



CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING MINUTES  
June 9, 2020, 6:00 PM  
Zoom Virtual Meeting

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

Commissioner McCain called the meeting to order at 6:05 p.m.

**Present:** Commissioners: LaConte, Jensen, McCain, Ekberg, Ambur,  
Olson  
Excused:  
Unexcused: Commissioner Butt  
**Staff:** Barbara Kincaid, Community Development Director  
Carina Thornquist, Deputy City Clerk

2) **APPROVAL OF MINUTES**

*Regular meeting of January 7, 2020*

Commissioner Jensen **Motioned** to approve the January 7, 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**

**Comprehensive Plan Annual Amendment: Preliminary Docket Discussion**

Commissioner McCain turned the meeting over to Community Development Director Barb Kincaid to give an overview of the Comprehensive Plan amendment process. Ms. Kincaid talked about the goal for tonight's meeting was to test the virtual format and bring everyone back together and up to speed.

It was recommended by Director Kincaid to have a Special Meeting rather than try to delve into working on the preliminary docket tonight because the Commissioners would need time to consider the public input received. There was discussion about the preliminary docket in the packet and Ms. Kincaid explained it was her first cut and the Commissioners would need to work on the

final version to send to Council for approval. Ms. Kincaid also said there were items that were not on the document that needed to be added. These include adopting the 6-year transportation improvement plan (TIP) and Comprehensive Water System Plan. She also explained why she thought the item about fixing Scribner's errors on the adopted Comprehensive Land Use map should be removed. Commissioners talked more about some of the items they thought should be considered for the amendment docket.

After discussion amongst the Commissioners and Director Kincaid, they concurred that a Special Meeting be held on Monday, June 15, 2020 at 6 p.m. as a Zoom Virtual Meeting.

Director Kincaid stated that she had received several Public Comments via email with numerous concerns; many of them were regarding school impact fees. She continued to explain that this topic has not been dropped; just being done separately to expedite the process. It will come before the Planning Commissioners as an Emergency Amendment to adopt.

**6) UNFINISHED BUSINESS**

NONE

**7) COMMUNITY DEVELOPMENT DEPARTMENT REPORT**

Director Kincaid reported that staff is working diligently while adapting to the new processes that are in place with the pandemic.

**8) ADJOURN**

Commissioner Olson motioned to adjourn.

Second by Commissioner Jensen

Vote, Motion passed 6-0

**THE MEETING ADJOURNED AT 7:05 PM**

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

ATTEST:

/s/   
Pam McCain, Chairperson

  
Carina Thornquist  
Planning Commission Secretary

## Carina Thornquist

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**From:** info@bryantstractorandmower.com  
**Sent:** Monday, June 8, 2020 11:25 AM  
**To:** Barbara Kincaid  
**Subject:** PUBLIC COMMENT 06/09/20 RE: Comprehensive Plan Docket Suggestion

Hello Ms. Kincaid and Planning Commission,

The suggestions sent March 1 of 2020 (email below) for the Comprehensive Plan should be given to the Planning Commission for consideration and public hearing, per Black Diamond Municipal Code 16.10.130.B. The packet for the June 9 Planning Commission discussion of Comp Plan changes does not contain these suggestions.

It is difficult to follow up on this issue and give comments because the time from Friday evening when the PC Meeting Packet first became available to the Monday 5 PM deadline is too short. This is also short notice for Planning Commissioners to be able to absorb and research the materials for their discussion. The Planning Commission Packets should come out at least a week before the meeting, and should contain all public suggestions for the Comprehensive Plan. Since the Commission meets only once a month and has not met in months, why not have a larger packet ready sooner?

To accompany the suggestions made in the March 1 email below, here is some specific language that could be added to the Comp Plan or amended by the Commission:

**Large amounts of natural open space must be included on sites developed for mixed use or intense land use. Clustering is appropriate so that intense land use is balanced with a natural space that feels like "small town" Black Diamond.**

**LU Policy: Clustering in Commercial Zones. At least 50% of the net develop-able land (excluding sensitive and critical areas) must remain natural as a trade off for Mixed-Use development. At least 50% of the net develop-able land (excluding sensitive and critical areas) must remain natural for Commercial development with a F.A.R. exceeding 1.0 .**

Additionally:

**Multi-family use in Black Diamond should include a large amount of open space and natural space for families and to maintain small town character.**

**LU Policy: Commercial Zones used for multi-family development are allowed a maximum of 16 units per acre . Multi-family development must have a minimum of 50% open space of the net develop-able land (excluding critical and sensitive areas).**

On March 2, 2020 at 4:24 PM Barbara Kincaid <bkincaid@blackdiamondwa.gov> wrote:

Thank you for sending these suggestions.

Sincerely,

Barb

**From:** info@bryantstractorandmower.com <info@bryantstractorandmower.com>  
**Sent:** Sunday, March 1, 2020 9:04 PM  
**To:** Barbara Kincaid <bkincaid@blackdiamondwa.gov>  
**Subject:** Comprehensive Plan Docket Suggestion

Hello,

We are sending the following change suggestions for the city's Comprehensive Plan. Thank you.

Comprehensive Plan Updates to Section 5.13 Commercial Goals and Policies

Section 5.13 sets the basis for Community Commercial and Neighborhood Commercial zoning.

Many people think of our existing Commercial areas in Black Diamond when they think of new commercial development. Black Diamond's existing commercial areas contain small stores or restaurants with a small amount of parking, and are not intense land uses.

However, it has recently become clear that the Commercial zoning in Black Diamond allows mixed use with commercial space plus residential up to 10 units per acre. Commercial also allows any number of apartment units so long as retail is included. The retail can be very intense, with a Floor Area Ratio of 2 to 1 over the acreage of the site. The current Comprehensive Plan Section 5.13 and zoning code allows development that is incompatible with our small town. It can generate more traffic than residents are willing to endure, too much noise, and remove too much green space.

The Comprehensive Plan should be amended to specify that:

**Large amounts of natural open space must be included on sites developed for mixed use or intense land use. At least 50% of the net develop-able land (excluding sensitive areas) must remain natural as a trade off for intense land use such that described above. This is an appropriate use of clustering, so that the intense land use is balanced with a natural space that feels like "small town" Black Diamond.**

Additionally:

**There must be limits on the number of allowed apartment units in commercial zones. There should also be at least 50% open space of the net developable land (excluding sensitive areas) for a site used for apartments.**

This is especially important because apartments are homes and residents, especially children, need trees and natural space to live near.

**The city should impose restrictions against big box stores and impose limited parking in commercial zoning.**

Thank you,

William and Karen Bryant

25100 Roberts Drive

Black Diamond, WA 98010

## Carina Thornquist

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**From:** B Stuart <lovethenw4life@gmail.com>  
**Sent:** Monday, June 8, 2020 12:02 PM  
**To:** Barbara Kincaid  
**Subject:** PUBLIC COMMENT 06/09/20

Hello Ms. Kincaid. I am re-sending this Comp Plan Preliminary Docket recommendation, originally sent Feb 27--before COVID disrupted the Planning Commission cadence.

The recommendations below were for the Comp Plan update in 2020. These are well-researched updates worthy of consideration as the planning commission meets to begin discussion Tuesday.

Are there any updates from staff regarding this docket suggestion for the Comp Plan?

Thank you,

Bob Stuart

On Fri, Feb 28, 2020 at 7:24 AM Barbara Kincaid <[bkinaid@blackdiamondwa.gov](mailto:bkinaid@blackdiamondwa.gov)> wrote:

Dear Planning Commissioners,

I am forwarding an email received from Mr. Bob Stuart for your consideration.

Sincerely,

Barb

**From:** B Stuart <[lovethenw4life@gmail.com](mailto:lovethenw4life@gmail.com)>  
**Sent:** Thursday, February 27, 2020 10:13 PM  
**To:** Barbara Kincaid <[bkinaid@blackdiamondwa.gov](mailto:bkinaid@blackdiamondwa.gov)>  
**Subject:** Fwd: Planning Commission Suggested Docket Recommendation

Hello Ms. Kincaid. I am forwarding this for you and the planning commission to include as a suggested amendment for the 2020 Comprehensive Plan docket update. If I can provide any further information to clarify this proposal please let me know.

