



## CITY OF BLACK DIAMOND Planning Commission

### **NOTICE OF SPECIAL MEETING** **Tuesday, November 19, 2019 @ 6:00 P.M.**

**NOTICE IS HEREBY GIVEN** that a Special Meeting is being called for **Tuesday, November 19, 2019**, at 6:00 p.m. at the Black Diamond Council Chambers located at 25510 Lawson Street, Black Diamond, Washington.

**NOTICE IS FURTHER GIVEN** that the agenda item includes the following: Study/Work Session: 1) Planning Commission Rules. Unfinished Business: 1) Review of October 8, 2019 Public Hearing Comments 2) Recommendation for Preliminary Docket for 2019 Annual Comprehensive Plan Amendments.

The agenda for this meeting will be posted the Friday prior to the meeting at the Council Chambers, City Hall and on the City's website [www.ci.blackdiamond.wa.us](http://www.ci.blackdiamond.wa.us). For further information contact the Deputy City Clerk at 360-851-4564.

DATED this 15th day of November 2019.

Carina Thornquist  
Deputy City Clerk



**CITY OF BLACK DIAMOND  
PLANNING COMMISSION  
SPECIAL MEETING AGENDA**

**November 19, 2019**

**25510 Lawson Street, Black Diamond, Washington**

**1) 6:00 P.M. - CALL TO ORDER, FLAG SALUTE, & ROLL CALL**

**2) APPROVAL OF MINUTES:**

**a. Planning Commission Meeting of October 8, 2019**

**3) PUBLIC COMMENTS:**

**4) PUBLIC HEARING: None**

**5) STUDY/WORK SESSION:**

**a. PC Rules**

**6) UNFINISHED BUSINESS:**

**a. Review of 10/8/2018 Public Hearing Comments**

**b. Recommendation for Preliminary Docket for 2019 Annual Comp  
Plan Amendments**

**7) COMMUNITY DEVELOPMENT DEPARTMENT REPORT:**

**8) PUBLIC COMMENTS:**

**9) ADJOURN**



CITY OF BLACK DIAMOND  
PLANNING COMMISSION MEETING MINUTES  
October 8, 2019, 6:00 PM

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

Chairperson McCain called the meeting to order at 6:03 p.m.

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

**2) APPROVAL OF MINUTES**

a. Regular meeting of Sept. 10, 2019

Commissioner Olson **Motioned** to approve the Sept. 10, 2019 minutes.

**Seconded** by Commissioner Butt. **Vote, Motion passed** 5-0.

Chairperson McCain reminded the citizens that the role of the Planning Commissioners is to be an advisory board to the City Council. They are not looking to make any decisions tonight; just to hear from the public. She informed the citizens that they have 3 minutes to speak to allow for everyone to have time at the podium.

**3) PUBLIC COMMENT**

Kristen Bryant – Bellevue spoke to Commission  
Mike Fettig – Black Diamond spoke to Commission  
Fred Mauerman – Black Diamond spoke to Commission  
Gwen Vanbookich – Auburn spoke to Commission  
Gary Davis – Black Diamond spoke to Commission  
Elleisha Conces – Black Diamond spoke to Commission  
Deanna Kinsky – Black Diamond spoke to Commission

Commissioner Olson **Motioned** to take a 5 minute recess. **Seconded** by Commissioner Ambur. **Vote, Motion passed** 5-0.

**4) PUBLIC HEARING**

Community Development Director Kincaid explained the process of the two Public Hearings and reminded the citizens what each Public Hearing was for. She advised that any person speaking has handout materials, they should make sure each Commissioner and the Clerk receives one to go into the record. Director Kincaid announced we don't have enough handouts for the number of citizens in

the audience, but advised that all of our handouts are available on our website if anyone wants to review them or print them out. She reminded the citizens that the first hearing will be opened and Chairperson McCain will go down the list, giving each person 3 minutes. If there is enough time, we can go through the list again if those persons would like to speak a second time. Then the first Hearing will close and the second Hearing will be opened up; with the same format.

Commissioner Olson **Motioned** to strike #5 from the Agenda. **Seconded** by Commissioner Butt. **Vote**, Motion **passed** 5-0.

### **Public Hearing #1:**

#### **b) Preliminary Docket for 2019 Comprehensive Plan Amendments**

Gil Bortleson from Auburn - member of TAT Technical Action Team. Thanked Commission for taking time to listen to the concerns of the citizens. TAT has focused on the MPD and the Comprehensive Plan. His interest in part goes back to the MPD hearings and listening to sense of input and how it relates to the Comp Plan and where gaps might exist based on hundreds of hours of testimony going back about 10 years or so. He went over some of the highlights on his list. One comment from the TAT is establishing a central planning theme for the City for example, going back to the old comp plan and the Yarrow Bay them which was the Rural by Design concept which essentially has been deleted from the current Comp Plan. Some urban planners with theme-based cities have some real merits; it promotes for a more livable city, more sustainable, citizen input is recognized, and is generally more acceptable. Would like Commissioners to consider going back to the Rural by Design concept.

Michael England from Black Diamond - He has been going to council meetings for quite a while now. He says the growth of Black Diamond isn't looking very well because we are going to triple or four times the amount of people in one area and they can't even grow a tree in between the lots in Ten Trails which is ridiculous. And now the City of Black Diamond wants to start another complex and we aren't even done with the first one. In 1998 we rezoned and then in 2010 the people came out and said it was a bad idea, but it was already done so they couldn't stop it. So now all these people are back again saying the same thing, and he hopes that the Commissioners listen this time to what they have to say. He hopes that the City has learned from their mistakes and will listen to the people this time. He has been going to the council meetings for about 8 months and not once, have they listened to the people and what they have to say. He hopes that the Planning Commission will take all the comments from the citizens back to the City Council and advise them to listen to the citizens for once. Otherwise, he is moving out of Black Diamond along with a lot of other people that have verbalized their disapproval of the growth in the city. He went door to door, along with others, to obtain signatures from residents who couldn't be at



the public hearing regarding their disapproval for the extreme growth of the community.

Tom Norling from Black Diamond – lives in town and works in Preston and is extremely bothered by the traffic. He drives through Issaquah every day and it takes 50 min. to go 20 miles. As he sees the extreme growth of the community, he sees what is yet to come for Black Diamond and it's frustrating. The traffic is just going to get worse as the building continues. He's been here since '96 and he misses the trees and the open space. He doesn't want to sit in traffic everyday just to go to work. Or even just up to Fred Meyer's at Four Corners, but that's what's going to happen if we don't think about it now.

Melody Mann from Black Diamond – She has a couple of concerns with traffic as others do. Especially on the 2 lane roads. They are becoming quite a mess. By looking at her map and then the zoning changes, if you add another 600 homes with zero lot line, we will have double the people in a smaller area. And if you figure there are 2 cars per household which most people do, not to mention an extra car if they have a teenager that drives, its going to be insane. She waited 25 cars to get out of her street to go around Lake Sawyer just to get here tonight. Earlier today she had to wait for 25 cars to turn right onto Hwy 169 off Baker. The other concern is that someone needs to be in charge to oversee everything that's going on. No one seems to know if water availability is permitted or studied, checklist of things that have been met, etc. She has seen things that haven't been done the way they were supposed to be done, or completely done, and it really concerns her. She questioned if anybody has done a survey on the water availability to drink, or the sewer. Furthermore, she expressed that the roadways are bad enough now, what are they going to be like in the future. She brought a map (the old Yarrow Bay/Oak Pointe) of the old pipeline if anyone wants to see it. She doesn't know if this is the correct/current map; she just pulled it off the internet.

Kristen Bryant from Bellevue – she lives in Bellevue but grew up in Black Diamond so the City can't get rid of her that easily. Regarding the changes in the PC packets regarding the Comp Plan, there were several items that were removed but she will come back to that. She said there's a new item for the Oakpoint, an alternate connector road that's being added. It's one of the text changes which she said was the South Connector which is off the Lawson Hill Development side. Oakpoint sent a letter saying there may be a different alignment for that road. In the packet the map isn't shown, as far as where exactly that road is and a good idea of what the change is and where the road would come out on 169. She doesn't think it should go forward just on the basis that's in there now even though it's conceptual. She thinks it's really confusing since you can't fully consider if you really want that alternate in there without having the map in there. The other changes are missing text that was accidentally deleted earlier this year after the Council held a public hearing in

April on the Comprehensive Plan and they approved it in May. Kristen showed up at the May 2<sup>nd</sup> meeting and pointed out that one of the policies was missing and it was different from the April version and she didn't know there had been any changes, so she expressed her confusion to the City Council. With knowing that, they discussed it briefly but didn't make an amendment, and then approved it anyway knowing there was a problem. Come to find out there were 20 other changes in the plan between the May 2<sup>nd</sup> approval. A group of citizens had to appeal that to the State Growth Management Hearings Board. She believes the only reasons that citizens are getting information on those missing and accidentally deleted information, is because they appealed. She asked that they don't make citizens go to that great length to get their input heard because it was a massive amount of work to find out what exactly changed in the plan and what got removed. There is only supposed to be one Comprehensive Plan Update per year by state law, the City is doing it twice because it made errors in May. She asked for 30 more seconds after the timer went off. The Future Land Use Map also was changed earlier this/last year and approval this year. But those changes that the Planning Commission had in the Comp Plan, that was approved in May, were never discussed by the Planning Commission. And you are being asked tonight to have another hearing tonight, after this one, on a zoning change that's on a future land use map that the details have never been discussed, and she can send the Planning Commission the details.

Chairperson McCain and Director Kincaid reminded participants of protocol for the hearing.

Alan Gangl from Black Diamond – He thanked the Commissioners for volunteering their time and for their service. He said he took time today reviewing the King County Comp Plan and apologized for not reading the one for Black Diamond. He said King County had 7 points that they list which he will review but focusing mainly on one. Preserve the high quality of life in King County; spend money wisely to deliver services which is infrastructure; continue economic prosperity to promoting strong and diverse economy in KC presence; increase housing choices for all residence by permitting a wide variety of home styles by increasing housing opportunities for all residents in locations closer to jobs. That's the one that he wants to focus on since we don't have jobs in Black Diamond. If we are going to have high density housing, he personally feels it should be where the jobs are. Have it in the Kent valley, Auburn, Renton, etc. The other points of interest to ensure the necessary transportation facilities and services are available to service development at the time of occupancy; balance urban uses and environmental protection through careful site planning; and maximize development land while respecting natural resources.

Mike Heller from unincorporated Auburn – his concern is that King County has designated or wants this area to be a rural area. It seems like the City is going in

the wrong direction in that regard with all these zoning changes. The level of development that we are allowing should not be.

Allison Oster from Seattle but has ties to Black Diamond – noticed that Black Diamond is trying to draw “outsiders” in, so therefore, they should listen to “the outsiders” concerns. She drives all over King County for work and she’s concerned about traffic; traffic close to Black Diamond and flowing out of Black Diamond to the rest of the county. More traffic equals more carbon emissions from more cars, plus fewer trees since so many has been cut in the Ten Trails development. More development is more climate change and we often say, “Think globally, act globally” which is what she’s trying to do. New people are coming to King County, there’s no doubt about that. They should be moving to larger, already developed areas that have enough roads and transportation to accommodate them. Another question that she’s had is Palmer Coking, who once ran the coal mines and gave Black Diamond its name, when they stopped mining, they sold their land holdings for development including the land in question for development tonight. The Washington Dept. of Ecology has already run at least 2 toxic cleanup projects for Palmer Coking sites; ID #’s 8660 and 4615. She wonders instead of reimbursing taxpayers for the thousands of dollars that they’ve spent to clean up the messes from Palmer Coking, instead they are making more money and profit from selling their land for further development in which it seems the town does not want.

Peter Rimbos from Maple Valley – he said he is going to be far, far more than 3 minutes. The comments he submitted are 98% of those that were submitted. He signed up last so that hopefully he can go at the top of the list or he must wait an hour and a half to talk about the transportation which is extremely important. He leads the Citizens Technical Action Team and serves as Transportation Focal. The team has worked with the City on the 2015 Comp. Plan Update since April 2014 kick off meeting. At that meeting they held extensive discussions with subcontractor BergerABAM, the Mayor, City Council members, Andy and Seth. They also attended City Council workshops where they spoke with DKS Associates, the transportation contractor. For the past 5 ½ years they’ve been immersed in all aspects of the Comprehensive Plan Update. They’ve conducted in-depth research from most updates from state requirements elements including the natural environment element and parks and open space element which Mr. Bortleson spoke about earlier and Peter will talk about the transportation element, the most important element. Each state required element is comprised with corresponding Chapter and Appendix. The Chapters enumerate city Goals and Policies and the Appendices include State-required data, plans, schedules, financing, etc. In 2018 they reviewed the City’s proposed Transportation Element according to the requirements of RCW 36.70A.070(6)(a), which calls for consistency with the land use element and inclusion of several sub elements. Their 103 pages of detailed comments on the Transportation Element – clearly the key part of the entire Update – addressed each sub

element requirement and whether the city has met them to a sufficient degree. These, as included in the Department of Commerce checklist, along with the applicable State RCW with subparagraph designations are: Transportation Inventory, Levels of Service, Concurrency, Long-Term Forecasting, Future Needs, Long-Term Funding Plan, Intergovernmental Coordination, and Traffic-Demand Management. For the entire Transportation Element, both Chapter and Appendix, they found no changes from the April 2018 draft through the Planning Commission's August 2018 hearing and review, and the May 2019 Council's approval. All Public Comments were ignored including their extensive research and comments, including all the typos, misspellings, inconsistent and duplicative figure and table numbering's schemes and page numbering. In the City's execution of the State required Public Participation Plan, they ignored all Public Comments related to the Transportation Element. He continued by saying there 9 proposed Amendments on the list for Chapter 7 – Transportation, and there are 6 proposed Amendments for Appendix 7 – Transportation, for the Planning Commission to consider. They are just too detailed and complex for him to discuss tonight. He said if they have any questions to contact him. He stated that the City Staff, City Council, and the Public respects them so please use them.

Rose Wentz from Black Diamond – she grew up in Woodinville and it takes an hour to get through town which is only about 2 miles long, and she would hate to see that happen to Black Diamond. She had to switch her job position to reduce commute time, but she still sits in traffic for over an hour each direction which is miserable. She would like to see more of an appreciation of mature landscapes, like Issaquah has. They have old trees between apartment complexes, and we don't do that in the city of Black Diamond. She would also like to see more parks such as a dog park. She feels the City staff needs more staffing by looking at something that states we still have open positions. It seems the staff is overwhelmed and overloaded with all the development going on. She knows the staff means well but she stated that the City is hiring young persons out of college with psychology degrees and they aren't people who should be checking on permits. They just don't have those qualifications yet and the City shouldn't be putting them in that position. As a result of her doing research, she has noticed things like setbacks have been missed. There are SEPA exceptions that have been granted when they shouldn't have been. She stated the Dept. of Ecology has pointed that out to the City. She said the City needs to hire trained, knowledgeable and experienced people to fill those open positions that remain unfilled, and they were even budgeted for 2019. Ms. Wentz continued by saying she's not opposed to development, but it's too much too soon she felt. She said we're not even 10% done so let's wait till we're 50% - 7% done before the City moves for more development.

Chairperson McCain announced that they have come to the end of the list and there were 3 slots that were unfilled if there was anybody not on the list that

would like to speak. If not, they would open it back up to previous speakers if they had more testimony.

Peter Rimbo from Maple Valley – he continued his testimony from Appendix 7 from the Comp Plan and the 6 proposed amendments which include Travel Forecasting, Funding Sources, Transportation Improvements, Transportation Concurrency, Level of Service, and Intergovernmental Coordination. They have a written testimony which tries to follow the format that Ms. Kincaid did in the preliminary docket. The TAT would request to allow for them to participate in workshops as previous City Councils have allowed them before. They request that Commissioners reserve judgement on the Preliminary Docket Amendments. Its good to recognize that the Comprehensive Plan reflects the publics view of the city and what they want for it in the future. That's the whole purpose of Comprehensive Planning. The Comprehensive Plan of King County is very important, and they follow it very well. It's what the citizens want in King County's rural area at least. Hopefully Black Diamond's Comprehensive Plan will reflect what our citizens want. There are good comments that were heard tonight and hopefully the Commissioners will listen to them. The decisions that are made in Black Diamond also affect the other county citizens because there will be another 20,000 people moving here with 10-12 thousand more cars will be going on rural county roads that the county people primarily pay for because of the gas tax discrepancy at the state level.

Gil Bortleson from Auburn – he continued from his testimony as well as other members from the TAT. One suggestion would be to add policies to incorporate the use of Urban Separators. From a lot of feedback from the MPD Hearings, the people value their wildlife and would suggest adding a new chapter to the Comprehensive Plan entitled "Wildlife". Another suggestion is a review of the 2009 Comprehensive Plan which showed many more potential trails and parks which he named and those don't show up anywhere in the recent Comprehensive Plan. Another recommendation is to add a new policy to support the long-term monitoring of Lake Sawyer for phosphorous concentrations to the counties Lake Stewardship Program. Add a policy to promote the use of greenbelts and median roadway strips for aesthetic and stormwater control value. Add a goal to provide a greenbelt gateway along Hwy 169 at the north end of town; opportunity still exists since it's not already paved over with concrete. Add policies that promote landscaping and setback features for new businesses along Hwy. 169. Add land use policies encouraging landowners to retain forest lands (3 min. timer went off) such as the one which is off Roberts Drive that was put Public Benefit Rating System which will be there forever. Point is to encourage other landowners to do the same. Add a policy for urban serving facilities or main urban growth areas. There are proposals to put stormwater ponds and schools on outside of urban growth areas and they make ideals sites for walking paths around the ponds.

Commissioner Olson **motioned** to close the Public Hearing, **Second** by Commissioner Ambur. **Vote, Motion passed 5-0.**

**Public Hearing #2:**

a) Proposed Zoning Map Amendments (Public Hearing #2)

Gil Bortleson from Auburn – touched on the light industrial and business park zoning is where it should be in a flat area. Part of the vision statement is to incorporate an economic mix which includes light weight and industrial. If it were to move anywhere else, there is no other place, so there should not be a rezone to be considered, if you want to consider the economic pace. Another point is, “the plate is full” here in Black Diamond and we don’t need any more growth currently. The city is not prepared right now with basic needs such as fire, schools, and traffic so the recommendation is that the up zone should not be approved.

Gary Davis from Black Diamond – he spoke regarding not doing public notification of potential conflicts of interest. Concerned that one of the planning commissioners made an application in 2017 and he became a commissioner in 2018, and additional applications done in 2019. The public needs to be kept aware about it.

Susan Harvey from Ravensdale – currently is chair of the transportation committee of the Greater Maple Valley unincorporated area council and a chair of a united group of area councils that try to represent the rural areas. After hearing what the City is trying to do, it’s beyond the public’s authority to have any impact on what the City does. And the more you learn about the power of King County, the more you learn it’s beyond their power. The City is a unit and they have been designated to grow, and the City is within the Urban Growth Area and anything within those boundaries can grow. The City can rezone and do what they want. The rural people can’t say anything about it; they just have to endure it. And as the public has learned, King County doesn’t have that power. So, when the public is concerned about keeping the rural area rural, we’ve become a City so that’s not going to happen in realistic terms. So, the rural area must try to support and protect itself. Regarding Yarrow Bay/Oak Point, the City represents the public, not the property owner. The City must ask themselves if they have adequate infrastructure to support their growth decisions and can they guarantee the citizens of Black Diamond that their taxes won’t go up for the benefit of the few. And can you guarantee that with their recommendation that they can protect the wildlife, school funding, and quality of life that the citizens have entrusted them with. Please consider carefully since it’s not just a zoning decision, it’s a holistic decision.

Fred Mauerman from Black Diamond – he has been in construction for 20 years and he has witnessed differences between responsible growth based on

maintaining the “flavor” of a community and those that develop for maximizing profits for their developers to the detriment of the community. Growth must happen but it’s us how we choose how to grow; “flavor” of the community or look for the next financial opportunity. Removing the light industrial zones around our City Center, in favor of densified residential zones is just a grab for development income.

Renee Mix from Black Diamond – she stated King County gave Black Diamond a high number of houses (1,900) for their growth target which the City has already exceeded that number with 6,000 homes in Ten Trails. The impact on the county roads will add a tremendous amount of traffic. Once our small-town way of life is gone, we can never get it back.

Robin Buxton from Covington – speaking about the 2040 Plan and the rezoning request for approximately 150 acres within the City and annexation limits bordering portions of Lake Sawyer Road and to Hwy. 169. Her two issues are quality of life and the environment in which we live. Black Diamond is mostly surrounded by mostly rural areas and growth within this city should be gradual and limited in scope. Ms. Buxton read off the numbers for projection growth. The current number of households’ way exceeds even the numbers that were projected for 2040 with most of the growth being Ten Trails and Lawson Hills. She states there’s only 1 reason that this is a good idea and that would be those who stand to profit from the growth. Since the PCC property is already zoned as light industrial, the property owner could find ways to use the property without changing the zoning designation. If the zoning is changed to allow this area to be developed, the traffic will be impacted greatly, and other side roads will be impacted as well with drivers trying to find alternate routes. King County has repeated numerous times that they have no funding and no plans to expand roadways in the Ten Trails area or any other developments in the area.

Melody Mann from Black Diamond – she thinks it’s crazy to be adding things when you don’t even know what the first thing is going to do. The other point she made is that the signage coming into town says, “Welcome to Historic Black Diamond”, and nothing is historic anymore except the museum. She would like for the City to go backwards and make it more comforting with mining, trees, and nature, not just concrete and buildings everywhere. She thought Ten Trails was going to have a buffer of trees along the road, so she was disappointed with that when everything was cleared out. Watch what is happening with the first one before you decide to build more.

Kristen Bryant from Bellevue – she is still confused about the conflict of interest with Commissioner Butt and if the Commissioners came up with a decision while they were out in the hall? Ms. Bryant expressed her dislike for not receiving an answer to her question and wondered if the Commissioners had come up with a decision that the rest of the public didn’t get to hear. Chairperson McCain

explained that this is not a debate forum and that the Commissioners do not answer questions at this time. Ms. Bryant stated that she is making her testimony under objection with the presence of Commission Butt having an ownership stake in property that's being up zoned. Commissioner Butt stated that he is recusing himself from any vote regarding his property and they have never had any discussion on his property while he has been a Commissioner. He said his property is part of the Comprehensive Plan, however, but he was not on the Commission when the Comp Plan was made. Ms. Bryant reiterated her comments were still being stated under objection. She asked for more time since normally at Public Hearings they are given 5-6 minutes and Ms. McCain denied her request and advised her to continue since she is running out of time. There was further disagreement between the Chairperson, Ms. Bryant and the audience whether the debate to extend her speaking time was up for Commissioners to vote on or not. Commissioner Olson stated that no Commissioner has made a motion to allow her to extend her time, so she needs to be finished.

Elishia Conces from Black Diamond – she loves Black Diamond and the feel of it. She moved here because she is 10 minutes from her parents. She shared a story of where her father grew up in South Central Los Angeles and she doesn't want to see the unfavorable lifestyle of LA come here to Black Diamond. She said we need to try and figure out how to grow and still maintain the core values that people love of Black Diamond. Additional families will require more schools, police, fire, and roads which will be paid for by the residents.

Bonnie England from Black Diamond – she said the deer will go somewhere else. She said she hopes the Planning Commissioners will listen because the City Council hasn't been.

Bill Bryant from Black Diamond – he stated that there is a problem with the rezone that the Commission needs to be aware of. Mr. Bryant said in 2015 that the City received a letter from Palmer Coking Cole (PCC) and the City chose to listen to this one citizen over the other numerous citizens comments and concerns. PCC was involved with the 1996 Comprehensive Plan which is the one that brought the great amount of development to the City and PCC made a lot of money from that deal. Mr. Bryant learned that there are requirements of how the City reviews Public Comments - Ordinance 14-1044. He stated that in 2015 there was no record that the City used the PCC letter when changing the Comprehensive Plan, but those changes showed up in the Future Land Use Map. Then they showed up in the new zoning map proposal. He didn't feel it was right that the City didn't share with the citizens what the City did with the public comments. He said if the law was followed, the citizens would know how and why this decision was made.

Cindy Ostermann from Black Diamond – she stated she had called and spoke with Barb Kincaid about the Agenda tonight, specifically the property of Palmer



Coking Cole and she appreciated the time she spent explaining things on the phone. However, she said she is getting conflicting information tonight. Director Kincaid had assured her that PCC had no plans of developing their property and that's not what she's hearing tonight. She believes people have rights on how they can use their property, but on the other hand, Black Diamond has had way too much growth for the infrastructure and sophistication of the City Council, Planning Commission and the staff. She doesn't believe the City is in the position to approve an up zone. The City needs to work on the infrastructure first and delay any growth until we see what happens with Ten Trails.

Rose Wentz from Black Diamond – she stated she was premature in handing out her packet during the first hearing so she would like it to put into both hearings as written testimony. She discussed the conflict of interest with the property of Commissioner Butt and went over a timeline of when things took place. She said she heard that Commissioner Butt's wife may have a stake in PCC, and the citizens would need to know about that. So that's something that needs to be paid attention to by the Council and the Commissioners. Ms. Wentz also had concerns on school and traffic impact fees, stating future developers need to be paying their fair share of those fees. The City needs to have those fees in place before there is any more up zoning. She feels the City just isn't ready and Oakpoint is not even 10% done and Lawson Hills and The Village haven't even been started on. The City should wait until they are at least 50-70% done before they even consider looking at any future growth.

Kathleen Mikos from Black Diamond – She states more development brings more cars and more people. Questions she has is there adequate protection from police department, are there adequate schools for the children, or is there enough water for the anticipated number of people? PCC will be the ones who will be gaining the most and the citizens of Black Diamond will be the ones losing. The traffic is horrible no matter when you travel; early in the morning or later after work.

Diane Rauschenberg from Enumclaw – The rural feel that once was here, is long gone. There needs to be growth, but it needs to be controlled and managed carefully. Once 50 or 100-year-old trees are gone, they won't be seen in her grandchildren's or their children's lives. The citizens need clean air, adequate safe water, open spaces, green spaces, and habitat for wildlife. The Ten Trails has brought too much traffic congestion to local roadways and surrounding areas. She thinks we need to see what this development will do to this community before adding any more.

Allison Oster from Seattle – She encouraged citizens to run for office as 2 of the 3 positions are running unopposed. Either for City Council or Planning Commission because that's the only way things will change if you don't like what's going on or if you think they won't listen to citizen's concerns.

Dan Palmer from Black Diamond – He is concerned with the pollution and need to think about people’s health. He was a part of the Citizen’s Advisory Group when the 1<sup>st</sup> Comprehensive Plan was put together. He said companies like PCC were more than happy to switch from Resource Land to Development Land because of all the money they would make from doing that. He remembers having visionary meetings back in the 1980’s and everyone wanted to keep Black Diamond small with the small-town feel, and that’s not what has taken place. and remembers reading an article which got National recognition on their design to detail about the Master Plan to keep the architecture to fit in with the historic town and he was extremely pleased with this info. But that’s not what has taken place. He’s extremely displeased with the designs/architecture of the homes as they do not fit in with the historic community.

Commissioner Olson **motioned** to close the Public Hearing, **Second** by Commissioner Butt. **Vote**, Motion **passed 5-0**.

5) **STUDY/WORK SESSION** - none

6) **UNFINISHED BUSINESS** - none

7) **COMMUNITY DEVELOPMENT DEPARTMENT REPORT** – Director Kincaid announced the term for position of Planning Commissioner #2 is up December 31, 2019 and will advertise that opening shortly. Also, vacant position of Code Compliance Officer/Building Inspector has been posted. Announced that the next Planning Commission Meeting is on November 12, 2019 at 6:00 pm.

8) **PUBLIC COMMENTS**

Peter Rimbo from Maple Valley spoke to Commissioners.

Nathan Kitzkey from Black Diamond spoke to Commissioners.

Robin Buxton from Black Diamond spoke to Commissioners.

Kristen Bryant from Bellevue spoke to Commissioners.

9) **ADJOURN**

Commissioner Olson **motioned** to adjourn, **Second** by Commissioner Ambur. **Vote**, Motion **passed 5-0**.

## **THE MEETING ADJOURNED AT 8:38 PM**

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

ATTEST:

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Pam McCain, Chairperson

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Planning Commission Secretary

DRAFT

# **RULES AND PROCEDURES OF THE CITY OF BLACK DIAMOND PLANNING COMMISSION**

The following Rules and Procedures are adopted by the City of Black Diamond Planning Commission to facilitate the performance of its duties and functions as empowered in Chapter 2.24, Black Diamond Municipal Code.

## **Section 1. Meetings**

- A. Regular meetings. The Planning Commission meets regularly on the first Tuesday evening following a regularly scheduled City Council meeting, commencing at 6:00 p.m. in the City Council Chambers. Regular City Council meetings are held on the first and third Thursday of each month.
- B. Special meetings. The Planning Commission shall meet for special meetings at the call of the Chair or by majority vote of the Commission. A minimum of 24 hours notice shall be provided to each Commission member and the public for special meetings.
- C. Cancellation. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the Chair or Secretary provided at least 24 hours in advance. A majority vote of the Commission may also result in cancellation of a meeting.
- D. Open Meeting Requirements and Notification. The open meeting requirements of State law (RCW 42.30) shall apply to all Planning Commission meetings. Notification procedures shall follow the requirements of applicable sections of Black Diamond Municipal Code or standard City practice as established by the City Clerk.

Special meetings shall be noticed by: a) delivering written notice personally by mail, fax or by electronic mail at least 24 hours in advance to Planning Commission members; b) delivering written notice personally by mail, fax or electronic mail at least 24 hours in advance to the official City newspaper and also to each media publication and individual which has filed a written request with the City to be notified of Planning Commission meetings and c) posting the notice on the City's website.

- E. Record. All public hearing procedures shall be recorded. This record will normally be an audio recording by means of electronic equipment. Recording of work/study sessions is not required.
- F. Minutes. The Community Development Department staff will prepare written minutes of all meetings that includes pertinent information, motions, decisions made, and actions and votes taken.

## **Section 2. Officers**

- A. The Planning Commission shall have a Chair, Vice-Chair and any other such officer as the Commission may, by majority vote, approve. Officers shall be elected by majority vote of present Commission members.
- B. Temporary Chair. If both the Chair and Vice Chair are absent from a meeting, the Planning Commission shall, by a majority vote of those members present, elect a temporary Chair for that meeting.
- C. Election. The election of officers shall occur annually at a regularly scheduled meeting in the month of January. The term of office of each officer shall run until the subsequent election.
- D. Vacancies. A vacancy of the office of the Chair caused by his or her resignation shall be filled by the Vice-Chair. A vacancy of the office of Vice-Chair or any other office of the Planning Commission shall be replaced by majority vote of the Planning Commission at the next regular scheduled meeting after the vacancy occurs.
- E. Duties of Officers. The duties and powers of the Chair and Vice Chair shall be as follows; the duties and powers of any other officer shall be as defined by the Commission at the time the position is created.

### Chair:

- a. To preside at all meetings of the Planning Commission.
- b. To call special meetings of the Planning Commission.
- c. To sign documents on behalf of the Planning Commission.
- d. To appoint Planning Commission members to serve on other City committees, advisory groups and task forces when requested to do so by the City Council.
- e. To create temporary committees of one or more members.
- f. The Chair shall be considered as a member of the Commission and have full right to have his/her own vote recorded in all deliberations. Unless otherwise stated, the Chair's vote shall be considered to be affirmative for the motion.

Vice-Chair: During the absence of the Chair or upon request of the Chair, the Vice-Chair shall exercise all the duties and be subject to all the responsibilities of the Chair.

City Council Liaison: The Chair shall act as a liaison between the Planning Commission and the City Council and other City entities. The Chair may appoint an alternate liaison as needed.

### **Section 3. Secretary**

The Community Development Director or his/her appointee, shall act as the Secretary of the Planning Commission and shall keep and retain a record of all meetings of the Commission and its committees.

### **Section 4. Quorum**

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A quorum must be in attendance in order to conduct a meeting, to transact any business or to render a recommendation. Every motion of the Planning Commission requires approval of a majority of the Planning Commission members present to pass.

### **Section 5. Absence of Members**

In the event of a member being absent for three (3) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Commission may request the Mayor to ask for his or her resignation. To be excused from a meeting, members must inform the Chair or Secretary in advance of a scheduled meeting or by the end of the next business day following the meeting.

### **Section 6. Vacancies**

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the Secretary shall immediately notify the City Clerk and request the Mayor to appoint a replacement at the earliest possible time.

### **Section 7. Disqualification**

No member of the Planning Commission should participate in any discussion or vote on any matter in which the member has a direct and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote.

### **Section 8. Conduct of meetings**

- A. General. The Chair has broad authority over all matters regarding the conduct of meetings. He/she shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Commission, while permitting the orderly and timely completion of Planning Commission business.

- B. Use of Roberts Rules of Order. The Planning Commission may refer to the applicable provisions of Roberts Rules of Order for guidance for items not addressed by these Rules and Procedures.
- C. Executive sessions. Executive sessions can only be held in accordance with the State Open Public Meetings Act.
- D. Public comment. On specific agenda items, other than public hearings, the Chair may allow comments from the audience with the consent of the Commission. Audience members must be recognized by the Chair in order to speak.

### **Section 9. Order of Business**

An agenda shall be prepared by the Secretary for each meeting and will generally consist of the following order of business:

- A. Call to order/roll call/establishment of quorum
- B. Approval of minutes of previous meetings
- C. Public comment on any topic that is not the subject of a public hearing to be considered on the agenda. The Chair may limit comment to no more than 3 minutes per speaker and no more than three speakers on any one topic.
- D. Public hearings.
- E. Study/work sessions.
- F. Unfinished business.
- G. Report of the Community Development Department.
- H. Public comments from the audience, limited to 3 minutes per speaker.
- I. Adjournment.

The order of business may be changed or amended during the meeting by the Chair with the consent of the majority of Commission members present.

### **Section 10. Rules of Procedures for Public Hearings**

Periodically, the Planning Commission conducts public hearings on various issues as required by ordinance. The following procedures shall be used for conducting all public hearings:

- A. The Chair shall declare the Public Hearing open and ask for a staff presentation.
- B. Staff shall provide a presentation of the matter under consideration.
- C. Individual Commission members may ask clarifying questions of staff.
- D. The Chair shall then call for public testimony, either for or against. Testimony must be called for three times. The Chair retains the right to establish a time limit on the length of individual testimony.
- E. Written comments may be submitted to the Community Development Department by noon of the day of the hearing or to the Chair during the hearing. These comments will become part of the official record and shall be considered by the Commission in its action.
- F. The purpose of public testimony is to provide comments to the Commission, not ask questions of staff. All members of the public shall address the Commission.

- Staff will only respond to inquiries if asked to do so by the Chair. Commission members may question a speaker on any matter related to his/her comments.
- G. At the discretion of the Chair, individuals may be allowed to speak more than once, time permitting.
  - H. Based upon the testimony, the Commission may ask questions of staff.
  - I. Chair closes the public hearing. The hearing may be reopened by motion to accept additional testimony.
  - J. The Commission shall then consider all the information presented and deliberate on the matter. Clarifying and procedural questions may be asked of staff, but public comment is not allowed unless the hearing is reopened per (I) above.
  - K. After continuation, the Commission may:
    - 1. Make a recommendation to the City Council by motion and approval of a majority of those member present; or
    - 2. Leave the written record open for a specified time period; or
    - 3. Continue the hearing to a time and date certain. At that time, the Commission may consider whether to allow additional public testimony.
  - L. For any non-legislative matter, the Commission shall make Findings and Conclusions that support its recommendation.

