the state has no intention of making SR 169 into a four or five lane facility.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>The City Staff response admits that "the state has no intention of making SR 169 into a four or five lane facility." We completely agree and stated as such in our original comments on the Transportation Appendix. All we recommended here was that the city keep its existing language in this major Comprehensive Plan Update. We fail to understand why it appears afraid to do just that.</p>

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<p>• Modify Policy T-8 Transportation Demand Management to describe:</p> <p>(1) Existing and planned Transportation-Demand Management (TDM) strategies, such as HOV lanes, parking policies, etc.: RCW 36.70A.070(6)(a)(vi), WAC 365-196-430(2)(i)</p> <p>(2) A Commute-Trip Reduction (CTR) Plan to achieve reductions in the proportion of single-occupant vehicle commute trips: RCW 70.94.527. [NOTE: Although the City has a "Commute Trip Reduction" section in Appendix 7 (p. 31), it does not describe a CTR Plan as called for in the RCWs, but simply lists potential elements of a typical CTR Plan.]</p> <p>(3) Add back in the following from the the 2009 Comprehensive Plan: "Develop zoning and land use policies that promote land uses and development that are consistent with the City's goals and visions and which require new development to adequately provide for the transportation needs of that development."</p>	<p>(1) A mandatory element is a description of Transportation-Demand Management strategies, such as HOV lanes, parking policies, etc. as required by RCW 36.70A.070(6)(a)(vi) and WAC 365-196-430(2)(i).</p> <p>(2) A Commute-Trip Reduction Plan and ordinance is required by RCW 70.94.527(1) and an option under RCW 70.94.527(2) depending on whether the 100 person-hour delay threshold is exceeded.</p> <p>(3) The 2009 Comprehensive Plan statement: "zoning and land-use policies" was removed.</p> <p>[Underlying Demand-Management rationale: This is especially important since approval of the MPDs was partially predicated on the assumption of achieving an Internal Capture Rate (ICR) of 18%. Since assumed ICRs have a direct influence on the evaluation of traffic volume, trip distribution, travel times, and queue lengths, they are, possibly, one of the most important assumptions that feed the Traffic-Demand Model (TDM) and subsequent analyses. There is a concern that some Institute of Transportation Engineers (ITE) methods (the Master Developer's Transportation Consultants used these in assessing the MPDs) for ICRs may not be applicable to large MPDs (KCDOT stated this in its testimony during the MPD Public Hearings).]</p>	<p>(1) There are no existing or planned TDM strategies to describe. Given the fact that a TDM program is used to manage traffic impacts from larger employers or institutions, it is not deemed to be a high priority at this time.</p> <p>(2) The CTR Law requires employers to work with employees to reduce the number and length of drive-alone commute trips made to their worksite. The law targets worksite with 100 or more full-time employees who regularly commute during peak hours. Similar to the response regarding TDM strategies, this is not a high priority for the City at this time.</p> <p>(3) This language seems to imply a requirement for "development pays for development" but it is not very clear about intent. The Plan contains many policies throughout the plan; land use, transportation, and capital facilities and utilities in particular that support the concept more succinctly.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>(1) City Staff fails to recognize that the approved MPDs (which, when fully built out, will bring 6,050 homes and 1.15 million sq ft of commercial space to the city), coupled with the Palmer Coking and Coal property it has rezoned per the new Land-Use Map in its major Comprehensive Plan Update (that could bring upon to an additional 2,000 homes), will completely change the city in terms of major traffic, employers, and businesses. To ignore any consideration of Transportation-Demand Management strategies over the next 20 years is clearly technically deficient and must be corrected to meet the mandatory Transportation Element required in the RCWs cited.</p> <p>(2) Regarding a needed Commute-Trip Reduction Plan, please see logic provided above under (1).</p> <p>(3) TAT is simply asking the city to not remove language it had in its existing (2009) Comprehensive Plan. City Staff's response appears to be defensive and not helpful.</p>