Bob

Dear Planning Commission Member,

The Comprehensive Plan update process is at the point where Black Diamond Planning Commission is creating a "Preliminary Docket." The Planning Commission can recommend a change to any part of the Comprehensive Plan. One change that makes sense is to update the Future Land Use Map because of the October 8<sup>th</sup> public input and the need to further evaluate the impact on public services and traffic. As you know, the Comprehensive Plan Future Land Use Map becomes the Zoning map. Zoning map changes cannot be made that are inconsistent with the Comprehensive Plan Future Land Use Map.

At this time, the Planning Commission can consider a "preliminary docket" that makes the Future Land Use Map match existing zoning or existing use. This would be a response to the Hearing on October 8, 2019. Although we remain interested in keeping Black Diamond small, we recognize that some public or staff may be interested in considering an increase in the amount of development. A change to the Comprehensive Plan Future Land Use Map now does not prevent the City from accepting changes to the map again next year after more study. If the Future Land Use Map were updated to match existing land use, the city could more thoroughly evaluate the impact on public services. The land owners or others can still submit a Comp Plan docket change (BDMC 16.10.50) next year for a Land Use Map change.

Thank you for your consideration,

Bob Stuart

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**Below are "Findings" and a "Preliminary Docket" draft written for the Planning Commission to adopt or modify as you see fit.**

**Comprehensive Plan Docket FINDINGS ("WHEREAS")**

1. At the Planning Commission Comprehensive Plan Docket Public Hearing on October 8, 2019, many comments were made that any zoning change that increases residential or commercial space would negatively impact Black Diamond.
2. Some comments specifically brought up the requirement to coordinate with Countywide Planning Policies. The King County growth target is 1,900 households by 2031. According to the Comprehensive Plan, Black Diamond will grow much more than this, adding 6,000 households to get to a total of 7,674 households by as soon as 2026. The Commission finds coordination with King County and neighboring jurisdictions should be improved, and Black Diamond should attempt, where practical, to align more closely with King County Targets so that infrastructure is not negatively impacted.
3. The existing Master Planned Developments adopted by Development Agreements in 2011 include a mix of housing for a range of incomes, including townhouses and apartments currently under construction that are affordable to lower income households. There are homes in Black Diamond such as small or older homes and our existing mobile home communities that also meet our requirements to accommodate lower income brackets. Thus, there is sufficient housing capacity of all income levels.
4. Commercial space in the Master Planned Developments (MPD) is set to be over 1,100,000 square feet. This exceeds the economic development goals of the city as contemplated in the Economic Development and Land Use chapters of the Comprehensive Plan. Thus, there is sufficient commercial capacity.
5. Adding more commercial land would likely change the buildout of the MPD's in a negative way. As adopted, the May 2, 2019 Future Land Use Map would allow for uncoordinated development. Further, the impacts on traffic, public services, city fiscal resources, and infrastructure have not been analyzed sufficiently.
6. The city is considering, but has not adopted, a general school impact fee as requested by the Enumclaw School District. An increase in residential development prior to a school impact fee could place an unnecessary future tax burden on existing residents to pay for new schools.
7. The Growth Management Act (in 36.70A.040(3)(b)) allows cities to identify natural resource lands in their Comprehensive Plan.
8. The Planning Commission is creating a preliminary docket of amendments for the Comprehensive Plan.

**Therefore, the Planning Commission recommends the following docket:**

1. The Comprehensive Plan Land Use Chapter is updated to add a new Zoning Category of "Mineral and Resource Extraction."
2. The Comprehensive Plan Land Use Chapter is updated to add a new Zoning Category of "Forestry."
3. The Comprehensive Plan Land Use Chapter is updated to add the following Policy:



Any and all Future Land Use Map and/or zoning changes that increase the residential units allowed or change a property to a “commercial” designation must go through the formal docket application and Land Use Map Amendment process as further defined in the Black Diamond Municipal Code.

4. The Comprehensive Plan Land Use Chapter is updated to add the following Policy:

The city will develop a Conservation Easement Development Credit Program separate from its existing TDR (Transfer of Development Rights) program. The program will allow property of higher conservation value that does not meet the definition of critical areas to be put into permanent “natural area” conservation in exchange for a zoning change that increases the allowed density of development on other property of lower conservation value.

5. The Future Land Use Map is Amended as Follows:

- a. Parcels 1521069110, 1521069112, 1521069113, 1521069114, 1521069115, 1021069111 are designated as “Mineral and Resource Extraction.”
- b. Parcel 1021069010 is designated “Low Density Residential” (LDR).
- c. Parcel 1021069103 and 1021069105 are designated “Low Density Residential” (LDR).
- d. Parcels 1121069020, 1121069112, 1121069113, 1121069114 are updated to “Forestry.”

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The following was useful to us in researching the Comprehensive Plan update process, and is included for convenient reference by the Planning Commissioners.

### Black Diamond Municipal Code

**16.10.220 Evaluation Criteria for Proposed Amendments.** The Planning Commission shall review the proposed Amendments to the Comprehensive Plan and Development Regulations under the following criteria to develop findings and conclusions to support its recommendation:

A. All Amendments. All of the Comprehensive Plan Amendments shall be reviewed under the following criteria:

1. Whether the proposed amendment(s) conform to the Growth Management Act (chapter 36.70A RCW);

2. Whether the proposed amendment(s) are consistent with and implement the City's Comprehensive Plan, including the goals, policies and implementation strategies of the various elements of the Plan;

3. Whether circumstances related to the proposed amendment(s) and/or the area in which it is located have substantially changed since the adoption of the City's Comprehensive Plan;

4. Whether the assumptions upon which the City's Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the City's Comprehensive Plan; and

5. Whether the proposed amendment(s) reflects current, widely held values of the residents of the City.

## Carina Thornquist

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**From:** Steven Day <Steven\_Day@msn.com>  
**Sent:** Sunday, June 7, 2020 1:50 PM  
**To:** Barbara Kincaid; Planning Commission  
**Subject:** PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

**Please update the Comprehensive Plan Preliminary Docket to:**

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

The reasons for the above changes are:

### **Schools and School Capital Costs**

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

### **Future Land Use Map**

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,

Steve Day

Black Diamond

## Carina Thornquist

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**From:** CenturyLink Customer <g.davis001@q.com>  
**Sent:** Sunday, June 7, 2020 7:17 PM  
**To:** Barbara Kincaid  
**Cc:** tekberg; ricco451; Stevesharon2@comcast.net; nuklldragr; Pam McCain  
**Subject:** PUBLIC COMMENT 06/09/20 PLANNING COMMISSION  
**Attachments:** 2020Comprehensive Plan Suggested Transportation Policies.docx

Ms. Kincaid;

The enclosed is a re email of an email sent to you 1/Mar/2020 regarding suggested changes to the Comprehensive Plan.

There are items such as the removal of policy LU-34 or at least an edit removing the word 'aggressive' providing new spaces for commercial development..neither of these is discussed in the packet for the 9/June/2020 Planning Commission meeting. Please review the 1/Mar/2020 email and consider the topics covered espically road repair and safety improvements rather than road expansion.

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

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**From:** "g davis001" <g.davis001@q.com>  
**To:** "bkincaid" <bkincaid@blackdiamondwa.gov>  
**Sent:** Sunday, March 1, 2020 8:23:44 PM  
**Subject:** Suggested changes to Comprehensive Plan

Dear Ms. Kincaid:

The following attachment contains suggested changes to the Comprehensive Plan.

Thank you.....

Gary Davis.....Black Diamond....

## **Comprehensive Plan Suggested Transportation Policies**

### Walkability Improvements

Black Diamond residents enjoy the ability to walk to and from local destinations such as the Elementary School, post office, bakery, Community Center and local businesses. To maintain small-town character and prioritize the high quality of life those who live here enjoy, it is extremely important to make walking a viable option as the city grows.

To walk, people must feel safe, the walk must be pleasant, and people must have a destination. As the traffic increases on highway 169, safety and enjoyment of the walk are at risk. Increasing numbers of cars or expanding the paved area by adding a lane or removing trees would reduce the enjoyment of the walk. Increased cars also call for an increase in safety. To maintain Black Diamond's historic charm and small-town feel, the existing town center including highway 169 should become a more pedestrian-friendly zone. We should encourage walking trips which will support local businesses as destinations, and connect people to each other within the community.

As an example, our town has the Rainier View retirement community near Lawson St and Highway 169. We also have a Community Center about a mile away that serves lunch and provides other services to senior citizens. As people age, they may prefer be able to walk but not drive, we should ensure our seniors can safely walk to the Community Center.