### **Section 13. Communications as Planning Commission members.**

The Planning Commission serves in an advisory role to the City Council and makes decisions in the form of recommendations to the Council. All Commission recommendations are forwarded to the Council for its consideration, whether a recommendation to approve or deny.

In communicating with the City Council or members of the public, Commission members need to clarify whether they are speaking as individual citizens or as a member of the Commission. If speaking as a member of the Commission, only the official, voted recommendation of the Commission should be discussed, provided that, a member can speak on behalf of a minority opinion for which the Commission has agreed it may be officially communicated.

### **Section 12. Amending the Rules of Procedure**

The rules of procedure may be amended at any regular meeting of the Planning Commission by a majority vote of the appointed members.



### **Section 13. Validity**

If any portion of these rules and procedures are found to be invalid, that part or parts will not invalidate the remainder of the rules.

INITIALLY ADOPTED by the Planning Commission March 10, 2009.  
AMENDED FEBRUARY 21, 2012.

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Chair

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Vice-Chair

Attest:

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Steve Pilcher, Community Development Director

1	COMMENTOR	STAFF SUMMARY OF COMMENTS	STAFF RESPONSE	STAFF RECOMMENDATION
	<b>TAT Comments on Transportation Appendix from the September 30, 2019 “Proposed Amendments for the 2019 Docket”</b>	<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 Concurrency 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)(v)</li></ul>	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.	<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	<b>TAT Comments on Transportation Element from the September 30, 2019 “Proposed Amendments for the 2019 Docket”</b>	<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></ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
		<ul style="list-style-type: none"><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>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>	Staff does not recommend putting on the 2019 preliminary docket.
		<ul style="list-style-type: none"><li>Modify Policy T-8 Transportation Demand Management to describe: (1) Existing and planned Transportation-Demand Management (TDM) strategies, such as HOV lanes, parking policies, etc.: RCW 36.70A.070(6) (a)(vi), WAC 365-196-430(2)(i)  (2) A Commute-Trip Reduction (CTR) Plan to achieve reductions in the proportion of single occupant vehicle commute trips: RCW 70.94.527. [NOTE: Although the City has a “Commute Trip Reduction” section in Appendix 7 (p. 31), it does not describe a CTR Plan as called for in the RCWs, but simply lists potential elements of a typical CTR Plan.]  (3) 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></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>	Staff does not recommend putting on the 2019 preliminary docket.

	with the City's goals and visions and which require new development to adequately provide for the transportation needs of that development."	policies throughout the plan; land use, transportation, and capital facilities and utilities in particular that support the concept more succinctly.	
	<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: <i>"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."</i></li> </ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
	<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>	Is there such a thing as a stable and predictable funding source for transportation facilities? If there are other funding sources to include here that we have missed, please provide them. This policy addresses maintenance and preservation of existing transportation facilities and services- not new infrastructure to support development. Staff is looking into the option to establish a street utility fund. But it is premature to propose this as a strategy at this time.	Staff does not recommend putting on the 2019 preliminary docket.
	<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>	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.	Staff does not recommend putting on the 2019 preliminary docket.
	<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: <i>"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."</i></li> </ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
	<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: <i>"Develop a plan to avoid new or expanded facilities in rural areas."</i></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>The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.</p>	Staff does not recommend putting on the 2019 preliminary docket.
	<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, <i>identified needs for SR-169 consistent with the State Multimodal Transportation Plan (RCW 47.06.040).</i></li> </ul>	The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.	Staff does not recommend putting on the 2019 preliminary docket.

3	<b>Peter Rimbo</b> <b>Oct 8 Public Hearing(s)</b> <b>Testimony combined with other comments received</b>	<ul style="list-style-type: none"> <li>His input (which has been extensive review and participation in update process) had been ignored.</li> </ul>	Staff, PC and Council do consider all public input. Not including it does not mean it has been ignored.	<b>Staff to consider additional language for assumptions in transportation appendix for the 2019 preliminary docket.</b>  <b>Correction about WSDOT planning to widen SR169 has been placed on 2019 preliminary docket.</b>
		<ul style="list-style-type: none"> <li>There is discrepancy with language suggesting WSDOT is planning to widen SR169.</li> </ul>	This is already on the docket.	
		<ul style="list-style-type: none"> <li>Would like to participate in City Council or Planning Commission workshops.</li> </ul>	Participation could be expanded to include a town hall or open house forum on a more regular basis.	
		<ul style="list-style-type: none"> <li>Would like PC to reserve judgement on Preliminary Docket.</li> </ul>	The City is trying to get the annual amendments on track, and it is important to keep the process moving.	
		<ul style="list-style-type: none"> <li>Hopes Comp Plan will reflect what citizens want.</li> </ul>	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.	
		<ul style="list-style-type: none"> <li>Need to add more details explaining assumptions (esp. Figure 7-7)</li> </ul>	Staff is looking at how to provide more information on assumptions.	
4	<b>Dr. Gil Bortleson Oct 8 Public Hearing(s)</b> <b>Testimony combined with prior comments received</b>	<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> </ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
		<ul style="list-style-type: none"> <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> </ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
		<ul style="list-style-type: none"> <li>New policy indicating the need to reserve land in advance for future active parks.</li> </ul>	Same comment as above. The park planning process will show areas that are not meeting LOS for parks which would be needed to identity future park locations.	Staff does not recommend putting on the 2019 preliminary docket.
		<ul style="list-style-type: none"> <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> </ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
		<ul style="list-style-type: none"> <li>Add policies to promote landscaping and setback features for new businesses along highway 169.</li> </ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
		<ul style="list-style-type: none"> <li>Add goal to provide greenbelt gateway along Highway 169 at north of town.</li> </ul>	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	Staff does not recommend putting on the 2019 preliminary docket.

		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 <i>citizens</i> 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 18.76.090). Expanding such a requirement to the design guidelines and	Staff does not recommend putting on the 2019 preliminary docket.

		standards for the non-residential districts in the City should be studied before adding this policy.	
	<ul style="list-style-type: none"><li>New policy to require in-building parking for apartment-style buildings.</li></ul>	Another good concept for design standards, which the City has not had time to work on.	Staff does not recommend putting on the 2019 preliminary docket.
	<ul style="list-style-type: none"><li>New policy to encourage storm-water ponds to be used as perimeter walking paths.</li></ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
	<ul style="list-style-type: none"><li>New policy encouraging inclusion of clustering of small neighborhood housing.</li></ul>	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.	Staff does not recommend putting on the 2019 preliminary docket.
	<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></ul>	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.	<b>Staff recommends placing the revision of Policy NE-38 to recognize King County noxious weed control program on the 2019 preliminary docket.</b>
	<ul style="list-style-type: none"><li>Future Land Use map and Open Space Protection Agreement maps do not agree in spatial coverage for open space areas.</li></ul>	Staff will look into this and if needed make corrections to the maps.	<b>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.</b>
	<ul style="list-style-type: none"><li>Shouldn’t do any “up-zoning”</li></ul>	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.	Does not apply to the preliminary docket.
Philip Acosta	<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/negate 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>	Does not apply to the preliminary docket.

		<p>WSDOT, the County, Maple Valley or any other adjacent or affected agencies (even school districts) to proposed mitigation measures on the proposal.</p> <p>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.</p>	
<b>Cindy Wheeler</b>	<p>Should be focused on remaining a small city that would be “Rural by Design”.</p> <p>Change to PCC property to allow 8 units per acre does not meet “Rural by Design” principles and promises.</p> <p>Traffic mitigation is inadequate.</p> <p>Growth managed poorly and impacts to fiscal health of the City are not being addressed.</p>	<p>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.</p> <p>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>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 6 lots) or commercial projects through the noticing requirements in BDMC Chapter 18.08 and SEPA regulations.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<b>Bill Mcdermand</b>	<p>Transportation impacts.</p>	<p>See commenter 5 for response regarding traffic impact mitigation.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<b>Allison Ostrer</b>	<p>Up-zoning will exasperate traffic congestion. The City is not planning to accommodate growth for transportation impacts.</p> <p>Development destroys the town and surrounding environment.</p> <p>Clearing land for development creates blight.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>

		Great comment about encouraging people to run for offices or appointments. Thank you for the reminder.		
9	<b>Megan Brocx</b>	<p>Developer should pay for development with full impact fees instead of raising taxes and hoping for grants.</p> <p>Does not want more development because it ruins the peace, quiet, and closeness to nature and creates traffic problems. Increase in traffic on 169 &amp; 288<sup>th</sup> especially bad.</p> <p>Clear cutting and construction are impacting wildlife.</p> <p>Wants to remain small town.</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 Concurrency Ordinance (BDMC Title 11) and is currently working on an impact fee ordinance for transportation. The already collects fire impact fees and Council is considering school impact fees.</p> <p>See staff responses to commenters 4,5,6 and 8 for remaining comments.</p>	Comment does not prompt staff recommendation for 2019 preliminary docket.
10	<b>Shane Kelly</b>	<p>Traffic congestion getting worse due to development as well as decrease in quality of life.</p> <p>Roads cannot handle more development.</p>	See staff responses to commenter 5.	Comment does not prompt staff recommendation for 2019 preliminary docket.
11	<b>Michael England</b>	<p>Too much growth; doesn't want to rezone land because it will allow more development.</p> <p>No room for trees between homes at Ten Trails</p> <p>Doesn't think City listens to public input</p>	<p>See staff response to commenters 4, 5 and 6 for growth and development comment.</p> <p>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.</p> <p>This comment will be forwarded to the Mayor to address with staff and Council.</p>	Comment does not prompt staff recommendation for 2019 preliminary docket.
12	<b>Tom Norling</b>	<p>Traffic concerns.</p> <p>Doesn't want Black Diamond to grow too much.</p> <p>Misses trees and open space.</p>	See staff response to commenters 4, 5, 6, 8 and 9.	Comment does not prompt staff recommendation for 2019 preliminary docket.
13	<b>Melody Mann</b>	<p>Traffic; roads insufficient to support traffic, change in zoning and zero lot lines will double people, add more cars.</p> <p>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.</p> <p>Things aren't done the way that are supposed to be done.</p> <p>Crazy to add ore development when you don't know what the master planned development is going to do.</p> <p>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.</p> <p>Thought Ten Trails would have a buffer of trees along road.</p>	<p>See staff response under commenter 5 for traffic concerns.</p> <p>See staff response under commenter 4 and 5 for proposed zoning change.</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.</p> <p>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>	Comment does not prompt staff recommendation for 2019 preliminary docket.



		<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 than 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 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 polices 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>	
14 Kristen Bryant	<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>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><b>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.</b></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 Butt 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 Butt 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 wat 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 Butt 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>	
<b>15 Alan Gangl</b>	<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>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>
<b>16 Mike Heller</b>	<p>King County has designated or wants this area to be rural. Zoning changes are going the wrong direction.</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>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
<b>17 Rose Wentz</b>	<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>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>Does not want too much too soon development. Should not allow more development until MPD is developed out more.</p> <p>Conflict of interest with Commissioner Butt; his wife may have stake in PCC and citizens would need to know about that.</p> <p>Concerns on school and traffic impact fees. Future developers need to pay their fair share on those fees.</p> <p>City needs to have those fees in place before any more up zoning; city isn't ready for more development.</p> <p>Should wait until Ten Trails is at least 50-70% done before looking at any future growth.</p> <p>City is understaffed and not hiring people with enough experience to check on permits; development review and SEPA decision are done in error.</p>		
18	Gary Davis	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.
19	Susan Harvey	<p>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.</p> <p>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.</p>	<p>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.</p> <p>See staff response under commenters 4, 5, 6, 8, 9, 13 and 14.</p>	Comment does not prompt staff recommendation for 2019 preliminary docket.
20	Fred Mauerman	<p>Responsible growth, maintaining flavor of community, growth must happen, but must choose how to grow.</p> <p>Removing light industrial zones around city center in favor of densified residential zones is a grab for development income.</p>	See staff response under commenters 4, 5, 6, 8, 9, 13 and 14.	Comment does not prompt staff recommendation for 2019 preliminary docket.
21	Renee Mix	<p>Concerned about impact on county roads, transportation.</p> <p>Once the small-town way of life is gone and you can't get it back.</p> <p>The City has exceeded King County growth targets.</p>	<p>See staff response under commenters 4, 5, 6, 8, 9, 13 and 14.</p> <p>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.</p>	Comment does not prompt staff recommendation for 2019 preliminary docket.
22	Robin Buxton	<p>Quality of life and environment.</p> <p>Growth should be gradual and limited in scope.</p>	<p>See staff responses under commenters 4, 5, 6, 8, 9 and 15.</p> <p>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.</p>	Comment does not prompt staff recommendation for 2019 preliminary docket.

	<p>Light industrial zoning on PCC property should remain, property owner could find ways to use property without zoning change.</p> <p>Traffic will be worse with zoning change. King County has no funds to expand roads.</p> <p>Housing numbers exceed the number in Vision 2040 with most growth in Ten Trails and Lawson Hills.</p>		
<b>23 Elishia Conces</b>	<p>Loves Black Diamond and feel of it. Doesn't want to see Black Diamond turn into South Central LA with crime from all growth.</p> <p>Need to figure out how to grow and maintain core values that people love in Black Diamond.</p> <p>More families will need schools, police, fire and roads which will be paid for by residents.</p>	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 Bonnie England</b>	<p>Deer will go somewhere else.</p> <p>Hopes Planning Commission will listen because City Council hasn't been.</p>	See response under commenters 4 and 11.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>25 Bill Bryant</b>	<p>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.</p> <p>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).</p>	<p>Comments are similar to some of the other concerns already raised. See response under commenters 8, 13, 14 and 17.</p> <p>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.</p>	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>26 Cindy Ostermann</b>	<p>Is getting conflicting information about PCC plans to develop their property. People have a right to develop their property.</p> <p>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.</p>	<p>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.</p> <p>See responses under commenters 4, 5, and 13.</p>	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>27 Kathleen Mikos</b>	<p>More development brings more cars and people. Worried about public services; police, schools, water and traffic congestion.</p> <p>PCC will gain and citizens will lose.</p>	See response under commenters 4, 5, 13 and 15.	Comment does not prompt staff recommendation for 2019 preliminary docket.
<b>28 Diane Rauschenberg</b>	<p>Rural feel is gone.</p> <p>There needs to be growth, but it must be controlled and managed carefully.</p> <p>The 50 or 100-year-old trees are gone.</p> <p>Concerned about clean air, adequate safe water, open space, green space, habitat for wildlife.</p> <p>Too much traffic congestion from Ten Trails.</p> <p>Don't add more development</p>	See response under commenters 4, 5, 8, 13,15, 16, 19, and 23.	Comment does not prompt staff recommendation for 2019 preliminary docket.

29 <b>Dan Palmer</b>	<p>Concerned about pollution; need to think about people’s health.</p> <p>PCC happy to switch from resource land to development land to make money.</p> <p>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.</p> <p>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.</p> <p>See response under commenter 13.</p>	<p>Comment does not prompt staff recommendation for 2019 preliminary docket.</p>
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**City of Black Diamond**  
**Planning Commission Meeting – October 8, 2019**

(A) **Public Hearing # 2 –**  
**Proposed Zoning Map Amendments**  
**Sign-up Sheet**

Printed Name	Printed Address
1. GIL BORTLESON	23831 SE GREEN VALLEY RD AUBURN, WA 98092
2. Gary Davis	PDB 223 Black Diamond, WA 98010
3. SUSAN HARVEY	Susandharvey@hotmail.com RAVENSDALE
4. Fred Mauerman	32518 McKay Lane Black Diamond
5. Melissa Earl - Left	21830 284th AVE SE Maple Valley 30741 3rd AVE Suite 133
6. Chris Farber - Left	21621 SE 253rd Pl Maple Valley, WA
7. Renee Mix	32515 McKay Lane Black Diamond, WA 98010
8. ROBIN BUXTON	19825 SE 296th ST COVINGTON-WA 98042
9. Bob Stuart - Left	32404 McKay Lane B.D. 98010
10. Melody MANN	31605 230 pl SE Black Diamond
11. Kristen Bryant	
12. ALAN GARDNER - Left	

13. Mike Heller <sup>chose not to speak</sup>	24113 SE GREEN VALLEY RD
14. Eleusina Conces	32514 Newcastle Dr Black Diamond
15. Oleg Sergeev - Left	32412 Newcastle Dr
16. Bonnie England	Black Diamond
17. Bill Bryant	Black Diamond
18. Cindy Cermann	BLACK DIAMOND
19. Rose Wentz	Black Diamond
20. Michael England - <sup>Left</sup>	Black Diamond
21. Mikos Kattlemis	Black Diamond
22. DIANE RAUSCHENBERG ENUMCLAW	
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Add →

Continuation  
sign up  
list

23) All: son Oster

24) Dan Palmer



**City of Black Diamond**  
**Planning Commission Meeting – October 8, 2019**  
**ⓑ Public Hearing # 1 –**  
**Preliminary Docket for 2019**  
**Comprehensive Plan Amendments**  
**Sign-up Sheet**

Printed Name	Printed Address
1. <del>PETER RIMBOS</del>	
2. GIL BORTLESSEN	23831 SE GREEN VALLEY AUBURN, WA 98002
3. Michael England	
4. Michael FeHig	25422 KANASKET DR
5. Tom Norling	25422 Kanasket Dr
6. Melody MANN	31005 230 Pl SE
7. Kristen Bryant	
8. ALAN GANGL	30702 229th Pl SE Auburn Wa.
9. MIKE HELLER	2413 SE GREEN VALLEY RD,
10. Allison Oster	PO Box 47131 Seattle Wa.
11. Peter Rimbos	19711 24 <sup>th</sup> Ave SE, M Valley

12. Rosewente	Black Diamond
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# Information on the Growth Management Act

*Source: Washington Municipal Resources Services Center*

## Overview

The Growth Management Act (GMA) is a series of state statutes, first adopted in 1990, that requires fast-growing cities and counties to develop a comprehensive plan to manage their population growth. It is primarily codified under Chapter 36.70A RCW, although it has been amended and added to in several other parts of the RCW.

Under RCW 36.70A.020, the GMA establishes a series of 13 goals that should act as the basis of all comprehensive plans. The legislature added the goals and policies of the Shoreline Management Act as the fourteenth GMA goal (RCW 36.70A.480). The shoreline goals may be found at RCW 90.58.020.

### GMA Goals (RCW 36.70A.020)

- Concentrated urban growth
- Sprawl reduction
- Regional transportation
- Affordable housing
- Economic development
- Property rights
- Permit processing
- Natural resource industries
- Open space and recreation
- Environmental protection
- Early and continuous public participation
- Public facilities and services
- Historic preservation
- Shoreline management (RCW 36.70A.480)

The GMA lays out the following mandatory and optional comprehensive elements:

### Mandatory Comp Plan Elements (RCW 36.70A.070)

- Land Use
- Housing
- Capital Facilities Plan
- Utilities
- Rural Development (counties only)
- Transportation
- Economic Development
- Parks and Recreation

- Ports (mandatory for cities with annual maritime port revenues exceeding \$60 million, RCW 36.70A.085)

#### Optional Comp Plan Elements (RCW 36.70A.080)

- Conservation
- Solar Energy
- Recreation
- Subarea Plans (neighborhoods, rural villages, urban growth areas, tribal areas, etc.)
- Ports (optional for cities with annual maritime port revenues of \$20 million to \$60 million, RCW 36.70A.085)

**While all of these elements are important, the land use element sets the direction of future growth in a community and is usually depicted as a future land use map.** The future land use map, which is policy-oriented, is then implemented in large part by the official zoning map, a regulatory tool.

... Comprehensive plans also **must be coordinated with adjacent and overlapping jurisdictions** and must be updated every 8 years, with optional annual updates.

## Urban Growth Areas and Accommodating Future Growth

Under the GMA, the state Office of Financial Management (OFM) develops population projections for the state and each county. **Each "fully planning" county is then mandated to determine, in consultation with cities, where that growth should be directed to occur.** Once these growth projections are adopted, then the county and cities are to use them in their comprehensive planning processes and make sure that their plans can accommodate the projected level of growth (RCW 36.70A.115).

## King County County-Wide Planning Policies.

### Growth Targets

**DP-11** GMPC shall allocate residential and employment growth to each city and unincorporated urban area in the county. This allocation is predicated on:

- Accommodating the most recent 20-year population projection from the state Office of Financial Management and the most recent 20-year regional employment forecast from the Puget Sound Regional Council;
- Planning for a pattern of growth that is consistent with the Regional Growth Strategy including focused growth within cities with countywide designated centers and within other larger cities, limited development in the Rural Area, and protection of designated Resource Lands;
- Efficiently using existing zoned and future planned development capacity as well as the capacity of existing and planned infrastructure, including sewer and water systems;
- Promoting a land use pattern that can be served by a connected network of public transportation services and facilities and pedestrian and bicycle infrastructure and amenities;
- Improving the jobs/housing balance within the region and the county;
- Promoting sufficient opportunities for housing and employment development throughout the Urban Growth Area;
- Allocating growth to individual Potential Annexation Areas within the urban unincorporated area proportionate to its share of unincorporated capacity for housing and employment growth.

**DP-12** GMPC shall:

- Update housing and employment targets periodically to provide jurisdictions with up-to-date growth allocations to be incorporated in state-mandated comprehensive plan updates;
- Adopt housing and employment growth targets in the Countywide Planning Policies pursuant to the procedure described in policy G-1; and
- Adjust targets administratively upon annexation of unincorporated Potential Annexation Areas by cities. Growth targets for the 2006-2031 planning period are shown in table DP-1.

**DP-13** All jurisdictions shall plan to accommodate housing and employment targets. This includes:

- Adopting comprehensive plans and zoning regulations that provide capacity for residential, commercial, and industrial uses that is sufficient to meet 20-year growth needs and is consistent with the desired growth pattern described in VISION 2040;
- Coordinating water, sewer, transportation and other infrastructure plans and investments among agencies, including special purpose districts; and
- Transferring and accommodating unincorporated area housing and employment targets as annexations occur.

## King County Growth Targets:

Table DP-1: King County Jurisdiction Growth Targets 2006-2031					
		Net New Units 2006-2031		Net New Jobs 2006-2031	
		Housing Target	Potential Annexation Area Housing Target	Employment Target	Potential Annexation Area Emp Target
Metropolitan Cities					
	Bellevue	17,000	290	53,000	
	Seattle	86,000		146,700	
<b>Metropolitan Cities Subtotal</b>		<b>103,000</b>		<b>199,700</b>	
Core Cities	Auburn	9,620		19,350	
	Bothell	3,000	810	4,800	200
	Burien	4,440		4,960	
	Federal Way	8,100	2,390	12,300	290
	Kent	9,270	90	13,280	210
	Kirkland	8,570		20,850	
	Redmond	10,200	640	23,000	
	Renton	14,835	3,895	29,000	470
	SeaTac	5,800		25,300	
<b>Core Cities Subtotal</b>		<b>78,638</b>		<b>168,340</b>	
Larger Cities	Des Moines	3,000		5,000	
	Issaquah	5,750	290	20,000	
	Kenmore	3,500		3,000	
	Maple Valley	1,800	1,060	2,000	
	Mercer Island	2,000		1,000	
	Sammamish	4,000	350	1,800	
	Shoreline	5,000		5,000	
	Woodinville	3,000		5,000	
<b>Larger Cities Subtotal</b>		<b>28,050</b>		<b>42,800</b>	
Small Cities	Algona	190		210	
	Beaux Arts	3		3	
	<del>Black Diamond</del>	<del>1,900</del>		<del>1,050</del>	
	Carnation	330		370	
	Clyde Hill	10		0	
	Covington	1,470		1,320	
	Duvall	1,140		840	
	Enumclaw	1,425		735	
	Hunts Point	1		0	
	Lake Forest Park	475		210	
	Medina	19		0	
	Milton	50	90	160	
	Newcastle	1,200		735	
	Normandy Park	120		65	
	North Bend	665		1,050	
	Pacific	285	135	370	
	Skykomish	10		0	
	Snoqualmie	1,615		1,050	
	Yarrow Point	14		0	
<b>Small Cities Subtotal</b>		<b>10,922</b>		<b>8,168</b>	
Urban Unincorp	Potential Annexation Areas	10,090		3,220	
	North Highline	820		2,170	
	Bear Creek UPD	910		3,580	
	Unclaimed Urban Uninc.	650		90	
<b>Urban Incorporated Subtotal</b>		<b>12,470</b>		<b>9,060</b>	
<b>Urban Growth Area Total</b>		<b>233,077</b>		<b>428,068</b>	

## From Washington State Department of Commerce Urban Growth Area Guidebook

<https://deptofcommerce.app.box.com/s/pnkar5j81ghxrgfdgr3ofa7pmw5v37da>

### Who Pays for Urban Services (Page 43)

... Since revenue sources change from year to year, jurisdictions are faced with a complex challenge to align revenue sources with needed capital facilities and to assign costs equitably to both new development and to the larger community. Many of the broad based taxes, such as property and sales taxes, are assessed to the entire community and everyone pays. **However, when broad based revenues are used to pay for the cost of urban services for new development, questions of equity and benefits arise that need to be resolved** in a public discussion of planning for UGAs.

“Fiscal impact analysis appears to be gaining recognition as an important tool for evaluating local land use and development policy decisions. A greater use of this analysis tool by local governments in Washington would shed light on how urban growth is impacting communities in the state. To achieve a real understanding of growth’s fiscal impacts, the substantial capital cost of the infrastructure growth requires, must be included in any analysis.”<sup>20</sup>

... Understanding the fiscal impacts of urban growth and applying the cost of urban services to existing or new urban growth areas is essential in order to have fiscal balance in our cities and counties.

“Integrating finance with land use planning requires some caution. I’ve heard it said that there are two significant pitfalls to incorporating finance into the GMA planning process. The first pitfall is to involve the finance director in the planning process since the pessimism and cautiousness of the typical finance director will tend to dampen and constrain the “dreaming” about the future essential to a good visioning process. The second pitfall is to not involve the finance director because the plan may then become fiscally unrealistic and difficult to implement. When considering the role of financial planning in comprehensive planning, one always needs to remember that it is a question of how to balance “thinking creatively” about the future while simultaneously being concerned about how to pay for that future.”<sup>21</sup>

**The risk in not analyzing the costs of urban services and aligning these costs to a compatible land use plan is a deepening budget hole –** where new growth will always be needed to pay the debt service on old growth. This is not a sustainable pattern of development that will generate the funding to provide for new urban services, let alone pay the long term obligation for replacing large urban infrastructure systems once their current life cycle ends.

Cities and Counties are required to coordinate on Growth Planning. **The County has already bent over backwards to accommodate growth in Black Diamond.** Far beyond what makes sense for our roads and schools. King County set Black Diamond’s a growth target to more than double Black Diamond in the next twenty years. King County has been asked to come way too far and Black Diamond is still not coordinating. This re-zone makse it worse.

#### 5.14 Public Land Goals and Policies

The Public designation identifies properties under public ownership, whether by the City or other governmental entities that are either currently used or intended for uses such as public utilities, parks, libraries, community centers, or elementary schools. This includes the City's watershed, which is located approximately 1.5 miles southeast of the City limits and is otherwise surrounded by unincorporated King County. Lands falling within the Public category should be those intended to remain within public ownership and management for long periods.

❖ **LU Goal 11:** Ensure compatibility between land providing necessary services to the community and surrounding land uses.

- **Policy LU-50:** Public uses should respect the neighborhood and district context in which they are proposed by adherence to the City's design guidelines and zoning code.
- **Policy LU-51:** Public buildings and spaces should be designed to be compatible with Black Diamond's unique architectural heritage and qualities.
- **Policy LU-52:** Public buildings and spaces should fulfill their role as gathering areas and community resources.

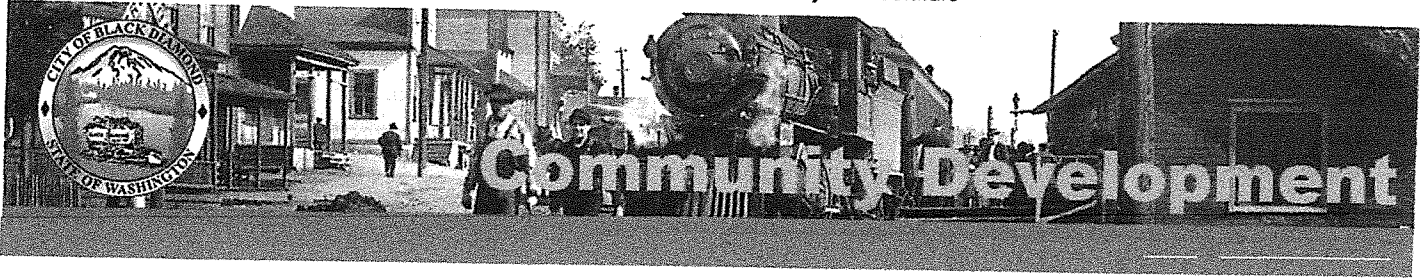
#### 5.15 Regional Coordination Goals and Policies

The City recognizes that coordination with neighboring cities, counties, and tribal government is a requirement for sustainable growth and prosperity. The GMA mandates regional coordination and Black Diamond shares planning and growth management responsibilities with King County and the Puget Sound Regional Council (PSRC). In addition to the regional coordination of comprehensive plan policies and allocation of population and employment growth targets, the GMA requires that city and county development regulations identify a process to review the siting of "essential public facilities". These are large scale land uses that provide regional benefits and include airports, state educational facilities, state or regional transportation facilities, state and local correction facilities, solid waste handling facilities, and inpatient facilities (e.g. substance abuse, mental health, group home, and secure community transition facilities).

❖ **LU Goal 12:** Coordinate land use and development actions with government agencies, adjacent jurisdictions, and tribes as appropriate.

- **Policy LU-53:** Use the countywide planning policies and PSRC Vision 2040 as a basis for regional coordination and land use decisions.



**ID #: PLN17-0082****Type:** COMPREHENSIVE PLAN AMENDMENT**Status:** WITHDRAWN**Total Fees:** \$0.00**Balance Due:** \$0.00**Primary Contact:** Valasara, LLC**Location:** 31109 3RD AVE, BLACK DIAMOND**Parcel:****Work Description:** Application to Comp Plan, Industrial to Commercial**Applied:** 11/21/2017**Issued:****Expires:****Final:**

Information as of 10/7/2019 4:34:33 PM

**OWNER** Valasara, LLC**APPLICANT** Weston Butt

Y

N

31109 3RD AVE, BLACK DIAMOND

BL1085	BL-TECHNOLOGY COST RECOVERY FEE	\$45.00	(\$45.00)	\$0.00
BL1085	BL-TECHNOLOGY COST RECOVERY FEE	(\$45.00)	\$45.00	\$0.00
PL1008	PL-COMP PLAN AMMENDMENT APP FEE	\$2,734.00	(\$2,734.00)	\$0.00
PL1008	PL-COMP PLAN AMMENDMENT APP FEE	(\$2,734.00)	\$2,734.00	\$0.00

**TOTAL FEES: \$0.00****BALANCE DUE: \$0.00**

<input checked="" type="checkbox"/>	1010	Planning Review
<input checked="" type="checkbox"/>	1050	Public Works Review
<input checked="" type="checkbox"/>	1190	Permit Tech Review
<input checked="" type="checkbox"/>	1210	Economic Development Review

Status: **WITHDRAWN**Permit Type: **Comprehensive Plan Amendment**Project Name: **WB Map Ammendment**

Zone:

Description:

Application to Comp Plan, Industrial to Commercial

Outstanding Items at Time of submittal:

Verifying if Environmental Checklist is needed, to be confirmed by Planning

MDRT?

Lots: **0**Required Deposit: **\$0.00**PermitType: **Comprehensive Plan Amendment**Status: **WITHDRAWN****\*\*\*Hearing Information\*\*\***Date of Application: **11/21/2017**

Approval Date:

Complete Application Due:

Completeness Letter:

Notice of Application:

Date Recorded:

Recording #:

SEPA Required?

Hearing Date:

Hearing Decisions:

Date of Decision:

Appeal Deadline:

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## PLANNING PERMIT

ID #: PLN19-0005

Type:	PRE APPLICATION	Applied:	01/09/2019
Status:	APPLIED	Issued:	
Total Fees:	\$312.00	Expires:	
Balance Due:	\$0.00	Final:	
Primary Contact:	PK Properties		
Location:	31007 3RD AVE, BLACK DIAMOND		
Parcel:	1121069008		
Work Description:	Mixed use development project located at 31109 3rd Ave		

Information as of 10/8/2019 12:54:02 PM

## ASSOCIATED PEOPLE

TYPE	NAME	PRIMARY CONTACT
APPLICANT	PK Properties - Weston Butt	Y
OWNER	LLC VALASARA	N

## ASSOCIATED ADDRESSES

ADDRESS
31007 3RD AVE, BLACK DIAMOND

## ASSOCIATED PARCELS

PARCEL NUMBER	PRIMARY PARCEL?	TAX PARCEL INFORMATION
1121069008	Y	<a href="#">Tax Parcel Info</a>

## ASSOCIATED ITEMS

ASSOCIATED ITEM	APPLICATION DATE	TYPE	STATUS	SUB TYPE
<a href="#">FIR19-0004</a>	04/29/2019	FIRE PERMIT	ISSUED	Miscellaneous
<a href="#">HIS08-0046</a>	01/09/2019	HISTORICAL PERMITS	FINAL	MEC - BLD
<a href="#">PLN18-0021</a>	01/09/2019	PLANNING PERMIT	PRE-APP DONE	PRE APPLICATION
<a href="#">PLN19-0032</a>	04/18/2019	PLANNING PERMIT	APPLIED	TEMPORARY USE PERMIT
<a href="#">PLN19-0039</a>	05/08/2019	PLANNING PERMIT	CANCELLED	TEMPORARY USE PERMIT
<a href="#">PLN19-0057</a>	06/10/2019	PLANNING PERMIT	APPLIED	BINDING SITE PLAN
<a href="#">PLN19-0058</a>	06/10/2019	PLANNING PERMIT	APPLIED	SEPA - CHECKLIST W/ PLN PERMIT

## FEES

FEE ID	FEE DESCRIPTION	AMOUNT	PAID	BALANCE DUE
BL1085	BL-TECHNOLOGY COST RECOVERY FEE	\$45.00	(\$45.00)	\$0.00
PL1056	PL-PRE-APPLICATION MTG.	\$267.00	(\$267.00)	\$0.00

**TOTAL FEES: \$312.00      BALANCE DUE: \$0.00**

## REVIEWS

STATUS	REV ID	DESCRIPTION
<input checked="" type="checkbox"/>	1050	Public Works Review
	1060	Fire Review
	1070	Police Review
<input checked="" type="checkbox"/>	1190	Permit Tech Review
	1200	Administration Review
	1210	Economic Development Review

## GENERAL INFORMATION

Permit Type: **Pre Application**

Status: **APPLIED**

Project Name: **Black Diamond Crossing**

Zone: **B/IP**

Description:

Mixed use development project located at 31109 3rd Ave

Outstanding Items at Time of submittal:

☐ MDRT?

Lots: **1**

Required Deposit: **\$0.00**


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## PLANNING PERMIT

ID #: PLN19-0057

<b>Type:</b>	BINDING SITE PLAN	<b>Applied:</b>	06/10/2019
<b>Status:</b>	APPLIED	<b>Issued:</b>	
<b>Total Fees:</b>	\$2,963.00	<b>Expires:</b>	
<b>Balance Due:</b>	\$0.00	<b>Final:</b>	
<b>Primary Contact:</b>	Weston Butt		
<b>Location:</b>	31007 3RD AVE, BLACK DIAMOND		
<b>Parcel:</b>	1121069008		

**Work Description:** Construction of new commercial/retail use strip mall along the west side of 3rd Avenue (SR169) and multi-family residential apartments in the southwest portion of the site. Along with building construction the project will also include clearing and grading, paved parking, landscaping, stormwater facility, water and sanitary sewer extensions, roadway improvements and franchise utility improvements.