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<ul style="list-style-type: none"> Modify Policy T-19 Concurrency: "... The most significant adopted policy of meeting concurrency standards is accomplished by the two major MPD Development Agreements that require the developer to implement any and all of the capacity adding projects in the City's comprehensive plan to maintain the City's level of service standards." by adding, immediately thereafter, the following: <u>"However, it is understood the MPD Development Agreements are exempted from both State and City concurrency laws and all 'concurrency-related' evaluations will be based on the MPD Traffic Monitoring Plans."</u> 	<p>The City must recognize all MPD "concurrency-related" evaluations will be based on Traffic Monitoring Plans (TMPs) and should there occur "...a disagreement between the applicant and the City about the timing of construction of a transportation project under the monitoring plan..." (ref: MPD Permit Condition of Approval 25), it is not clear how it will be rectified, as only the conduct "pre-phase monitoring" and "mid-phase monitoring" are included and disparities in interpretation of results of same could occur. Plus, modeling need only take into account number of new homes & commercial buildings actually occupied/generating traffic. The City must recognize overall intent of the traffic monitoring should be to satisfy BDMC 18.98.010(1) to provide "needed services and facilities in an orderly, fiscally responsible manner."</p> <p>From the city's Hearing Examiner:</p> <p><i>"The City must recognize the TMPs set up detailed timing requirements for infrastructure improvements that are not linked to implementing project-level concurrency assessments. Nothing in the TMPs suggests construction of traffic infrastructure will be superseded by the concurrency findings required by the MPD Development Agreements sect. 11.1. Thus, the City must negotiate an amendment to the TMPs to clarify that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan. This will ensure it meets the timing requirements of GMA traffic concurrency adopted in BDMC 19.98.080(A)(4)."</i></p>	<p>That would not be an accurate statement. Development Agreements (DAs) are authorized in RCW 36.70B.170 where the state legislature finds that DAs the lack of certainty in the approval of a project is not beneficial and therefore a large project, upon government approval, may proceed in accordance with existing policies and regulations. The MPDs were not exempted from concurrency evaluations or the imposition of mitigation fees.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>TAT stands by the City Hearing Examiner's very well researched and thought out words cited under the "TAT ACCOMPANYING COMMENTS" column herein. City Staff fails to recognize that the agreed-to <i>Traffic Monitoring Plans</i> are insufficient to meet Concurrency. A myriad number of experts (from WSDOT, KCDOT, and the City of Maple Valley, as well as many from the Public (including TAT) provided detailed testimonies to this effect during the MPD Public Hearings before both the City Hearing Examiner. The City Hearing Examiner agreed with these arguments!</p>

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<ul style="list-style-type: none"> Modify Policy T-20 Funding Sources to specifically identify stable and predictable funding sources for maintaining and preserving existing transportation facilities and services. 	<p>To fulfill PSRC requirements for Comprehensive Plan <i>Transportation Elements</i>. [Underlying rationale: Future Financial Plans to satisfy part of the MPD-needed infrastructure relies heavily on unstable & unpredictable potential Grant monies.]</p>	<p>Is there such a thing as a stable and predictable funding source for transportation facilities? If there are other funding sources to include here that we have missed, please provide them. This policy addresses maintenance and preservation of existing transportation facilities and services- not new infrastructure to support development. Staff is looking into the option to establish a street utility fund. But it is premature to propose this as a strategy at this time.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>City Staff appears to state in writing herein that it plans to ignore this PRSC requirement. We believe City Staff mis-interpreted TAT's proposed Amendment, as we do not expect the City to ignore this as it constitutes one of PSRC conditions required to be met in order for its Comprehensive Plan Update to be certified.</p>
<ul style="list-style-type: none"> Modify Policy T-21 Alternative Level of Service by eliminating: "❖ Reduce the LOS standard for the system or portions of the system to give the City more time to fund the needed transportation improvements." 	<p>This statement, added from what was in the 2009 Comprehensive Plan, says pretty much what State law allows as a last-ditch option on concurrency, but its citizens desire for their city to not reduce LOS standards to accommodate the Master Developer at the expense of its their quality of life. The City must recognize that under the State's GMA, if the Master Developer cannot meet the city's LOS standards, then it simply has to scale back its plans and plan for fewer homes to be built.</p>	<p>The concern seems to be around LOS standards being lowered to accommodate the Master Planned Developer. However, the DA is a contract between the City and Developer. It places the responsibility on the developer to build the needed improvements. The conditions cannot be changed without opening the contract. T-21 is written (consistent with GMA) to support the City when it is the funder of needed transportation improvements and we want to have the ability to use this flexible tool, if needed.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>The city fails to realize that the GMA allows it to "deny development" if LOS standards are not met. Even though it has signed DAs with the Master Developer, each piece of the MPDs still goes through a permit approval process that entails traffic analyses, etc. In other words, when it comes to setting or meeting LOS standards the city is not required by the GMA to accommodate the Master Developer, but rather the Master Developer is required to accommodate the city!</p>
<ul style="list-style-type: none"> Modify Policy T-22 Financial Impact Mitigation (fourth bullet): "❖ Requiring developers at the beginning and mid-point of each phase of the MPD project to monitor traffic generation and distribution to determine if traffic impacts of MPD development are occurring as projected," by adding, immediately thereafter, the following: "Ensure improvements are constructed with MPD development in order to bring mitigation projects into service before the Level of Service is degraded below the City's standards." 	<p>The City must recognize it has wide discretion when it comes to MPD traffic-demand modeling and analyses leading to needed identified mitigation due to the strength of MPD Permit Condition of Approval 17 and its ten subparagraphs and its multiple sub-subparagraphs.</p>	<p>The MPD DA is vested to past policies and regulations pursuant to RCW 36.70B.170. As written, T-22 is consistent with the DA which already contemplates improvements be developed and placed into service before further degrading LOS standards. Adding proposed language won't change the requirements under the DA.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>The city fails to recognize that it indeed possesses wide discretion when it comes to identifying needed mitigation and timing.</p>