### **New Suggested Transportation Policy**

T-#. Prioritize pedestrian and bicycle safety over increased motor vehicle capacity on city streets. At the same time, this must not allow new development to avoid providing street capacity increases or improvements needed as a result of new development.

### Safety Improvements

Road funds at the state, county, and local level are limited. Safety of Black Diamond residents is one of the most important considerations when prioritizing funding.

Recognizing that the majority of employed residents will continue to commute to work outside the city and therefore roads in and out of town are an important consideration in the Black Diamond Comprehensive Plan. State and County roads leading to Renton, Issaquah, Auburn, and Enumclaw have land slide risks, areas with site distance limitations, pedestrian and bicycle safety problems.

### **New Suggested Transportation Policy**

T-#. For both state and county roads leading to or from Black Diamond, the City supports prioritization of funding for safety improvements above road expansion.

It is also suggested to remove policy ED-4.5, about the Highway 169 corridor, or move policy ED-4.5 to the Transportation Chapter. Policy ED 4.5 is more focused on transportation than Economic Development.

~~Policy ED-4.5: Coordinate with the Washington State Department of Transportation (WSDOT), King County, and adjacent cities to plan for access improvements, intersection improvements, and infrastructure maintenance in the SR 169.~~

### **Small Town and Careful Planning**

To ensure Planning consistent with small-town character, Black Diamond must carefully ensure existing commercial areas and those planned with the Master Planned Developments can thrive without putting too much pressure on limited infrastructure. Given Black Diamond's location on the far eastern edge of the urban growth area, it is unlikely growth to support things like big box stores or large business expansion is appropriate. Black Diamond can maintain a balanced city budget that does not rely on new growth. We need careful planning at a slow pace to ensure we do not trade live-ability for speculative development or tax revenue that may not be offset by the need for increases services.

Removal of policy LU-34 is warranted. Alternately, the word "aggressive" could be removed:

~~Policy LU-34: Create an aggressive economic development strategy, with the cooperation of the City, County, and business and property owners.~~

There are sufficient commercial spaces already developed in Black Diamond or permitted through the MPD's to be extremely cautious about adding more until we see if the existing plans are commercially successful while maintaining quality of life. Therefore, removal of policy LU-42 is also warranted.

~~Policy LU-42: Retain and enhance the existing commercial areas while providing sites large enough to accommodate significant commercial uses.~~

## Carina Thornquist

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**From:** Tom Hardebeck <hardebeck.tom@gmail.com>  
**Sent:** Sunday, June 7, 2020 2:42 PM  
**To:** Barbara Kincaid; Planning Commission  
**Subject:** PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

To Whom it may concern:

I am absolutely opposed to raising Black Diamond's taxes for schools, roads etc. The Developer School Impact Fees are another manipulative act that should absolutely not be allowed. The developers should be totally responsible for it all. Enough is enough with all the traffic issues. The "Up Zones" is not what I see for this beautiful community. Tom Hardebeck.

## Carina Thornquist

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**From:** jeanna stuart <jeannastuart71@gmail.com>  
**Sent:** Monday, June 8, 2020 2:49 PM  
**To:** Barbara Kincaid  
**Subject:** Public Comment 06/09/20

To: Barb Kincaid and Planning Commission of Black Diamond

Regarding the consideration of updates to the "Comp Plan" on the agenda for the 6/9 meeting, I am very concerned about what is included in that plan, based on what I am seeing already happening in Black Diamond. Seemingly everywhere you look there is clear-cutting and preparation for development on land that is not zoned for such development. I am referring specifically to the clearing along hiway 169 from Palmer Coking Coal northward, and also the vast area to the north of my home up in Lawson Hill Estates, which has been clear-cut in the past couple of weeks.

These lands might have legally gotten permits that enables the owners to prepare them for development, as if they have zoning that would allow it, but I find it to be more than a coincidence that the zoning changes needed for these owners to cash in on development craze is conveniently included in the Future Land Use Map in the Comp Plan. Black Diamond is already over 3x the growth targets given to the city, so why does the Comp Plan include a zoning map that GUARANTEES even MORE growth? That needs to be changed when you work on the Comp Plan! Get rid of it and find a better solution that fits the needs of this community and not the needs of money-hungry development.

At what point is each and every person in an official city capacity--including our peers volunteering on the Planning Commission--going to start using the planning and decision making processes to benefit us citizens that have made it very clear we are not in favor of the run-away development?! Any one of you who has not questioned and challenged what is going on needs to feel personally responsible for handing over Black Diamond's future to developers, rather than working to improve on what has made Black Diamond special for decades for us who are sitting here paying the city bills.

I know of two families leaving Black Diamond right now, one who is my next door neighbor, all or in part because of this ridiculous destruction of the gem of a small town. It is a shame that this is all shrugged off as 'progress', when growth and maintaining our community could have been much more easily managed together.

I hope you will consider my desire to not use this Comp Plan and map as a way to continue handing over our town to those who have zero concern for keeping it a nice, small place to live.

Jeanna Stuart  
Black Diamond resident



## Carina Thornquist

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**From:** Kristen Bryant <kristenbry@gmail.com>  
**Sent:** Monday, June 8, 2020 4:59 PM  
**To:** Barbara Kincaid  
**Cc:** Bill Popp, Sr.; Save Black Diamond  
**Subject:** PUBLIC COMMENT 06/09/20 216th traffic issue with current Comp Plan  
**Attachments:** Memo to Save Black Diamond re June 9, 2020 Planning Commision Mtg re Plan Update.pdf

Ms. Kincaid,  
Attached is a memo from traffic engineer William Popp, Sr. for the Planning Commission.

Submitted on behalf of Save Black Diamond and myself.

Kristen Bryant

Bellevue WA

## MEMORANDUM

**TO:** Save Black Diamond  
**FROM:** Bill Popp, P.E.  
**DATE:** March 2, 2020  
**SUBJECT:** June 9, 2020 Planning Commission Meeting re Comprehensive Plan Update

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This memorandum is largely based upon review of the following:

- *City of Black Diamond Comprehensive Plan, May 2, 2019 with special emphasis on Chapter 7, Transportation Element and its supporting Appendix 7;*
- *2035 Peak Hour Traffic Volumes and Roadway Network from Appendix 7;*
- *Traffic Monitoring Report, The Villages and Lawson Hills Master Planned Developments Phase 2, December 2013 by Transpo Group;*
- *Phase 1A (8-25-2012) and Phase 2 Regional Implementation Schedule (1-28-2014);*
- *The Villages Development Agreement Exhibit C Conditions of Approval, 2010;*
- *The Villages Transportation Technical Report, December 2009; Parametrix*

The following is a brief description of what I consider to be the most significant potential deficiencies with the current Transportation Element:

### **Lake Sawyer Rd and 216<sup>th</sup> Ave SE Corridor Arterial Widening**

#### 216<sup>th</sup> Ave SE

The 2035 Peak Hour Traffic Volumes & Roadway Network Figure 7-7 shows **traffic volumes in this corridor that will require substantial roadway widening of the entire arterial, not just major intersections**. Per Figure 7-7, 216<sup>th</sup> Ave SE north of SE 288<sup>th</sup> Street is **projected to be carrying some 3100 pm peak hour vehicles. This represents a 4.4 -fold growth in existing traffic – in 2013 it was 695 vehicles!**

For perspective SR 169 approaching I-405 was carrying 3100 vph in 2018 and that is in a 7-lane section approaching the Cedar River Park Drive intersection . In an urban setting with cross streets this 3100 demand would require up to

seven lanes (3 each way + center turn lane) in order for cross street or driveway traffic to enter the traffic stream at LOS better than F.