Information as of 10/8/2019 1:00:02 PM

## ASSOCIATED PEOPLE

TYPE	NAME	PRIMARY CONTACT
OWNER	Weston Butt	Y
APPLICANT	Weston Butt	N

## ASSOCIATED ADDRESSES

ADDRESS
31007 3RD AVE, BLACK DIAMOND

## ASSOCIATED PARCELS

PARCEL NUMBER	PRIMARY PARCEL?	TAX PARCEL INFORMATION
1121069008	Y	<a href="#">Tax Parcel Info</a>

## ASSOCIATED ITEMS

ASSOCIATED ITEM	APPLICATION DATE	TYPE	STATUS	SUB TYPE
<a href="#">FIR19-0004</a>	06/10/2019	FIRE PERMIT	ISSUED	Miscellaneous
<a href="#">HIS08-0046</a>	06/10/2019	HISTORICAL PERMITS	FINAL	MEC - BLD
<a href="#">PLN18-0021</a>	06/10/2019	PLANNING PERMIT	PRE-APP DONE	PRE APPLICATION
<a href="#">PLN19-0005</a>	06/10/2019	PLANNING PERMIT	APPLIED	PRE APPLICATION
<a href="#">PLN19-0032</a>	06/10/2019	PLANNING PERMIT	APPLIED	TEMPORARY USE PERMIT
<a href="#">PLN19-0039</a>	06/10/2019	PLANNING PERMIT	CANCELLED	TEMPORARY USE PERMIT
<a href="#">PLN19-0058</a>	06/10/2019	PLANNING PERMIT	APPLIED	SEPA - CHECKLIST W/ PLN PERMIT
<a href="#">PUB19-0113</a>	06/10/2019	PUBLIC WORKS PERMIT	APPLIED	Civil Plan
<a href="#">PUB19-0114</a>	06/10/2019	PUBLIC WORKS PERMIT	APPLIED	Clearing & Grading
<a href="#">PUB19-0125</a>	09/16/2019	PUBLIC WORKS PERMIT	APPLIED	Miscellaneous/Utility

## FEES

FEE ID	FEE DESCRIPTION	AMOUNT	PAID	BALANCE DUE
BL1085	BL-TECHNOLOGY COST RECOVERY FEE	\$45.00	(\$45.00)	\$0.00
PL1006	PL-BINDING SITE PLAN	\$2,918.00	(\$2,918.00)	\$0.00

TOTAL FEES: \$2,963.00

BALANCE DUE: \$0.00

## REVIEWS

STATUS	REV ID	DESCRIPTION
	1010	Planning Review
	1050	Public Works Review
	1060	Fire Review
	1070	Police Review
	1190	Permit Tech Review
	1200	Administration Review

## GENERAL INFORMATION

Permit Type: **Binding Site Plan**Status: **APPLIED**Project Name: **Butt Binding Site Plan**Zone: **B/IP**

## Description:

Construction of new commercial/retail use strip mall along the west side of 3rd Avenue (SR169) and multi-family residential apartments in the southwest portion of the site. Along with building construction the project will also include clearing and grading, paved parking, landscaping, stormwater facility, water and sanitary sewer extensions, roadway improvements and franchise utility improvements.

Outstanding Items at Time of submittal:

Sensitive Area ID form

☐ MDRT?Lots: **0**



## RULES AND PROCEDURES OF THE CITY OF BLACK DIAMOND PLANNING COMMISSION

The following Rules and Procedures are adopted by the City of Black Diamond Planning Commission to facilitate the performance of its duties and functions as empowered in Chapter 2.24, Black Diamond Municipal Code.

### **Section 1. Meetings**

- A. Regular meetings. The Planning Commission meets regularly on the first Tuesday evening following a regularly scheduled City Council meeting, commencing at 7:00 p.m. in the City Council Chambers. Regular City Council meetings are held on the first and third Thursday of each month.
- B. Special meetings. The Planning Commission shall meet for special meetings at the call of the Chair or by majority vote of the Commission. A minimum of 24 hours notice shall be provided to each Commission member and the public for special meetings.
- C. Cancellation. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the Chair or Secretary provided at least 24 hours in advance. A majority vote of the Commission may also result in cancellation of a meeting.
- D. Open Meeting Requirements and Notification. The open meeting requirements of State law (RCW 42.30) shall apply to all Planning Commission meetings. Notification procedures shall follow the requirements of applicable sections of Black Diamond Municipal Code or standard City practice as established by the City Clerk.

Special meetings shall be noticed by: a) delivering written notice personally by mail, fax or by electronic mail at least 24 hours in advance to Planning Commission members; b) delivering written notice personally by mail, fax or electronic mail at least 24 hours in advance to the official City newspaper and also to each media publication and individual which has filed a written request with the City to be notified of Planning Commission meetings and c) posting the notice on the City's website.

- E. Record. All public hearing procedures shall be recorded. This record will normally be an audio recording by means of electronic equipment. Recording of work/study sessions is not required.
- F. Minutes. The Community Development Department staff will prepare written minutes of all meetings that includes pertinent information, motions, decisions made, and actions and votes taken.

### **Section 3. Secretary**

The Community Development Director or his/her appointee, shall act as the Secretary of the Planning Commission and shall keep and retain a record of all meetings of the Commission and its committees.

### **Section 4. Quorum**

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A quorum must be in attendance in order to conduct a meeting, to transact any business or to render a recommendation. Every motion of the Planning Commission requires approval of a majority of the Planning Commission members present to pass.

### **Section 5. Absence of Members**

In the event of a member being absent for three (3) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Commission may request the Mayor to ask for his or her resignation. To be excused from a meeting, members must inform the Chair or Secretary in advance of a scheduled meeting or by the end of the next business day following the meeting.

### **Section 6. Vacancies**

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the Secretary shall immediately notify the City Clerk and request the Mayor to appoint a replacement at the earliest possible time.

### **Section 7. Disqualification**

No member of the Planning Commission should participate in any discussion or vote on any matter in which the member has a direct and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote.

### **Section 8. Conduct of meetings**

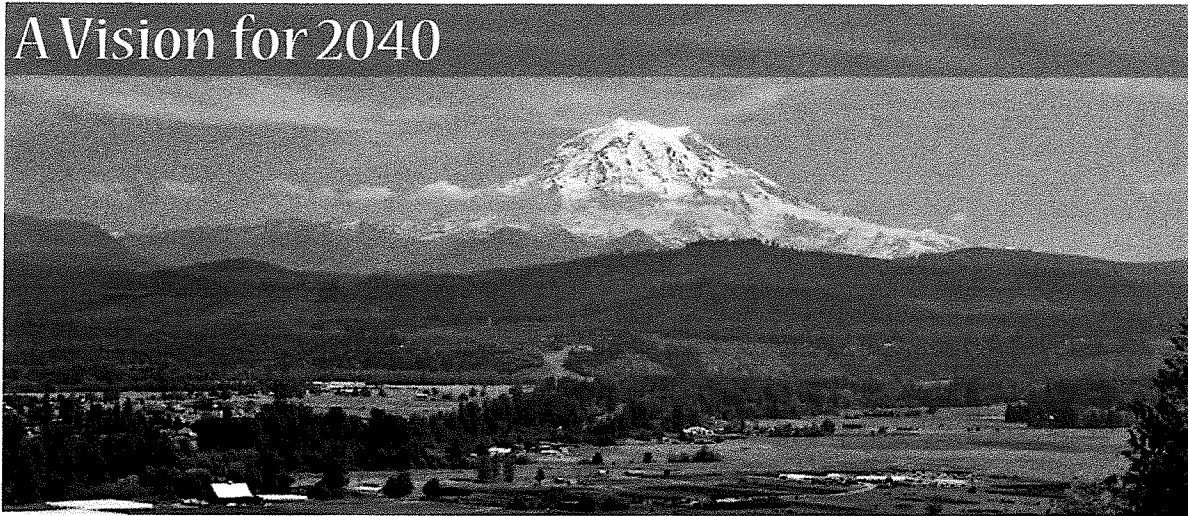
- A. General. The Chair has broad authority over all matters regarding the conduct of meetings. He/she shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Commission, while permitting the orderly and timely completion of Planning Commission business.



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# A Vision for 2040



*Our vision for the future advances the ideals of our people, our prosperity, and our planet. As we work toward achieving the region's vision, we must protect the environment, support and create vibrant, livable, and healthy communities, offer economic opportunities for all, provide safe and efficient mobility, and use our resources wisely and efficiently. Land use, economic, and transportation decisions will be integrated in a manner that supports a healthy environment, addresses global climate change, achieves social equity, and is attentive to the needs of future generations.*

## Regional Goals

The following overarching goals provide the framework for each of the six major policy sections of VISION 2040 that appear in Part III.

**Environment.** The region will care for the natural environment by protecting and restoring natural systems, conserving habitat, improving water quality, reducing greenhouse gas emissions and air pollutants, and addressing potential climate change impacts. The region acknowledges that the health of all residents is connected to the health of the environment. Planning at all levels should consider the impacts of land use, development patterns, and transportation on the ecosystem.

**Development Patterns.** The region will focus growth within already urbanized areas to create walkable, compact, and transit-oriented communities that maintain unique local character. Centers will continue to be a focus of development. Rural and natural resource lands will continue to be permanent and vital parts of the region.

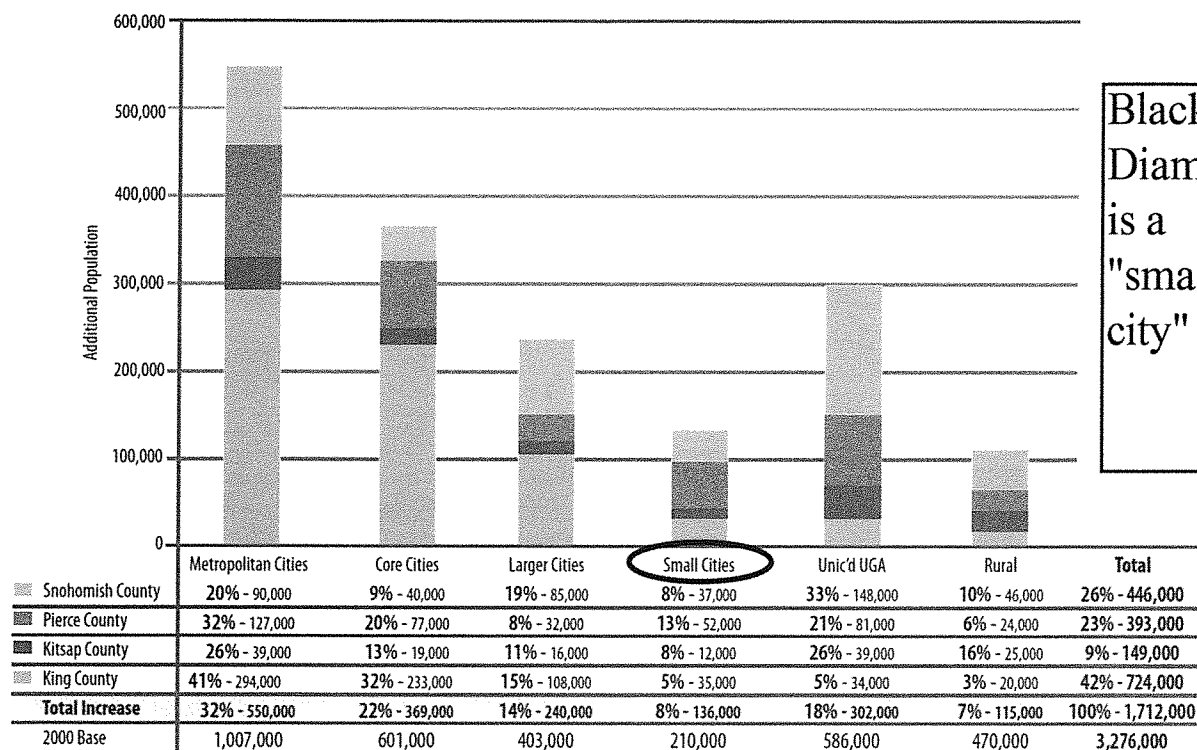
**Housing.** The region will preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices to every resident. The region will continue to promote fair and equal access to housing for all people.

**Economy.** The region will have a prospering and sustainable regional economy by supporting businesses and job creation, investing in all people, sustaining environmental quality, and creating great central places, diverse communities, and high quality of life.

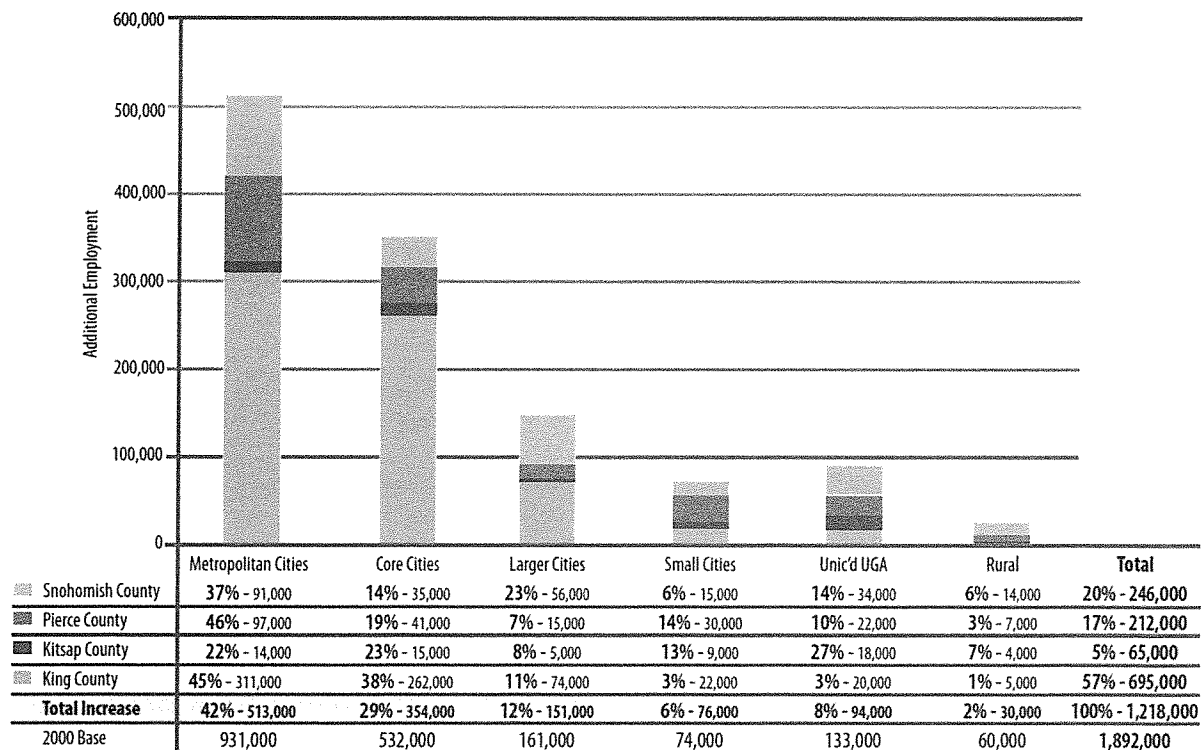
**Transportation.** The region will have a safe, cleaner, integrated, sustainable, and highly efficient multimodal transportation system that supports the regional growth strategy, promotes economic and environmental vitality, and contributes to better public health.

**Public Services.** The region will support development with adequate public facilities and services in a coordinated, efficient, and cost-effective manner that supports local and regional growth planning objectives.

### Population Growth by Regional Geography and County, 2000–2040



### Employment Growth by Regional Geography and County, 2000–2040

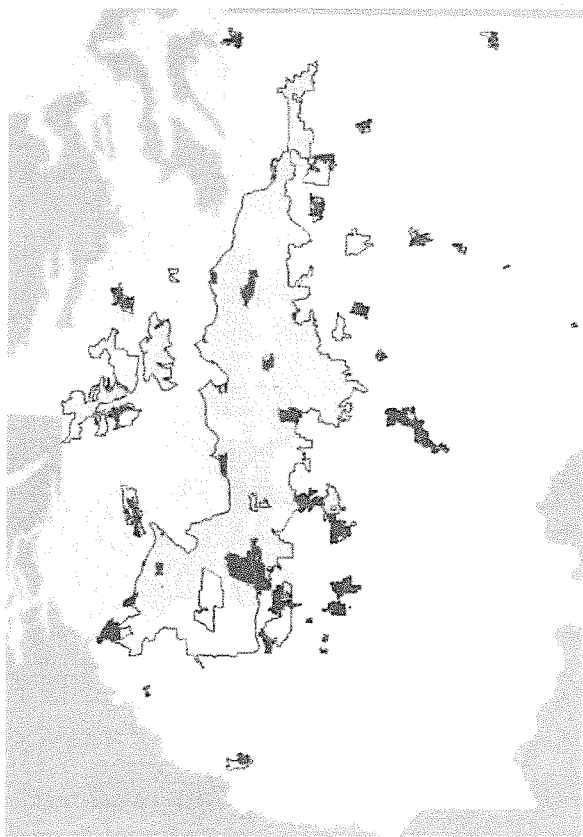


**Small Cities.** The region's 46 smaller cities and towns (see sidebar on the following page) are expected to remain relatively small for the long term. Their locally designated city or town centers provide local job, service, cultural, and housing areas for their communities. These central places should be identified in local comprehensive plans, and become priority areas for future investments and growth at the local level. The *Regional Growth Strategy* envisions a moderate role for most of these cities in accommodating growth.

The *Regional Growth Strategy* calls for 46 Small Cities to accommodate 8 percent of the region's population growth and 6 percent of its employment growth by the year 2040, which is similar to their current role in accommodating growth.

This compares to current adopted targets for the year 2025, which call for approximately 10 percent of regional population growth and 9 percent of regional employment growth to occur in Small Cities.

**Small Cities (46 cities, 136 square miles):** See sidebar on page 24 for a list of Small Cities.



City of Sumner

*Small Cities are located throughout the region and represent nearly two-thirds of the region's incorporated jurisdictions. Small Cities in Pierce County are expected to accommodate the highest share of regional Small City population growth.*

## MEMBERSHIP

### Counties

King County  
Kitsap County  
Pierce County  
Snohomish County



### Cities and Tribes

Algona	Granite Falls	Port Orchard
Arlington	Hunts Point	Poulsbo
Auburn	Issaquah	Puyallup
Bainbridge Island	Kenmore	Redmond
Beaux Arts Village	Kent	Renton
Bellevue	Kirkland	Ruston
Black Diamond	Lake Forest Park	Sammamish
Bonney Lake	Lake Stevens	SeaTac
Bothell	Lakewood	Seattle
Bremerton	Lynnwood	Shoreline
Buckley	Maple Valley	Skykomish
Burien	Marysville	Snohomish
Clyde Hill	Medina	Snoqualmie
Covington	Mercer Island	Stanwood
DuPont	Mill Creek	Steilacoom
Duvall	Milton	Sultan
Eatonville	Monroe	Sumner
Edgewood	Mountlake Terrace	The Suquamish Tribe
Edmonds	Mukilteo	Tacoma
Enumclaw	Muckleshoot Indian Tribal Council	Tukwila
Everett	Newcastle	University Place
Federal Way	North Bend	Woodinville
Fife	Orting	Woodway
Fircrest	Pacific	Yarrow Point

### Statutory Members

Port of Bremerton  
Port of Everett  
Port of Seattle  
Port of Tacoma  
Washington State Department of Transportation  
Washington Transportation Commission

### Associate Members

Port of Edmonds  
Evans School of Public Affairs, University of Washington  
Island County  
Snoqualmie Tribe  
Thurston Regional Planning Council  
The Tulalip Tribes

### Transit Agencies

Community Transit  
Everett Transportation Service  
Kitsap Transit  
METRO (Metropolitan King County)  
Pierce Transit  
Sound Transit



Black Diamond Planning Commission  
Public Hearing  
October 8, 2019

There is a problem with this up-zone that the Commission needs to be aware of:  
**The Comprehensive Plan's "Future Land Use Map" Changes.**

I am part of the group that looked at the Comprehensive Plan passed earlier this year. I commented in 2018. Dozens of comments were made by the public.

But one comment was listened to more than the others. A comment was sent in by Palmer Coking Coal in 2015. That letter asked for the land that you see on this zoning change proposal to be re-zoned.

The 2015 Palmer Coking Coal letter also points out that they were "very involved" in the 1996 Comprehensive Plan. That 1996 plan is the one that brought us the large amount of development we are already facing. Palmer Coking Coal made a lot of money from that deal.

This time around, for the 2019 Comprehensive Plan, it seems like the only public comment that changed anything might have been the one from Palmer Coking Coal in 2015.

This didn't seem right to me.

Then I learned that there are requirements for how the city reviews public comments. The City's Public Participation Plan, Ordinance 14-1044, requires the "record" of comments to **"be compiled and made available to decision makers."** It also requires **"relevant comments or testimony should be addressed through the findings-of-fact portion of the decision maker's written decision or recommendation."**

There was never any "finding of fact" or documentation that the city used the 2015 letter or other Palmer Coking Coal letters when changing the Comprehensive Plan. But those changes showed up in the Comprehensive Plan. They showed up in the item called the "Future Land Use Map." Then they showed up in this new zoning map proposal.

It is not right that the city didn't tell us what they did with our comments. They didn't tell us what they did with anyone's comments. But, we have a law that requires that the Planning Commission and City Council be provided a document of how comments were used.

If this law were followed, we would know how decisions are being made and why. But after reading the 2015 letter from Palmer Coking Coal, I now understand who the city has listened to.

I hope tonight you'll listen to the rest of us. We can't afford the future problems this "up-zone" would bring.

### **Re-Zoning Concerns**

Here in Black Diamond we are already set up to get 4 times as much growth as we can handle. The city gave approval to Ten Trails, or OakPointe, for over 6,000 units of housing AND over 1 million square feet of Commercial.

It doesn't make sense to make any zoning change at this time. Not with all this other construction coming. We need to see how it really turns out.

The City is being told by the property owner who wants the zoning change that this will be good for us. We want a small, quiet town. But the developer who wants to build this makes it sound like their zoning change is a good idea. That's his job. Common sense tells us this is not a good idea.

The roads can't handle it. The plan for the already-approved Ten Trails development is that they need 7 schools. The money to build those has to come from tax payers. To add a new up-zone for this additional land means there would be 600 houses plus apartments. That means even more schools will be needed.

If you can't prove and document a real need for this "up-zone," then please deny it.

Thank you.

A handwritten signature in cursive script that reads "Bill Bryant". The signature is written in dark ink and is positioned below the "Thank you." text.



## **From City of Black Diamond Growth Management Act Public Participation Program Handbook. Adopted by Ordinance 14-1044. Page 9:**

### **6. Consideration of and Response to Public Comments**

The City will consider relevant public comments and public testimony in the decision-making process. Various methods for informing and involving the public, providing public notice of proposals, and soliciting public opinion or comments have been established above. Many of those represent the initial steps for bringing public comments into the decision-making process. Other guidelines set the stage for decision-makers to consider those comments. (For example, tape recording meetings or hearings and soliciting written comments allow decision-makers the opportunity to review and consider relevant information in detail before a decision is actually made.)

Additional steps will be taken so that comments and recommendations from the public are reviewed by the decision-makers for relevancy. Those would include the following:

- Time should be reserved subsequent to the close of a hearing or comment deadline and prior to an actual decision so that the decision maker(s) can adequately review all relevant material or comments. Reconvening a hearing for the purpose of addressing comments is an option that the decision maker(s) may use on a case-by-case basis;
- Substantive comments pertaining to studies, analyses, or reports, along with necessary responses, should be included in the published document itself (such as occurs in the SEPA process of developing a Draft Environmental Impact Statement (EIS) and then a Final EIS with comments and responses);
- The record (such as tape recordings, written comments or testimony, documents, summaries, etc.) will be compiled and maintained by the City. That record will be made available to the decision maker(s) for their consideration and review prior to a decision. Relevant comments or testimony should be addressed through the findings-of-fact portion of the decision maker's written decision or recommendation.





## PALMER COKING COAL CO. LLP

31407 Highway 169 • P.O. Box 10 • Black Diamond, Washington 98010  
360-886-2841 • 425-432-4700 • Fax 425-432-3883 • www.palmercc.com

May 7, 2015

Stan May, Contract Planner  
City of Black Diamond  
P.O. Box 599 / 24301 Roberts Drive  
Black Diamond, WA 98010

206-267-2425  
360-886-5700 x 5730

COMMUNITY DEVELOP.

MAY 07 2015

RECEIVED

Re: 2015 Comprehensive Plan Update – Proposed Modifications to the Land Use and Zoning Maps

Dear Mr. May:

Thank you for this opportunity to comment upon the 2015 Comprehensive Plan Update. This year provides for the periodic review of this plan, which was first adopted by the City in August 1996. First, I'd like to say that our company was very involved in the multi-year process that eventually led to the adoption of the 1996 COBD Comprehensive Plan. That plan with minor changes has served the city over the past twenty years. However, we believe there are several necessary refinements to that 1996 plan to improve certain outmoded concepts adopted over two decades ago.

We do not pretend to have a monopoly on good ideas. If there are better ideas for planning future growth in the areas we've highlighted, we would be certainly interested in discussing them. I have attached a color copy of a Zoning Map and numbered five referenced areas (1 – 5) where I believe a different proposed zone would make better sense. Under each of the numbered areas, I've provide a brief description of the area. Then there is a discussion of the existing zone and a rationale for how our proposals might provide better compatibility with the development of the surrounding areas. Each alternative is numbered corresponding to the described area (i.e. Areas 1, 2, 3, 4, and 5). The map I used is slightly out of date, but its sole purpose is to help visually locate the five areas in question.

**Area 1:** *Located in the east half of Section 10-21-6, just east of Lake Sawyer Park.*

This 30+/- acre node of existing R-4 zoning is surrounded by Business Park / Light Industrial zoning to the east and south and the Lake Sawyer Park to the west. It is a small island of lower density residential zoned property in a zoned area (Business Park / Light Industrial) that is generally not conducive to this type of residential use. This particular node of residential zoning doesn't seem to make sense. I suspect that if it weren't for deference to the 1996 Plan, few urban planners would propose mixing lower density

residential surrounded by Business Park / Light Industrial. We just don't think that the Single Family Residential (R-4) zone works in this particular area.

Alternative Zoning – Area 1: We suggest a couple of different alternatives. One would be a residential zone which is more compatible with Business Park / Light Industrial such as Medium Density Residential (MDR-8). A second alternative would be to rezone this node to something more compatible with the Business Park zone, such as Community Commercial (CC). This could in turn allow development of residence inns or some other kind of group housing more appropriate to serving the needs of the surrounding business park

Area 2: *Located in the north half of the southwest quarter of Section 10-21-6, around an area commonly known as Oak Lake or Lake Marjorie.*

This 20 acre, rectangular-shaped properties of proposed Single Family Residential (R-4) zoning is surrounded by Business Park / Light Industrial to the east and south, the Lake Sawyer Park to the north, and unincorporated King County to the west. For many of the same reasons detailed for Area 1 above, we simply do not think that an isolated island of lower density residential zoned property works for this particular property.

Alternative Zone – Area 2: This is a unique site and we think that it is more suited for either office buildings; or perhaps Community Commercial (CC) for something along the lines of a residence inn, retirement housing; or perhaps MDR-8 for some other type of multi-family such as condominiums or townhouses. We think that by its very nature, Single Family Residential (R-4) zoning would be too consumptive of land for this rather small site. An office building or some form of group housing (residence inn, retirement center, or multi-family) would likely have a smaller footprint and enable a larger number of people to enjoy the significant amenities provided by these properties.

Area 3: *Located in the north half of the northwest quarter of Section 15-21-6, east of and adjacent to the Lake Sawyer Road.*

This 25 acre, triangular-shaped five parcel property of existing Business Park / Light Industrial property is adjacent to a huge swath of Business Park / Light Industrial property to the north and medium density residential to the east. We believe this property's attributes would be better served by a zone classification that makes best use of its strengths and its strategic location at the intersection of two major roads, and a future East-West arterial as anticipated in the Comprehensive Plans' transportation chapter.

Alternative Zoning – Area 3: We believe this site is a natural for Neighborhood Center (NC). A Neighborhood Center zone with its focus on larger commercial buildings serving retail markets and varied retail opportunities demands a large site with flat topography and easy access to arterial roads. Plenty of road frontage is also a definite plus for businesses wanting to locate in a Neighborhood Center. This property has all of the attributes (flat topography, easy access, significant road frontage) which would make it successful as a Neighborhood Center. In additions there is a surplus of undeveloped,

yet existing Business Park / Light Industrial zoned properties to the north, so as to make this of “more of the same” zoning seemingly superfluous.

**Area 4:** *Located in the south half of the southeast quarter of Section 10-21-6, south of the Tacoma Pipeline route and east of Rock Creek.*

This 25 acre, narrow, rectangular-shaped properties of proposed Business Park and Light Industrial zoning is located adjacent to and due north of R-6 and MDR-8 residential areas in Morganville. The proposed East-West arterial road, which generally follows the route of the Tacoma Pipeline (as anticipated in the 1996 Comprehensive Plan and built in 2002) makes a better dividing line between Business Park / Light Industrial zoning to the north and residential zoning to the south. The current proposed dividing line is simply the line between Section 10 and Section 15. We believe that a significant land form, such as an East-West connecting arterial, would make a better dividing line between residential and business zoning, than something as insignificant as a section line.

**Alternative Zoning – Area 4:** Given residential zoning to the south, we would suggest that the property south of the proposed East-West connecting arterial be zoned R-6 residential to the west and MDR-8 to the east. We believe that community compatibility will be enhanced through using significant land forms, such as a connecting arterial, as divisions between different zoning uses, in this case residential and business. The use of a section line as a division does not seem as responsive to the built environment. We believe the flow from residential to business areas promotes a better transition if a significant land form is used. We think moving the zone transition line 500 feet to the north and recognizing the connecting arterial road as a dividing line, makes more sense than a line between two sections of property. We also think that the two residential zone classifications from the south should be carried forth into this parcel to the north for residential continuity.

**Area 5:** *Located in the south half of the southeast quarter of Section 11-21-6 and a small portion of the south half of the southwest quarter of Section 12-21-6.*

This 20+ acre property of proposed R-4 zoning is located south of an old abandoned railroad bed, historically known as the Bruce branch. The only problem with using this remnant artifact as a dividing line is that it no longer exists and hasn't been on the ground for more than 25 years. While it's an interesting historic footnote, the former rail line no longer has any relevance to designing a city in the 21<sup>st</sup> century. We would suggest that a more important dividing line in this area would be the new Tacoma Pipeline route which has been planned as the location of a new arterial road connecting SR 169 with Lawson Street. The area both north and south of the former rail line is now the site of a large earthen stockpile used in connection with nearby mining. When the stockpile is reconfigured there will be no difference between the Medium Density Residential (MDR-8) properties to north or the proposed R-4 property to the south. We believe that the new Tacoma Pipeline route combined with the proposed SR 169 to Lawson Street arterial road will be a defining zoning division line in the future. The former rail line is simply a historic artifact on a map. In actual land form and use it has no relevance.

Alternative Zoning – Area 5: We believe the entire site located north of the Tacoma Pipeline route and north of the future SR 169 to Lawson Street connecting arterial should be zoned Medium Density Residential (MDR-8). Two properties (both north and south of the former rail line) share similar topography, ownership, and prospects. We think that the new arterial paralleling the Tacoma Pipeline route will be a defining community characteristic which is an ideal departure point for zoning transitions. The former rail line, which was abandoned nearly 80 years ago and erased as a land feature more than 25 years ago, is no longer anything but a historic footnote on old maps. The former rail line is not a tax parcel, or an existing land use, or even a land form and thus provides no rationale basis for zoning divisions. The new Tacoma Pipeline and future arterial route is the dividing line for tomorrow's developments.

Thank you for this opportunity to provide comments on the proposed updates to the Zoning Map component of the Comprehensive Plan. Given our intimate knowledge of the areas that we own, our company's plans, and our long-time involvement in the previous iterations of the several Comprehensive Plans, we would be more than happy to meet with you to provide further explanations of our rationale for proposed alternatives. Please give me a call at 425-432-4700 or e-mail at [palmercokingcoal@aol.com](mailto:palmercokingcoal@aol.com). If you an interest in touring the areas where we've provided alternate idea, I would be happy to oblige.

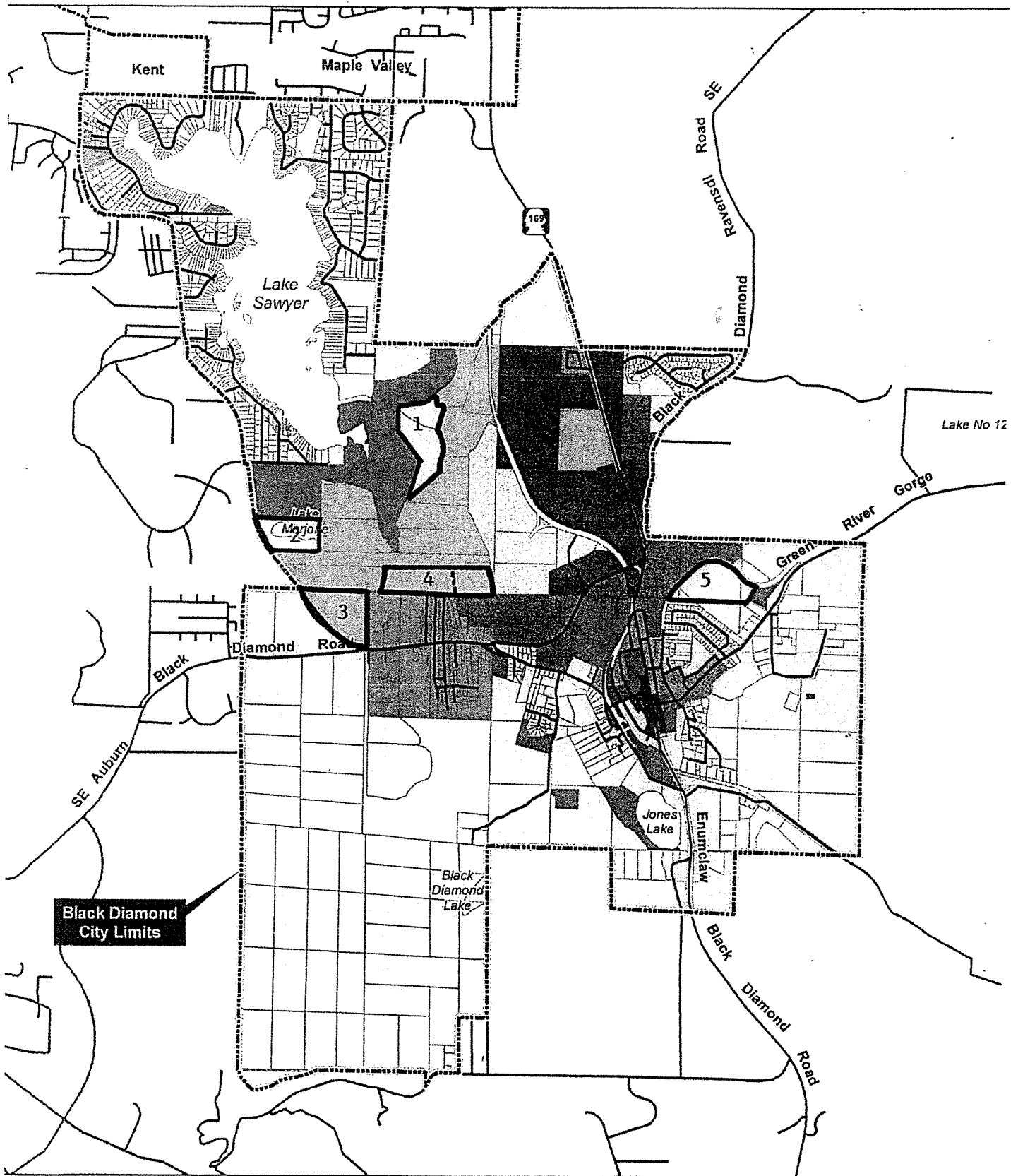
Very Truly Yours,



William Kombol, Manager  
Palmer Coking Coal Company, LLP

Enclosure: Zoning Map with Areas 1 through 5 highlighted and numbered

## PROPOSALS FOR AREAS 1 - 5



## The Villages Master Planned Development Development Agreement

Private streets shall provide at least the minimum fire access required by the then applicable City building code. Private street geometry and design specifics will be reviewed and approved by the Designated Official with each Implementing Project.