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<ul style="list-style-type: none"> Modify Policy T-24 Intergovernmental Agency Coordination: "Coordinate planning, construction, and operations of transportation facilities and projects with other governmental agencies." by adding, immediately thereafter, the following: "Develop a plan to avoid new or expanded facilities in rural areas." 	<p>This is necessary to fulfill PSRC requirements for Comprehensive Plan <i>Transportation Elements</i>. A plan is necessary to ensure such Rural Area transportation facilities will not require improvements to handle the predicted increased level of traffic.</p>	<p>This seems to be a suggestion for the City to develop an intergovernmental plan with King County for rural areas. The City would not be adding new or expanded facilities in rural areas without permission from King County because that would be outside our jurisdictional boundaries. I'm just not sure what the intent is here. However, PSRC, King County and all the neighboring jurisdictions have the ability to review and proposed changes.</p> <p>The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>The city fails to recognize its rapid development will impact many King County roads and simply expects King County to do something about it. The city already has ignored all King County DOT testimony throughout the MPD Public Hearings. The plain intent of GMA is for the city to consider the impacts of its development on the adjacent rural road system, and to work with King County to mitigate those impacts. In fact, what "changes" is the city expecting "PSRC, King County and all the neighboring jurisdictions" to "review"?</p>

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<ul style="list-style-type: none"> Modify Policy T-25 Multi-modal Coordination: "Coordinate planning and operation of efficient and varied means of transportation for the City of Black Diamond's transportation system." by adding, immediately thereafter, identified needs for SR-169 consistent with the State Multimodal Transportation Plan (RCW 47.06.040). 	<p>The City recognizes its unique dependence on SR-169, as well as limitations in providing regular bus service to and from the city.</p> <p>This is needed to fulfill the requirements of: RCW 36.70A.070 (9)(a)(iii)(F) "The transportation element shall include the following subelements: ...Facilities and services needs, including: ...Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW."</p>	<p>The City has submitted Comp Plan to Washington State Dept. of Commerce and Puget Sound Regional Council (PSRC) for comment.</p>	<p>Not recommended for the 2019 preliminary docket.</p>	<p>The city is stating herein that it doesn't know what to do to meet the RCW requirements cited in the "TAT ACCOMPANYING COMMENTS" column herein and apparently is awaiting guidance from PSRC and DOC, rather than understanding and facing its own issues.</p>

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020

The Citizens' Technical Action Team (TAT) presents the following Written Testimony to the Planning Commission at its June 9, 2020 meeting for its consideration during the City's **Comprehensive Plan Amendment** process.

The Planning Commission received our extensive *Technical Comments* (as well as our *proposed Docket Amendments*) City's **Comprehensive Plan** last year. Tonight we provide a summary (in no particular order) of the key aspects of those comments—all related to the *Comprehensive Plan's Transportation Element* (*Chapter 7-Transportation* and *Appendix 7—Transportation*).