The extent of improvements cited in the Phase 2 Regional Implementation Schedules only consists of signalization of the SE 288<sup>th</sup> St intersection and addition of an additional southbound left turn lane and westbound left turn lane. **The magnitude of this corridor demand has not been addressed in the agreement with Maple Valley so at this point the deficiency is a major issue for this upcoming Plan update.**

For the section of 216<sup>th</sup> Ave SE from SE 288<sup>th</sup> to Lake Sawyer Road the projected PM PM pk hour volume is 2700. Once again **this volume portends a 5 to 7-lane roadway section; not the minimal improvements identified in the Implementation Schedule.**

#### Lake Sawyer Road

The 2035 Peak Hour Traffic Volumes & Roadway Network Figure 7-7 shows traffic volumes in this corridor ranging from 1800 to 1950 PM peak vehicles per hour. In an urban setting this would typically require a 5 lane section for adequate driveway and side street access with signals at higher volume side street intersections. **At a minimum a 3-lane section would be required for LOS D or better access on Lake Sawyer Road, and that would extend the length of the corridor and include the two proposed signals and channelization.**

## Carina Thornquist

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**From:** Deanna Kitzke <ddkitzke@gmail.com>  
**Sent:** Sunday, June 7, 2020 3:21 PM  
**To:** Barbara Kincaid; Planning Commission  
**Subject:** PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

**Please update the Comprehensive Plan Preliminary Docket to:**

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

The reasons for the above changes are:

### **Schools and School Capital Costs**

The city should adopt maximum Developer School Impact Fees. The City's [March 6 notice](#) proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

### **Future Land Use Map**

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,  
*Nathan and Deanna Kitzke*  
*Black Diamond*

## Carina Thornquist

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**From:** ikolezhuk@comcast.net  
**Sent:** Sunday, June 7, 2020 1:46 PM  
**To:** Barbara Kincaid; Planning Commission  
**Subject:** PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

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Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

### **Future Land Use Map**

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,  
Yevgeniy Kolezhuk  
*Black Diamond*

## Carina Thornquist

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**From:** MELODY MANN <passportt@comcast.net>  
**Sent:** Sunday, June 7, 2020 1:53 PM  
**To:** Barbara Kincaid; Planning Commission; melody  
**Subject:** PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones.

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

**Please update the Comprehensive Plan Preliminary Docket to:**

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

The reasons for the above changes are:

### **Schools and School Capital Costs**

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

## Future Land Use Map

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Over the years I have noticed that things & timelines promised have not been followed through This is simply not right, Provisions for roads, schools, possibly water/sewer must be readdressed sensibly before they become an emergency situation.

I am already sick of the amount of traffic on the roads going to & from black diamonds growth areas, I feel the growth must pause right now, and the land use be addressed (again) before any more zoning changes are made. Revisit the 2009 Comp plans logical controlled development plan.

The current roads. bridges etc may work for people never leaving the city of Black Diamond but egress and ingress is already overcrowded and dangerous. People have bought homes in Black Diamond because of the small town feel, The way the plan is going there won't be a town it will be more like one big over crowded subdivision, No country or small town feel just thousands of tiny cramped yards and any natural nature that once made people want to be here will be on the outside of all the concrete and asphalt and that will be where the people move to. When the property taxes go unreasonably high they will move out or potentially lose their homes. With out the nature and small town feel Black Diamonds enchantment will vanish. Having a coffee hut and other non essential type shops which may or may not be sustainable is not a reason to pay Kirkland size property taxes. There will never be enough amenities in Black Diamond to warrant that. As a long time resident of Black Diamond I would appreciate someone telling me what the City & departments are going to do about the situation at hand as well as what will be done to alleviate the future issues being brought up by citizens of the Town.

Thank you for your time and consideration,

*M. Mann*

*Black Diamond*

## Carina Thornquist

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**From:** GREGORY MEEKS <gmeeks32010@comcast.net>  
**Sent:** Sunday, June 7, 2020 4:52 PM  
**To:** Barbara Kincaid  
**Subject:** Lack of transparency

Please update the Comprehensive Plan Preliminary Docket to:

1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.
2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.

The reasons for the above changes are:

### Schools and School Capital Costs

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

### Future Land Use Map

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This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,  
Greg Meeks  
Black Diamond



## Carina Thornquist

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**From:** olleser <olleser@gmail.com>  
**Sent:** Sunday, June 7, 2020 12:49 PM  
**To:** Barbara Kincaid; Planning Commission  
**Subject:** PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones.

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

**Please update the Comprehensive Plan Preliminary Docket to:**

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
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The reasons for the above changes are:

### **Schools and School Capital Costs**

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

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This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,  
Oleg Sergeev

*Black Diamond*

## **Carina Thornquist**

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**From:** Allison Ostrer <aostrer21@gmail.com>  
**Sent:** Sunday, June 7, 2020 1:58 PM  
**To:** Barbara Kincaid  
**Cc:** Planning Commission  
**Subject:** Remove re-zones

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

**Please update the Comprehensive Plan Preliminary Docket to:**

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

Thank you for your time and consideration,  
*Allison Ostrer*  
*Seattle, WA*

Sent from my iPhone

## Carina Thornquist

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**From:** Barbara Kincaid  
**Sent:** Tuesday, June 9, 2020 1:58 PM  
**To:** Philip Acosta  
**Cc:** Pam McCain (Kent-Covington)  
**Subject:** RE: Planning Commission notification error

Hello Philip,

I just looked over everything that was noticed for the PC meeting tonight based on your email. I see that we made a typo on the agenda under Item #1 where it refers to the meeting minutes for "January 7th 2019/2020. It should have simply said "2020". That date refers to the meeting minutes the PC needs to approve tonight. Everything else seems to be in order for correctly noticing tonight's meeting.

I'm sorry you can't attend tonight. This is the PC's for virtual meeting. We are going to keep it short and "light" meaning the PC will not get into a really deep discussion tonight about the Comp Plan amendment docket. I anticipate holding another meeting to have a more thorough discussion before setting a public hearing. So, you will have more opportunities to provide input on this important matter.

Sincerely,  
Barb

-----Original Message-----

From: Philip Acosta <philamatic@comcast.net>  
Sent: Monday, June 8, 2020 4:38 PM  
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>  
Subject: Planning Commission notification error

Dear Barbara

I am requesting that the Zoom meeting be rescheduled for a date where proper notification can be given to all interested parties as your notification indicated that the Zoom meeting would be held on January 7th 2019/2020, I adjusted what I thought you may have meant to June 7th 2020 but later noticed in the small print it was June 8th, I am out of state and have no access to documents in which I can properly state my comments on upcoming developmental issues.

Best regards

Philip Acosta  
Black Diamond

## Carina Thornquist

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**From:** Peter Rimbo <primbos@comcast.net>  
**Sent:** Monday, June 8, 2020 8:33 AM  
**To:** Barbara Kincaid; Planning Commission  
**Cc:** Brenda Martinez  
**Subject:** PUBLIC COMMENT--BD PLANNING COMMISSION--7/9/20  
**Attachments:** TAT Testimony--BD PC--6-9-20.docx

**Importance:** High

Ms Kincaid and Planning Commission Members,

Please accept the attached **Written Testimony** for tomorrow evening's Planning Commission meeting discussion on the *Comprehensive Plan Annual Amendment: Preliminary Docket*.

Thank you.

Peter Rimbo  
425-432-1332  
Leader, Citizens' Technical Action Team (TAT)  
[primbos@comcast.net](mailto:primbos@comcast.net)

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

*Please consider our shared environment before printing.*

## ***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 Rimbos  
[primbos@comcast.net](mailto:primbos@comcast.net)  
425-432-1332  
Leader and Transportation Focal  
Citizens' Technical Action Team (TAT)



## Carina Thornquist

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**From:** Kelley Sauskojus <kelleysauskojus@outlook.com>  
**Sent:** Sunday, June 7, 2020 12:40 PM  
**To:** Barbara Kincaid  
**Subject:** PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones.

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

**Please update the Comprehensive Plan Preliminary Docket to:**

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

The reasons for the above changes are:

### **Schools and School Capital Costs**

The city should adopt maximum Developer School Impact Fees. The City's [March 6 notice](#) proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

### **Future Land Use Map**

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This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,  
*Kelley Sauskojus*  
*Black Diamond*

## Carina Thornquist

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**From:** Rosemarie Wentz <RosemarieWentz@hotmail.com>  
**Sent:** Monday, June 8, 2020 3:24 PM  
**To:** Barbara Kincaid; Planning Commission  
**Subject:** PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

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Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

### **Future Land Use Map**

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The current 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town, and road expansion destroys small-town character. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not add zoning that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

### **Furthermore,**

No re-zoning nor development should be considered nor approved until the city has its affairs in order and School Impact Fees are put in place.

No re-zoning nor development should be considered until the current development of Ten Trails and Lawson Hills have completed at least 75% of the development plan and the impacts to the city, roads, water, and sewer systems are studied and addressed to maintain high quality of life for its residents.