### 6.4 STREET CONNECTIVITY

#### 6.4.1 On-Site Connections

- A. The street layout for a proposed Implementing Project shall include connections to all street stub-outs provided by abutting Development as shown on Figure 6.3 within The Villages MPD. Connections to existing road stubs within King County are not required, unless they are necessary to provide fire access. As required by Condition of Approval

No. 28 of the MPD Permit Approval, no Implementing Projects located east of MPD Site Plan Development Parcel V48 shall be approved prior to completion of the South Connector roadway to its intersection with SR-169 provided single point of access standards are met or alternative secondary access is provided. (Note: No connection to Green Valley Road is proposed.)

#### 6.4.2 Off-Site Connections

The Villages MPD shall stub streets to the boundaries of abutting off-site property as generally shown on the Bike Route and Future Connection Plan (Figure 6.3). The connection points on the Bike Route and Future Connection Plan are approximate. The actual design and location of connection points will be determined at the preliminary implementing plat or final engineering stage of Implementing Projects by the Master Developer and Designated Official using a collaborative process.

#### 6.4.3 Pipeline Road

The design of Pipeline Road is to extend from Parcel C at the intersection of the Community Connector and Lake Sawyer Rd SE, easterly towards SR-169, intersecting SR-169 in the vicinity of Black Diamond-Ravensdale Rd, or where the future improved intersection of SR-169 and

Black Diamond-Ravensdale Road lies, as determined by the City. Pursuant to Condition of Approval No. 31 of the MPD Permit Approval, the preliminary design and alignment of the Pipeline Road shall be completed by the Master Developer and the right of way dedicated to the City prior to the City's approval of a building permit for the 1200th Dwelling Unit of The

Villages MPD. The Pipeline Road shall be constructed by the Master Developer and open for

The Villages Master Planned Development  
Development Agreement

traffic prior to the earlier of: (i) City's approval of a building permit for the 1746th Dwelling Unit of The Villages MPD; or (ii) when the Traffic Monitoring Plan (Exhibit "F") shows that construction is necessary to prevent a significantly adverse degradation of Level of Service on Roberts Drive. The Master Developer is required to monitor and, if triggered by the Traffic Monitoring Plan (Exhibit "F"), improve the following intersections along Roberts Drive per Table 11-5-1: (i) Roberts Drive/Morgan Street; (ii) SR 169/Roberts Drive; and (iii) Lake Sawyer Road SE/Roberts Drive. For purposes of this Section 6.4.3, "significantly adverse degradation of Level of Service" shall mean that the Master Developer is unable to make further improvements to these three identified intersections to meet adopted LOS (as defined in the City of Black Diamond's Comprehensive Plan, 2009, or other jurisdiction's standard applicable to the MPD Permit Approval) without widening Roberts Drive to provide an additional eastbound travel lane and/or westbound travel lane.

#### 6.5 OWNERSHIP AND MAINTENANCE

##### A. Ownership and Maintenance.

Pursuant to Condition of Approval No. 22 of the MPD Permit Approval, all street right-of-way will be dedicated to, owned and maintained by the City except for private streets which include alleys, autocourts serving less than 20 Dwelling Units and Main Street. Maintenance of landscape tracts and planting strips associated with streets within the MPD will be provided by the Homeowners' Association or subset thereof pursuant to the provisions of Subsection 5.5.7 of this Agreement. Provided, however, requirements of this Subsection may be superseded by Subsection 13.6 of this Agreement.

##### B. Maintenance of Private Street(s).

Master Developer agrees to maintain all private streets, alleys and autocourts serving 20 units or less as constructed in accordance with each approved Implementing Project, for a period of three years from final plat recording or other Implementing Approval. Unless otherwise agreed upon by the City and the Master Developer (or applicable Homeowners' Association), the Master Developer's street maintenance obligation, as set forth herein, shall automatically renew for an additional two year period, and continue every two years thereafter. The Master Developer, in its sole discretion, may elect to transfer the private street maintenance obligation to a Homeowners' Association or other acceptable entity following its initial three year obligation. The Master Developer's failure to adequately maintain private streets in accordance

# **BLACK DIAMOND URBAN GROWTH AREA AGREEMENT**

among

**King County, Washington**

and

**City of Black Diamond, Washington**

and

**Palmer Coking Coal Company**

and

**Plum Creek Timber Company, Limited Partnership**



**6.4.2 Surface and Ground Water.** The City shall adopt either the King County Surface Water Design Manual or Department of Ecology Stormwater Management Manual or standards substantially consistent either of the above.

**6.5 Water, Sewers and Roads.** The parties anticipate relying on a variety of funding sources and mechanisms to finance the planning, engineering and construction of water, sewer and road infrastructure to serve the East, West, South and Lake 12 Annexation Areas. The parties acknowledge that the City's existing infrastructure may not be able to serve future development without modifications to the existing system. The City's existing utility and transportation systems will likely need to be expanded and/or upgraded to serve the Potential Annexation Area and the properties already in the City adjacent to the Potential Annexation Areas that are owned by Palmer or Plum Creek. New, expanded and/or upgraded infrastructure to serve the Potential Annexation Area will be analyzed in the updates of the City's Comprehensive Plan and Water and Sewer Comprehensive Plans. The planning for this infrastructure will proceed on the schedule shown in Section 8.1. The City, with the assistance of the other parties, will seek federal, state, local government (County, City and utility districts) and public/private funding for the infrastructure planning, engineering and construction necessary to implement this Agreement. The parties anticipate that local improvement districts (LIDs) will be formed for these purposes. The City shall have the right, but not the obligation, to use LIDs as a funding mechanism. Where necessary and appropriate, the City agrees to form, or support the formation of, such LIDs. Plum Creek and Palmer agree to participate in such LIDs, and not to protest the formation of said LIDs, to the extent their properties are benefited, on a fair share basis, as provided in state law. Furthermore, Palmer shall convey to the City the necessary right of way for the east-west road ("Pipeline Road"). In such case Palmer shall be entitled to a credit for the fair market value of the conveyed right of way and any existing improvements utilized for the new roadway against any LID assessments on its property resulting from the construction of the Pipeline Road improvements. The value for the right of way, and the improvements, if any, shall be determined using the appraisal mechanism set forth in Sec. 4.2.2 provided, however, acquisition and valuation shall be as if under the threat of condemnation pursuant to state law. If an LID is not used as the funding mechanism, Palmer shall be entitled to a credit against other City charges to the extent authorized by State law.

**6.6 Open Space within the Urban Development Areas.** Since the City, County and Plum Creek agree that the development potential of the unconstrained lands in the West and South Annexation areas should be maximized, it is agreed that the provisions made for open space under this Agreement fulfill all open space requirements for development of the Urban Development Areas in the West and South Annexation Areas. Developers and builders may, solely at their own discretion, provide additional open space for design or market reasons so long as they achieve the minimum densities in the residential areas. This section is not intended to be a limitation upon the City's right to exercise its authority to require the provision of parks, playfields, or other active recreational amenities as part of the development permit process to the extent those requirements are consistent with the City's policies and regulations in place at the time a complete development permit application is submitted. If the UGA Open Space does not include sufficient park and recreation facilities to satisfy development standards, the City may require such park and recreation facilities in the Urban Development Areas.

# ZONING CALCULATION OF ACREAGE AND UNITS (from Volunteer and Citizen review of Parcels on Zoning Change)

change # in PC  
packet

change # in PC packet	Parcel	Sq feet	Acres per sq ft	Owner	Change	Total Houses		
						Totals	At density*	At max density
						155.23813		
1	1021069010	898,728	43560	20.6319559 PCC	R4 to MDR8			
2	1521069110	228,304	5.24113866 PCC	B/IP to MDR8				
2	1521069112	218,708	5.02084481 PCC	B/IP to MDR8				
2	1521069113	219,137	5.0306933 PCC	B/IP to MDR8				
2	1521069114	218,804	5.02304867 PCC	B/IP to MDR8				
2	1521069115	223,921	5.14051882 PCC	B/IP to MDR8				
3	1021069111	1,217,937	27.9599862 PCC	B/IP to MDR8			8	12
						74.048186	592	889
		unknown in King Co						
4	1021069103	Parcel View/but well over 10 acres		12 PCC	From R4 to NC			
4	1021069105	unknown in King Co Parcel View/but well over 10 acres		18 PCC PK Properties (Planning Commissioner Wes Butt), see http://ci.blackdiamond. wa.us/Docs/Notices/20	From R4 to NC			
5	1121069008	1,363,863	31.3099862	R4 to NC. Actually B/IP to CC		61.309986	8	490
6	1121069020	201,682	4.62998163 PCC	6 is R4 to NC				
6	1121069112	237,402	5.45 PCC	6 is R4 to NC				
6	1121069113	216,493	4.96999541 PCC	6 is R4 to NC				
6	1121069114	210,394	4.82998163 PCC	6 is R4 to NC				
						19.879959	7	139
					TOTAL	155.23813	1222	1518
			0				LOW UNITS	MAX UNIT?

**2019 Preliminary Docket Amendments—Planning Commission Public Hearing  
Citizens' Technical Action Team — Oral Testimony**

My name is Peter Rimbos. I live in rural King County at 19711 241st Ave SE. I lead the **Citizens' Technical Action Team** and serve as its Transportation Focal. We have worked with the city on the **2015 Comprehensive Plan Update** since the April 2, 2014, Kick-Off Meeting held in the old Elementary School gym. During that meeting we held extensive discussions with then Update subcontractor BergerABAM, the Mayor and City Council members, and Andy and Seth. We've also attended Workshops and spoken with DKS Associates.

For the past 5 1/2 years we have been immersed in all aspects of the Update. We have conducted in-depth research of most of the Update's State-required *Elements* including the *Natural Environment Element* and the *Parks and Open Space Element*—both of which Dr. Bortleson will be discussing tonight and the *Transportation Element*, which I will be discussing.

As you know, in most cases, each State-required *Element* is comprised of the corresponding *Chapter* and *Appendix*. The *Chapters* enumerate city Goals and Policies and the *Appendices* include State-required data, plans, schedules, financing, etc.

In 2018 we reviewed the city's proposed *Transportation Element* according to the requirements of **RCW 36.70A.070(6)(a)**, which calls for consistency with the land use element and inclusion of several subelements. Our 103 pp of detailed comments on the *Transportation Element*—clearly the key part of the entire Update—addressed each subelement requirement and whether or not the city has met them to a sufficient degree. These, as included in the Department of Commerce checklist, along with the applicable State **RCW 36.70A.070** subparagraph designations, are: Transportation Inventory [(iii)(A)], Levels of Service [(iii)(B)], Concurrency [(iii)(D)], Long-Term Forecasting [(iii)(E)], Future Needs [(iii)(F)], Long-Term Funding Plan [(iv)], Intergovernmental Coordination [(v)], and Traffic-Demand Management [(vi)].

For the entire *Transportation Element*—both *Chapter* and *Appendix*—we found NO changes from the April 2018 draft through the Planning Commission's August 2018 hearing and review and the May 2019 Council's approval! All Public Comments were ignored including our extensive research and comments—including ignoring all the typos, mis-spellings, inconsistent and duplicative figure and table numbering's schemes and the page numbering. For all intents and purposes the City, in its execution of the State-required Public Participation Plan, ignored all Public comments related to the all-important *Transportation Element*.

Fortunately, the City is now in the *2019 Docket Amendment Process*—the reason for this Public Hearing—and now has the opportunity to address these comments. We are taking this opportunity—at the recommendation of Community Director Barbara Kincaid—to offer our proposed Amendments to the Update. I will be discussing our proposed Amendments to the Update's *Transportation Element's Chapter 7—Transportation and Appendix 7—Transportation*.

**2019 Preliminary Docket Amendments—Planning Commission Public Hearing  
Citizens' Technical Action Team — Oral Testimony**

For *Chapter 7—Transportation* we offer nine proposed Amendments:

(1) **Policy T-4 Level of Service Standard:** Restore the statement: *“Adopt levels of service that reflect the preference of the community,”* which was inadvertently deleted from the 2009 Comprehensive Plan.

(2) **Policy T-14 Character of the City:** Restore the statement: *“Discourage widening of SR 169 to a four or five lane facility thus creating a ‘thoroughfare’ that will tend to divide the City,”* which was inadvertently deleted from the 2009 Comprehensive Plan. This was the first item listed in the *old Policy T-10*, which is now morphed into **Policy T-14**.

(3) **Policy T-8 Transportation Demand Management:** Restore the statement: *“Develop zoning and land use policies that promote land uses and development that are consistent with the City’s goals and visions and which require new development to adequately provide for the transportation needs of that development,”* which was inadvertently deleted from the 2009 Comprehensive Plan. In addition, the policy also must describe State-required Transportation-Demand Management Strategies and a A Commute-Trip Reduction Plan.

(4) thru (9) regarding our proposed Amendments to **Policies T-19 Concurrency, T-20 Funding Sources, T-21 Alternative Level of Service, T-22 Financial Impact Mitigation, T-24 Intergovernmental Agency Coordination, and T-25 Multi-modal Coordination** are too complex to discuss here.

For *Appendix 7—Transportation* we offer six proposed Amendments: **Travel Forecasts; Funding Sources; Transportation Improvements; Transportation Concurrency; Level of Service; and Intergovernmental Agency Coordination**. These are far too complex to discuss here. In our **Written Testimony**, already provided to you, we provide all the details, rationale, and applicable RCW requirement to be fulfilled.

Because transportation issues are often complex and involve a good deal of analyses, we expect it will take you some time to fully digest our detailed comments. We are prepared to answer any of your questions. As such, we recommend you reserve judgement on the 2019 Preliminary Docket Amendments at this time and not take any action until your November meeting.

In closing, please recognize the Comprehensive Plan reflects the Public’s view of their city and what they want for it. As such, we highly recommend you take the time to review the details. Please understand it is important to the city and to its residents to get this right.

Thank you.

## Regarding 2019 Planning Commission Public Hearing 10/8/2019

- Conflict of Interest – Weston Butt
  - Weston Butt owns PK Properties LLC
  - Purchased Parcel #1121069008 on 7/10/2018 under PK Properties LLC
  - Weston Butt applied for Planning Position #3 on 8/8/18
  - Weston Butt did not disclose potential conflict of interest in owning undeveloped property zoned Industrial/Business Park within the Urban Growth Area of the City of Black Diamond.
  - PLN 19-0072: SEPA Checklist submitted to the City of Black Diamond and DNR for Class 4 Tree Harvest states a proposed plan to build a strip mall and 132 multi-family apartment complex and a map showing plans to split the property from 1 lot into 8 different lots. Thus opening up for even more development above and beyond the strip mall and 132 unit apartment complex.
  - Per the “Rules and Procedures of the City of Black Diamond Planning Commission” document Section 7 – Disqualification states:
    - No member of the Planning Commission should participate in any discussion or vote on any matter in which the member has a direct and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote.”
- Lack of filled City Staffing positions
  - 4 City Staffing positions were budgeted for in 2019 and are currently unfilled.
    - Accounting Clerk/Utility Billing Specialist
    - Code Compliance Officer/Building Inspector
    - Assistant Planner/Permit Technician
    - Public Works Administrative Asst. III
  - Given the on-going Oak Pointe development I feel the City Staff is over loaded with development applications and permits and these staffing positions should be filled and trained prior to opening up rezoning for any more development applications.
    - For Example: The checking of Building Applications has missed simple yet critical issues. On Parcel #1421069195 and #1421069194 a misapplication of a 7ft Side Yard setback approved when the setback should have been a 10ft Flanking Street setback.
    - SEPA Exemption was granted for the Rock Creek Pedestrian Bridge on Roberts Drive and the City was notified by the Department of Ecology and Muckleshoot Tribe of the misapplication of WAC 197-11-800(2) and WAC 197-11-800(2)(a)(i) and was ignored.
- Traffic and School Impact fees still unresolved
  - If a development plan is submitted prior to the Impact Fees being resolved the developers will not be paying their fair share to improve the community they are

building in. The current and future citizens will shoulder the burden in Taxes and traffic grid lock and potential subpar education for our children.

- Oak Pointe Development only ~10% complete
  - Our City does not know the full impact of the current approved and ongoing development of Oak Pointe, Lawson Hills and the Villages development as they are still under way and not yet 10% complete.
    - Up-zoning plans should be put on hold until the current Master Planned Developments are at least 50-70% complete before adding any more impact to the current community of Black Diamond and its citizens.

I am not opposed to development or growth but the proposed rezoning is too soon given the current state of the City of Black Diamond and small percentage of completed Master Planned Development currently in progress. I would like to see this proposal put on the back burner for a few more years until the City Staff positions are filled and trained, the current development and impacts on the community are addressed with 50-70% of the MPD completed and the Traffic and School Impact Fees are in place.

Thank you for your consideration of these issues,

Rosemarie Wentz

25724 Pacific St, Black Diamond WA 98010



## CITY OF BLACK DIAMOND

### Commission Application

Mailing Address: PO Box 599

Physical Address: 24301 Roberts Drive

Black Diamond, WA 98010

Phone: 360.886.5700 - Fax: 360.886.2592

Name: Charles Weston Butt

Address: 29732

Home Phone:

Business Phone: 11

Email address:

How long at Residence: 29 years Best time to contact: anytime

Commission desired:

1.) planning position #2

2.)

Reason you are interested in serving: I've lived in the city most of my life and I want to be involved in shaping it for the future

Previous community activities: LSCC volunteer. (Lake Sawyer Community Club) easter egg hunt, volleyball tournament, fireworks ect.

Applicable education, occupational, and specialized experience: I do construction in a lot of cities and see how they operate. I've worked in a lot of developed cities and I notice good and bad planning ideas. Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community.

1.) Can you foresee possible conflicts of interest with any of your current employment or civic positions:

unlikely but possible with my construction work

2.) When making these recommendations do you feel you could be impartial and base your decision on the overall need and benefit of the Community: yes

Are there any days or evenings you are unavailable to meet? No

Signature: Charles Butt

Date: 8/8/18

# Rules & Procedures of The City of Black Diamond Planning Commission

## **Section 3. Secretary**

The Community Development Director or his/her appointee, shall act as the Secretary of the Planning Commission and shall keep and retain a record of all meetings of the Commission and its committees.

## **Section 4. Quorum**

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A quorum must be in attendance in order to conduct a meeting, to transact any business or to render a recommendation. Every motion of the Planning Commission requires approval of a majority of the Planning Commission members present to pass.

## **Section 5. Absence of Members**

In the event of a member being absent for three (3) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Commission may request the Mayor to ask for his or her resignation. To be excused from a meeting, members must inform the Chair or Secretary in advance of a scheduled meeting or by the end of the next business day following the meeting.

## **Section 6. Vacancies**

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the Secretary shall immediately notify the City Clerk and request the Mayor to appoint a replacement at the earliest possible time.

## **Section 7. Disqualification**

No member of the Planning Commission should participate in any discussion or vote on any matter in which the member has a direct and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote.

## **Section 8. Conduct of meetings**

- A. General. The Chair has broad authority over all matters regarding the conduct of meetings. He/she shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Commission, while permitting the orderly and timely completion of Planning Commission business.



# SEPA Checklist - RN A-0072

## PK Properties c/o Weston Butt

The current zoning is CC- Community Commercial.

f. What is the current comprehensive plan designation of the site?

The current comprehensive plan designation is CC- Community Commercial and is within the Gateway Overlay District.

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.  
4 Class 4 wetland are identified on the western portions of the site. See attached Wetland and Fish and Habitat Assessment Report and Vegetation Management Plan prepared by Soundview Consultants.

i. Approximately how many people would reside or work in the completed project?

The logging operations by itself will not have anyone working or living in the completed project. The proposed development will house approximately 250 people and about 260 people will reside in the proposed multi-family development.

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

NONE

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed harvest will comply with City of Black Diamond Municipal Code and design standards including Gateway Overlay District.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

There are no farm or forest use properties of long-term commercial significance on or near the site to our knowledge.

### 9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

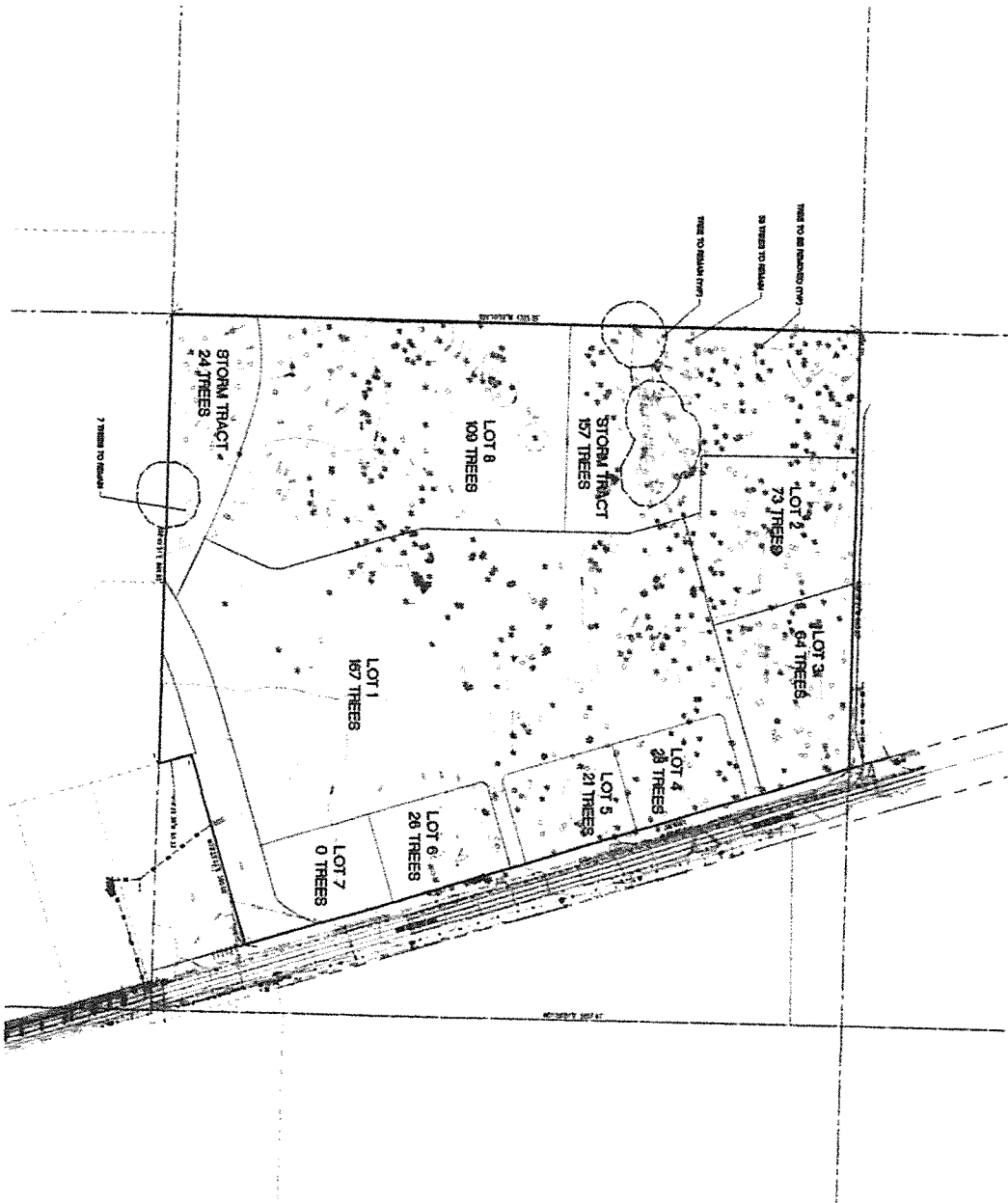
The logging and timber harvest project will not create any housing units. The long term development will create approximately 132 housing units.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.




FOR  
BLACK DIAMOND MIXED USE  
PTN OF THE SE1/4 OF THE NW1/4 OF SEC. 11, 21 N., RGE 8 EAST, W. M.  
CITY OF BLACK DIAMOND, KING COUNTY, STATE OF WASHINGTON

TREE EXHIBIT *FPD 2421335*



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Job Number <b>20338</b>	 <b>Berghausen Consulting Engineers, Inc.</b> 18215 72nd Avenue South Kent, WA 98032 425.251.6222 <a href="http://berghausen.com">berghausen.com</a>	Designed: <b>JED</b> Drawn: <b>JED</b> Checked: <b>JF</b> Approved: <b>DMS</b> Date: <b>2/22/19</b>	Scale Horizontal: <b>1"=100'</b> Vertical: <b>1"=100'</b>	For: <b>HELIX DESIGN GROUP</b> 6021 12TH ST E, SUITE 201 TACOMA, WA 98424 C/O BRUCE MCKEAN	Title: <b>TREE EXHIBIT</b>  <b>FOR</b> <b>BLACK DIAMOND MIXED USE</b>
Sheet <b>1 of 1</b>					



October 6, 2019

Dear Neighbors, Friends and Planning Commission Members

It has been brought to my attention that several zoning changes are being considered that will increase the density of additional developments that are in the planning stages in our City beyond the current major undertaking of Ten Trails.

As a resident of Black Diamond in the NE Lake Sawyer area I along with many in our immediate vicinity who access our homes via 288th either by SH169 or 216th Ave SE would stand opposed to any further development or up-zoning until significant infrastructure improvements have taken place. As planning commission members safety and quality of life must certainly be a factor in your decisions.

With the current Ten Trails development in addition to growth in King County, Covington and Maple Valley, traffic impact on the intersection at SH169 and 288th Ave SE is such that multiple accidents have occurred mostly I feel because of the difficulty trying to access SH169 north bound from east bound 288th..lots of stress put on drivers waiting in the line of cars that mount up from behind. In addition visibility is limited on thru traffic when another vehicle is turning off SR169 onto WB 288th. Understanding that this intersection is not entirely Black Diamond's responsibility it would be prudent to meet with WSDOT, Maple Valley and King County and put some options on the board such as flashing caution lights and signs indicating caution needed. After all, the safety of our citizens is at stake here.

In addition, it appears the up-zone would place more residential housing on or near the North Connector that would impact the flow of the much needed relief valve for Roberts Drive and 288th. We have an opportunity here to consider the impacts on the safety and quality of life on our residents before what appears to be a frontal assault to maximize the profits for the developers and land owners. Please consider the current residents and our sensitively too over development.

Best Regards

Philip Acosta

Black Diamond resident



## Barbara Kincaid

---

**From:** Cindy Wheeler <cincity63@comcast.net>  
**Sent:** Friday, September 27, 2019 4:29 PM  
**To:** Planning Commission  
**Cc:** Barbara Kincaid; Bill Wheeler  
**Subject:** Comments for the Public Hearing of Oct 8, 2019

The city of Black Diamond was promised to stay as a small city that would be 'Rural by Design.' It was under auspices and promises such as these that the residents of Lake Sawyer voted to annex into the city.

Growth has been 'managed' very poorly out here and in fact is being financed mainly by levies on school districts, possible levy lid lifts for fire and emergency medical service, and the city still needs to figure out a way to recoup or reclaim the Govt Mitigation Services Fee they failed to collect after four years to do so and a firm commitment for a minimum of \$1,800 per house at Ten Trails. I'm sure they will pass that cost to all as well.

The roads have been inadequately addressed to achieve proper traffic mitigation. The City's Hearing Examiner put a legal condition of approval on the next phase the required certain traffic improvements be funded in the next 6 years, because the city has failed to identify or secure those funds. (Please know that within weeks of this decision the Mayor moved to remove the Hearing Examiner from service to this city, terminating his contract which is no legally or properly within the scope of her authority. Neither is the hiring of a 'new' Hearing Examiner that she also arranged. Each of those contract duties are properly performed by the city council as the people's representative and done so in procedures in front of and known to the public.)

I have lived in this city for more than 26 years. My mother in her 80's has lived here more than 30 years. 216th will be unbearably impacted should the PCC property be zoned residential and allowed to rise to a density of 8 units per acre. That in no way meets the 'Rural by Design' principles and promises.

This up zoning should not be allowed. It is an unfair impact to the existing residents and an unfair boon to the property owners who have owned it for decades at the expense of the taxpayers.

Just say NO.

Your attention to this is appreciated.

Please acknowledge receipt of these comments. I look forward to the redline version incorporating public input, especially since the citizens have been asking for such professional editing standards and transparency since the 2013 Citizen Advisory Shoreline Mgmt Plan Group.

Cynthia Wheeler



## Barbara Kincaid

---

**From:** Bill Mcdermand <bmcder3674@aol.com>  
**Sent:** Sunday, October 6, 2019 4:57 PM  
**To:** Barbara Kincaid  
**Subject:** Zoning and Traffic ??

Specific map location of proposed zoning ?  
Is the Rainier View Sr. Park in jeopardy ?  
Traffic , speeding vehicles & Metro buses  
are practically un-manageable between Baker  
and SR 169 on 1st Ave .

Regards,  
Mary Ann & Bill McDermand  
Rainier View Sr. Park # 30

Bill Mcdermand  
bmcder3674@aol.com



## Barbara Kincaid

---

**From:** Barbara Kincaid  
**Sent:** Monday, October 7, 2019 8:16 AM  
**To:** Bill Mcdermand  
**Subject:** RE: Zoning and Traffic ??

Hello Mr. Mcdermand,

I would like to better understand the email you sent regarding zoning, traffic and Rainier Park. Would you be available for a phone call? If so, please let me know when would be a good time and a number for me to call you.

Thank you,  
Barb Kincaid

**From:** Bill Mcdermand <bmcder3674@aol.com>  
**Sent:** Sunday, October 6, 2019 4:57 PM  
**To:** Barbara Kincaid <bkincaid@blackdiamondwa.gov>  
**Subject:** Zoning and Traffic ??

Specific map location of proposed zoning ?  
Is the Rainier View Sr. Park in jeopardy ?  
Traffic , speeding vehicles & Metro buses  
are practically un-manageable between Baker  
and SR 169 on 1st Ave .

Regards,  
Mary Ann & Bill McDermant  
Rainier View Sr. Park # 30

Bill Mcdermand  
[bmcder3674@aol.com](mailto:bmcder3674@aol.com)

**Barbara Kincaid**

---

**From:** Allison Ostrer <aostrer21@gmail.com>  
**Sent:** Monday, October 7, 2019 8:21 PM  
**To:** Barbara Kincaid  
**Subject:** NO to the upzone

Dear Ms. Kincaid and City of Black Diamond,

Please note I'm writing to voice my opposition to the upzone proposal for what amounts to 1000 additional units of development - houses, apartments, and commercial - in Black Diamond.

A big concern of mine is traffic. Black Diamond is close to certain areas where I regularly drive for my small business. Already I've seen an uptick in traffic since the start of Ten Trails development. With yet another 1000 houses, traffic will get even worse, and the city has shown no real plans on how to accommodate the huge increase in traffic.

Another is the further destruction of the town and surrounding environment. The new development is already clearly a blight on a once beautiful town. Forests have been cut down and replaced with flat, sterile dirt fields and cheap, ugly new houses. Upzoning for another 1000 units simply means less beauty and more ugliness. Even where the existing land has been cleared, the development proposed would be so dense that most of it would not have any trees.

Finally, I question the overall structure of the deals being made. Palmer Coking once ran the coal mines that gave Black Diamond its name. When they stopped mining, they decided to sell their land holdings for development. The Washington Department of Ecology has already run at least TWO toxic cleanup projects on Palmer Coking sites (CS IDs 8660 and 4615). Instead of reimbursing taxpayers for thousands of dollars we spent to clean up their mess, Palmer is instead making even more profit by selling more land.

Please respond so I know you received my message.

Sincerely,  
Allison Ostrer

Sent from my iPhone



## Barbara Kincaid

---

**From:** megan brocx <mbrocx@comcast.net>  
**Sent:** Monday, October 7, 2019 3:46 PM  
**To:** Barbara Kincaid  
**Subject:** Fwd: letter to Planning Commission

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

From: megan brocx <mbrocx@comcast.net>  
To: bkincaid@blackdiamondwa.gov  
Cc: Mbrocx@comcast.net  
Date: October 7, 2019 at 8:21 AM  
Subject: letter to Planning Commission

To the Planning Commission,

Please Do Not approve Palmer Coking Coal's proposal to up zone some of their property.

Oak Point is already planning to put in 6000 new homes without the infrastructure financed to support it. The proposal to put in 1000 more homes is ridiculous. I do not think the Mayor, city council or city staff realize the impact all this development will have on our city and or most likely do not care.

Instead of raising our taxes and hoping for grants that are unlikely, charge the developers full impact fees to

cover the additional costs of public services.

I have been walking around Black Diamond Neighborhoods talking to people about the development for at least 3 years. The majority of them, like me, have moved to Black Diamond for the PEACE AND QUIET, CLOSENESS TO NATURE, LIGHT TRAFFIC AND, DO NOT MIND GOING TO MAPLE VALLEY OR COVINGTON FOR SHOPPING. We Do Not Want All This Development.

Like me, they are very annoyed by the increase in traffic on 169 and 288th, especially when going to and from work. We need that land to be used for a good road to handle the increase in traffic now and in the future.

Since there has been clear cutting and construction near my house, I have seen more deer cross 169. There is a bear that comes in my neighborhood every trash day and knocks over trash cans.

The attitude of the Mayor, city council and city staff is, there is plenty of forest left for the animals. I AM APPALLED. With the construction also going on in Maple Valley, Covington, Ravensdale and Enumclaw, I do not think so.

I think we have a Mayor and city council that does not care about what the majority of people in Black Diamond want. THIS MASS DEVELOPMENT WAS FORCED ON US.

Please consider the majority of people who want Peace and Quiet, To Be Close to Nature, a Small Town, Light Traffic and Do Not Mind Driving to Maple Valley or Covington For Shopping, when making your decisions.

Sincerely,

Megan Brocx

**Barbara Kincaid**

---

**From:** Shane <shane\_kelly@comcast.net>  
**Sent:** Monday, October 7, 2019 10:06 PM  
**To:** Barbara Kincaid  
**Subject:** Black Diamond Zoning Changes

Dear Ms Kincaid,

I'm opposed to the proposal to upzone Black Diamond for another 1000 houses.

I've lived at 22506 SE 321st St for nearly 15 years. I moved to the Black Diamond area because it was a small community without these sort of large developments.

I live in 101 Pines, a small development just outside of city limits, that grew slowly starting around 1970. Already with the new Ten Trails development I've experienced an increase in traffic, and a decrease in quality of life because of how the town is being altered. We do not have big city type transit available, and the roads leading in and out of Black Diamond cannot handle the traffic that Ten Trails will already bring, much less an additional 1000 homes. Please do not approve the further expansion and zoning proposal.