In addition, we describe how the four Conditions imposed on the City's **Comprehensive Plan Update** by the Puget Sound Regional Council (PSRC) speak to several of our Comments (see **ALL CAPS BOLD** below).

1. Transportation-Demand Modeling (TDM): **No information on such modeling has been provided, e.g., What was done? How was it done? What were the results? How were the results used?**

2. SR-169: There is a major disconnect in what is assumed and what actually is planned in PSRC's *Regional Transportation Plan (RTP)*—the successor to *Transportation 2040*—adopted in May 2018. The *RTP* (see *Executive Summary*, p. 5) shows only a small portion of SR-169, just through *part of the City of Maple Valley*, as slated for widening by 2040. **The Update does not recognize this reality. PSRC ADDRESSED THIS IN ITS CONDITION 1 (E.G., “**SHOULD BE AMENDED TO INDICATE THAT...THE TDM AND PROJECT LIST DO NOT ASSUME A WIDENING OF SR-169**”).** Please note in order to meet this PSRC Condition it is not enough to simply “*remove references to WSDOT widening SR-169,*” as stated in the “*2020 *Proposed* Preliminary Comprehensive Plan Docket.*” Rather, all related Traffic-Demand Modeling and subsequent Traffic Analyses must reflect the *removal* of this assumption, which could have major impacts on downstream analyses.

3. Funding Plans and Sources: There are no Contingency Plans (required by **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)(C)**) in place should potential Grant monies fall short or simply not materialize. Should probable funding fall short of meeting identified needs, a discussion is required of how additional funds will be raised or how land use assumptions will be reassessed to ensure that LOS standards will be met (**RCW 36.70A.070(6)(a)(iv)(C)** and **WAC 365-196-430(2)(I)(ii)**). Further, because new traffic modeling and analyses are required per the MPD Conditions of Approval (i.e., once the 850-building-permit-issued threshold is reached), we understand predicting what will be needed in future financing plans remains a moving target. The City should recognize this reality, yet makes no mention of it. The Master Developer-Funded Transportation Projects table (now labeled the first “Table 0-10”) is not described in the text (nor referenced) and is mostly blank. Such information is necessary to evaluate whether future traffic projects will mitigate MPD impacts and whether or not the *Update* is adequate to

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020
meet the city's Vision and the future needs of its residents. The MPD Development Agreements will expire in 2026—far before full MPD buildout is achieved. This must be recognized and assessed accordingly. We found no discussion of any of this. Finally, Cost Estimates are not provided, but should be, for *all* transportation capacity-adding projects for *both* the short term thorough 2021 and the long term through 2035. In summary, a *specific* financial plan that demonstrates how the transportation improvement program can be funded must be included, but is not.

PSRC ADDRESSED THIS IN ITS CONDITION 3 (E.G., "PROVIDE...CONTINGENCY PLANS TO ADDRESS ANY FUNDING SHORTFALLS"). We support the following language: "Provide more detailed explanation of contingency plans to address potential funding shortfalls that may occur if the planned MPD improvements are not completed," as stated in the "2020 *Proposed* Preliminary Comprehensive Plan Docket."

4. Population Estimates: The city's estimate for future population growth is deficient—it assumes ~2.5 people per new residence in the MPDs (e.g., 6,050 residences x 2.5 people per residence = 15,125 people). The current city ratio of 2.7 (2014: 4.361/1,627) reflects a *relatively* older population. However, since the MPDs will undoubtedly *reduce* the average age of the City's population (e.g., more younger families with children), a factor of *at least* 3.0 should be used, which would result in a city population in 2035 at least 17% higher than assumed. Such a population forecast discrepancy can have profound effects on traffic modeling and analyses, yet this is not recognized.

PSRC ADDRESSED THIS IN ITS CONDITION 4 (E.G., "NARROW THE GAP BETWEEN GROWTH TARGETS AND ANTICIPATED GROWTH"). We support the following language: "Review all Plan Chapters to address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth Strategies and develop goals or policies that would help to better align them," as stated in the "2020 *Proposed* Preliminary Comprehensive Plan Docket." We consider this the most difficult task to be accomplished, as it impacts many major assumptions and policies in the Comprehensive Plan.