Planning Commissioner Charles Butt should recuse himself from any and all Planning Commission business which has any impact, positive or negative on any of the many Black Diamond properties he purchased privately, later transferred into his development companies name, or through his business and is currently in the process of clearing and developing. This is clear conflict of interest and his vote does not represent the interests of the citizens of this city but represent his own business interests in development of his company owned properties. I would even go so far to ask that the Mayor remove Mr. Butt as a planning commissioner as he failed to disclose his purchase of multiple properties within City limits with intention to develop them just a few months prior to applying for the Planning Commission position. It is common for employees to be let go when the evidence shows that they failed to disclose when asked on their application about conflicts of interest.

Thank you for your time and consideration,  
*Rosemarie Wentz*  
*Black Diamond*

## 2020 \*Proposed\* Preliminary Comprehensive Plan Docket

### 1. Chapter 3, Parks, Recreation, Trails and Open Space

Add the following statement in the Parks, Recreation, Trails and Open Space (PRTTO) Element, Chapter 3, Section 3.2 Planning Framework:

- The City of Black Diamond is committed to providing equal access under Title II of the Americans with Disability Act (ADA) for its parks, recreational and trails system.

### 2. Chapter 4, Natural Environment

Add the following Policy in the Natural Environment (NE) Element, Chapter 4:

- Policy NE-21: Use LID (low impact development) techniques to manage stormwater runoff.

### 3. Chapter 5, Land Use

- ~~Amend Figure 5-2 Future Land Use Map to correct Scribner's errors.~~
- Review Land Use Designations goals, policies and uses for consistency with the Vision statement, guiding principles, and general goals and policies.

### 4. Chapter 7, Transportation (and appendix 7)

- Revise text to remove references to WSDOT widening SR 169.
- Revise text to acknowledge HB3266 designation of SR 169 as a highway of statewide significance.
- Revise text and map to consider an alternative Southeast Loop Connector location.
- Provide more detailed explanation of contingency plans to address potential funding shortfalls that may occur if the planned MPD improvements are not completed.
- Adopt updated 6-year Transportation Improvement Plan (TIP) and make changes to text as needed.

### 5. Chapter 8, Capital Facilities and Utilities (and appendix 6)

- Adopt updated Comprehensive Water Plan and make changes to text as needed
- Adopt updated Comprehensive Sewer Plan and make changes to text as needed.

### 5. All Plan Chapters

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.

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Note: Highlighted text represents changes from the June 9, 2020 document

1	COMMENTOR	STAFF SUMMARY OF COMMENTS	STAFF RESPONSE	STAFF RECOMMENDATION
1	<p>TAT Comments on Transportation Appendix from the September 30, 2019 "Proposed Amendments for the 2019 Docket"</p>	<ul style="list-style-type: none"> <li>Travel Forecasts not consistent with RCW 36.70A.070(6)(a)(iii)(E)</li> <li>Funding Sources/Funding Strategies are insufficient and do not comply with RCW 36.70A.070(6)(a)(iv)(A) and (C)</li> <li>Transportation Improvements recommendations are not consistent with RCW 36.70A.070(6)(a)(iv)(F)</li> <li>Transportation Concurrence section is not sufficient to address cumulative transportation infrastructure needs in a cost-effective and timely manner in accordance with RCW 36.70A.070(6)(b)</li> <li>Level of Service section does not adequately discuss regional coordination consistent with RCW 36.70A.070(6)(a)(iii)(B)</li> <li>Inter-Governmental Coordination under "Transportation Facilities and LOS Standards and Coordination" is insufficient and does not comply with RCW 36.70A.070(6)(a)(iv)</li> </ul>	<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>
2	<p>TAT Comments on Transportation Element from the September 30, 2019 "Proposed Amendments for the 2019 Docket"</p>	<ul style="list-style-type: none"> <li>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."</li> <li>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."</li> </ul>	<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>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>Staff does not recommend putting on the 2019 preliminary docket.</p> <p>Staff does not recommend putting on the 2019 preliminary docket.</p>
	<ul style="list-style-type: none"> <li>Modify Policy T-8 Transportation Demand Management to describe:                             <ol style="list-style-type: none"> <li>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)</li> </ol> </li> <li>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.]                             <ol style="list-style-type: none"> <li>Add back in the following from the 2009 Comprehensive Plan: "Develop zoning and land use policies that promote land uses and development that are consistent</li> </ol> </li> </ul>	<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</p>	<p>Staff does not recommend putting on the 2019 preliminary docket.</p>	

<p>with the City's goals and visions and which require new development to adequately provide for the transportation needs of that development."</p> <ul style="list-style-type: none"> <li>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: "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."</li> </ul>	<p>policies throughout the plan; land use, transportation, and capital facilities and utilities in particular that support the concept more succinctly.</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>Staff does not recommend putting on the 2019 preliminary docket.</p>
<ul style="list-style-type: none"> <li>Modify Policy T-20 Funding Sources to specifically identify stable and predictable funding sources for maintaining and preserving existing transportation facilities and services.</li> </ul>	<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, pleased 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>Staff does not recommend putting on the 2019 preliminary docket.</p>
<ul style="list-style-type: none"> <li>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."</li> </ul>	<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>Staff does not recommend putting on the 2019 preliminary docket.</p>
<ul style="list-style-type: none"> <li>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."</li> </ul>	<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>Staff does not recommend putting on the 2019 preliminary docket.</p>
<ul style="list-style-type: none"> <li>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."</li> </ul>	<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>Staff does not recommend putting on the 2019 preliminary docket.</p>
<ul style="list-style-type: none"> <li>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).</li> </ul>	<p>The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.</p> <p>The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.</p>	<p>Staff does not recommend putting on the 2019 preliminary docket.</p>

<p>3 Peter Rimbo Oct 8 Public Hearing(s) Testimony combined with other comments received</p>	<ul style="list-style-type: none"> <li>• His input (which has been extensive review and participation in update process) had been ignored.</li> <li>• There is discrepancy with language suggesting WSDOT is planning to widen SR169.</li> <li>• Would like to participate in City Council or Planning Commission workshops.</li> <li>• Would like PC to reserve judgement on Preliminary Docket.</li> <li>• Hopes Comp Plan will reflect what citizens want.</li> <li>• Need to add more details explaining assumptions (esp. Figure 7-7)</li> </ul>	<p>Staff, PC and Council do consider all public input. Not including it does not mean it has been ignored.</p> <p>This is already on the docket.</p> <p>Participation could be expanded to include a town hall or open house forum on a more regular basis.</p> <p>The City is trying to get the annual amendments on track, and it is important to keep the process moving.</p> <p>After 4 years of public meetings and outreach, the Comp Plan does reflect what the citizens want. Any person may propose a text amendment during the annual amendment process, if they feel it is necessary.</p> <p>Staff is looking at how to provide more information on assumptions.</p>	<p>Staff to consider additional language for assumptions in transportation appendix for the 2019 preliminary docket.</p> <p>Correction about WSDOT planning to widen SR169 has been placed on 2019 preliminary docket.</p>
<p>4 Dr. Gil Bortleson Oct 8 Public Hearing(s) Testimony combined with prior comments received</p>	<ul style="list-style-type: none"> <li>• Need to establish central planning theme for City. The update removed Rural by Design references. "Theme-based cities promote livability and sustainability. Wants to go back to Rural by Design concept.</li> <li>• Add a map figure to show all current and proposed parks, trails, recreations areas and open spaces and separate passive and active opens space areas to Chapter 3.</li> <li>• New policy indicating the need to reserve land in advance for future active parks.</li> <li>• Add land use policies encouraging landowners to retain forest stands such as one that was put into Public Benefit Rating System which will be there forever - encourage property owners to do same.</li> <li>• Add policies to promote landscaping and setback features for new businesses along highway 169.</li> <li>• Add goal to provide greenbelt gateway along Highway 169 at north of town.</li> </ul>	<p>This concept should be explored. "Rural by Design" and "Village with a View" were heavily discussed during the MDP process. Rural by Design has some very good design concepts that are useful and are in fact employed in the current Comp Plan. But it is not really the same thing as creating a theme for the City. If this is truly desired by the community, then it really needs to go through a public visioning process.</p> <p>Another good comment. The City is planning to update its parks plan in 2020. This item should be placed on the annual amendment docket after the park plan is adopted.</p> <p>Same comment as above. The park planning process will show areas that are not meeting LOS for parks which would be needed to identify future park locations.</p> <p>A landowner may apply to King County to be enrolled in the Public Benefit Rating System (PBRs). The process and qualifying criteria are set by the County (consistent with the State Dept. of Revenue). This is a good tool to preserve working farms and forests and well as open space. There are already several properties within the City that are enrolled. Some careful thought/study should be given before encouraging (promoting) this in the Comp Plan.</p> <p>The Comp Plan Land Use chapter designates the Gateway Corridor Overlay and includes a purpose statement for it. The overlay is implemented in Chapter 18.76 of the Black Diamond Municipal Code (BDMC). BDMC 18.76 includes requirements for design standards, landscaping and setbacks for development along SR 169.</p> <p>Greenbelts are a good tool for retaining undeveloped open space surrounding or neighboring urban areas. This should be explored as a future work item for a comprehensive open space plan. It would make sense to work on this as we are updating the Parks Plan. We currently have regulations and easements in</p>	<p>Staff does not recommend putting on the 2019 preliminary docket.</p> <p>Staff does not recommend putting on the 2019 preliminary docket.</p> <p>Staff does not recommend putting on the 2019 preliminary docket.</p> <p>Staff does not recommend putting on the 2019 preliminary docket.</p> <p>Staff does not recommend putting on the 2019 preliminary docket.</p> <p>Staff does not recommend putting on the 2019 preliminary docket.</p>