Sincerely,

Shane Kelly

Sent from my iPhone



Add a new policy to support the continued long- term monitoring of Lake Sawyer for phosphorus concentrations through the County's Lake Stewardship program.

Add policies to provide incentives to use less water and development of recycled water.

Add policy to review Sensitive Area Ordinance periodically.

*Note: New policy was added to comprehensive plan addressing adherence to Tree Preservation Ordinance per TAT suggestion.*

## **Chap. 5. Land Use.**

Add a policy to promote use of greenbelts and median roadway strips for aesthetic and stormwater-control value. (see MPD overlay)

Add a policy indicating the need to reserve land in advance for future active parks.

Add a policy that an urban reserve designation shall not occur unless 50 percent of the lands within can be identified as open space.

Add a land-use policy to define the limited uses for passive open space.

Add a new goal to provide for a greenbelt gateway on HY 169 on the north side of town.

Add policies promoting landscaping and setback features for new businesses located along HY 169 gateway to the city.

Add land- use policy encouraging landowners to retain forest stands.

*Note: The new electrical company is a good example of providing wide setbacks, side parking, and attractive landscape features along gateway.*

Add a policy to encourage rear-building parking for commercial and retail buildings.

Add a policy to provide wide urban-separators between schools and rural neighbors.

Add a policy for all urban-serving facilities to remain in the Urban Growth Area boundaries.

Add a policy to encourage storm-water ponds to be used as perimeter walking paths.

Add a policy encouraging inclusion of clustering of small neighborhood housing.

Add a policy to require in-building parking for apartment-style buildings.

*Note: The two illustrations showing open space areas as a land-use category don't agree (at end of Land-Use chapter). Specifically, the open space areas depicted in "Open Space Protection Agreement" and "Future Land Use" don't agree in same spatial coverage.*



## **COMMENTS ON BLACK DIAMOND COMPREHENSIVE PLAN BEFORE PLANNING COMMISSION**

**Dr. Gil Bortleson, 23831 SE Green Valley Road, Auburn, WA 98092  
Environmental Focal, Citizens' Technical Action Team  
October 8, 2019**

### **General.**

Establish a central planning theme for City. The past comprehensive plan emphasized "*Rural-by-Design*" as a planning theme as well as Yarrow Bay promotional materials . The present plan has deleted any mention of this planning theme that was previously fostered by City officials and citizens. Some urban planners believe theme-based cities are more livable, sustainable, and inclusive. Theme-based cities provide a direction for planning policies.

Add policies that would incorporate the use of urban separators. King County Countywide policies call for cities to implement urban separators or open- space buffers around Urban Growth Area boundaries. Urban separators should be designed in a way to vary in width depending on the presence of adjoining sensitive areas and wildlife corridors. Show urban separators on a map.

Add a new chapter to Plan entitled "Wildlife" reflecting the interest of hundreds of citizens who spoke at the MPD hearing and often expressed the importance of wildlife in their testimony.

*Note: After the Comprehensive Plan is finalized suggest having one hardcopy available in the Black Diamond library.*

### **Chap. 3. Parks, Recreation, Trails, and Open Space.**

Suggest adding the potential parks, trails, and open space shown in the 2009 Comprehensive Plan (*Figure 2-3. Black Diamond primary and secondary open space*) to the current comprehensive plan. Some named trails include pipeline trail, Mud Lake trail, Ginder Creek trail, and Morganville-Lake Sawyer trail. Some named parks include Mud Lake Park, Roberts Drive Park, and Morgan Street Park.

Place a map in the main body of the comprehensive plan showing all current and proposed parks, trails, recreation areas, and open spaces. Subdivide active from passive open space. The map could be similar in concept to that of the 2009 comprehensive plan.

### **Chap. 4. Natural Environment.**

**Policy NE-12.** Add working with wildlife experts to identify and map wildlife corridors.

**Policy NE-14.** Add endorsing and following guidelines of King County noxious weed management.

Citizens' Technical Action Team  
**Proposed Amendments for the 2019 Docket**

PROPOSED AMENDMENTS	COMMENTS
<b>Transportation Element, Chapter 7</b>	
<ul style="list-style-type: none"> <li>Modify <b>Policy T-4 Level of Service Standard</b> to add back in the following from the 2009 Comprehensive Plan: <i>"Adopt levels of service that reflect the preference of the community."</i></li> </ul>	This statement was inadvertently deleted.
<ul style="list-style-type: none"> <li>Modify <b>Policy T-14 Character of the City</b> to add back in the following from the 2009 Comprehensive Plan: <i>"Discourage widening of SR 169 to a four or five lane facility thus creating a 'thoroughfare' that will tend to divide the City."</i> [this was the first item listed in the old Policy T-10, which is now Policy T-14]</li> </ul>	This statement was inadvertently deleted.
<ul style="list-style-type: none"> <li>Modify <b>Policy T-8 Transportation Demand Management</b> to describe: <ul style="list-style-type: none"> <li>(1) Existing and planned <i>Transportation-Demand Management (TDM) strategies</i>, such as HOV lanes, parking policies, etc.: <b>RCW 36.70A.070(6)(a)(vi)</b>, <b>WAC 365-196-430(2)(i)</b></li> <li>(2) A <i>Commute-Trip Reduction (CTR) Plan</i> to achieve reductions in the proportion of single-occupant vehicle commute trips: <b>RCW 70.94.527</b>. [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.]</li> <li>(3) Add back in the following from the the 2009 Comprehensive Plan: <i>"Develop zoning and land use policies that promote land uses and development that are consistent with the City's goals and visions and which require new development to adequately provide for the transportation needs of that development."</i></li> </ul> </li> </ul>	<p>(1) A mandatory element is a description of Transportation-Demand Management strategies, such as HOV lanes, parking policies, etc. as required by <b>RCW 36.70A.070(6)(a)(vi)</b> and <b>WAC 365-196-430(2)(i)</b>.</p> <p>(2) A Commute-Trip Reduction Plan and ordinance is required by <b>RCW 70.94.527(1)</b> and an option under <b>RCW 70.94.527(2)</b> depending on whether the 100 person-hour delay threshold is exceeded.</p> <p>(3) The statement <i>"zoning and land-use policies"</i> was inadvertently deleted.</p> <p>[Underlying demand-management rationale: This is especially important since approval of the MPDs was partially predicated on the assumption of achieving an Internal Capture Rate (ICR) of 18%. Since assumed ICRs have a <i>direct</i> influence on the evaluation of traffic volume, trip distribution, travel times, and queue lengths, they are, possibly, one of the most important assumptions that feed the Traffic-Demand Model (TDM) and subsequent analyses. There is a concern that some Institute of Transportation Engineers (ITE) methods (the Master Developer's Transportation Consultants used these in assessing the MPDs) for ICRs may <i>not</i> be applicable to large MPDs (KCDOT stated this in its testimony during the MPD Public Hearings).]</p>

Citizens' Technical Action Team  
**Proposed Amendments for the 2019 Docket**

PROPOSED AMENDMENTS	COMMENTS
<ul style="list-style-type: none"> <li>• <b>Modify Policy T-19 Concurrency:</b> "... The most significant adopted policy of meeting concurrency standards is accomplished by the two major MPD Development Agreements that require the developer to implement any and all of the capacity adding projects in the City's comprehensive plan to maintain the City's level of service standards." by adding, immediately thereafter, the following: <u>"However, it is understood the MPD Development Agreements are exempted from both State and City concurrency laws and all 'concurrency-related' evaluations will be based on the MPD Traffic Monitoring Plans."</u></li> <li>• <b>Modify Policy T-20 Funding Sources</b> to specifically identify stable and predictable funding sources for maintaining and preserving existing transportation facilities and services.</li> </ul>	<p>The City recognizes all MPD "concurrency-related" evaluations will be based on Traffic Monitoring Plans and should there occur "....a disagreement between the applicant and the City about the timing of construction of a transportation project under the monitoring plan, ..." (ref.: MPD Permit Condition of Approval 25), it is not clear how it will be rectified, as only the conduct "pre-phase monitoring" and "mid-phase monitoring" are included <u>and</u> disparities in interpretation of results of same could occur. Plus, modeling need only take into account the number of new homes and commercial buildings that are actually <i>occupied</i> and generating traffic. The City recognizes the overall intent of the traffic monitoring should be to satisfy <b>BDMC 18.98.010(1)</b> to provide "needed services and facilities in an orderly, fiscally responsible manner."</p> <p>Further, the City recognizes the traffic monitoring plans set up detailed timing requirements for infrastructure improvements that are <u>not</u> linked to implementing project-level concurrency assessments. Nothing in the Traffic Monitoring Plans suggests construction of traffic infrastructure will be superseded by the concurrency findings required by the MPD Development Agreements section 11.1. Consequently, the City intends to negotiate an amendment to the Traffic Monitoring Plans to clarify that GMA traffic concurrency review shall <i>supersede</i> any conflicting <i>timing</i> identified in the monitoring plan. The City recognizes this will ensure it meets the timing requirements of GMA traffic concurrency adopted in <b>BDMC 19.98.080(A)(4)</b>.</p> <p>To fulfill PSRC requirements for Comprehensive Plan <i>Transportation Elements</i>.</p> <p>[<u>Underlying rationale:</u> Future Financial Plans to satisfy part of the MPD-needed infrastructure relies heavily on unstable and unpredictable potential Grant monies.]</p>

Citizens' Technical Action Team  
**Proposed Amendments for the 2019 Docket**

PROPOSED AMENDMENTS	COMMENTS
<ul style="list-style-type: none"> <li>• Modify Policy <b>T-21 Alternative Level of Service</b> by eliminating: “❖ <i>Reduce the LOS standard for the system or portions of the system to give the City more time to fund the needed transportation improvements.</i>”</li> </ul>	<p>This statement was inadvertently added. It states pretty much what State law allows as a last-ditch option on Concurrency, but its citizens desire for their city to <u>not</u> reduce LOS standards to accommodate the Master Developer at the expense of its their quality of life. The City recognizes that under the State's GMA, if the Master Developer cannot meet the city's LOS standards, then it simply has to scale back its plans and plan for fewer homes to be built.</p>
<ul style="list-style-type: none"> <li>• Modify Policy <b>T-22 Financial Impact Mitigation</b> (fourth bullet): “❖ <i>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.</i>” by adding, immediately thereafter, the following: “<i>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.</i>”</li> </ul>	<p>The City recognizes that it has wide discretion when it comes to MPD traffic-demand modeling and analyses leading to needed identified mitigation due to the strength of MPD Permit Condition of Approval 17 and its ten subparagraphs and its multiple sub-subparagraphs.</p>
<ul style="list-style-type: none"> <li>• Modify Policy <b>T-24 Intergovernmental Agency Coordination</b>: “<i>Coordinate planning, construction, and operations of transportation facilities and projects with other governmental agencies.</i>” by adding, immediately thereafter, the following: “<i>Develop a plan to avoid new or expanded facilities in rural areas.</i>”</li> </ul>	<p>To fulfill PSRC requirements for Comprehensive Plan <i>Transportation Elements</i>. A plan is necessary to ensure such rural area facilities will not require improvements to handle the predicted increased level of traffic.</p>
<ul style="list-style-type: none"> <li>• Modify Policy <b>T-25 Multi-modal Coordination</b>: “<i>Coordinate planning and operation of efficient and varied means of transportation for the City of Black Diamond's transportation system.</i>” by adding, immediately thereafter, identified needs for SR-169 consistent with the State Multimodal Transportation Plan (<b>RCW 47.06.040</b>).</li> </ul>	<p>The City recognizes its unique dependence on SR-169, as well as limitations in providing regular bus service to and from the city.</p> <p>To fulfill the requirements of: <b>RCW 36.70A.070 (6)(a)(iii)(F)</b> “<i>The transportation element shall include the following subelements:...Facilities and services needs, including:...Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;</i>”</p>

Citizens' Technical Action Team  
**Proposed Amendments for the 2019 Docket**

PROPOSED AMENDMENTS	COMMENTS
<p style="text-align: center;"><b>Transportation Element, Appendix 7</b></p> <ul style="list-style-type: none"> <li>• <b>Travel Forecasts</b>  p. 18, 1st para, under <b><i>“Travel Forecasts”</i></b>: —  The 2nd bullet shows <i>“land-use projections”</i> for “year 2035” that do not even fully take into account the planned 6,050 homes in the MPDs, let alone any <i>other</i> development over the 19-yr period covered.  —Those <i>“land-use projections”</i> for “year 2035” are <u>not</u> consistent with the City’s agreed-to Growth Targets, nor either PSRC’s Regional transpiration Plan (20189) or PSRC’s VISION 2050 (now being finalized).  —Regarding the statement about <i>“existing traffic-demand models”</i> the City must take care in recognizing that the TDM used to support approval of the MPDs was completely rejected by the City’s Hearing Examiner and creation of a new one to evaluate the impacts of the MPDs on the City’s and region’s traffic patterns and volumes was put off by the City Council until 850 building permits have been issued. Consequently, the City can have no confidence or reasonable assurance with any travel forecasts based on the discredited TDM, as enumerated in painstaking detail by the city’s Hearing Examiner’s MPD Environmental Impact Statement Hearing <i>Decision</i> and MPD Application Hearing <i>Recommendations</i>.</li> </ul>	<p>Discussion of travel forecasts are governed by <b>RCW 36.70A.070(6)(a)(iii)(E)</b>: <i>“Travel forecasts should be based on adopted regional growth strategies, the regional transportation plan, and comprehensive plans within the region to ensure consistency.”</i></p>

Citizens' Technical Action Team  
**Proposed Amendments for the 2019 Docket**

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

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PROPOSED AMENDMENTS	COMMENTS
<p>• <b>Transportation Improvements</b>  pp. 19-32, under “<b>Transportation Improvement Recommendations</b>”:  ——TAT provided a large number of technical comments on transportation improvements that covered over 22 pages (including the original text and figures)—our comments comprised, in total, ~7 pages, which cannot be repeated here, but it is strongly suggested they be read and considered (<u>including identification of major typos and footnotes</u>). Below is a very, very brief summary of those comments:</p> <p>“The city should not address road and intersection improvements <i>“incrementally with developments as traffic volumes increase,”</i> as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. <u>The State GMA calls for identifying the long-term scope in advance, then assigning reasonable proportion of those improvements to each development.</u> We remain concerned the verbiage herein is not consistent.</p> <p>Several 2022-2035 intersection projects listed in Table 0-9 (<i>also</i> labeled Table 0-1) are <u>not</u> shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met.</p> <p>Further, although traffic volume predictions, etc. are provided, <u>there is insufficient explanation of the 2035 scenario.</u> Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance listed for each in Table 7-11. We would expect this all to be connected and sufficiently explained in the text, but it isn't. In fact, the text simply states: “... <i>additional arterial roads will be needed...</i>” It must be kept in mind that the information provided in Figure 7-7 is <i>critical</i> to evaluating future traffic impacts and whether or not this Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents. Unfortunately, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7.”</p>	<p>Discussion of transportation improvements is governed by the requirements of: <b>RCW 36.70A.070 (6)(a)(iii)(F)</b>: “<i>The transportation element shall include the following subelements:... Facilities and services needs, including:... <u>Identification of state and local system needs to meet current and future demands....</u></i>”</p>

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PROPOSED AMENDMENTS	COMMENTS
<p>• <b>Transportation Concurrency</b>  pp. 36-41, under “Concurrency”:  — —Add a <i>Flow Chart</i> (not dissimilar to Figure 0-1 “Concurrency Management System” on p. 41) that delineates the interrelationship between the continuing cycle of: Meeting LOS Standards: Traffic Monitoring : Traffic-Impact Analyses : Modifying Development Size/Pace : Traffic Monitoring : ....  — —TAT provided a large number of technical comments on Concurrency that covered over 9 pages (including the original text and figures)—our comments comprised, in total, ~2 pages, which cannot be repeated here, but it is strongly suggested they be read and considered. Below is a very, very brief summary of those comments:</p> <p>“Herein it is stated (and DKS Associates’ transportation experts have stated same in meetings): <i>“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.”</i> <u>This is true to a point</u>, but it is not a get out of jail free card, as it depends heavily on MPD Condition of Approval 20’s <i>Traffic Monitoring Plan</i>, which has some flaws.</p> <p>The city’s Hearing Examiner recognized these flaws and clearly pointed them out in his Recommendations on the MPD Development Agreements, which were <u>not</u> heeded and subsequently <u>rejected</u> by the 2011 City Council. In fact, <u>the city’s Hearing Examiner enumerated major concerns with how concurrency was handled in the MPD Application Permit Conditions of Approval and the Development Agreements</u>. These should be addressed here.</p> <p>The MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, <i>not</i> actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The city must recognize the MPD Master Developer will be providing the bare minimum to meet its local direct impacts, so that <i>cumulative</i> long-term growth could be ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner.”</p>	<p>The City recognizes that GMA Concurrency is the mechanism that allows land-use and transportation infrastructure planning to succeed in producing a high quality of life and a strong economic climate.</p> <p>Discussion of concurrency is governed by the requirements of: <b>RCW 36.70A.070 (6)(b)</b>:  <i>“After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), “concurrent with the development” means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.”</i></p>



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PROPOSED AMENDMENTS	COMMENTS
<p>• <b>Level of Service</b>  p. A7-2 [note that Appendix 7 has multiple page numbering formats], under “<b>Level of Service and Concurrency</b>”:</p> <p>(1) Add a discussion of level of service standards and how they have been and will continue to be regionally coordinated.</p> <p>(2) The following from the 2009 BDCP should be placed back in:  <i>“The requirements of Black Diamond’s Transportation Concurrency Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as ‘highways of statewide significance.’ The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test.”</i></p> <p>(3) Please note TAT’s detailed comments on what used to be called section <b>7.5 Actions Needed to Meet Level of Service Standards</b> (see p. 35 of TAT’s Appendix 7 comments) regarding WSDOT’s comments on the SR-169 roundabouts and mitigation needed for the failing LOS for the 216th Ave/288th St intersection.</p>	<p>(1) Discussion of level of service standards is governed by the requirements of: <b>RCW 36.70A.070 (6)(a)(iii)(B)</b>: <i>“Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;”</i></p> <p>(2) This statement was inadvertently deleted.</p>

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PROPOSED AMENDMENTS	COMMENTS
<p>• <b>Inter-Governmental Coordination</b>  p. 43, under “<b>Transportation Facilities and LOS Standards Coordination</b>”:</p> <p>The discussion herein on such coordination is grossly deficient and simply talks about participating on various transportation boards—<i>which is necessary, but not sufficient.</i></p> <p>At a minimum, the city needs to sit down with its counterparts in both the cities of Maple Valley and Covington to decide what can be done by all three to minimize traffic impacts of their combined developments. The three cities share several major roads and, thus, share several major problems today and into the future. Also, the three cities need to share information to better understand their respective traffic-demand models and assumptions: Where do they dovetail? Where do they conflict? How can they be coordinated and, at least, their respective results be understood in the same regional context?</p> <p>The City needs to sit down with King County to discuss impacts to its road infrastructure.</p> <p>The City must recognize that it has chosen to far, far exceed its agreed-to Growth Targets. This decision will have a strong negative impact on traffic in much of southeast King County for generations. Taxpayers who do not live in Black Diamond should not be asked to pay—through State Grants, State highway funds, County highway funds, etc.—for the City’s decision to permit the two massive MPDs without a full transportation evaluation that was acceptable to the city’s Hearing Examiner and Council.</p>	<p>This is required by <b>RCW 36.70A.0740(6)(a)(v)</b>: <i>“Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;...”</i>)</p>



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*Ref.: DRAFT August 7, 2018 Appendix 7 — TRANSPORTATION, as augmented by Figure 7-7, August 20, 2018.*

### **CITY OF BLACK DIAMOND COMPREHENSIVE PLAN - DRAFT**

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#### **CITY OF BLACK DIAMOND COMPREHENSIVE PLAN – DRAFT**

COMMENT: We reviewed the city's proposed Transportation Element according to the requirements of **RCW 36.70A.070 — Comprehensive plans — Mandatory elements.:**

*(6) A transportation element that implements, and is consistent with, the land use element.*

*(a) The transportation element shall include the following subelements:*

*(i) Land use assumptions used in estimating travel;*

*(ii) Estimated traffic impacts to state-owned transportation facilities...;*

*(iii) Facilities and services needs,...*

*(iv) Finance,...*

*(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;*

*(vi) Demand-management strategies;*

*(vii) Pedestrian and bicycle component....*

Our comments herein address each of these requirements and whether or not the city has met them to a sufficient degree.

COMMENT: Herein please find our detailed set of comments—in some cases, paragraph by paragraph, figure by figure, and table by table.

To help Planning Commissioners and City Council members review our comments, we offer the following *top-level summary*, which we recommend be read at the outset of those reviews:

- I. Transportation Element: Developing a good Transportation Element takes careful analyses and execution. While complex, it can and should be explained to the Public to gain its acceptance—for it is their plan and they are ones who will have to live with it. We see the materials provided herein as a good start.
- II. Future Development: Although the city's Comprehensive Plan Update must address all potential future development and related impacts, in the case of Black Diamond, the two Master-Planned Developments (MPDs) clearly dominate and, thus, most comments herein deal with them.
- III. Future Decision Points: When it comes to the MPDs, the city has many future decision points. In the transportation area there are at least four key decision points: *Traffic Monitoring Plan* (evaluate/monitor traffic to ensure improvements are constructed to keep pace with MPD Development), *Traffic-Demand Model* (see IV. below), *Transportation Concurrency* (see XIII. below) (to ensure public facilities and services are adequate to serve new development at time of occupancy without decreasing service levels), and *Traffic Mitigation Funding* (besides ensuring traffic mitigation meets the city's needs—and those of the surrounding communities, possibly the greatest risk to be confronted is

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ensuring adequate and timely funding and timely completion of such infrastructure). Our comments herein address each of these decision points.

- IV. MPD Traffic-Demand Model: This is a computer model simulation of the road grid in the greater Black Diamond area (both within the city and beyond the city limits) used to predict and evaluate traffic volumes, patterns, and distribution. A model was originally developed to support the MPD Environmental-Impact Statements (EISs) in 2009 using 2007 (Great Recession era) traffic data, but the City's Hearing Examiner found a large number of deficiencies:

*"The MPD, when completed, will have the effect of introducing the traffic of a new, small city to south King County. This scale of development justifies the creation of a project specific transportation demand model that accounts for all existing and planned local land uses, is validated for local traffic, contains an appropriately fine grained transportation analysis zone network, considers existing peak hour factors, considers both funded and unfunded transportation improvements that coincide with the build-out timeframe for the project, considers safety concerns, attempts to preserve the rural Heritage Corridor, provides a realistic mode split analysis for both transit and non-motorized uses and determines a reasonably accurate internal trip capture rate. Therefore, the project applicant will be required to create a new transportation model that incorporates all the controls identified above and subject that model to peer review and periodic updates."*

***[Hearing Examiner MPD Application Recommendations, p. 124]***

A new model is under development (as required by MPD Ordinance Condition of Approval {COA} 11), but has yet to be completed and validated.

During the development of this Comprehensive Plan Update the city has contracted with DKS Associates to conduct *"planning level traffic simulation runs"* ***[Exhibit A - Scope of Work, City of Black Diamond Professional Services Agreement with DKS Associates, as revised 8/18/16]*** It is not clear exactly what model development DKS did, nor the fidelity of same. However, from what we surmise from the Scope of Work's Tasks, SYNCHRO Models are to be used to look at PM peak-hour traffic volumes at certain intersections out to the year 2035 (a 20-yr horizon).

It must be understood that SYNCHRO evaluates *macro-level* performance (e.g., time delays)—not real world conditions, which would require much finer modeling. While SYNCHRO may be sufficient for high-level planning, it must be recognized the limitations that come with the predictions. SYNCHRO can be used to evaluate LOS that results from a given set of demand and configuration assumptions at one intersection at a time. SYNCHRO can be used to design intersections to serve a given level of demand at the level of design and operations. But it does not forecast the demand that is the

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fundamental input. Those numbers are an assumption given to SYNCHRO to test and usually come from a traffic-demand model. No information on such modeling has been provided herein, so it remains very difficult for the Public to pass any judgement on the fidelity of the results being presented.

Care must be taken in the assumptions used when developing any type of traffic model and conducting subsequent analyses—we have some concerns here. For example, the city has instructed DKS Associates to assume two lanes each way along SR-169 from the proposed Roundabouts at Roberts Dr and Ravensdale-Black Diamond Rd to SR-516 (“Four Corners”). However, the MPD Master Developer is not required to expand SR-169 to two lanes each way. This one assumption will yield very different traffic volumes entering and leaving the city along SR-169, as well as impact other roads as traffic finds paths of least resistance.

There are many other assumptions required to be made when conducting traffic modeling and analyses on this scale. These include, at a minimum: Background Traffic Growth, Internal-Capture Rate, and Mode Split. All can have profound effects on results. That is why typically *sensitivity analyses* are devised and performed to understand the spread of results and why, so as to use engineering judgement to determine what is realistic and can be achieved.

Yes, we understand that all of this will be taken into account when the new MPD Traffic-Demand Model (TDM) is developed and subsequent Traffic-Impact Analyses (TIAs) are conducted, but it must be recognized that, at this point, the city should take care with the level of confidence it has in modeling and analyses conducted so far—either for the MPDs by Parametrix to support the Permit and Development Agreements, or by DKS to support this Comprehensive Plan Update. Further, what are the assumptions used in any of the analyses listed?

- V. SR-169: There is a major disconnect in what is assumed herein and what actually is planned in PSRC’s *Regional Transportation Plan (RTP)*—the successor to *Transportation 2040*—adopted in May 2018. The *RTP* shows only a small portion of SR-169, just through *part* of Maple Valley, as slated for widening by 2040. Consequently, this Comprehensive Plan Update through 2035 *must* recognize this reality.

Also, there is a major disconnect with the SR-169 Roundabouts between what is being planned herein (i.e., two-lanes each way) and what is being designed and constructed by the MPD Master Developer (i.e., one-lane each way). The city’s Hearing Examiner’s recommended a new TDM be created and new TIAs be conducted *prior to approval of the permits for the two MPDs*. By waiting until 850 building permits have been issued to do anything, transportation infrastructure will be designed and built (e.g., including these Roundabouts) *before* it is known if the new traffic analyses show they will actually perform adequately and meet LOS standards. In the future this could present a potential major legal headache and financial burden on the city.



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Not only SR-169 (the backbone of the city's transportation system) must be included in a projection of state and local system needs to meet current and future demand: **RCW 36.70A.070(6)(a)(iii)(F)** and **WAC 365-196-430(2)(f)**, but so must King County arterials beyond the city limits, such as the Issaquah-Hobart-Ravensdale-Black Diamond Rd and Auburn-Black Diamond Rd—all of which will be stretched beyond their capacities due to the MPDs.

- VI. Funding Sources: We remain concerned the city's Transportation Improvement Plan (TIP) relies, in some part, on Grant monies. Further, we see no Contingency Plans in place should those monies continue to remain in short supply or, even, if grants are won, they are of lesser amounts than requested. Such Contingency Plans are a requirement of State **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)(C)**.

- VI. 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 discrepancy can have profound effects on traffic modeling and analyses.

- VIII. 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 herein 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 listed for each in Table 7-11. We would expect this all to be connected and sufficiently explained in the text, but it isn't. In fact, the text simply states: "*...additional arterial roads will be needed...*"

It must be kept in mind that the information provided in Figure 7-7 is *critical* to evaluating future traffic impacts and whether or not this

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Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents. Unfortunately, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7.

- IX. Cost Estimates: These should be provided for *all* transportation capacity-adding projects for *both* the short term thorough 2021 and the long term through 2035.
- X. MPD-Funded Projects: The Master Developer-Funded Transportation Projects table (Table 7-10) is not described in the text (nor referenced) and is mostly blank. Such information is necessary in order to evaluate whether future traffic projects will mitigate MPD impacts and whether or not this Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents.
- XI. Housing / Job Imbalance: This could continue to plague the city for years to come and get progressively worse as the MPDs are built out, especially if much of the commercial space that is planned primarily results in low-paying retail and related jobs. Those jobs most likely will not allow families to afford to purchase homes in the MPDs. Consequently, many new MPD residents will be commuting *from* the city, while many in-city jobs will be filled by those commuting *into* the city. This will directly exacerbate traffic woes and must be properly evaluated in all traffic-demand modeling.
- XII. Future Financing Plans: Because new traffic modeling and analyses are required per the MPD COAs (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 herein.
- XIII. Transportation Concurrency: Herein it is stated (and DKS Associates' transportation experts have stated same in meetings): *"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 is not a *get out of jail free card*, as it depends heavily on MPD Condition of Approval 20's *Traffic Monitoring Plan*, which has some flaws.

The city's Hearing Examiner recognized these flaws and clearly pointed them out in his Recommendations on the MPD Development Agreements, which were not heeded and subsequently rejected by the 2011 City Council. In fact, the city's Hearing Examiner enumerated major concerns with how concurrency was handled in the MPD Application permit Conditions of Approval and the Development Agreements. These are not addressed herein and should be.

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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 must recognize 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.

XIV. Level of Service: The city makes the following statement based on the traffic analysis information it has so far: “*With the installation of the capacity adding projects as identified in Table 7-13 facilities meet the LOS standards based on existing, 6-, and 20-year forecasts.*” However, it cannot be overemphasized that the MPDs have yet to be subjected to technically sound and accurate Traffic-Demand Modeling used to inform Traffic-Impact Analyses, as enumerated in painstaking detail by the city’s Hearing Examiner’s MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations. Consequently, the city has no reasonable assurance, at this time, that “*capacity adding projects*” will in any way be sufficient to meet the needs identified, since the true needs are not really known to any degree of accuracy.

XV. MPD Development Agreements: These will expire in 2026—far before full MPD buildout is achieved. This must be recognized in herein and assessed accordingly. We found no discussion thereof.

XVI. Inter-Governmental Coordination: This is required by **RCW 36.70A.0740(6)(a)(v)**: “*Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;*” The discussion herein on such coordination is grossly deficient and simply talks about participating on various transportation boards—which is necessary, but not sufficient. At a minimum, the city needs to sit down with its counterparts in both the cities of Maple Valley and Covington to decide what can be done by all three to minimize traffic impacts of their combined developments.

Further, the city transportation consultants should sit down with their counterparts from the cities of Maple Valley and Covington to better understand their traffic-demand models and assumptions.

COMMENT: We reviewed the entire Transportation Appendix herein in *Word*. We also cross-checked it with the *pdf* version of the entire Comprehensive Plan Update, as well as past working versions of the Transportation Appendix.

Please note the following discrepancies: In the *pdf* version all Figures and Tables start with the number “0.” In the *Word* version herein, the numbering of some Figures and Tables are missing the hyphen (“-”). In the *pdf* version the Table of Contents uses

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standard section and subsection numbering, but the text itself uses no numbering. This makes it very difficult to read, cross-check, and reference items. Fortunately, the *Word* version does not have this problem.

Finally, due to the large number of comments we have inserted, the page numbering herein will not match, in any way, to that of the original DRAFT.

## **7. TRANSPORTATION ELEMENT – TECHNICAL APPENDIX**

### **7.1. Introduction**

This Technical Appendix summarizes the data analysis completed to support the update of the City of Black Diamond's (City's) Transportation Element (Chapter 7) and includes information pertaining to:

- Transportation level of service, including definitions, relationship to concurrency, standards, and methodology;
- The City's existing transportation system, including operating conditions, availability of other modes of transportation, and the functional classification system;
- State, regional, and local transportation plans and improvements;
- Actions needed to meet the level of service standard;
- Travel forecasts used to estimate future traffic volumes based on future growth identified in the City's Land Use Element; and
- Existing and future roadway conditions and recommended transportation improvements.

### **7.2. Level of Service**

A level of service (LOS) standard measures the performance of an existing transportation system and the adequacy of the planned future improvements. Additionally, LOS standards establish the basis for the concurrency requirements in the GMA. Agencies are required to "adopt and enforce ordinances which prohibit development approval if the development causes the LOS on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with development." (RCW 36.70A.070 (6)(b)). Therefore, setting the LOS standard is an essential component of regulating development.

#### **7.2.1. Definitions**

**Conflict Point:** Location within intersection or roadway where two or more road users may share the same space at the same time resulting in potential collision. Collisions may involve any mode or road user or users including vehicles, bicycles and pedestrians.

LOS is both a qualitative and quantitative measure of roadway operations. LOS, as established by the *Highway Capacity Manual* uses an "A" to "F" scale to define the operation of roadways and intersections for motor vehicles as follows:

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**LOS A.** Primarily free flow traffic operations at desired travel speeds. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Control delays at signalized intersections are minimal.

**LOS B.** Reasonably unimpeded traffic flow operations at average travel speeds. The ability to maneuver within the traffic stream is only slightly restricted and control delays at signalized intersections are not significant.

**LOS C.** Stable traffic flow operations. However, ability to maneuver and change lanes may be more restricted than in LOS B, and longer queues, adverse signal coordination, or both may contribute to lower than average travel speeds.

**LOS D.** Small increases in traffic flow may cause substantial increases in approach delays and, hence decreases in speed. This may be due to adverse signal progression, inappropriate signal timing, high volumes or some combination of these factors.

**LOS E.** Significant delays in traffic flow operations and lower operating speeds. Conditions are caused by some combination of adverse progression, high signal density, high volumes, extensive delays at critical intersections, and inappropriate signal timing.

**LOS F.** Traffic flow operations at extremely low speeds. Intersection congestion is likely at critical signalized intersections, with high delays, high volumes, and extensive queuing.

#### **7.2.2. Level of Service and Concurrency**

The concurrency provisions of the GMA require that local governments permit development only if adequate public facilities are, or can be guaranteed to be available within six years to support the new development.

The GMA requires each local jurisdiction to identify future facility and service needs based on its LOS standards. To ensure that future development will not cause the City's transportation system performance to fall below the adopted LOS standard, the jurisdiction must do one or a combination of the following: modifying the land use element, limiting or "phasing" development, requiring appropriate mitigation, or changing the adopted standard.

COMMENT: Why was the following from the 2009 BDCP removed ?

*"The requirements of Black Diamond's Transportation Concurrency Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as 'highways of statewide significance.' The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test."*

#### **7.2.3. Level of Service Methodology**

The City has established specific methods to calculate the LOS for evaluating the performance of the roadway intersections and transit service and facilities. This section describes those methods.

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#### **Intersection Level of Service**

For signalized and unsignalized intersections, and roundabouts, the LOS is calculated using the procedures described in the latest edition of the *Highway Capacity Manual* (2010 edition). At signalized and all-way stop-controlled intersections, and roundabouts, the LOS is based on the weighted average delays for all movements, whereas the LOS for two-way stop-controlled intersections is defined by the weighted average delay for the worst movement.

COMMENT: Do delay numbers for Roundabouts account for both approach times and travel-through times?

For example, if a SR-169 Roundabout is clogged going north-south, a vehicle will be delayed in its travel through it. Driver behavior (especially response times) is an important factor when evaluating the performance of Roundabouts.

Also, size of vehicle (especially long or articulated trucks) affects Roundabout performance. NCHRP 572 (National Cooperative Highway Research Program) -- "Roundabouts in the US" (2007) recommended LOS criteria to be the same as those currently used for unsignalized intersections: *"The LOS for a roundabout is determined by the computed or measured control delay for each lane. Defining the LOS for the intersection as a whole is not recommended because doing so may mask an entry that is operating with much higher delay than the others."*

Roundabouts are often good alternatives to long traffic signals, but they do not in themselves eliminate congestion. Consequently, LOS needs to be evaluated carefully, especially when dealing with one- vs. two-lane Roundabouts, which perform differently.