5. Transportation Improvements: The city should not address road and intersection improvements "incrementally with developments as traffic volumes increase," as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. The State GMA calls for identifying the long-term scope in advance, then assigning reasonable proportion of those improvements to each development. We remain concerned the verbiage is not consistent. Several 2022-2035 intersection projects listed in Table 7-9 are not shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met. Further, although traffic volume predictions, etc. are provided, there is insufficient explanation of the 2035 scenario. Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020 listed for each in Table 7-11 (please note: in the approved *Update*, table numbers start with "0" not "7," in addition, there are two tables labeled "Table 0-10;" the Table we refer to above, "Table 7-11," is now the second "Table 0-10."). We would expect this all to be corrected and sufficiently explained in the text, but it is not. In fact, the text simply states: "...additional arterial roads will be needed..." It must be kept in mind the information provided in Figure 7-7 is critical to evaluating future traffic impacts and whether or not this Update is adequate to meet the city's Vision and the future needs of its residents; unfortunately, at a minimum, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7.

6. Transportation Concurrency: It is stated: "*The City's strategy to tie concurrency directly to THE major developer within the City should give the City a step ahead of most communities that struggle to keep up with maintaining concurrency requirements.*" This is true to a point, but it depends heavily on MPD *Condition of Approval 20—Traffic Monitoring Plan*, which, according to the city's Hearing Examiner, has several flaws, which were not rectified by the City. One flaw is that the MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, *not* actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The City does not recognize in the *Update* that the MPD Master Developer will be providing the *bare minimum* to meet its local direct impacts, so that *cumulative* long-term growth could be ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner—a *lose-lose* proposition for both the city and the public.

7. Level of Service: SR-169 is a State-designated *Highway of Statewide Significance (HSS)*. The City agreed with TAT's recommendation in an earlier annual *Comprehensive Plan Update* to conduct Concurrency Testing on same. That was removed in the current *Update* and should be re-instated.

PSRC ADDRESSED THIS IN ITS CONDITION 2 (E.G. "ACKNOWLEDGE THIS DESIGNATION AND THE ASSOCIATED LOS"). We support the following language: "Revise text to acknowledge HB3266 designation of SR 169 as a highway of statewide significance," as stated in the "2020 *Proposed* Preliminary Comprehensive Plan Docket." However, the Comprehensive Plan should go beyond simply "acknowledg(ing)" this, but also explain the ramifications associated with the "highway of statewide significance" designation.

PSRC, in its *conditional* certification of the City's **Comprehensive Plan Update**, has called for four conditions, as indicated above (note: we numbered them 1 through 4 above, although PSRC did not number them, it put them in that order), to be met, all of which (items 2., 3., 4., and 7. above) were detailed in our *Technical Comments* (and/or *proposed Docket Amendments*). We are pleased PSRC recognized these items to be addressed in the City's **Comprehensive Plan**.

In the coming months *modified* and *new* **Comprehensive Plan** language will be prepared by Staff (and/or a Technical Consultant), vetted internally, and "*finalized*" for

Citizens' Technical Action Team (TAT)

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020
release to you and, then, the City Council. This is where the city develops the "How" to
answer PSRC's "What" needs to be included in the City's **Comprehensive Plan**.

During this process we urge the Planning Commission to ask questions of City Staff
(and any Technical Consultants procured by the City) to first understand what each
PSRC Condition means, e.g., what technical deficiencies did PSRC identify that need to
be addressed and in what specific ways the City can change its **Comprehensive Plan**
to meet same.

Thank you.

Peter Rimbo
primbos@comcast.net
425-432-1332
Leader and Transportation Focal
Citizens' Technical Action Team (TAT)

Carina Thornquist

From: Steven Day <Steven_Day@msn.com>
Sent: Monday, June 15, 2020 9:44 AM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,

Steve Day
Black Diamond Resident

Carina Thornquist

From: Su Pinney <supinney@msn.com>
Sent: Sunday, June 14, 2020 5:28 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please do not ignore the public's comments! As our representative, we expect that you will hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,

*Suzanne Pinney
206-650-5206
21820 SE 296th Street
Black Diamond, WA 98010*