		place to protect the aesthetic values and view shed along the SR 169 corridor. But a comprehensive Planning effort could pull a bunch of disparate stuff together for cohesion.	
<ul style="list-style-type: none"> <li>Add policy to promote use of greenbelts and meridian strips for aesthetic and stormwater control value.</li> </ul>	See comment under greenbelt along SR 169. We currently have policies and regulations to promote "green infrastructure" for stormwater control.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>New policy to define the limited uses for passive open space.</li> </ul>	See comment under greenbelt along SR 169. The park plan update and potential open place plan would feed policies in Comp Plan for open space.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>Add policies to incorporate use of urban separators.</li> </ul>	See comment under greenbelt along SR 169. Another good tool to preserve open space, sensitive areas and connect wildlife corridors.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>New policy to provide wide urban separators between schools and rural neighbors.</li> </ul>	See comment under greenbelt along SR 169.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>Work with wildlife experts to identify and map wildlife corridors</li> </ul>	This exercise could be part of the scope for the Open Space plan.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>Add new chapter entitled "Wildlife".</li> </ul>	This would be another good future work item. Many people have expressed concern about development pushing out wildlife in the City. Wildlife policies in the adopted Comp Plan are part of the Natural Environment Chapter.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>New policy to review SAO periodically.</li> </ul>	The Growth Management Act (GMA) requires periodic review and update of the SAO.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>New policies to provide incentives to use less water and development of recycled water.</li> </ul>	These items would need to be reviewed in tandem with the City's Water System Comprehensive Plan and would also have to consider what type of incentives and impact of providing them, legally and financially.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>New policy to support continued long-term monitoring of Lake Sawyer for phosphorus through the County's Lake Stewardship Program.</li> </ul>	The Lake Stewardship Program provides technical assistance to help citizens monitor, protect, manage and improve the quality of King County lakes. The City could potentially have a coordinating role educating citizens volunteering through the program. This would be something that needs further study before setting a policy. What would the City's educational outreach look like? What resources would be needed?	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>New policy that an urban reserve designation shall not occur unless 50 percent of the lands within can be identified as open space.</li> </ul>	The City does not have the authority to designate new urban reserve areas (UGAs or PAAs). This is done through King County's Comp Plan and the County's Growth Management Planning Council (GMPC) based on the analysis of land capacity to support growth projections.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>New policy for all urban-serving facilities to remain in the Urban Growth Area boundaries.</li> </ul>	Not sure what is meant by "urban-serving facilities". The GMA does not allow for development requiring urban levels of service (water and sewer are examples) to locate outside of Urban Growth Area (UGA) boundaries. Also, the City does not have the authority to approve what occurs outside it's incorporated boundaries. UGAs remain unincorporated until annexed into the City limits.	Staff does not recommend putting on the 2019 preliminary docket.	
<ul style="list-style-type: none"> <li>New policy to encourage rear-building parking for commercial and retail buildings.</li> </ul>	This concept should be explored in more detail. The Gateway Overlay along SR 169 does not permit parking to be visible from the public right of way (BDMC 18.76.09D). Expanding such a requirement to the design guidelines and	Staff does not recommend putting on the 2019 preliminary docket.	



	<ul style="list-style-type: none"> <li>• New policy to require in-building parking for apartment-style buildings.</li> <li>• New policy to encourage storm-water ponds to be used as perimeter walking paths.</li> <li>• New policy encouraging inclusion of clustering of small neighborhood housing.</li> </ul>	<p>standards for the non-residential districts in the City should be studied before adding this policy.</p> <p>Another good concept for design standards, which the City has not had time to work on.</p> <p>Another concept to explore in the future. For the most part, stormwater ponds are maintained a private infrastructure managed by Homeowners Associations (HOAs). Before adding such a policy, the City would need to think about in more detail.</p> <p>The City has a Residential Cluster Development (RCD) Ordinance, BDMC 18.86 that may be applied in all of the residential zones. It would be consistent to develop a new Goal in the Land Use chapter regarding the efficient use of land for residential development and perhaps a policy about clustered residential development. Given the public concern about recently adopted land use changes, staff will be focusing on development patterns, intensities, and densities next year. This would be a better time to consider changes to the Goals and Policies for cluster development.</p>	<p>Staff does not recommend putting on the 2019 preliminary docket.</p> <p>Staff does not recommend putting on the 2019 preliminary docket.</p> <p>Staff does not recommend putting on the 2019 preliminary docket.</p>
	<ul style="list-style-type: none"> <li>• Add a policy to Chapter 4, Natural Environment to endorse and follow King County's noxious weed management program.</li> <li>• Future Land Use map and Open Space Protection Agreement maps do not agree in spatial coverage for open space areas.</li> <li>• Shouldn't do any "up-zoning"</li> </ul>	<p>Policy NE-38 in the Comp Plan states, "Encourage removal of noxious and invasive species as a significant threat to native ecosystems". This could be revised to recognize the King County noxious weed control program as a resource to bolster the existing policy.</p> <p>Staff will look into this and if needed make corrections to the maps.</p> <p>This comment relates to the Public Hearing on proposed zoning map changes to implement adopted changes on the Future Land Use map during the Comp Plan update. Staff recommends conducting additional meetings and public outreach prior to making a recommendation to Council.</p>	<p>Staff recommends placing the revision of Policy NE-38 to recognize King County noxious weed control program on the 2019 preliminary docket.</p> <p>Staff recommends placing corrections to Figure 5-1 (Open Space Protection) and Figure 5-2 (Future Land Use map) -if needed- on the 2019 preliminary docket.</p> <p>Does not apply to the preliminary docket.</p>
5	<p><b>Philip Acosta</b></p> <p>Zoning changes will increase density. Opposed to any further development or up-zoning until significant infrastructure improvements have taken place.</p> <p>Traffic at Highway 169 &amp; 288<sup>th</sup> is bad and getting worse and it is not safe. City should work with WSDOT, Maple Valley and KC to work on safety improvements.</p> <p>The up-zone would specifically impact/regate the added capacity from the North Connector. Also, will impact quality of life.</p>	<p>These comments relate to the Public Hearing on proposed zoning map changes to implement adopted changes on the Future Land Use map during the Comp Plan update. Staff recommends conducting additional meetings and public outreach prior to making a recommendation to Council.</p> <p>The City does work with WSDOT, Maple Valley and King County in several ways. Development proposals that include impacts or design changes to SR 169 have to go through WSDOT for coordination.</p> <p>Also, the environmental review process through the State Environmental Policy Act (SEPA) requires distribution of the SEPA checklist provided by the applicant describing the proposal and the City's environmental determination to provide comments on impacts to all of the "affected agencies. This allows</p>	<p>Does not apply to the preliminary docket.</p>