#### **State Highway Level of Service**

1998 amendments to the GMA require local jurisdictions to address state-owned transportation facilities, as well as local transportation system needs in their comprehensive plans. Highways of statewide significance (HSS) are designated by the Washington State Department of Transportation (WSDOT) for interstate and principal arterials that are essential to connectivity between major communities.

COMMENT: Why was the following from the 2009 BDCP removed ?

*"However, since SR-169, a "highway of statewide significance," does not have limited access and thus, functions like a city arterial, it may be included in the Black Diamond concurrency test. Such a "highway of statewide significance that does not have limited access and, thus, functions like a city arterial" means those "highways of statewide significance" that:*

- 1. Allow driveways and side streets to connect directly to the highway;*
- 2. Provide primary connections between major centers of activity; and*
- 3. Function as high traffic corridors for inter-area travel between business districts and communities.*

*The City shall adopt a LOS standard for State highways to the maximum extent of its authority. The LOS shall be based on local mobility requirements, and shall be consistent with other traffic standards within the City."*

WSDOT adopted LOS standards for HSS facilities is LOS D for urban areas (RCW 47.06.140). The LOS target is established for comprehensive plans and for reviewing developer impacts along urban HSS facilities.

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WSDOT also analyzes “screen lines” for deficiencies along state routes using a standard of 70% of the posted speed. This screen line analysis allows WSDOT to identify the “most congested” locations along its HSS facilities. A speed of approximately 70% of the posted speed equates to conditions where a highway achieves the maximum throughput of vehicles.

In 2007, the WSDOT added SR 169 to the list of HSS facilities. The State’s *2007- 2026 Highway System Plan* indicates that SR 169 is expected to operate below the 70% speed threshold (termed ‘operating less than efficiently’) during peak hours in 2030.

COMMENT: The 2007- 2026 Highway System Plan which indicates SR 169 will operate below the 70% speed threshold (during peak hours in 2030 already is out of date based on current traffic patterns and volumes.

The City needs to plan for not only a speed threshold below that 70%, but much lower when the massive amount of traffic to be generated by the two MPDs is added to the mix by 2030. Some SR-169 intersections in the City will not meet State Highway of Significance LOS D even with planned mitigation.

When the new Traffic-Demand Model to be developed and exercised based on the MPD Conditions of Approval is available (after the 850-building-permit threshold is met), such scenarios must be addressed to determine what levels of mitigation are required to meet LOS standards.

#### **Transit Level of Service**

The GMA (RCW 36.70A) requires communities to also adopt LOS standards for transit routes. The City has established guidelines to address the performance of the transit system as follows:

- Encourage King County Metro to expand transit service as the demand dictates;
- Work with King County Metro to determine if additional transit facilities and routes are needed or if existing headways should be decreased (or frequency increased);

COMMENT: SR-169 has no HOV or bus-only lanes, nor is it expected to in the future. Therefore, due to the existing traffic congestion on SR-169 and the expected massive increase in traffic due to the MPDs adding to that congestion, attempts to convince King County Metro to expand service most probably would be unsuccessful—the buses just won’t be able to move! Consequently, the City needs to plan for a time when the already poor bus service it receives is further reduced to a system that literally has no viable transit service.

#### **Trail Level of Service**

The City’s 2008 Parks, Recreation and Open Space Plan established guidelines to measure the performance of the trail system. The level of service standard is to have 75% of the Black Diamond population within 0.5 miles of a trail facility.

### **7.2.4. Level of Service Standards**

Based on the City Council’s recommendations, this plan identifies a LOS standard of LOS D for intersections along State Route (SR) 169 consistent with WSDOT’s standard for urban HSS facilities and LOS C for all other arterials and collectors throughout the city. Setting different LOS standards for specific

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areas is a common practice that accounts for the function and use of the roadways into the acceptable operating conditions.

The City also recognizes how intersection control (i.e., traffic signals, roundabouts, and stop signs) defines LOS. For two-way and one-way stop-controlled intersections, the LOS is defined by the amount of time vehicles are waiting at the stop sign.

Although a substantial volume of traffic can proceed through the intersection without any delays, a small volume at the stop sign can incur delays that would exceed LOS C or LOS D. To avoid mitigation that would only serve a small volume of traffic, the City allows two-way and one-way stop-controlled intersections to operate worse than the adopted LOS standard (see Table 7-1).

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Table 7-1. Level of Service Standards

Signalized Intersections	Level of Service
Baker St & SR-169	D
Lawson St & SR-169	D
Ravensdale Road & SR-169	D
Roberts Drive & SR-169	D
Morgan St & Roberts Drive	C
216 <sup>th</sup> Ave SE & SE 288 <sup>th</sup> St	C
Jones Lake Road & SR-169	D

However, the City requires that these instances be thoroughly analyzed from the operational and safety perspectives and the City will individually evaluate these situations to determine when mitigation is appropriate.

These LOS standards are higher than other cities in the area. For example, the Cities of Maple Valley and Covington have adopted a standard of LOS D. The higher LOS standards adopted within Black Diamond for non-HSS facilities indicate the City's desire to minimize congestion and the willingness to identify and fund future transportation improvements. The higher LOS standards adopted within Black Diamond for non-HSS facilities also will increase the size of intersections, and may become an unaffordable standard to maintain.

COMMENT: The LOS standards should not be reduced for those intersections required by the MPDs, as they will not become "*unaffordable...to maintain*," since it is up to the Master Developer to pay for such infrastructure, not the City. Per the MPD Condition of Approval (COA) 10 (our emphases below):

"Over the course of project build out, construct any new roadway alignment or intersection improvement that is:

(a) *depicted in the 2025 Transportation Element of the adopted 2009 City Comprehensive Plan and in the City's reasonable discretion is*

(i) *necessary to maintain the City's then-applicable, adopted levels of service to the extent that project traffic would cause or contribute to any level of service deficiency as determined by the City's adopted level of service standard, or*

(ii) *to provide access to or circulation within the project;*

(b) *functionally equivalent to any said alignment or improvement; or*

(c) *otherwise necessary to maintain the City's then-applicable, adopted levels of service to the extent that project traffic would cause or contribute to any level of service failure as determined by the City's adopted level of service standard,....'*

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Consequently, the Master Developer must meet, and pay for, whatever LOS standards the city decides to put in place to maintain reasonable traffic patterns for its residents and businesses. COA 17 (which includes ten subparagraphs a. through j.) also deals with this as it pertains to Traffic Impact Analyses and Mitigation.

COMMENT: Why were these two options in the existing 2009 Comprehensive Plan removed?:

*“Revise the City’s current land use plan to reduce density or intensity of development that will “fit” with the planned transportation system; or*

*Phase or restrict development to allow more time for the necessary LOS-driven transportation improvements to be completed by the development community and/or responsible agency or jurisdiction(s).”*

Further, the text above implies the City has only one option: to fund future transportation improvements to maintain higher LOS standards for non-HSS facilities. However, the State’s GMA provides the City another option: deny development. There are other potentially developable lands within the city limits that are separate from the MPDs.

### **7.3. Existing Transportation System**

The City forms the southeastern edge of King County’s urban area. The traffic circulation system within the city is basically the intersection of east west county roads with SR169 through the city, reflective of the original settlement pattern, natural barriers (Lake Sawyer and the Rock Creek Wetland), and lack of substantial growth up to the present. The area’s road system consists of a state highway (SR 169), the City’s arterials, collectors, and local access roads. Because the grid system is incomplete, many local access roadways are, in effect, long cul-de-sacs. Local access roads are also often narrow by current standards. Although the narrow widths and lack of locations for vehicles to turn-around are a problem for emergency services, the smaller area devoted to roads contributes significantly to the existing rural character of the community and reduces storm water impacts.

The city is bisected by SR 169, a north-south highway, providing both regional access from Renton to Enumclaw and local access. This route is also known as 3rd Avenue within Black Diamond. Along the city’s northern boundary, SE 288th Street is an east-west arterial that becomes a City of Maple Valley Street east of Black Diamond. The Roberts Drive arterial provides local east-west access west of SR 169 as well as a link from Black Diamond to the City of Auburn and the Green River Valley employment centers to the west. The Lawson Street/Green River Gorge Road is an east-west arterial providing local access east of SR 169 as well as access to the rural areas and communities to the east.

The Black Diamond/Ravensdale Road is a north-south arterial linking Black Diamond and Ravensdale and providing a secondary link to SR 516 (Kent-Kangley Road) and a link to Issaquah and SR 18 bypassing Maple Valley. The SE Lake Sawyer Road is a north-south arterial that forms the City’s western boundary and also provides a connection to SR 516.

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#### **7.3.1.Existing Roadway and Intersection Characteristics**

**SR 169**, within the planning area, is a two-lane principal arterial that generally divides the city into east and west sections. SR 169 serves an area extending between the cities of Renton and Enumclaw, providing both regional connections(to SR 18, SR 516 and Interstate 405, SR 410 and local access.

Posted speed limits along SR 169 vary depending on the amount of development adjacent to the highway. Areas immediately outside the city limits are posted at 50 miles per hour (mph). Within the city limits, legal speeds are reduced to 35 mph from the north City limits to 1<sup>st</sup> Ave, except for a school zone with a reduced speed of 20 mph between Baker St to Lawson St. The speed limit returns to 50 mph from 1<sup>st</sup> Ave to the southern city limits. All cross-streets intersecting with SR 169 are controlled by stop signs.

**SE 288th Street** is a two-lane road that runs east-west. The road is a minor arterial that changes to SE 291st Street as it approaches SR 169. The road serves City residents north of Lake Sawyer and also serves as the only access for Maple Valley residents living north of SE 288th Street and south of the Burlington Northern Railroad line. SE 288<sup>th</sup> (turns into 291st) Street is stop sign-controlled at SR 169 and 216th Avenue SE on the west end. At all other intersections, the cross-street traffic is stop sign-controlled. The posted speed is 35 mph.

**Roberts Drive(Auburn-Black Diamond Road west of city limits)** provides access to the City of Auburn and is a two-lane minor arterial. The roadway branches into two facilities near Covington Creek allowing access to the City of Kent (Kent-Black Diamond Road) and Auburn (Auburn Black Diamond Road).

All cross-streets intersecting Roberts Drive are stop sign-controlled. Roberts Drive is controlled by a stop sign at its intersection with SR 169. Posted speeds are generally 40 mph outside the city limits and 25 to 35 mph once inside the city.

**Green Valley Road** is a two-lane minor arterial that connects SR 169 and Auburn. This street is classified by King County as a collector. The roadway is posted for a maximum speed of 40 mph, but operating speed is constrained to 10 to 15 mph in certain areas due to its curvilinear horizontal alignment with steep grades. Green Valley Road is stop-controlled at SR 169. It should be noted that the annexation of property adjacent to Green Valley Road in 1995 included a condition that direct transportation access would not occur from the annexed area onto Green Valley Road.

**Lake Sawyer Road/224th Avenue SE/216th Avenue SE** is a two-lane generally north/south minor arterial that provides access to a predominantly residential area west of Lake Sawyer. The street generally parallels SR 169 between Roberts Drive and SR 516. The roadway is roundabout at its intersection with Roberts Drive. There are traffic signals at the intersections of 216th Avenue SE/SR 516, 216th Avenue SE/Covington-Sawyer Road, and SE 296th Street/219th Avenue SE. All other cross-street traffic intersections along Lake Sawyer/216th Avenue SE are stop sign-controlled. Posted speeds vary between 35 mph and 45 mph.

**Covington-Sawyer Road** is a two-lane minor arterial that connects with 216th Avenue SE on the western border of the city. It provides access to the City of Covington, SR 18 and SR 516.

**Morgan Street** is a two-lane east west collector from Roberts Drive to Railroad Avenue/ Jones Road. Railroad Avenue extends Morgan Street as a two-lane collector from Morgan Street southeasterly to SR 169.

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Functionally, Morgan Street and Railroad Avenue provide alternative connections between Roberts Drive and SR 169, through the downtown area by either Baker Street or Rail Road Ave. /Jones Lake Road. The intersection of Morgan Street and Roberts Drive is stop sign-controlled on the minor approach (Morgan Street). Jones Lake Road is controlled by stop sign at its intersection with SR 169. The posted speed limit on Morgan Street is 25 mph.

**Lawson Street** is an east/west minor arterial with its western terminus at SR 169 and continuing east and northeast out of the city. Near the outskirts of the city, the roadway changes to Green River Gorge Road. The arterial provides access between SR 169 and residential developments in the city and rural areas east of the city. The posted speed limit along this route is 25 mph within the city limits. Near Mud Lake, the speed limit increases to 45 mph. Lawson Street is stop-controlled at its intersection with 3rd Avenue (SR 169).

**Black Diamond-Ravensdale Road** is a two-lane minor arterial linking Black Diamond and Ravensdale and serves as a secondary connection between Kent-Kangley Road SR 169 and provides a connection to the Issaquah/ Hobart Road. The posted speed limit along this road is 45 mph within the city limits. Cross-street traffic along Black Diamond-Ravensdale Road is stop-controlled.

**Baker Street** (between SR 169 and Railroad Avenue/Morgan Street) is a two-lane arterial collector located in the downtown area of the city that also provides connection to all points west. The roadway provides access to the post office and school; it has a posted speed limit of 25 mph. It is stop sign controlled at SR 169 and Railroad Avenue/ Morgan Street.

All remaining roadways in the city are local roads with two-lane cross-sections. Most local roadways have posted 25 mph speed limits.

### **7.3.2. Existing Roadway Volumes and Travel Conditions**

Figure 71 depicts the City's road network and associated 2015 traffic volumes, which are based on PM peak period turning movement counts collected at each of the 10 intersections within the city and included in the City's concurrency program. These traffic counts were supplemented with available traffic data for SR 169 provided by WSDOT. These PM peak hour volumes were used to evaluate the existing LOS for each intersection, which is summarized in Table 7-2.

COMMENT: Figure 7-1 provides helpful data on the 2015 PM peak-hour traffic volumes. In an earlier version of the Transportation Appendix there was a figure that showed 2015 traffic counts differing only slightly from the 2007 counts shown in the existing 2009 Comprehensive Plan. Based on the large increase in congestion on SR-169 and many alternate routes, this was quite surprising to us and they would warrant another look. We would hope those were put in earlier versions in error.

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**Figure 71: Black Diamond Existing Road Network and PM Peak Traffic Volumes  
(Placeholder)**

**Table 7-2. Existing Level of Service (2015)**

<b>Signalized Intersections</b>	<b>Level of Service</b>	<b>Delay (seconds)</b>
SE 296th St/216th Ave SE/SE Covington-Sawyer Rd	B	16
219th Ave SE/SE 296th St/Lake Sawyer Rd SE	B	13

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Unsignalized Intersections	Level of Service	Delay (seconds)
<b>216th Ave/SE 288th St</b>	<b>D</b>	<b>25</b>
SE Auburn-Black Diamond Rd/Lake Sawyer Rd SE	B	13
<b>SR 169/SE Black Diamond-Ravensdale Rd</b>	<b>F</b>	<b>75</b>
<b>SR 169/Roberts Drive</b>	<b>E</b>	<b>43</b>
Morgan St/SE Auburn-Black Diamond Rd	B	11
SR 169/Baker St	C	20
SR 169/Lawson Rd	C	16
SR 169/Jones Lake Rd	B	13

Note: intersections shown in bold do not meet LOS standards

COMMENT: Why are the following three intersections—all subject to mitigation by the MPD Master Developer per the 2011 Development Agreements—not listed and discussed?

SE 288th St / 232nd Ave SE

SE Auburn-Black Diamond Rd / 218th Ave SE

SR-169 / SE Green Valley Rd

It would be of benefit to the city to have 2015 traffic data for these intersections for comparison as the MPDs build out and impact same in the future.

COMMENT: We suggest ensuring the numbering of the 10 intersections shown in Figure 7-1 match the list shown in Table 7-2. It would be beneficial to include the same corresponding numbers on the LH side). As it is now, the list shown in Table 7-2 is in a different order than the “1 thru 10” of Figure 7-1.

Consistent with the City’s adopted LOS standards established in this plan, intersections must operate at LOS D or better along SR 169 or LOS C or better for all other locations. The majority of intersections within the city operate at an acceptable LOS; however, three intersections currently operate below their respective standards: 216th Avenue/SE 288th Street, SE Black Diamond-Ravensdale Road/SR 169 Roberts Drive/SR 169, and Roberts Drive/SR 169. For Black Diamond-Ravensdale Road/SR 169, the primary contributor to the delay is the westbound left movements from the minor street, while for Roberts Drive/SR 169 the primary contributor is the eastbound left movements.

### 7.3.3. Other Modes

#### Rail Service

Presently, there are no railroads located within the city limits. Rail lines that historically provided service from Seattle through Renton to the city have been decommissioned. The last coal trains left Black Diamond in 1969. The old rail line passed through town in a north-south direction paralleling Railroad Avenue.

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#### **Public Transportation Service**

The City currently has a low population density and is distant from major Puget Sound urban employment centers. Public transportation service is available but is limited. Current transit service in the City is provided by King County Metro routes 143 and 907. Route 143 provides Monday-Friday peak-period fixed-route connections along SR 169 between Black Diamond and downtown Seattle through Maple Valley and Renton. Metro's Demand Area Response Transit (DART) route 907 provides hourly all-day connection to Renton Monday to Friday, with service connections available at the Renton Transit Center. DART uses smaller transit vehicles with the flexibility to perform a limited number of off-route deviations upon request within the area south of Roberts Drive, east of Morgan Street, north of Baker Street, and west of 3<sup>rd</sup> Avenue.

Table 7-3 summarizes existing transit services in the city. Route 143 provides 15 to 20-minute service during commute hours with service to from Black Diamond to downtown Seattle in the morning and from downtown Seattle to Black Diamond in the evening. DART Route 907 provides 60 -minute service during off-peak hours.

**Table 7-3. Summary of Existing Transit Service**

<b>Route</b>	<b>Beginning Location</b>	<b>Ending Location</b>	<b>Headway Range (minutes)</b>	<b>Start</b>	<b>End</b>	<b>Trips</b>
143	Downtown Seattle	Black Diamond** (via Renton)	15-20	3:59 PM	7:07 PM	6
143	Black Diamond**	Downtown Seattle (via Renton)	15-20	5:20 AM	8:34 PM	6
DART 907	Renton TC	Black Diamond*	60	8:45 AM	4:30 PM	8
DART 907	Black Diamond*	Renton TC	60	7:50 AM	5:33 PM	10

\*Service to Black Diamond at 3<sup>rd</sup> Avenue & Baker Street.

\*\*First and last run to/from Black Diamond starts and ends at Renton Transit Center (TC) and does not serve downtown Seattle (Departs Renton at 6:11AM and departs Black Diamond at 7:08PM).

A park and ride lot located at the Masonic Lodge at 3rd Avenue/Baker Street provides 30 parking spaces for weekday parking for transit users. There are two other facilities in Maple Valley; the Maple Valley Park and Ride is located at SE 231st Street/SR 169 approximately 6.6 miles to the north of the Black Diamond Park and Ride and provides 122 spaces and the Maple Valley Town Square Park and Ride is located 4.1 miles north and provides 97 spaces.

The existing transit service meets the City's defined LOS criteria. However, in the future, additional service as well as provisions for bus pullouts, bus stops, and park and ride lots will become necessary, as the population increases.

Metro has an active Community Connections (formerly alternative service) project in Black Diamond - the Black Diamond-Enumclaw Community Ride (part of the SEKC Community Connections project).

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The project is currently in a two-year performance measurement phase, approaching the end of year one and Metro is currently examining the service for potential service modifications.

#### **Surface Freight Transportation**

There are no freight terminal facilities located in the city. However, truck operations related to mineral extraction, logging and landfill commonly use the road network, primarily on SR 169.

#### **Pedestrian Facilities**

There are somewhat limited sidewalk facilities along the arterial and collector road network within the city. While adopted City road construction standards now require sidewalks on all new roads, many of the roads in areas of town that were developed prior to the 1980s were constructed to rural standards with gravel shoulders or no shoulder at all. Existing pedestrian facilities are illustrated on Figure 72.

Several subdivisions developed in the last 20 years were developed with sidewalks including: King County Housing Project, Ridge at Black Diamond, Diamond Glen, Morgan Creek, Eagle Creek, Lawson Hills Estates.

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**Figure 72: Existing Non-Motorized Transportation Network**

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#### **Bicycle Facilities**

No formal bicycle network exists within the city. Bicyclists currently use the existing roadways as informal routes, although there are no markings or signs to support the street usage for bicycles. City residents have voiced a desire to include bicycle facilities within the transportation environment. Recently the City has widened the westbound lane of Roberts Drive to provide for a 14-foot-wide shared bike lane on Roberts Drive from Bruckners Way to just past the library.

#### **Trail Facilities**

The city has an adopted 2011 Trails Plan that outlines strategies to expand the local trail system. There are currently two multipurpose King County trails that are in the planning and engineering phases to provide combined hike, bike and horse trail opportunities in the area. The Cedar to Green River Trail is a 3.7-mile multipurpose trail following an abandoned railroad corridor north of Maple Valley to SE Kent-Kangley Road. The next two phases of the Cedar Green trail will extend through Black Diamond along Ravensdale Creek, through the City Lake Sawyer Park and then south along the western city limits to the top of the Green River Gorge where it will connect with 218<sup>th</sup> Ave SE as access to the Green River. The Cedar River Trail is a paved 17.3-mile multipurpose trail following an abandoned railroad corridor from Lake Washington in downtown Renton to Landburg Park on Summit Landsburg Road.

#### **Shoreline/Water Transportation**

There are no navigable waterways for freight or passenger transportation in the Black Diamond area. The region's primary river, Green River, is mainly used for recreational purposes.

#### **Aviation Transportation**

The nearest major airport facility is SeaTac International Airport located approximately 22 miles to the west. The City does not have a local airport; however, a privately-owned field with a runway length of 1,500 feet is located along Roberts Drive west of SR 169.

Nearby public-use airports include Kent's Crest Airport (6 miles), the Auburn Municipal Airport (14 miles) and the Renton Municipal Airport (18 miles).

#### **Parking Facilities**

On-street parking is presently provided informally throughout the city in conjunction with the local street network. Parking is restricted on SR 169. Additional public parking is currently needed, particularly in Old Town, and near the SR 169 corridor for weekend bicyclists driving to the city to ride, and for weekday commuters who wish to use transit.

### **7.3.4. Functional Classification System**

Roadway classifications define the character of service that a street is intended to provide. The City has classified its roadway system and adopted roadway design standards based on the roadway's functional and physical characteristics. The functional classification system is a hierarchical system providing for the gradation of traffic flow from an access function to a movement function. The functional classification system for the City is described in Table 7-4 and the accompanying roadway design standards are summarized in Table 7-5.

The following list provides the planned classifications by roadway.

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#### **Principal Arterials**

- SR 169

#### **Minor Arterials**

- SE 288th Street
- Roberts Drive
- North Connector\*
- North-South Connector\*/Abrams Road
- Black Diamond-Ravensdale Road
- Lake Sawyer Road
- Pipeline Road\*
- Lawson Connector\*

#### **Collectors**

- Annexation Road\*
- Southeast Loop Connector\*
- Morgan Street
- Baker Street (west of SR 169)
- South Connector\*
- Railroad Avenue (Jones Lake Road)
- Lake Sawyer Extension\*

#### **Local Access**

- All remaining roadways within the city

Roadway functional classification can be found on Figure 73. Summaries of the design criteria and characteristics for these different classifications of roadways is provided in Table 7-4 and Table 7-5. These tables serve as only a general guide for the different classifications and the City's Road Design Standards should be reference for further clarification.

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**Figure 73: Roadway Functional Classification**

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**Table 7-4. Functional Classification System Definition of Roadway Functions**

Classification	Function	Continuity	Spacing (miles)	Direct Land Access	Minimum Intersection Spacing	Speed Limit (mph)	Parking	Comments
Principal Arterial	Primary – Intercommunity and intrametro area traffic movement Secondary – land access	Required	1/2 in CD; 1 in urban residential; 1-5 in suburban and fringe	Limited – major generators only	1/2 mile	35-45*	Prohibited	
Minor Arterial	Primary – Intercommunity and intrametro area traffic movement Secondary – land access	Required	1/8 – 1/2 in CBD; 1/2 – 1 in urban; 1-3 in suburban and urban fringe	Restricted – some movements may be prohibited; number and spacing of driveways controlled	1/4 mile	30-35	Generally Prohibited	Backbone of the street system
Collector	Primary – Collect/distribute traffic between local roads and arterial system; Secondary – land access; Tertiary – interneighborhood traffic movement	Desirable	Not less than 1/4 mile from higher classified arterials	Safety controls; limited regulation	300 feet	25-30	Limited	Through traffic should be discouraged
Local	Land Access	None	As needed	Safety controls only	300 feet	25	Permitted	Through traffic should be discouraged

\*Speed limit in fully developed areas

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**Table 7-5. Road Classifications and Development Standards**

<b>Classification</b>	<b>Minimum Right-of-Way (feet)</b>	<b>Minimum Paved Width (feet)</b>	<b>Additional Design Standards</b>
Principal Arterial	60-100	38-62	Sidewalk, extra lane width for bicycles, planting strip
Minor Arterial	54 (2 lane) 66 (3 lane)	30 (2 lane) 40 (3 lane)	Sidewalk, extra lane width for bicycles, planting strip
Collector Road	60-72	28 (2 lane) 40 (3 lane)	Sidewalk, extra lane width for bicycles, planting strip
Local Access (Industrial)	50	28	Sidewalk, planting strip
Local Access (Commercial)	60-68	36	Sidewalk
Local Access (Residential)	48-60	22-32	Sidewalk, planting strip

Source: 2009 City of Black Diamond Engineering and Design Standards

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#### **7.4. Current Transportation Plans and Improvements**

The City is working to identify the near-term improvements that address transportation needs for its community.

##### **7.4.1. Planned Roadway Improvements**

The current planned roadway improvements consist of projects programmed by WSDOT, King County, and the City.

###### **WSDOT & SR169**

WSDOT has jurisdiction over SR 169 through the city. WSDOT completed a Route Development Plan for SR 169, the plan has not been completed. A conversation with WSDOT's Urban Planning Office and review of available meeting minutes of the SR 169 Working Group, indicate the potential to widen SR 169 to as many as six lanes from Jones Road (in Maple Valley) to I-405 and four to five lanes from SE 291st Street north to Maple Valley. Within the city, WSDOT has proposed minor widening to allow for a two-way-left turn lane north of the historic core of the city and a truck climbing lane south of Green Valley Road. For purposes of this plan, the City is assuming a 3-lane section for SR 169 through the old town area and through the north commercial area, with potential widening at intersections to accommodate turn lanes. The City is also planning long term for further widening (4 or 5 lanes north of Roberts Drive to the City's future north connector and is seeking additional right of way through dedication upon major development or redevelopment where the right of way width is less than 100 feet.

COMMENT: The above has a contradiction: It states the SR-169 Route Development Plan is complete and also states it is not complete. In fact, it was completed long ago with no actions taken due to funding constraints. As a result, the traffic congestion during AM and PM peak time periods currently is severe.

There currently are no short-term plans to any widening along SR-169. If and when such widening is fully planned and funds are identified and secured, the city must recognize that it will be at the end of the line as such widening would proceed in stages south from the 196th Ave SE (Jones Rd) / SR-169 intersection where the four lanes currently end eastbound from Renton.

In May 2018 PSRC adopted its *Regional Transportation Plan (RTP)*—the successor to Transportation 2040. It serves as the required regional transportation plan under State law and as the Metropolitan Transportation Plan under Federal law. The *RTP* shows only a small portion of SR-169, just through *part* of Maple Valley, as slated for widening by 2040 [*p. 46, RTP, May 2018*]. Consequently this Comprehensive Plan Update through 2035 does not recognize this reality through 2040. This is a major disconnect.

PSRC's *RTP* is important because it serves as measuring stick against which potential projects are evaluated. The Regional Transportation Improvement Plan (TIP) contains projects awarded PSRC's Federal funds (as well as other Federally funded or State funded projects). The TIP is a four-year programming tool that is updated monthly. All projects submitted are evaluated for consistency with *VISION 2040* and the *RTP*.

Consequently, the city must recognize the risk it takes in assuming in this Comprehensive Plan Update "4 or 5 lanes north of Roberts Drive...." The Master

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Developer is designing both of its Roundabouts on SR-169 as having only one entry/exit lane, not two, as has been used in the DKS Associates' analyses. This was confirmed by TAT in conversations with the two DKS Traffic Engineers who participated in the April 16, 2018, Comprehensive Plan Update Open House. In fact, they stated their analyses assumed two lanes each way all the way north to SR-516, as instructed by the city.

#### **King County**

King County has identified two future improvements in the North Enumclaw/ Ravensdale Planning Area, which includes Black Diamond (detail is in the County's *2016 Transportation Needs Report*). The County's list of improvements in or around the city is shown in Table 7-6.

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**Table 7-6. King County Identified Black Diamond Area Facility Improvement Needs**

Project #	Project Action	Location	Priority	Cost
NM-5051	Provide non-motorized facility	Black Diamond-Ravensdale Rd SE: from SR 169 to 276th Ave SE	High	\$2,480,000
RC-142	Reconstruction of existing 1.3-mile roadway segment	SE Green Valley Rd from 243 <sup>rd</sup> Ave SE to SR 169	High	\$2,140,000

Source: 2016 King County Transportation Needs Report

COMMENT: In Table 7-6 the project listed, SE Green Valley Rd from 243<sup>rd</sup> Ave SE to SR 169 (RC-142) remains listed in the Executive's 2016 KCCP Update's TNR (although now it is estimated to cost ~35% more than estimated four years prior in the 2012 TNR).

The 2016 TNR does not provide any "priority" ranking. Where did the city obtain the "priority" rankings listed in Table 7-6?

The city must recognize that given the continuing erosion of the KCDOT funding base and the Tier system implemented a few years back to focus priorities on only the most critical areas including basic maintenance for safety, the likelihood of this project being funded in the near future is low.

The 2016 TNR provides a 30-pg detailed list of needs for the 20-yr period covers (2016-2035). The RC-142 project listed in Table 7-6 above would be expected to be of a very low priority within the context of other projects in the TNR and given such severe funding restraints.

#### City of Black Diamond

Figure 74 identifies the critical future road network to fill in the street grid and provide alternative east west as well as north south corridors. Lake Sawyer, Ravensdale Creek, and the Rock Creek Wetland prevent other connections and extensions of a grid system. The City has identified several road improvements shown in Table 7-7. The City maintains a Six-year Transportation Improvement Program (TIP). The Six-year program proposes improvements to existing substandard roads and includes repairing and overlaying existing roadways, paving gravel roadways, constructing sidewalks, and widening roadways. At the time that the Six-year Transportation Improvement Program was adopted only the capacity adding projects that the City was going to be participating in were included. So in addition to the projects identified in the 6-year TIP there are capacity adding projects that are planned for the Master Planned Developer to construct as identified in Table 7-10.

COMMENT: How are the projects in the TIP listed in Table 7-7 ranked? For example, the intersection improvement ranked last (#23) was shown in Table 7-2 to have an existing failing LOS (before any MPD homes and businesses are even occupied).

In addition, concerns remain that many of the projects listed in Table 7-7's TIP rely in some part on Grant monies. Does the city have any contingency plans in place should those monies continue to remain in short supply or, even if grants are won, they are of lesser amounts than requested? This is a requirement of State **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)(C): "If probable funding falls**

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*short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;"*

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### TAT COMMENTS

**Table 7-7. Black Diamond Six-Year Transportation Improvement Program (2016 – 2021)**

<b>Rank</b>	<b>Year</b>	<b>Improvement</b>	<b>From</b>	<b>To</b>	<b>Type of Improvement</b>	<b>Length in Miles</b>	<b>Estimated Cost</b>	<b>Funding</b>
1	2017	General Street Improvement (CIP Project T1)	N/A	N/A	Use for opportunities to leverage private funds, short overlays, chip Sealing, crack sealing, patch work, addressing minor safety problems	N/A	\$30,000/year; \$180,000 total	Local City Funds
2	2017	Roberts Drive Rehabilitation, phase 1 (CIP Project T2)	Bruckners Way	City Hall	Leveling, overlay, sidewalks, pedestrian lighting, widening	0.28	\$100,000	Grant /TIB, Developer Mitigation, Local City Funds
3	2017	232 <sup>nd</sup> Ave. SE Overlay or Chip Seal (CIP Project T9)	SE 288 <sup>th</sup> St.	End of road	Chip seal, excluding portion from SE 293 <sup>rd</sup> to back of Pond @ Greenbrier	0.77	\$100,000	Grant/TIB, Local City Funds
4	2017	New Arterial “Annexation Rd” (CIP Project T3)	Lk Sawyer Rd	Across Roberts Drive south to A2	New Street Grid Capacity	0.7	\$2,900,000	Developer Funded
5	2017	Lake Sawyer Road Extension (CIP Project T4)	Roberts Drive	Annexation Rd.	New Street Grid Capacity	0.5	\$1,800,000	Developer Funded
6	2018	Roberts Drive Rehabilitation, phase 2 (CIP Project T8)	City Hall	King County Library	Grind, patch, replace panels, crack sealing, shoulder reinforcement	0.23	\$200,000	Pavement Preservation Grant, Local City Funds
7	2018	Lawson Connector (CIP Project &16)	SR 169	Lawson Street	New Street Grid Capacity	0.6	\$3,200,000	Developer Funded
8	2016	King County Housing ADA Improvements (1 <sup>st</sup> Ave.)	Baker St.	Approx. 250' south of Baker St.	Remove existing sidewalk, install new sidewalk and curb ramps	0.10	\$155,000	CDBG Grant

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9	2016	Grant Matching Fund	N/A	N/A	Matching funds for grants	N/A	\$40,000/year; \$240,000 total	Local City Funds
10	2019	Lawson Street Sidewalk, Ph. II (CIP Project T14)	6 <sup>th</sup> Ave.	Newcastle Dr.	5-foot sidewalk on the north side of Lawson Street	0.19	\$356,000	Grant/Safe Routes to School, Developer Mitigation
11	2019	Roberts Drive/ SR 169 Intersection Improvements (CIP Project T7)	N/A	N/A	Two lane Roundabout or Signalize Intersection	N/A	\$7,777,000	Developer Mitigation and Grant
12	2017	Jones Lake Road	SR 169	Railroad Ave.	Patching and overlay	0.29	\$122,000	Grant/TIB, Local City Funds
13	2017	228 <sup>th</sup> /224 <sup>th</sup> / 216 <sup>th</sup> Chip Seal	SE 312 <sup>th</sup> St.	Covington-Sawyer Road	Patching and chip sealing (excluding in front of Kentlake Highlands & Fire Station)	1.46	\$129,000	Grant/TIB, Local City Funds
14	2019	Ravensdale / 169 interim intersection improvements (CIP Project T17)	N/A	N/A	Roundabout or Signalized intersection	N/A	\$700,000	Developer Funded and Possible Grant
15	2020	Roberts Drive Rehabilitation, phase 3	King County Library	SR 169	Widen and overlay, sidewalk, street lighting and stormwater improvements	0.56	\$1,700,000	Grant / TIB, Local City Funds
16	2017	Commission Sidewalk	Railroad Ave. at Museum	Commission St. behind Museum	Install decorative sidewalk and concrete sidewalk, ADA improvements	0.04	\$150,000	Grant/ Pedestrian, Museum In-Kind Contribution, Local City Funds

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17	2021	Sidewalk Extensions & Bike Lanes	N/A	N/A	Sidewalk extensions and roadway widening to add bike lanes	N/A	\$400,000	Grant Funds
18	2020	North Connector (CIP Project T18)	169	South to new commercial and multi-family housing	New minor arterial connection to SR 169 with signal	0.25	\$1,000,000	Developer Funded
19	2020	Intersection Roberts Drive & Lake Sawyer Extension (CIP Project T19)	N/A	N/A	New Roundabout	N/A	\$1,000,000	Developer Funded
20	2021	Ravensdale / 169 intersection (CIP Project T20)	N/A	N/A	Intersection realignment & signal or roundabout	N/A	\$8,000,000	Developer Funded & Grant
21	2021	Intersection Roberts Drive & Annexation Road (CIP Project T21)	N/A	N/A	New roundabout	N/A	\$1,000,000	Developer Funded
22	2019	Morgan Creek Neighborhood Roads Preservation	N/A	N/A	Seal Coat	1.19	\$97,000	Local City Funds
23	2022	Intersection 216 <sup>th</sup> Ave SE & SE 288 <sup>th</sup> Street (CIP Project T22)	N/A	N/A	Signalization or Roundabout	N/A	\$1,400,000	Developer Funded
Total							\$32,706,000	

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### **TAT COMMENTS**

#### **7.5. Actions Needed to Meet Level of Service Standard**

Two intersections operate below their respective LOS standards under existing conditions: SE Black Diamond-Ravensdale Road/SR 169 and Roberts Drive/SR 169. Intersection control (e.g., a roundabout or traffic signal), additional turn lanes and roadway widening improvements would be needed at these locations to meet acceptable LOS standards. These actions are included in the 2017-2022 improvements listed in Table 7-7. The design and permitting of these intersections is already underway required to be constructed by the City's Development agreement with the Master Planned Developer in the City.