<p>6 Cindy Wheeler</p>	<p>Should be focused on remaining a small city that would be "Rural by Design". Change to PCC property to allow 8 units per acre does not meet "Rural by Design" principles and promises. Traffic mitigation is inadequate. Growth managed poorly and impacts to fiscal health of the City are not being addressed.</p>	<p>WSDOT, the County, Maple Valley or any other adjacent or affected agencies (even school districts) to proposed mitigation measures on the proposal. It is also worth noting that the Oakepointe master planned development (MPD) is required to monitor traffic impacts throughout build-out, including doing a regional traffic model to assess the sufficiency of transportation improvements they must make under the Development Agreement. See commenter 4 for rural by design response. See commenters 4 and 5 for response to proposed zoning map changes. See commenter 5 for response regarding traffic impact mitigation. The Comp Plan is all about the management of growth and if it is believed that the goals and policies do not do a good enough job to address this, then staff recommends citizens propose text amendments to the comp plan during the 2020 amendment cycle. The process and calendar is described in the Comp Plan and Chapter 16 of the BDMC.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<p>7 Bill Mcdermand</p>	<p>Transportation impacts.</p>	<p>The same is true regarding proposing goals and policies for fiscal impacts. In addition, the development permit process provides for citizens comment on impacts from large residential (more than 5 lots) or commercial projects through the noticing requirements in BDMC Chapter 18.08 and SEPA regulations. See commenter 5 for response regarding traffic impact mitigation.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<p>8 Allison Ostrer</p>	<p>Up-zoning will exasperate traffic congestion. The City is not planning to accommodate growth for transportation impacts. Development destroys the town and surrounding environment. Clearing land for development creates blight. Worried about traffic and carbon emission, cutting of trees, climate change, people moving into County should go to larger, already developed areas with roads and transportation to accommodate them. Asked about PCC (who ran coal mines and gave BD its name) and mentioned toxic cleanup sites and taxpayers having to pay for that. Concerned that PCC profits selling land and not paying for their impacts creating a financial burden for citizens. Encourages people in the room to run for city council or planning commission offices to change things.</p>	<p>See commenter 5 for response regarding traffic impact mitigation. Unmanaged growth would destroy the town and surrounding environment. See staff's response under commenter 6. The comment about land clearing and blight relates back to response under commenter 6 as well. It should also be noted that the City's adopted Tree Preservation ordinance requires trees be replaced and BDMC Chapter 18.72, <i>Landscape Requirements</i>, requires the planting of native vegetation prior to receiving final permit approval. Further, the City's Sensitive Area Ordinance (SAO) and SEPA provides environmental protections from development impacts. These comments seem to involve a need to revise certain goals and policies in the Comp Plan for climate change and guiding growth to appropriate locations. See commenter 6 for staff response. This comment is outside the purview of the Planning Commission. The commenter may want to dig a little deeper into the history of Black Diamond and PCC. The concern that one property owner will profit on the backs of the citizens seems related to the concern that development needs to pay for development including mitigating for any potential adverse impacts resulting from development. The response to commenters 6, 9 and 13 addresses this topic.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>

<p>9 Megan Brock</p>	<p>Developer should pay for development with full impact fees instead of raising taxes and hopping for grants. Does not want more development because it ruins the peace, quiet, and closeness to nature and creates traffic problems. Increase in traffic on 159 &amp; 288<sup>th</sup> especially bad. Clear cutting and construction are impacting wildlife. Wants to remain small town.</p>	<p>Great comment about encouraging people to run for offices or appointments. Thank you for the reminder.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<p>10 Shane Kelly</p>	<p>Traffic congestion getting worse due to development as well as decrease in quality of life. Roads cannot handle more development. Too much growth; doesn't want to rezone land because it will allow more development.</p>	<p>The Comp Plan includes funding strategies for transportation improvements that include developer contributions through development agreements or SEPA mitigation fees. The City has and adopted Concurrence Ordinance (BDMC Title 1.1) and is currently working on an impact fee ordinance for transportation. The already collects fire impact fees and Council is considering school impact fees. See staff responses to commenters 4, 5, 6 and 8 for remaining comments. See staff responses to commenter 5.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<p>11 Michael England</p>	<p>No room for trees between homes at Ten Trails Doesn't think City listens to public input</p>	<p>See staff response to commenters 4, 5 and 6 for growth and development comment. The conditions of approval and adopted design guidelines for the master planned development (Ten Trails) provide for a development pattern of tightly clustered homes. Landscaping and open space areas are required. This comment will be forwarded to the Mayor to address with staff and Council.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<p>12 Tom Norling</p>	<p>Traffic concerns. Doesn't want Black Diamond to grow too much.</p>	<p>See staff response to commenters 4, 5, 6, 8 and 9. See staff response under commenters 4 and 5 for proposed zoning change.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<p>13 Melody Mann</p>	<p>Misses trees and open space. Traffic; roads insufficient to support traffic, change in zoning and zero lot lines will double people, add more cars. Someone needs to oversee what is going on in the city, no one knows if water availability is permitted or studied; should be a survey on water available to drink or sewer. Things aren't done the way that are supposed to be done. Crazy to add ore development when you don't know what the master planned development is going to do. Nothing left in historic black diamond that is historic; wants to go backwards, make more comforting with mining, trees and nature, not concrete and buildings everywhere. Thought Ten Trails would have a buffer of trees along road.</p>	<p>The Planning Commission had a discussion on reducing setback requirements between homes at their September meeting. This included a very preliminary introduction to zero lot lines. Unfortunately, the scanned packet materials for the Oct 8 Public Hearings failed to remove the handout about zero lot lines. Which understandably caused confusion. There is nothing being proposed at this time to reduce setbacks or allow for zero lot line construction. If you listen to the audio or scan the meetings notes, you will understand that the Planning Commission, as a whole, is not ready to embrace these ideas without further study. The City is required by the State Depts. of Ecology and Health to keep up to date water and sewer system comprehensive plans. There is most definitely studies, documentation and rules in place for water supply and adequacy for sewer and water infrastructure. I would suggest a call to the Public Works</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>

<p>14 Kristen Bryant</p>	<p>Inconsistencies in PC packets regarding Comp Plan docket, new item from Oakepointe, the addition of an alternate road connector and map figure in Comp Plan should be shown as exactly where the road would be. Doesn't think a conceptual location is adequate.</p> <p>Changes made in May 2 Comp Plan after adoption such as missing policies and citizens only getting information about this because it was appealed to the Growth Management Hearings Board (GMHB).</p>	<p>Department for more information. The Comp Plan contains policies about public services; water and sewer being one of them. These are three of the policy layers for public utilities. The Capital Improvement Plan (CIP) is the funding mechanism for upgrading these utility systems based on projected need (from growth and need for maintenance and upgrades). However, all development proposals must provide a certificate from the Public Works Department that water and sewer is available to support the project. Community Development would reject any application that cannot demonstrate this. There is so much more to say on this concern, that it would be really good to come into the City or call to discuss.</p> <p>Staff has no comment to the assertion that "things" are not done the way they are supposed to be done because it is not clear exactly what the commenter is concerned about. Again – a visit or call to the City would really help.</p> <p>Development will occur. It is not legal for a city or county to deny development because they do not want any growth. One of the goals of the Growth Management Act (GMA) is to protect private property rights (36.70A.020 in the Revised Code of Washington (RCW)) lists the goals of the GMA. Tell everyone else that they cannot develop their land because the City has already approved a large development and wants to see how that works out is not legal. What the City can do is regulate the type and location of growth - to manage it – which is what the Comprehensive Plan goals and policies are in place to do. These goals and policies are implemented in the City's Development Regulations, aka BDMC and the zoning map. See staff response under commenters 4,5 and 6 for more information on this topic.</p> <p>The City has adopted design guidelines to ensure the historic character of Old Town remains, even with development. The Comp Plan and zoning regulations address this as well. Staff has recommended looking at all of them to make sure the City is indeed meeting the goals of historic preservation. It is future work item.</p> <p>The development at Ten Trails is regulated by the permit conditions of approval and a development agreement. Staff suggests the commenter contact Andy Williamson, the Master Planned Development Review Team (MDRT) Director at the City to learn more about this topic.</p>	<p>The map figure adding the proposed alternate road is recommendation for the 2019 preliminary docket. The discussion about conceptual or exact location may be discussed during the review of the proposed amendments once the docket is final.</p>
<p>Staff agrees the map in the Comp Plan should show the general location of the alternate connector road that will be required under the Oakepointe Development Agreement. It would not be appropriate to require exactly where a road would go on the Comp Plan maps because it is not yet known. The exact location is not known until a road is in design phase of development. See response under commenter 5.</p>	<p>The comments about the appeal to the GMHB and the lack of discussion with Planning Commission regarding proposed changes to the Comprehensive Land</p>		