COMMENT: WSDOT recently commented on Oakpointe's Basis of Design (BOD) form regarding the SR-169 Roundabouts: *"The City's six year plan mentions two lane roundabout or signal at Roberts and signal or? at Ravensdale."* WSDOT is correct—the City's Transportation Improvement Plan (TIP) and this Comprehensive Plan Update call for *two-lane* Roundabouts, while the MPD plans call require Oakpointe to construct *single-lane* Roundabouts. This is another major disconnect. In fact, *two-lane* Roundabouts are what really is needed to support the full buildout of the MPDs.

Unfortunately, this is another negative fallout of the 2011 City Council decision to hold off on developing a new Traffic-Demand Model (TDM) to inform new Traffic-Impact Analyses (TIAs) until 850 building permits are issued. This was an unconscionable decision that will haunt the city and the region for decades to come. Thus, key infrastructure is designed and constructed based on past faulty modeling and analyses. The 2011 City Council decision to reject its own Hearing Examiner's recommendation to create a new TDM and conduct all new TIAs *prior to approval of the permits for the two MPDs*. By waiting until 850 building permits have been issued (a number that has no technical meaning) to do anything, transportation infrastructure will be built (including these Roundabouts) *before* it is known if the new traffic analyses show they will actually perform adequately and meet LOS standards given anticipated traffic flows and volumes. If that analyses shows single-lane Roundabouts are insufficient, is the City planning to ask Oakpointe to reconstruct them? Clearly the answer to that rhetorical question is: *"Of course not!"*

The 216th Ave/288th St intersection also has a failing LOS (as listed earlier in Table 7-1) and should be mentioned above for mitigation. In fact, the city should keep in mind that this intersection was identified in the MPD Hearings as one that is expected to be greatly affected by the build out of the MPDs.

There is a typo in the last sentence above: "...underway and is required..."

#### **7.6. Travel Forecasts**

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### **TAT COMMENTS**

The City of Black Diamond's existing travel demand models were updated to reflect the current and future level of development to be in place by the year 2035 both within the City and the Puget Sound Regional Council (PSRC) planning area. The land use data was obtained from PSRC and refined with city staff input to account for the approved Master Plan Developments (Lawson Hills and The Villages) and other development potential. The travel forecasts were based on the following land use projections:

- year 2014 - 4,361 population, 1,627 households and 561 jobs
- year 2035 – 19,262 population, 7,674 households and 3,709 jobs

COMMENT: For years the City has used an estimate of 2.5 people per new residence to project future population impacts of the proposed MPDs (6,050 residences x 2.5 people per residence = 15,125 people). The current City ratio is 2.7 (as shown for 2014: 4,361/1,627), which reflects a relatively older population.

Since the MPDs will undoubtedly reduce the average age of the City's population, thus resulting in more younger families, a factor of at least 3.0 (or more) should be used).

Using 3.0 results in a Year 2035 City population of 22,511 (4,361 + 18,150) as compared to the 19,262 listed. This is 17% higher. A level of 22,511 represents over a five-fold increase over today's population!

The Traffic-Demand Model and subsequent Traffic-Impact Analyses should reflect this total level of population.

The existing travel demand models were also updated to reflect the current and future transportation investments programed to be in place by the year 2035 both within the City and the Puget Sound Regional Council (PSRC) planning area.

#### **7.6.1. Future Land Use and Transportation Concepts**

The City intends for the Black Diamond Comprehensive Plan Transportation and Land Use Elements to work together for a safe and interconnected system to support housing, economic development, and recreational opportunities while minimizing environmental and social impacts consistent with Puget Sound Regional Council's forecasts and vision. Regional traffic growth on SR 169 will likely continue as long as vehicular capacity is available on that route. Similar conditions would be expected on other arterials that facilitate regional traffic. The need for planned transportation improvements will depend on the location, density and timing of the area where development occurs. The construction of the needed and planned capacity adding transportation improvement projects will occur as required by the City's Development Agreement with the Master Planned Developer and periodic traffic monitoring and modeling dictates. At the expiration of the Developer Agreement in 10 to 15 years the implementation of transportation capacity projects may shift to a City funded transportation capacity program with traffic impact fees and may vary depending on market forces, availability of utilities and actions taken by the jurisdiction.

COMMENT: The second sentence above on SR-169 should clearly state that: "*Regional traffic growth on SR 169 will continue....*" The qualifier "*likely*" implies that this may not be the case, but regional traffic growth has steadily been rising for years with no end in sight.

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### **TAT COMMENTS**

In the last sentence above why would the “*implementation of transportation capacity projects*” be shifted to the city? All the Master Developer obligations still are legally enforceable obligations (per the original MPD overall permit), which don’t simply disappear.

In fact, has the city (along with its attorneys) actually planned for the scenario when the DAs expire. The city does not want to find itself in a position where the Master Developer claims it is not obligated to complete agreed-to projects.

The city also should keep in mind that required transportation mitigation could *change* as the result of the new Traffic-Demand Model, which will be constructed through a cyclic process in which model results are confirmed (i.e., validated) and the model’s attributes and/or assumptions are adjusted (i.e., calibrated), accordingly, striving towards convergence, coupled with subsequent Traffic-Impact Analyses performed per the overall permit Conditions of Approval, particularly COA 17. Further, COA 17d. calls for “...*project impacts and compliance with mitigations and conditions to date...*” This provides the city with needed flexibility to evaluate planned traffic mitigation adequacy.

#### **Forecast Horizons**

The TIP is linked to the City’s planned land uses and the anticipated traffic volumes. There are two forecast horizons presented in the comprehensive transportation plan:

- Short-Term: 2015 to 2021
- Long-Term: 2022 to 2035

The short-term forecast coincides with the City’s TIP and represents current growth trends and expected short term development within the city. Future levels and timing of land development were based on conversations with City staff, local land owners, and development firms. Changes to development patterns and priorities may vary the need for and the completion order of the transportation improvements. The long-term traffic forecast represents the future growth in housing, employment and background traffic that will produce the expected 2035 traffic projections. The City’s Development Agreement with the Master Planned Development (MPD) Developer requires updates at the beginning and middles of the three phases of development so as to program the timing of transportation capacity adding projects to come on line as needed.

COMMENT: The “*three phases of development*” should be identified here. There is a typo in the last sentence above: “...beginning and middle [no “s”] of each of the *three phases of development...*”

Regarding “*background traffic*” growth, which generally occurs as a result of population and employment increases in a town and its surrounding communities, should be carefully considered. In the original MPD traffic analyses a constant annual background traffic growth rate of 1.0% was assumed for the Covington area along SR-516 and a 1.5% was assumed in all other areas in all the traffic analyses. [*Ref.: The Villages MPD FEIS, Appendix B--Transportation Technical Report, p. 3-23, December 2009*]. This was a concern to City of Maple Valley Traffic Expert Witness Mr. Janarthanan who suggested a model be used to generate background traffic growth. He



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stated, since there are much bigger impacts associated with large projects, one needs to correctly identify *where* those specific impacts will occur, which can only be done confidently with a model, not a rule-of-thumb value.

## **7.7. Transportation Improvement Recommendations**

This section of the transportation plan establishes intersection and roadway improvement programs for the periods 2015 to 2021 and 2022 to 2035.

### **7.7.1. Arterial and Collector Roadway Improvements**

A conceptual configuration for the future roadway system in 2035 is shown in Figure 74. New arterial and collector roads include: Pipeline Road, Annexation Road, Lake Sawyer Extension, Lawson Connector, South Connector, Southeast Loop Connector, and North Connector.

COMMENT: Figure 7-4 does not include any identification of Road Functional Classifications. While we understand that this depicts the expected configuration in 2035, it could prove useful to future planning to classify each road improvement. For example, both Pipeline Rd and the North Connector *probably* will act as Minor Arterials. Predicted traffic patterns and volumes will inform such classifications.

The proposed roadways shown in Figure 74 are to show the general route and connections of future roadways and are not specific to design level locations. The intent is to show a basic route, connections and concept and the exact locations will be determined after engineering and environmental review. These new roads will distribute future traffic growth throughout the City that would otherwise have been concentrated on the few existing major arterials.

The Pipeline Road will provide an east / west alternative to Roberts Drive and will enhance the circulation and access for industrial development. The North Connector will provide a north / south alternative to SR 169 in the middle of the City. The Annexation Road would provide north-south and east-west circulation through the southwestern portion of the City's Expansion Area. Other new facilities are proposed to improve general circulation.

COMMENT: We are not aware the Public has seen the results of Traffic-Impact Analyses with the new roads identified above added. What traffic circulation patterns and volumes change? What traffic impacts are there on the two principal roads through the city now—SR-169 and Auburn-Black Diamond Rd? How will truck traffic be affected? What are the further-range impacts to SR-169, SR-516, and Issaquah-Hobart-Ravensdale-Black Diamond Rd outside the city to the north? Is traffic congestion simply to be shifted outside the city on primarily one-lane each-way roads?

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**Figure 74: 2035 Roadway Network Concept**

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### **TAT COMMENTS**

#### **Agency Coordination**

Improvements on SR 169 will require coordination with WSDOT. The City has adopted a Gateway Overlay District from the North City boundary to Roberts Drive regulating how development will occur along the roadway including separated meandering sidewalks within the front setbacks of the properties. The Comprehensive Plan should include a vision for SR 169 through the city. The City could use the vision to begin discussions with WSDOT to coordinate the future design of the road. Then as development occurs along the highway, improvements (such as lanes, sidewalks, bike lanes, median planting, turn pockets, driveways, and signals) could be implemented consistent with the overall design. The City will continue to participate in the implementation of or future updates to the SR 169 Route Development Plan (WSDOT, 2007) and as well as any other regional transportation planning efforts.

COMMENT: It is surprising that none of this has been done in the past decade since the existing Comprehensive Plan was approved in 2009. Further, it appears the city has no contingency plans in place should SR-169 improvements not be made, as monies simply are not available (please see our comments earlier on section 7.4.1).

#### **Intersection Control Requirements**

Although the construction of new collector roads and connecting arterials will help distribute traffic, key intersections will warrant traffic control and intersection improvements to meet the City's LOS standards in the future. The City identified roundabout-controlled intersection improvement as the preferred solution to address the increasing turning movements at intersections. Where it is shown that the traffic movements cannot be handled and or the site conditions will not allow for a roundabout, signalization of the intersection can be considered. The necessity for and location of intersection improvements would be established at the time development occurs. The City will look to avoid locating signals in its historic downtown area.

COMMENT: With respect to the second to last sentence above: this frequently leads to undersized improvements and shifts an oversized burden to the Public sector for *retrofitting* properly sized long-term improvements 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.

Many intersection control improvements are expected and warranted during the 20- year planning period. The improvement for roads and intersections will be implemented incrementally with developments as traffic volumes increase.

COMMENT: Again, the city does not want to plan for an undersized improvement only to have to go back again and again to retrofit it. This, in the long run, costs far more money and results in far more traffic delays due to construction, retrofitting, etc.

#### **7.7.2 Roadway Conditions – 2021**

This plan anticipates future conditions for the year 2021 to derive the Six-year TIP. The analysis includes the roadway projects identified in the Six-Year 2015-2021 TIP (dependent on growth-driven traffic demand) plus additional improvements identified in the Master Plan Development needed to ensure that the roadway system meets the City's adopted LOS standards.

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COMMENT: Note that in Table 7-7 the TIP is labeled “2016-2021,” not “2015-2021,” as shown above. The text (though not the title) below shows the same inconsistency.

#### **2016 to 2021 Recommendations**

Development and increasing traffic from neighboring jurisdictions will increase traffic volumes throughout the city. Table 7-8 and Figure 75 list the 2015 to 2021 recommended actions. The transportation improvements recommended are expected to meet the projected travel needs throughout the city.

COMMENT: What “*Development and increasing traffic from neighboring jurisdictions will increase traffic volumes throughout the city*”? Commuter traffic generated by residents of the City of Maple Valley does not pass through the City of Black Diamond, nor does Commuter traffic generated by residents of the City of Covington. The transportation capacity-adding projects listed in Table 7-8 are needed to accommodate *in-city-generated* traffic with almost all of it generated by the MPDs. Consequently, the text above needs to be revised to reflect these realities.

There appear to be multiple intersections that require improvements by the Master Developer per the MPD Development Agreements that are not shown in Figures 7-5 or 7-6, e.g., a new signal and new north and south turn lanes added at the SE 288th St / SR-169 intersection. Does Figure 7-5, at a minimum, depict all the transportation improvements that will be needed to ensure the city's LOS standards are met?

**Table 7-8. Transportation Capacity Adding Projects (2015-2021)**

Project References		Project Description	General Timing	Funding Source
Project Number & Name from 2009 comp plan (new projects in <i>italics</i> )	AKA			
A1, Annexation Road,	The Villages MPD Community Connector	Minor arterial from Lake Sawyer Road SE across Roberts Drive to south end of Phase 1A, Villages MPD; individual phases described below.	Expected within 6 years	MPD Developer
A2, Lake Sawyer Extension Road	Ring Road	A road with a single lane in each direction with bike lanes, rain gardens/landscaping, and a sidewalk on each side.	Expected within 6 years	MPD Developer
<i>Reconstruction of Roberts Drive from west City limits to 236th Ave SE</i>	Frontage Improvements on SE Auburn -Black Diamond Road (Roberts Drive)	Overlay and widening with sidewalks, bike lanes, street lights, landscaping, storm water infiltration	Expected within 6 years. Partially completed in 2017	MPD Developer

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SE Auburn Black Diamond Road (Roberts Drive) / Annexation Road	Intersection of Community Connector and SE Auburn Black Diamond Road	Single lane roundabout.	Expected Fall 2018.	MPD Developer
SE Auburn Black Diamond Road/ Lake Sawyer Road / Lake Sawyer Extension	Intersection Improvement at SE Auburn Black Diamond Road and Ring Road	Single lane roundabout	COMPLET E in 2017	MPD Developer
SR 169 / Roberts Drive / Lawson Connector	Intersection improvement at SR 169 / Roberts Drive / Lawson Connector (or Parkway)	Roundabout improvement with pedestrian improvements	Expected within 6 years	MPD Developer and City grant funds
SR 169 / SE Black Diamond – Ravensdale Road	Intersection Improvement a@ SR 169 / Pipeline Road / Black Diamond Ravensdale Road	Roundabout improvement with pedestrian improvements	Expected within 6 years	MPD and City grant funds
SE 288 <sup>th</sup> Street / 216 <sup>th</sup> Avenue SE		Re-channelize south leg of intersection to provide refuge/ merge area for westbound left- turning vehicles	1 COMPLET ED	MPD Developer
<i>Roberts Drive Improvements from 236<sup>th</sup> Ave SE to Bruckners Way</i>		Road widening for shared bike lane, sidewalks and street lights extending pedestrian facilities across Black Diamond and linkage to the r	Expected within 6 years	MPD, grant and City funds
<i>SR 169 from BD Ravensdale Road to James Street</i>	Sidewalk link from Old Town to north commercial	Provide sidewalks and bike lane facilities from BD Ravensdale Road to James Street	Expected within 6 years	Grant and City funds
<i>Ginder Creek Trail linking Roberts Drive to Morgan Street</i>		Construct a gravel surface trail for access to City open space and shorter access to the library.	Expected within 6 years	Grant and City Funds
Later phase of A1 above.	Extend The Villages MPD Community Connector	New road with bike lanes and meandering paths/walkways . Constructed in phases as necessary to provide access to each Phase 2 plat that takes access from the Community Connector.	Expected within 6 years	MPD Developer

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A3, Lawson Connector	Lawson Parkway	New road linking Lawson Hills MPD to State Route 169 with pedestrian facilities, bike lanes and street lights.	Expected within 6 years	MPD Developer
Lawson Street Sidewalks Phase 2	Frontage Improvements along Lawson Street	Sidewalks on Lawson Street 6 <sup>th</sup> Ave to Botts Drive	Expected within 6 years	MPD, grant and City funds
Intersection Improvement at Lawson Parkway/ Lawson Street/ Botts Drive		Stop control will be provided when intersection is constructed. Additional improvements may be needed in the future.	Expected within 6 years	MPD developer
A5, North Connector, phase 1		Minor arterial serving north commercial area with roundabout access to SR 169.	Expected within 6 years	MPD Developer

**Note:** The projects above identify needed facilities within the City if the project growth takes place during the 13-year period. New capacity adding projects will be the responsibility of the project's developer to design and construct to meet the demands of the new growth within the City according to the Development Agreement with the City or through the City's SEPA process. The City's role is monitoring, review and collecting a proportionate share of mitigation fees from infill development for affected intersections. New development will also be responsible for providing on-site roads, trails, sidewalks and circulation, which is not identified in the TIP.

**COMMENT:** Cost Estimates should be listed for each project in the Table 7-8. Also, the SE 288th St / 216th Ave SE intersection needs more than a *"rechannelized south leg"* to alleviate expected traffic volumes to be generated by the MPDs. This intersection should be monitored to ensure this *fix* actually works and, if not, further analyses are required to determine what additional *fixes* are necessary to meet LOS standards.

Since Table 7-8 above covers 6 years, what is the *"13-year period"* referenced in the Note at the end of the table? **[note:** this appears to be a carry-forward from the Note at the bottom of Table 7-9 which *does* cover a 13-year period] The Note states that the city's role is *"monitoring, review and collecting a proportionate share of mitigation fees from infill development for affected intersections."* This is incomplete, as the city has the responsibility—primarily through its selected Traffic Consultant(s)—to create, validate, verify, and exercise the new Traffic-Demand Model (TDM) per MPD permit Conditions of Approval 11-14 and 17. **The new TDM, coupled with all subsequent Traffic-Impact Analyses, will inform all future MPD permit decisions including required traffic mitigation.**

As we have called for before, the city should establish a *TDM Advisory Board* comprised of representatives from all affected entities--Black Diamond, Maple Valley, Covington, the Master Developer, KCDOT, and WSDOT--to periodically review progress on the new TDM and make final recommendations on its suitability.

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### ***TAT COMMENTS***

COMMENT: In earlier versions of the Transportation Appendix there was a paragraph titled: *“Level of Service - 2021,”* which is no longer included herein. It stated: *“With the completion of the recommended 2016 to 2021 projects with the addition of the projected traffic levels from new development, intersections within the city would generally meet the LOS C and LOS D standards.”*

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**Figure 75: Transportation Improvements (2016-2021)**

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#### **Roadway Conditions - 2035**

The traffic volumes anticipated for the year 2035 are depicted in Figure 77. The City expects that additional arterial roads will be needed in the planning area. SR 169 and Roberts Drive will continue to carry the largest volumes of traffic. The Morgan Street and the Railroad Avenue connection between Roberts Drive and SR 169 would serve as a prominent collector road.

COMMENT: We consider Figure 7-7 probably the most important figure in the entire document, because it provides 2035 traffic volume predictions at 10 key intersections and must be consistent with the road network shown for 2035 in Figure 7-6 and LOS performance listed for each in Table 7-11. We would expect this all to be sufficiently explained in the text here, but it isn't. There is no information provided on what assumptions were used in the analyses. For example, Background Traffic Growth; Internal-Capture Rates; Housing/Job Balance; etc.?

The information provided in Figure 7-7 is critical to evaluating future traffic impacts and whether or not this Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents. We are concerned the text above states the city "*expects that additional arterial roads will be needed in the planning area.*" What "*additional arterial roads*" are needed and when? Who will pay for them?

At a minimum, we have several concerns here:

- (1) The predicted traffic volumes *southbound* through **intersections 1** and **3** (west of Lk Sawyer) in the PM peak hour are large, yet the former is labeled as unsignalized. Yes, it currently is unsignalized, but in 2035? Further, a two-lane road can comfortably handle ~1000 vehicles/hr (both ways combined), and LOS degrades badly above 1500 vehicles/hr.
- (2) The predictions show *more* vehicles (primarily commuting back to the MPDs) traveling south on Lk Sawyer Rd (1,022 through **intersection 3** vs. 355 today from Figure 7-1), then are predicted southbound on SR-169 (480 [397+79+4] through **intersection 6** vs. 589 [562+27+0] today from Figure 7-1). This indicates that Lk Sawyer Rd is predicted to handle the vast majority of the *new* traffic by 2035. Such traffic-pattern behavior is surprising in 2035 after MPD buildout, especially given that Lk Sawyer Rd will remain a narrow, winding route with at least three very busy intersections.
- (3) The traffic volumes predicted southbound on SR-169 (480 [397+79+4] through **intersection 6**—are *less* than the 589 [562+27+0] experienced today *without* the MPDs (see Figure 7-1).
- (4) Why do the predictions show such a large volume of traffic (769 [574+178+10]) traveling *westbound* from the Lawson Connector to **intersection 7**?
- (5) There are large increases shown in *northbound* traffic from the Lawson area at **intersection 7** that isn't matched with traffic growth to/from SR-169 south on the SE Loop Connector at **intersection 10**.
- (6) The predicted traffic volumes on Morgan Road / Jones Lake Road (between **intersections 5** and **10**—the forecast two-way total is 416

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[226+25+155+10] vs. existing 71 [23+45+3] at the latter and more than double 875 [402+10+457+6] vs. existing 179 [43+121+15] that at the former) are hugely increased, but no improvements are shown. Such volumes, although not a road capacity problem *per se*, should not be acceptable to the city without any improvements, because of potential urban design / pedestrian safety issues, and no provisions for left-turn activity. Many urban streets with this level of volume have three-lane cross sections and/or "traffic calming" features. Noter that LOS standards appear mainly concerned with traffic flow, not pedestrian safety or urban design compatibility, so the lack of shoulders, sidewalks, turn lanes, etc., is not sufficiently addressed, but could be, if the LOS definitions are changed herein to address such safety/quality-of-life issues.

None of this is explored, nor explained, in the accompanying text.

### 2022 to 2035 Recommendations

Future transportation recommendations for the 2022 to 2035 time horizon (dependent on growth-driven traffic demand) are shown in Table 7-9 and Figure 76. The program improves existing facilities, provides connections to "fill-in" the existing system, and constructs new facilities to meet the projected travel needs throughout the city.

COMMENT: Several 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 that these projects are sufficient to ensure the city's LOS standards are met.

**Table 7-9. Transportation Capacity Adding Projects (2022-2035)**

Project References		Project Description	General Timing	Costs & Funding Source
Project Number & Name from 2009 comp plan (new projects in <i>italics</i> )	AKA			
Intersection Improvement at Roberts Drive / Morgan Street and maybe future North Connector		Roundabout	Within 7 to 20 years	\$11,600,000 MPD Developer
Intersection Improvement at SE 288 <sup>th</sup> St/ 216 <sup>th</sup> Ave SE		Roundabout or signal	Within 7 to 20 years	MPD Developer

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A6, Pipeline Road		Construct New City minor arterial roadway from Lake Sawyer Road. SE to SR 169 with roundabout improvement on Lake Sawyer Road SE.	Within 7 to 20 years	MPD Developer
Intersection Improvement at Covington Sawyer Rd. and 216 <sup>th</sup> Ave SE		New signal and re-channel adding turn lanes and possibly through lanes or roundabout	Within 7 to 20 years	MPD Developer
A5: North Connector phase 2		Connect new city minor arterial , North connector to the pipe line road.	Within 7 to 20 years	MPD Developer
A5, North Connector phase 3		Extend North Connector from the pipeline road to Roberts Drive.	Within 7 to 20 years	Future Developers
SR 169 Roundabout improvements at Roberts Drive / Lawson Parkway		Roundabout improvements which could include slip lanes or upgrade to a two lane roundabout	Within 7 to 20 years	Future Developers
Intersection Improvement at Roberts Drive / Morgan Street and maybe future North Connector		Roundabout	Within 7 to 20 years	MPD Developer
SR 169 Roundabout improvements at BD Ravensdale Road / Pipeline Rd.		Roundabout improvements which could include slip lanes or upgrade to a two lane roundabout	Within 7 to 20 years	Future Developers
A8, South Connector	South Connector	A new east west collector in south Black Diamond connecting SR 169 to southwest Black Diamond	Within 7 to 20 years	\$7,560,000 Future Developers potentially with City and grant funds
A9, SE Loop connector	SE Loop Connector	Construct a new collector street from Lawson Hills MPD to SR 169 for a second connection	Within 7 to 20 years	\$7,125,000 Future Developers potentially with City and grant funds
Widen SR 169 From Roberts Drive to north City limits		Widen SR 169 to 4 lanes from Roberts Drive to north City limits.	Within 7 to 20 years	Future Developers potentially with City and grant funds

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SR 169 / RR Ave / SE Loop Connector	SR 169 / Jones Lake Road / SE Loop Connector	Signal or roundabout	Within 7 to 20 years	\$630,000 Future Developers potentially with City and grant funds
SE 288 <sup>th</sup> Street & 232 <sup>nd</sup> Ave SE		Channelization improvements	Within 7 to 20 years	Future Developers potentially with City and grant funds
SR 169 / South Connector		Roundabout	Within 7 to 20 years	\$630,000 Future Developers potentially with City and grant funds
North Connector & Pipeline Road		Roundabout	Within 7 to 20 years	Future Developers potentially with City and grant funds
North Connector & Roberts Drive		Roundabout or maybe a signal	Within 7 to 20 years	Future Developers potentially with City and grant funds
SR 169 / Baker Street & SR 169/ Lawson Street	Intersection improvements for Lawson Street and Baker Street with SR 169.	One roundabout or two signals. Right of Way needed.	Within 7 to 20 years	\$1,260,000
SE Auburn Black Diamond Road / Morgan Street	Roberts Drive & Morgan Street Intersection	Roundabout or maybe a Signal	Within 7 to 20 years	
SE 288 <sup>th</sup> Street & 232 <sup>nd</sup> Ave SE		Channelization Improvements.	Within 7 to 20 years	\$630,000
North Connector & Pipeline Road		Roundabout	Within 7 to 20 years	
North South Connector & Roberts Drive		Roundabout or maybe a signal.	Within 7 to 20 years	\$630,000
North South Connector & Morgan Street		Roundabout or signal	Within 7 to 20 years	\$630,000

**Note:** The projects above identify needed facilities within the City if the project growth takes place during the 13-year period. New capacity adding projects will be the responsibility of the project's developer to design and construct to meet the demands of the new growth within the City according to the

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Development Agreement with the City or through the City's SEPA process. The City's role is monitoring, review and collecting a proportionate share of mitigation fees from infill development for affected intersections. New development will also be responsible for providing on-site roads, trails, sidewalks and circulation, which is not identified in the TIP.

COMMENT: Some of our Note comments at the bottom of Table 7-8 apply here as well:

The Note states that the city's role is *"monitoring, review and collecting a proportionate share of mitigation fees from infill development for affected intersections."* This is incomplete, as the city has the responsibility—primarily through its selected Traffic Consultant(s)—to create, validate, verify, and exercise the new Traffic-Demand Model (TDM) per MPD permit Conditions of Approval 11-14 and 17. The new TDM, coupled with all subsequent Traffic-Impact Analyses, will inform all future MPD permit decisions including required traffic mitigation.

As we have called for before, the city should establish a *TDM Advisory Board* comprised of representatives from all affected entities--Black Diamond, Maple Valley, Covington, the Master Developer, KCDOT, and WSDOT--to periodically review progress on the new TDM and make final recommendations on its suitability.

COMMENT: Table 7-9 generally lacks Cost Estimates. Further, we have several concerns regarding *"Funding Sources"*:

- Six projects list the MPD Developer—five of which lack Cost Estimates.
- Eleven projects list *"Future Developers"*—seven of which lack Cost Estimates.
- Six projects list no Funding Sources.
- Eight projects list the City and Grant monies as Funding Sources.

Why are not all twenty-three projects listed the responsibility for the MPD Developer? Is the problem because the 13-yr period goes beyond the expiration date of the MPD Development Agreements? If so, how will these projects be paid for and who will pay for them? What are the reference sources for the information shown in Table 7-9?

**Figure 76: Transportation Improvements (2022 to 2035)**

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#### **Figure 77: PM Peak Hour Traffic Volumes and Roadway Network**

COMMENT: Table 7-10 is not referenced, nor described in the text. Further, it is mostly blank. Is this simply a placeholder to be completed in subsequent drafts of this Comprehensive Plan Update? If so, once again, this is critical to evaluating whether future traffic projects will mitigate MPD impacts and whether or not this Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents.

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**Table 7-10. Master Developer Funded Transportation Projects**

The Villages MPD		Project Description	Construction Threshold	
Project Name	Alternative Name		Phase 1	Phase 2
The Villages MPD Community Connector		1 lane road connecting Black Diamond Road including bike lanes, meandering path and roundabout	Division 1A of Plat 1A	Occupancy of 726th DU in Phase 1A
Ring Road				
Frontage Improvements on SE Auburn -Black Diamond Road				
Source: Black Diamond Memorandum dated August 27, 2012 From Andy Williams, Steve Pilcher RE: Approval of Regional Facilities Implementation Schedule for Phase 1A, The Villages MPD				
Lawson Hills MPD		Project Description	Construction Threshold	
Project Name	Alternative Name		Phase 1	Phase 2

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Source: Black Diamond Revision/Correction Submittal Form Dated January 1, 2014, Permit #PLN13-0027 (2C)				

**Note:** Funding and implementation responsibility for the projects listed are the responsibility of the Master Developer. These projects may be listed in the future TIP.

#### Level of Service--2035

With the listed improvements for 2021 to 2035, the City's arterial and collector road system all roadways and intersections would operate within an acceptable LOS except for 216<sup>th</sup> Ave SE / SE Covington Sawyer Rd. Table 7-11 indicates the intersection LOS operations within the City for 2035. With the intersection improvements described in Table 7-11, two intersections would not meet the City's LOS C standard. The 216 Avenue SE/SE Covington-Sawyer Road intersection would operate at LOS F and the 216<sup>th</sup> Avenue/SE 288<sup>th</sup> Street intersection would operate at LOS F. The traffic volume growth at these locations appears to be primarily from regional growth outside Black Diamond. It is recommended that the City coordinate with King County, City of Covington and Maple Valley to improve connectivity outside the City of Black Diamond to assist with this problem.

COMMENT: The above attributes 2035 LOS failure of the 216th Ave SE / SE Covington-Sawyer Rd intersection and the 216th Ave / SE 288th St intersection to "traffic volume growth ... primarily from regional growth outside Black Diamond." In 2015, Table 7-2 showed these two intersections performing at LOS B and D in 2015, respectively. But for 2035 the statement cited above does not make sense, as a majority of AM commute traffic through these intersections would be northbound from the City and for the PM commute southbound to the City due to the impacts of the MPDs. The 216th Ave SE corridor requires a multilane solution, not small fixes.

Outside regional growth will have little impact to either of these intersections. Currently, the City does not experience much peak-hour commute traffic from adjoining cities such as Covington and Maple Valley. Future growth in the area of these intersections will undoubtedly be dominated by the two MPDs *within* the City, not anything Covington and Maple Valley can somehow squeeze into their already shrinking undeveloped-land footprints.

Yes, Covington is planning for an MPD (also with Oakpointe as the master Developer), but it will have direct access to two major State highways--SR-18 and SR-516. There would be minimal (if any at all) commuting south towards the City from people living in that MPD.

Further, it should be noted that more than six years ago the 216th Ave SE/SE Covington Rd intersection was flagged as a major problem. The Traffic Impact Study (TIS) for The Villages MPD--Phase 1A computed estimated Queue Lengths at seventeen different intersections. For this intersection certain legs were flagged as follows: "95th percentile volume exceeds capacity, queue may be longer" and Queue lengths of "252 ft northbound" and "507 ft southbound-through" were shown. **[Ref.: Memorandum, TV MPD--PP1A--Response to Comments, Attachment 5--Queueing Summary and Worksheets, SYNCHRO 7 Reports, The Transpo Group, June 28, 2012]**



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Finally, the “*big elephant in the room*” is SR-169, the transportation infrastructure backbone for southeast King County. If it is not addressed, in any meaningful way, much of what is planned herein will be insufficient to meet the city’s growing needs.

**Table 7-11. Future Intersection Level of Service Summary (2035)**

<b>Signalized Intersections</b>	<b>Level of Service</b>	<b>Delay (seconds)</b>
<b>216th Ave SE/SE Covington-Sawyer Rd</b>	<b>F</b>	<b>176</b>
219th Avenue SE/SE 296th St	A	8
<b>Roundabouts</b>	<b>Level of Service</b>	<b>Delay (seconds)</b>
<b>216th Avenue SE/SE 288th Street</b>	<b>F</b>	<b>96</b>
Roberts Drive/Lake Sawyer Road Extension	A	8
SR 169/SE Black Diamond-Ravensdale Road	C	16
SR 169/Roberts Drive/Lawson Connector	A	9
Roberts Drive/Morgan Street	A	8
SR 169/Baker St	A	6
SR 169/Lawson Rd	A	6
SR 169/Jones Lake Rd	A	8

COMMENT: Table 7-11 should indicate which approach legs are most impacted and, thus, correspond to the Delay times shown for each Roundabout listed. Also, how long is the Queue Length predicted to be for the 96-sec Delay associated with the 216th Ave SE/SE Covington Rd intersection?

### **7.7.3. Public Transportation**

Metro is expected to continue the one existing transit route into the 2021 horizon year depending on ridership levels and available funding. Service frequency may be increased, however, depending upon demand in the City and Maple Valley and Enumclaw areas. By the 2035 forecast year, additional park-and-ride facilities and transit service may be needed along SR 169. Other transit facilities may be necessary to serve new residential and employment within the City, specifically growth in the Master Plan Developments. Subject to available funding, the likely locations would be along Roberts Drive or Lake Sawyer Road. The City MPD’s Development Agreement identifies a park and ride facility within walking distance of the highest density portion of the Master Planned Development.

COMMENT: Our earlier comments (see sect. 7.2.3— **Level of Service Methodology**, subsect. **Transit Level of Service**) on transit apply here as well.

### **7.7.4. Pedestrian and Bicycle Facilities**

Sidewalks, walkways, and bicycle paths are integral parts of road design, as they are typically located within the roadway right-of-way. Sidewalks should be located on roads providing access to downtown

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areas, schools, parks, shopping centers, office buildings, and along transit routes. Enhanced sidewalk design standards should be applied by the City to address areas with high pedestrian activity, to increase pedestrian comfort and to allow for street plantings.