	<p>Adopted Comp Plan Land Use Map changes were never discussed by Planning Commission and shouldn't be considering a zoning map change on land use map changes that weren't discussed.</p> <p>There is only supposed to be one Comp Plan amendment a year and the City is doing it twice because it made errors in the May adoption.</p> <p>Conflict of interest with Commissioner But and the Planning Commission rules because he has an ownership stake in one of the properties being considered for an upzone. He should not even be in the room during the discussion about proposed zoning changes. If Commissioners came up with a decision while in the hall about this conflict, they should share that with the people attending the hearings. Stated she was giving testimony under objection because Commissioner But was present to hear it.</p>	<p>Use map seem to point to a level of frustration similar to other comments received; the City is not listening, and things are not being done correctly. And even a sense that the City is doing things to intentionally mislead the community and thwarting the law to achieve some sort of gain at the expense of the community. Yes, during the formatting of the May 2 adopted Comprehensive Plan, intended to clean up typos and grammatical errors, some things did disappear. Once the commenter pointed this out, the City was very grateful for the opportunity to bring them back through this docketing process to fix what had occurred. These are items are on the proposed preliminary docket, so citizens can hear more about what happened.</p> <p>The record shows the Planning Commission and Council did discuss the adopted changes to the Land Use Map during public meetings. Also, the City held a public meeting before the Planning Commission held its hearing on the proposed update and showed citizens who attended a proposed, amended map.</p> <p>The point about the City only getting to do one yearly amendment per year is partially true. The GMA makes exceptions to this rule. Please refer to RCW 36.70A for more information or check with City staff, if interested.</p> <p>The conflict of interest issue that is raised by this commenter and others asserts that Commissioner But should not be allowed to participate in the zoning map recommendation. The Planning Commission will be discussing this in more detail during the November 19 meeting.</p> <p>Staff encourages anyone to call or stop by to ask more questions about the appeal or anything else that is concerning.</p> <p>The City's Comprehensive Plan strives to do all of these things. Please see commenter 6 for staff response.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<p>15 Alan Gangl</p>	<p>Wants city to consider King County policies: preserving quality of life, spending money wisely to deliver services which is infrastructure, promoting a strong and diverse economy, increasing housing choices by permitting a wide variety with residents closer to jobs.</p> <p>Balance urban uses and environmental planning through careful site planning, maximize development land while respecting natural resources.</p> <p>Concerned that we don't have jobs and shouldn't be developing high density housing without jobs, development in cities that have jobs, need transportation facilities and services at time of occupancy.</p>	<p>Please review the GMA or contact City staff for a discussion about rural and urban designations. Also, see commenters 4 and 5 for response about change in zoning.</p> <p>See staff response under commenters 4, 5, 6, 8, 9, 13 and 14.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<p>16 Mike Heller</p>	<p>King County has designated or wants this area to be rural. Zoning changes are going the wrong direction.</p>	<p>Traffic congestion.</p> <p>Would like to see more mature landscapes like Issaquah has with old trees between apartment complexes.</p> <p>Wants more parks such as a dog park.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>

	Does not want too much too soon development. Should not allow more development until MPD is developed out more.  Conflict of interest with Commissioner Butt; his wife may have stake in PCC and citizens would need to know about that.  Concerns on school and traffic impact fees. Future developers need to pay their fair share on those fees.  City needs to have those fees in place before any more up zoning; city isn't ready for more development.  Should wait until Ten Trails is at least 50-70% done before looking at any future growth.  City is understaffed and not hiring people with enough experience to check on permits; development review and SEPA decision are done in error.		
<b>18 Gary Davis</b>	Potential conflicts of interest about Commissioner Butt; he made an application in 2017 and became Commissioner in 2018. Application should be returned.	See commenter 8 and 14.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>19 Susan Harvey</b>	City is a unit and has been designated to grow, it is within the King County Urban Growth Area (UGA) boundary and anything within those boundaries can grow. Rural people have to endure it. Keeping city rural isn't realistic.  City represents public, not property owner and must ask themselves if they have adequate infrastructure to support growth decisions and can guarantee taxes won't go up, protect wildlife, school funding, quality of life. Must consider quality of life, not just a zoning question.	Staff appreciates this comment. The concept of rural and urban lands and UGAs is confusing and to explain how it works to a lay person requires some detailed education.  See staff response under commenters 4, 5, 6, 8, 9, 13 and 14.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>20 Fred Mauerman</b>	Responsible growth, maintaining flavor of community, growth must happen, but must choose how to grow.  Removing light industrial zones around city center in favor of densified residential zones is a grab for development income.	See staff response under commenters 4, 5, 6, 8, 9, 13 and 14.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>21 Renee Mix</b>	Concerned about impact on county roads, transportation.  Once the small-town way of life is gone and you can't get it back.  The City has exceeded King County growth targets.	See staff response under commenters 4, 5, 6, 8, 9, 13 and 14.  City's are required to meet King County growth targets. The projected growth (expected number of people) that are anticipated to arrive must have homes and jobs. These growth projections are made by the state Office of Financial Management (OFM) get converted at the county level into the number of homes and jobs that each city has to provide for to accommodate their fair share of population growth. Exceeding the King Count targets is not the problem, meeting them is.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>22 Robbin Burton</b>	Quality of life and environment.  Growth should be gradual and limited in scope.	See staff responses under commenters 4, 5, 6, 8, 9 and 15.  The Puget Sound Regional Council (PSRC) Vision 2040 does not align with the housing numbers for the City. This is addressed in the Comprehensive Plan.	Comment does not prompt staff recommendation for 2019 preliminary docket.

	Light industrial zoning on PCC property should remain, property owner could find ways to use property without zoning change.  Traffic will be worse with zoning change. King County has no funds to expand roads.  Housing numbers exceed the number in Vision 2040 with most growth in Ten Trails and Lawson Hills.		
<b>23</b>	<b>Elishia Conces</b>  Loves Black Diamond and feel of it. Doesn't want to see Black Diamond turn into South Central LA with crime from all growth.  Need to figure out how to grow and maintain core values that people love in Black Diamond.  More families will need schools, police, fire and roads which will be paid for by residents.  Deer will go somewhere else.	The intent of the Vision Statement in the Comprehensive Plan and its goals and policies are intended to address these comments. See staff response under commenters 6, 9, 11 and 13.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>24</b>	<b>Bonnie England</b>  Hopes Planning Commission will listen because City Council hasn't been.	See response under commenters 4 and 11.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>25</b>	<b>Bill Bryant</b>  City chose to listen to one citizen over other numerous citizen comments and concerns. PCC was involved with 1996 Com Plan which brought development to City and PCC made money from it.  Doesn't think City shared with citizens what it did with public comments. City isn't following law, cited Ord 14-1044 (public participation plan).	Comments are similar to some of the other concerns already raised. See response under commenters 8, 13, 14 and 17.  All comments received are available to the public. They are provided to the Commissioners and Council members when presented and a certain number of courtesy copies are printed out and provided during meetings. The City has made a recent change to scan and upload all comments received to the website where meetings materials are posted.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>26</b>	<b>Cindy Ostermann</b>  Is getting conflicting information about PCC plans to develop their property. People have a right to develop their property.  City has had too much growth for the infrastructure and sophistication and isn't in position to approve upzone. Needs to work on infrastructure first and delay growth.	There is no development proposal before the City. Staff encourages people to contact the City if they want to know what's under review for future development permits.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>27</b>	<b>Kathleen Mikos</b>  More development brings more cars and people. Worried about public services; police, schools, water and traffic congestion.  PCC will gain and citizens will lose.	See responses under commenters 4, 5, and 13.  See response under commenters 4, 5, 13 and 15.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>28</b>	<b>Diane Rauschenberg</b>  Rural feel is gone.  There needs to be growth, but it must be controlled and managed carefully.  The 50 or 100-year-old trees are gone.  Concerned about clean air, adequate safe water, open space, green space, habitat for wildlife.  Too much traffic congestion from Ten Trails.  Don't add more development	See response under commenters 4, 5, 8, 13, 15, 16, 19, and 23.	Comment does not prompt staff recommendation for 2019 preliminary docket.

<p><b>29 Dan Palmer</b></p>	<p>Concerned about pollution; need to think about people's health. PCC happy to switch from resource land to development land to make money. Ten Trails architecture was supposed to fit with historic town, and it isn't happening. Very unhappy with design and architecture do not fit in with historic community.</p>	<p>The Comp Plan contains goals and policies for people to be active to be healthy and it does address air pollution. Please see response under commenter 6. The Comp Plan strives to look out 20-years for the City's development future. If this comment is referring to the current use of land being in mineral use for gravel extraction, then it is reasonable to consider what the land should be after the resource is extracted. See response under commenters 4 and 5. See response under commenter 13.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
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