Bicycle lanes or paths are especially useful where bicycle traffic is high; such as near parks, schools, and other bicycle traffic generators. Bicycles can sometimes be accommodated without a bicycle lane on low volume local or collector roads. The City's standard of wider shared auto and bicycle lanes on arterials and collectors in time should address the need for continuous linked facilities for bicycles.

Bicycles are not appropriate on sidewalks designed for pedestrians. In low volume areas where bicycles and pedestrians share the sidewalk, an 8 to 10-foot-wide path is needed. In areas with high bicycle traffic volumes, a separate 5-foot bicycle path is needed.

Although there is not a system of bicycle paths or lanes in Black Diamond, the City recognizes the importance of pedestrian and bicycle facilities for recreation and commuter uses. The trail system is a major component of the City's proposed non-motorized transportation system. The Black Diamond Trails Plan proposes several expansions to the local trail system with multipurpose trails, off-road hiking trails, off-road mountain biking trails and horse trails. The City's Trail Plan may need to be updated to insure adequate local connections to the major Regional Cedar to Green King County multi-purpose trail that is currently in preliminary design.

COMMENT: In the last sentence above replace the phrase: "*may need to*" to "*will.*"

#### **Recommendations**

The City has added to the sidewalk system significantly in recent years. However, north south linkages and connections to the future regional trail will be needed. Figure 72 shows the current extent of the sidewalk system. The City road construction standards require sidewalks on all new roads. It is recommended that sidewalks, walkways, or trails be constructed with or along all new or reconstructed collectors, minor arterials and on most local access roads as appropriate within City limits.

The City is planning for sidewalks and trails throughout new developed areas but not through older subdivisions with narrow existing rights of ways. In the old portions of the City developed prior to the 1980s, the right of way widths are narrow and the narrow roads serve small pockets of development and carry very little traffic. The citizens in these areas walk on or along the existing roads sharing the roadways with vehicles. It is recommended that the City consider formalizing this vehicle and pedestrian shared facility practice with the assistance of a traffic engineer examining speeds, signage and road improvements and adopting standards and ordinances to establish and facilitate this reasonable accommodation for pedestrians. Reconstruction of existing local access roads are very difficult to fund, particularly if sidewalks are included. The older neighborhoods would benefit from reconstruction of the roadways within the existing right of way and roadbed as City funding would be greatly extended bringing reinvestment to these neighborhoods much quicker.

New roadways will include bike lane provisions along arterial and collector facilities in the City. It is recommended that bike lanes or widened lanes for shared use be constructed along existing arterial and collector roadways in the future when they are scheduled for rehabilitation or reconstruction. For example, the City is requiring the Lawson Hills and Villages to include a network of trails as a condition of the developer agreement. City has also added network of sidewalks through SEPA mitigation and Rock

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Creek pedestrian bridge will link old town and new town. A new trail is being constructed in 2018 along Morgan Drive

As stated in the transportation policies (T-9), the City encourages the development of a network of off-road facilities for non-motorized travel. The City should seek these facilities in connection with new development and should attempt to identify potential off-street bicycle routes (Class I) for cyclists wherever sufficient public demand and space can be made available.

The recommended non-motorized facilities in this plan will have a positive impact on the transportation system. The plan's support for bicycle facilities would also help encourage alternatives for shorter length trips.

#### **7.7.5. Transportation Demand Management Strategies**

Transportation Demand Management is a term encompassing a broad range of measures designed to promote alternatives to the single-occupant vehicle (SOV). By promoting these alternatives, mobility can be maintained without expanding the capacity of the road network.

COMMENT: Unfortunately, much of the planned 1.15M sq ft of commercial space associated with the MPDs will likely be retail (e.g., sales, grocery, eateries, etc.) establishments which do not pay sufficient salaries for people to afford to live in the MPD homes. Consequently, MPD residents for the most part will need to commute out of the city for employment, while workers in many of the commercial MPD space will need to commute into the city. The city can see exactly this situation in both of its neighboring cities—Maple Valley and Covington.

Simply meeting Job Targets does not directly relate to minimizing the number of residents from commuting outside the city for employment. This is a big disconnect (also voiced by the citizenry during the MPD hearings). Consequently, the usual “*internal capture*” benefits related to building both residential and commercial projects will not be recognized by the city, thus magnifying its future traffic woes.

Internal Capture Rate (ICR) is defined by Institute of Transportation Engineers (ITE) as trips between two distinct *internal* (i.e., on-site) land uses without traveling on the roadway network *external* to the site. There is no universal approach to best estimate ICR to develop trip generation estimates for traffic impact analyses. In fact, some ITE methods for ICRs may not be applicable to large MPDs, as testified to by King County Department of Transportation (KCDOT) Expert Witness Matthew Nolan:

*"The applicant used...ITE trip internalization rates. But our experience with the Redmond Ridge Urban Plan Development was that although we met those targets in Redmond Ridge, it was rather unique circumstances that they were met, and so we felt they were somewhat aggressive in those numbers." [FEIS SEPA Appeals Testimony Transcript, March 2010, p. 420, ln. 14-19]*

Traffic distribution and volumes on particular roadway segments and through particular intersections are very dependent on ICRs used. A Sensitivity Analysis helps evaluate how traffic distribution and volume fluctuates with ICR. MPD COA 14

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addresses ICRs. We have recommended the city conduct ICR Sensitivity Analyses to ensure the fidelity of assumptions in all MPD-related traffic-demand modeling and subsequent traffic analyses as both traffic distribution and volume fluctuate.

These comments also apply to the Commute Trip Reduction subsection below, especially the third from last bullet that states, in part: *“Developer agreements required Lawson Hills and the Villages to commit to bringing employment to Black Diamond and commercial development to improve the jobs housing balance and reduce the need for long distance commutes....”*

TDM strategies such as those addressed in Policy T-8 generally include increased public transportation service and ride-sharing programs. The City’s website includes links to Metro to help facilitate increased use of public transportation.

COMMENT: Again, due to the existing traffic congestion on SR-169 and the expected massive increase in traffic due to the MPDs adding to that congestion and because SR-169 has no HOV or bus-only lanes (nor is it expected to in the future), any attempts to convince King County Metro to expand service most probably would be unsuccessful—the buses just won’t be able to move—and the needed investment by Metro just isn’t warranted! Consequently, the City needs to plan for a time in the near future when the already poor bus service it receives is reduced further to a system that literally has no viable transit service. None of this was adequately addressed in the MPD COAs and DAs, nor is it here in the city’s Comprehensive Plan Update.

Transportation Systems Management (TSM) strategies, such as improved signal coordination and timing are related to TDM as alternative methods of improving transportation performance without building new roadways. TSM is the subject of Policy T-9.

#### **Commute Trip Reduction**

Washington State’s Commute Trip Reduction Law (RCW 70.94.521) requires all employers with more than 100 full-time employees in counties with populations greater than 150,000 (including King County) to implement a commuter trip reduction (CTR) plan. Although presently there are no employers within the City that employ more than 100 employees at a single work site, anticipated employment growth may necessitate a CTR program in the future.

As one way to support CTR goals, the City signed a franchise agreement with a high-speed internet provider (Wave. MPD) to fund WiFi at public locations including school sites, fire stations, etc.

Reducing congestion includes strategies to reduce demands on the transportation system. Some elements of a CTR plan include:

- provision of preferential parking or reduced parking charges, or both for high-occupancy vehicles (HOVs) and institution of paid parking for single occupant vehicles;
- provision of commuter ride matching services to facilitate employee ridesharing for commute trips;
- provision for subsidies for transit passes or employee use of HOVs;

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- vehicles for car pooling and van pooling;
- permitting flexible work schedules to facilities employer's use of transit, car pools, and van pools;
- cooperation with transportation providers to provide additional service to the work site;
- provision for bicycle parking facilities, lockers, changing areas, showers for employees who bicycle or walk to work;
- establishment of a program to permit employees to work part or full time at home or at an alternative work site closer to their homes (telecommuting). To facilitate telecommuting, Black Diamond signed a franchise agreement with the internet provider Wave for high speed internet service. Developer agreements required Lawson Hills and the Villages to commit to bringing employment to Black Diamond and commercial development to improve the jobs housing balance and reduce the need for long distance commutes and fund high speed internet at public school sites, fire stations. Etc.;
- establishment of a program of alternative work schedules such as compressed work week (4-day work week); and
- employer-guaranteed ride home for employees who use alternative transportation modes. This program allows employees to use a company vehicle or provides a taxi reimbursement if there is a family emergency or they are required to work outside their normal work hours.

#### **Land Use Policy**

A city's ability to regulate land use is the most effective way available to manage travel demand. Land use plans and the planning and zoning sections of city codes are the principal instruments for implementing land use policy. Some examples of land use policy instruments are discussed below:

COMMENT: Why was the following, from the *existing* 2009 Comprehensive Plan, removed herein?

#### ***"Prohibition on Development***

*Prohibiting development is the most effective way of impacting traffic. Without development, traffic impact from a parcel is virtually non-existent. Imposing low density agricultural or open space zoning, where appropriate pursuant to GMA, is an example."*

As we stated earlier in our comments herein, the city controls the development and exercise of the new Traffic-Demand Model and downstream traffic analyses that will impose traffic mitigations on all future MPD phases (after the 850 building-permits-issued threshold is met). Consequently, although the city cannot expressly "*prohibit*" development within the MPDs, it certainly can limit it to ensure its LOS standards are met. This point cannot be over emphasized!

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#### ***Zoning and Land Use Designation***

Zoning and land use designation of individual parcels are very important in determining traffic impacts. In general, retail (particularly fast-food and convenience stores) generates the most traffic per employee or square foot of development. On the other hand, if there is inadequate commercial zoning compared to housing, residents will have to travel out of town for needed services. A balanced approach will best minimize traffic impacts. Conversely, industrial developments (such as heavy manufacturing and warehousing) generally have lower traffic impacts. Most other commercial activities (offices, medical, etc.) and residential areas fall somewhere in between these extremes.

The City of Black Diamond sits at the edge of the King County Urban Growth Area. Large housing developments are occurring on large parcels of land. The City is requiring public space and forested land to remain. Limits are being created for on-site parking at commercial developments and the amount of on-street parking required in residential and commercial neighborhoods.

#### ***Promoting Business***

Even though the City of Black Diamond is small it has funded a Business Development Director and continues to seek bringing more employers to Black Diamond so that residents will have more opportunity to live and work in Black Diamond

COMMENT: The MPD Master Developer must be a key part of this effort, otherwise it will fail to meet the city's needs.

#### ***Standards for Transportation Facilities***

City codes may also regulate the number and location of driveways, the required minimum (and in some cases, maximum) number of parking spaces, the number and convenience of bicycle parking spaces, and sidewalk requirements. These requirements can provide for good design that can maximize the efficiency of the roadway system and can promote use of single occupancy vehicle and commute alternatives.

#### ***Parking Management***

The City of Black Diamond seeks to provide adequate, but not excessive on-street and off street parking through both minimum and maximum parking allowances. The City will monitor utilization of parking over time and update appropriate codes as needed.

COMMENT: Why were the (demand management) Recommendations in the *existing* 2009 Comprehensive Plan removed herein, especially: "*Develop zoning and land use policies that promote land uses and development that are consistent with the City's goals and visions and which require new development to adequately provide for the transportation needs of that development.*" ? This should be placed back into the Comprehensive Plan Update.

## **7.8. Funding Strategy**

The Comprehensive Transportation Plan recognizes the planning and improvement programming process as ongoing and provides a basis for initiating the funding strategy. A funding analysis is included that examines the available sources to pay for the recommended improvements and new roadways. This

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analysis recommends those strategies which would be most beneficial for the City to pursue when identifying funding for the improvements outlined in the Six-Year TIP.

During the TIP process each year, the City confirms the construction costs of the recommended improvements and new roadways and matches the appropriate funding strategy to construct the planned improvements. The TIP review also allows the City to reevaluate the need and timing for additional improvements.

#### **7.8.1. Proposed Six-Year Financing Plan**

The City is required to create a 6-year financing plan for both transportation and capital facilities, however whereas the City of Black Diamond has required that the Master Planned Developer design, permit and construct all of the capacity adding projects in the City's transportation plan as needed to meet the City's adopted level of service, the city needs only to monitor the LOS and enforce the Development Agreement with each implementing plat within the Master Planned Development.

COMMENT: According to the MPD Conditions of Approval (COAs) [after the 850-building-permits-issued threshold has been reached] all MPD traffic modeling and analyses must be redone and a new viable Traffic-Demand Model (TDM) developed and subsequent analyses conducted. Because of this, we understand predicting what will be needed in future financing plans is somewhat of a moving target. That said, the city must recognize this reality here in its Comprehensive Plan Update. The City is in charge of building and exercising the new TDM--all funded by the Master Developer. Again, it should be noted that the city's Hearing Examiner and the City Council agreed the TDM used to support the MPD Application was grossly inadequate and provided inaccurate results.

Unfortunately, MPD Conditions of Approval (COAs) 20 and 25 are somewhat vague in language (timing for SR-169 improvements within the State right-of-way and timing for all other improvements, respectively). Consequently, the City should determine what leverage it has on the Master Developer to alter the timing of any traffic mitigation to meet the needs identified by traffic monitoring. Should there occur *"....a disagreement between the applicant and the City about the timing of construction of a transportation project under the monitoring plan,..."* (ref.: COA 25) it is not clear how it will be rectified, as only the conduct of mid-phase monitoring is mentioned and wide disparities in interpretation of results of same could occur. The overall intent of the traffic monitoring should be to satisfy **BDMC 18.98.010(1)** to provide *"needed services and facilities in an orderly, fiscally responsible manner."*

The Six-Year TIP is the result of an interactive process that balances the goals of all comprehensive plan elements. Financial planning for transportation uses the same process as the financial planning for capital facilities; however, the timing and funding for transportation is restricted by the concurrency requirement and the binding nature of LOS standards. PSRC will also be looking for reassessment strategy if the City's capital funding falls short.

In the unique situation in Black Diamond, concurrency was addressed through the review and permitting process for the Master Planned Developments, therefore if the Master Planned Developer does not keep up with the capacity adding projects in order to meet the City's adopted level of service, MPD

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implementation will be halted. 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.

COMMENT: The above is true to a point, but depends heavily on MPD Condition of Approval 20's *Traffic Monitoring Plan*, which has some flaws.

First, this is *not* how the city's Hearing Examiner saw this [***Black Diamond Hearing Examiner Development Agreement Recommendations ADDENDUM, B. Recommendation, September 2011, pp. 4-5***] (our emphases below):

*"As discussed in the Examiner's Response to concerns over the traffic monitoring plans for the DAs, DA Ex F, the traffic monitoring plans set up detailed timing requirements for infrastructure improvements that are not linked to implementing project level concurrency assessments. Nothing in the monitoring plans suggests construction of traffic infrastructure will be superseded by the concurrency findings required by DA 11.1."*

*"Further, the phasing plan adopted by V COA 3 states that the timing of traffic infrastructure is set by the traffic monitoring plans, with no mention of a superseding concurrency provision such as DA 11.1. Given the difference in specificity between the general requirements of DA 11.1 on the one hand and the detailed timing provisions in the traffic monitoring and phasing plans on the other, DA 11.1 is vulnerable to an interpretation that the timing established in the traffic monitoring plan satisfies the timing requirements of DA 11.1, even though they may not meet the timing requirements of GMA traffic concurrency adopted into the City's comprehensive plan and contemplated by BDMC 19.98.080(A)(4)."*

*"...it is recommended that the [traffic] monitoring plan be amended to make it clear that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan."*

Clearly, the city's Hearing Examiner does not agree with the statement in the text of this Comprehensive Plan Update when it states: "concurrency was addressed through the review and permitting process for the Master Planned Developments...." This is not true due the flaws in the traffic Monitoring Plan as detailed by the city's hearing examiner above.

The Mitigation Trigger for *intersection improvements* is when the PM peak-hour LOS: (1) no longer meets the adopted LOS or (2), traffic volumes from the new MPD Phase begin to increase delay at an intersection (whose LOS already is below the applicable threshold) that causes an additional impact.

The Mitigation Trigger for *roadway improvements* is when MPD traffic increases delay or impacts LOS at any existing intersection to a point at which the new roadway would be warranted.



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Both of these Mitigation Triggers could be subject to question, especially in defining terms like “*delay*” or “*impact*.” Also, the “*trigger*” methodology is *reactive*--whereby The Master Developer only is required to build an improvement, if the applicable threshold is triggered--rather than *proactive*. The attendant time lags could be large.

Also, there is an apparent conflict in the language of the Traffic Monitoring Plan:

*“The specific construction timing shall be set in each report, based on the results of the required monitoring and modeling. For City of Black Diamond projects, by execution of the Development Agreement, the City commits to prompt permit review, such that the Master Developer’s prompt construction of transportation improvements shall commence before the impacted street or intersection falls below the applicable level of service. [DA, Exhibit F--Traffic Monitoring Plan, Para. D--Triggers and Timing for Construction of Transportation Projects, p. 3]”*

How, will the Master Developer “*promptly*” construct needed transportation improvements if such decisions solely are based on monitoring actual traffic conditions? For example, for intersection improvements, as described above, the Mitigation Trigger is when the LOS standard actually is violated. Clearly, the city should revisit this language to ensure improvements are started *before* LOS standards are violated and are *not* dependent on the city’s “*prompt permit review*.”

Finally, the TMP is to specify when engineering and design is to begin, not actual construction to mitigate the problem. Such timing of mitigation is critical to the city and its residents and businesses.

In general, the city must recognize the MPD Master Developer will be providing the bare minimum to meet its local direct impacts, so that *cumulative* long-term growth is ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner.

#### **7.8.2. Costs**

The costs associated with the city’s transportations costs include the following:

- maintenance and operation of the existing and proposed system;
- costs for designing and constructing new and/or expanded facilities;
- general costs associated with administering, planning, and overhead.

Costs associated with the transportation environment in the City include the cost of maintaining the existing City transportation facilities (roads, etc.); upgrading or expanding the vehicular road network, expanding the pedestrian system; and, providing bicycle facilities, system control (signage, markings, etc.), as well as transportation system planning and design. Although the City is not fiscally responsible for the costs associated transportation improvements required by new development, the City is responsible to ensure that capacity adding projects are constructed concurrent with MPD development, and is collecting proportionate share of SEPA mitigation from non MPD projects to ensure equity to the development community

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#### **7.8.3. Funding Sources**

A number of financial strategies are available to the City to finance the transportation improvements identified in the comprehensive transportation plan. Table 7-12 lists these strategies, their availability, and recommendations for the City to consider when implementing the improvement program. Historically, the City has relied on Real Estate Excise tax, grants and contributions from land developers to construct roadway improvements.

#### **7.8.4. Strategies**

To provide a more consistent strategy for funding roadway improvements, the City shifted the implementation responsibility of the capacity adding project to the Master Planned Developer creating a direct link between development and maintaining concurrency.

Historically, the City has relied on Real Estate Excise Tax, grants and frontage improvements from land developers to construct roadway improvements. Then in 2015 at the approval of the Villages Master Planned Development and Lawson Hill Master Planned Development, the City signed a binding development agreement that requires that the developer design, permit and construct as needed to maintain the City's level of service any and all of the planned improvements and new road connections. This puts the City in a unique position of just having to review, monitor and collect a proportionate share from other non MPD development in the City. Many other city's struggle to stay ahead because of the burden of financing existing deficiencies, pass through trips and the growth in background trips which are all unfunded.

COMMENT: The MPD Development Agreements were signed in 2011, not "2015" as stated above. Also, as stated in our comments under section 7.7.2, the city also has the responsibility to create, validate, verify, and exercise the new Traffic-Demand Model (TDM) per MPD permit Conditions of Approval 11-14 and 17, that will be used to inform all Traffic-Impact Analyses.

We would recommend that the City explore a mechanism for a set mitigation/impact fee per PM peak hour trip for infill development. A pay and go proportionate share program for infill development would reduce the administrative burden, reduce the high cost of individual studies, and provide more efficiency and certainty to the development community

COMMENT: The paragraph above appears to be a leftover from a DKS Associates recommendation and needs to be reworded should it remain in a Comprehensive Plan Update. Should the city include such recommendations, we believe they should only apply to small developments (e.g., <10 units). For larger developments impact fees should be set accordingly based on their added overall burden, not just "PM peak-hour trips."

As required by GMA, the City also funds transportation improvements through the City's Concurrency Management System, discussed below in section 7.9.2.

**Table 7-12. Summary of Possible Local Funding Sources for Transportation Improvements**

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<b>Comments</b>	<b>Potential of Revenue Generation</b>	<b>Realistic Acceptance</b>	<b>Comments</b>
Local Motor Vehicle Fuel Tax (1-5)	Good	In-place	Funds distributed on a per capita basis
Transportation Benefit District (1-5)	Good	In-place but could be raised	
Local option Sales Tax (1-5)	Good	Difficult	Requires County implementation
Impact Fees; (3, 5)	Good but small amount of the total growth funding needed. Would help local equity.	Good	Allows equitable funding of system improvements; some resistance by development community
Developer Contributions (3, 4, 5)	Good	In-place	Development may support facilities that provide direct access; not likely to fund general system needs
Local Improvement Districts (4)	Good	Difficult	Good for local access assessments for specific needs (e.g. sidewalks in commercial area); not good for mitigating through volumes
Bond Financing (1-5)	Good	Moderate	Contrary to “pay-as-you-go” policy; may be little public acceptance if considered region wide bond measure. Limited by City’s bond rating.
State and Federal Grants (2-5)	Good in the small City Program; Will become more competitive once over \$5000 pop.	Fair	City has had some success in obtaining funds. Once the City has their comprehensive plan approved they will also be eligible for more grants including Federal.
Capital Facilities District (2, 5)	Good	Difficult	Would require approval by Council

Potential use of funds:

<sup>1</sup> Operations & Maintenance

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<sup>2</sup> Capital Projects

<sup>3</sup> Capacity adding projects (traffic mitigation)

<sup>4</sup> Road improvement

<sup>5</sup> Safety

COMMENT: Sections 7.8.2, 7.8.3, and 7.8.4 above provide a good discussion of potential funding strategies and mechanisms to evaluate. However, much of the benefits of “Developer Contributions” for the two proposed MPDs have been lost to the City due to its approval of the MPD Development Agreements which apparently may be *exempt* from State-required Concurrency (see further discussion on this under our comments in section 7.9.2 Concurrency). As a result, the city must rely on MPD Condition of Approval 20’s *Traffic Monitoring Plan*, which possesses several flaws we enumerated in our comments on section 7.8.1. This is why it is imperative that the city ensure it (and it’s Traffic Consultants) develop a technically sound Traffic-Demand Model which then will be used to rigorously inform all future Traffic-Impact Analyses. It cannot be overemphasized that the MPDs have yet to be subjected to technically sound and accurate Traffic-Demand Modeling used to inform Traffic-Impact Analyses. as enumerated in painstaking detail by the city’s Hearing Examiner’s MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations.

Unfortunately, the City is now *unable* to address Project-Level Concurrency by conducting Transportation Concurrency testing for each implementing project (in conjunction with review of Traffic Monitoring results) to better align the timing of needed traffic mitigation. The City’s Hearing Examiner stated the following in his Development Agreement recommendations: “...*it is recommended that the [traffic] monitoring plan be amended to make it clear that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan.*” The City Council (all out of office now) inexplicably chose to ignore this very prudent and well-reasoned recommendation.

The City’s Hearing Examiner also recommended the following as an Implementing Condition: “*U. Project Level Concurrency. The DA monitoring plans, Ex. F, should be revised to provide that the City will not approve any implementing projects unless they comply with GMA concurrency requirements as adopted into the City’s concurrency regulations.*” This recommendation also inexplicably was ignored by the City Council and we believe could lead to legal ramifications, especially given the strength of the Hearing Examiner’s recommendations and the cogency of his arguments.

Consequently, this Comprehensive Plan Update should clearly state or, better yet, show *schematically*, the interrelationship between the continuing cycle of: Meeting LOS Standards: Monitoring : Analyses : Halting of Development : Monitoring : ....

COMMENT: In Table 7-12:

First, an overall comment: The elements of this table do not meet the requirements of State **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)(C):** “*If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;*” There are no cost numbers shown, as the table simply gives a general impression of issues and potential mechanisms that

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might be available to solve them. Thus, the table does not constitute a realistic assessment of the cost risks to the city and its taxpayers.

Under the *“Transportation Benefit District”* item there is nothing in the Comments column. Yet, under the Realistic Acceptance column it states: *“In-place but could be raised.”* On what basis would this be contemplated (all five *“potential use of funds”* are identified, i.e., footnotes 1 thru 5), especially when nearly all impacts to the city’s transportation infrastructure are the result of the MPD buildout?

Under the *“State and Federal Grants”* item in the Comments column it states: *“Once the City has their comprehensive plan approved they will also be eligible for more grants including Federal.”* However, since the city’s Comprehensive Plan Update reflects a gross exceedance of its agreed-to Growth Targets the PSRC could reject to approve it—as it did for five cities a few years ago—and, at a minimum, impose a set of Conditions prior to any final approval.

Under the *“State and Federal Grants”* item there is a typo—the “\$” sign should be removed from the *“Good in the small City Program; Will become more competitive once over 5000 pop.”* statement in the Potential of Revenue Generation column.

COMMENT: In earlier versions there was a heading here called *“Developer Contributions,”* We can understand why some of it was removed, but the subheading called ***“Disadvantages”*** stated some very key aspects the city should be cognizant of and consider going forward and should be put back, in some condensed form, into this Comprehensive Plan Update:

***“Disadvantages:*** *The primary disadvantage is that developer improvements are focused on fixing the “immediate problem” and can result in solutions that may not be desired by the City. As mentioned earlier this “piece-meal” approach can often result in some unforeseen off-site impacts that may cause more traffic congestion or result in improvements that will need to be torn-out in the future to accommodate future improvements. If an intersection already operates below the standard, developers are only required to pay their “fair share” of the cost of an improvement—often requiring the City to fund a portion of the improvement. Further issues can arise over how to deal with developments which are approved after the original developer has completed a major improvement (late-comer’s agreements).”*

## **7.9. Plan Administration**

### **7.9.1. Funding Matrix**

Table 7-13 presents the recommended improvements, their estimated cost, and the timeframe in which they would be constructed, along with a suggested funding source. Future detail for each project will be developed as part of the annual TIP process. This section summarizes concurrency for the City to use in administering the comprehensive transportation plan.

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#### **7.9.2. Concurrency**

##### **Legislative Requirement**

The GMA requires that each city and county incorporate a Concurrency Management System (CMS) into their comprehensive plan transportation element. A CMS is a policy to determine whether adequate public facilities are available to serve new developments.

“Local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.” (RCW 36.70A.070) The city of Black Diamond adopted a robust concurrency ordinance meeting these requirements on December 2015 by ordinance 15-1070.

The term “concurrent with the development” is defined to mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within 6 years of development.

The City’s primary strategy to maintain traffic concurrency is: by the authority of the MPD Development Agreement, the City has placed the construction responsibility of the necessary capacity adding projects on the MPD developer and directly linked the future progress of the development maintaining the traffic LOS.

Other strategies that could be used in order to maintain compliance with concurrency include:

- Increasing roadway capacity or adopting transportation system management (TSM) strategies to accommodate the increase in demand use to development; and
- Adopting TDM strategies, such as increased transit access and rideshare programs, to offset the increase in demand.
- Often it is a combination of improvements and strategies that create the most effective CMS.

##### **CMS Implementation**

The GMA also requires cities to formalize a CMS into a process that shows measurable results. The City established a position on concurrency in a Concurrency Policy (T-19), codified in Black Diamond’s adopted Concurrency Management Ordinance, Chapter 11.11 of the Black Diamond Municipal Code. The City’s CMS program is further defined below.

##### **LOS standards and providing adequate funding**

The City recommends the following LOS standards:

- Roadway. LOS D for all intersections along SR 169 and LOS C for all other arterials and collectors within the City. The City will evaluate stop-controlled intersections on an individual basis when the LOS standard is exceeded.
- Transit. LOS standard is expressed in terms of a goal to monitor existing transit facilities and to improve transit operations as demand dictates.

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- Other. LOS standard is expressed in terms of a goal to provide pedestrian and bicycle facilities throughout the City.

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Table 7-13. Transportation Improvement Project – Cost Estimates	From	To	Length (miles)	Total Project Cost	2016	2017	2018	2019	2020	2021	2022-2034	Type of Improvement	Potential Funding
New Roads													
Annexation Road	Lk Sawyer Rd	Across Roberts Drive south to A2	0.70	\$ 2,900,000		\$ 2,900,000						New street grid capacity	Development
Pipeline Road	SR-169	Lake Sawyer/Black Diamond	1.50	\$ 1,600,000							\$ 1,600,000	New roadway construction	Development
North Connector	SR-169	South to a new neighborhood	0.25	\$ 1,000,000					\$ 1,000,000			New minor arterial connection to SR-169 with signal	Development
Lake Sawyer Road Extension	Lk Sawyer Rd	Annexation Rd	0.50	\$ 1,800,000		\$ 1,800,000						New street grid capacity	Development
Lawson Connector	SR-169	Lawson Street	0.60	\$ 3,200,000			\$ 3,200,000					Construct 36' wide minor arterial roadway	Development
South Connector	Annexation Rd	SR-169	1.50	\$ 7,560,000							\$ 7,560,000	Construct 36' wide minor arterial roadway	Development
Overlays													
General Streets Improvement				\$ 30000 / year	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000		Short overlays, chip sealing, crack sealing, patch work, addressing minor safety problems	
232nd Avenue SE	SE 288th St	End of Road	0.77	\$ 100,000		\$ 100,000						Chip seal	Grant/Local/Development
Roberts Drive Rehabilitation Phase 2	City Hall	King County Library	0.23	\$ 200,000			\$ 200,000					Grind, patch, replace panels, crack sealing, shoulder reinforcement	Grant/Local
Jones Lake Road	SR-169	Railroad Ave	0.29	\$ 122,000		\$ 122,000						Patching and overlay existing roadway	Grant/Local
288th/224th/216th Chip Seal	SE 312th St	Covington-Sawyer Road	1.46	\$ 129,000		\$ 129,000						Patching and chip sealing existing roadway	Grant/Local



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Morgan Creek Neighborhood Roads Preservation			1.19	\$ 97,000				\$ 97,000				Seal coat on existing roadway	Local
<b>Minor Road Improvements</b>													
Roberts Drive Rehabilitation Phase 1	Bruckners Way	City Hall	0.28	\$ 100,000		\$ 100,000						Leveling, overlay, sidewalks, pedestrian lighting and roadway widening	Grant/Local/Development
Roberts Drive Rehabilitation Phase 3	King County Library	SR-169	0.56	\$ 1,700,000				\$ 1,700,000				Widen and overlay sidewalk, street lighting and stormwater improvements	Grant/Local
Sidewalk Extensions & Bike Lanes				\$ 400,000					\$ 400,000			Sidewalk extensions and roadway widening to add bike lanes	Grant
<b>Traffic Controls</b>													
SR-169/Roberts Drive				\$ 7,777,000				\$ 7,777,000				Roundabout or Signal	Grant/Development
Ravensdale/SR-169 Interim Intersection				\$ 700,000				\$ 700,000				Roundabout or Signal	Grant/Development
Ravensdale/SR-169				\$ 8,000,000					\$ 8,000,000			Roundabout or Signal	Grant/Development
216th Ave SE/SE 288th St				\$ 1,400,000						\$ 1,400,000		Roundabout or Signal	Grant/Development
Roberts Drive/Lake Sawyer Rd				\$ 1,000,000				\$ 1,000,000				Roundabout	Development
Roberts Drive/Annexation Rd				\$ 1,000,000					\$ 1,000,000			Roundabout	Development
Lake Sawyer Ext/Annexation Rd				\$ 205,600						\$ 205,600		Roundabout	Development
<b>Sidewalk</b>													
King County Housing ADA Improvements (1st Ave)	Baker St	Approx. 250' south of Baker St.	0.10	\$ 155,000	\$ 155,000							Install new sidewalk and curb ramps	Grant
Lawson St. Sidewalk phase 2	6th Ave.	Newcastle Dr.	0.19	\$ 356,000			\$ 76,000	\$ 280,000				Install new 5-foot sidewalk on north side	Grant/Development
Commission Sidewalk	Railroad Ave.	Commission St. behind Museum	0.04	\$ 150,000		\$ 150,000						Install sidewalk, ADA improvements	Grant/Local
<b>Grant/Local TOTALS</b>													
				\$ 1,831,600	\$ 185,000	\$ 5,331,000	\$ 3,506,000	\$ 8,884,000	\$ 3,730,000	\$ 9,430,000	\$ 20,765,600		

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COMMENT: In Table 7-13, why do the first four projects (~\$18M) listed under the category of “*Traffic Controls*” include potential “*grant*” monies, when all should be Master Developer funded? Also, are there really up to seven Roundabouts being planned? If so, are the routes on which they will be constructed able to handle the entry and exit traffic patterns and volumes?

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A TIP with a potential funding plan has been prepared regarding the comprehensive plan based on the 2016-2021 TIP. With the installation of the capacity adding projects as identified in Table 7-13 facilities meet the LOS standards based on existing, 6-, and 20-year forecasts. The potential funding plan identifies possible sources for improvements identified in the comprehensive transportation plan.

COMMENT: At least for the MPDs, the city must recognize that it cannot, with confidence, make the statement shown in the second sentence above. The reasons, as detailed earlier under section 7.8, are that the MPDs have yet to be subjected to technically sound and accurate Traffic-Demand Modeling used to inform Traffic-Impact Analyses, as enumerated in painstaking detail by the city's Hearing Examiner's MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations. Consequently, the city has no reasonable assurance, at this time, that *"(w)ith the installation of the capacity adding projects as identified in Table 7-13 facilities meet the LOS standards based on existing, 6-, and 20-year forecasts."* The city does not know that such *"capacity addicting projects"* will be sufficient to meet the needs, since the needs are not really known to any degree of accuracy.

#### **Monitoring/Analyzing Available Transportation Capacity**

The City requires a Traffic Impact Analysis (TIA) for developments that impact the transportation system. A TIA is a specialized study of the impacts a development will have on the surrounding transportation system. It is specifically concerned with the generation, distribution, assignment, and accessibility of traffic to and from the development, and the impact of development traffic on the adjacent roadway system. The City's guidelines for TIAs are similar to those of other communities in western Washington regarding when a TIA is required for a development and the scope of work needed to effectively analyze the impacts of site generated traffic. Generally, if a development adds 10 or more vehicles in the PM peak hour a TIA is required. If deemed necessary by the City, the TIA may also address transit and other modes for impact assessment. The City uses the adopted LOS standards as guidelines for assessing concurrency and mitigation.

A system to monitor concurrency was developed and is illustrated in Figure 78. As noted in the chart, there are four options for the City to consider:

- **Future Considerations.** In the future as the MPD development agreements near expiration the City will need to begin to look for other funding sources and strategies to meet the future traffic needs post MPD development. Look for other funding sources, such as dedicating the second 1/4 of 1 percent of the Real Estate Excise Tax for street projects.

COMMENT: The MPD DAs will expire way before full buildout is achieved. This must be recognized in this Comprehensive Plan Update and assessed accordingly.

- **Reassess LOS standards.** GMA allows a community to change LOS standards annually. Any changes to LOS standards should be done in connection with annual TIP reviews.

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COMMENT: Yes, the GMA allows this as one option, but it must be considered very carefully, as it represents a “moving of the goal posts” and is meant as the last option to consider. In fact, **WAC 365-196-840 — Concurrency (6)(a)(ii)(b)** states it be considered only: “if the proposed development is consistent with the land use element, ...”

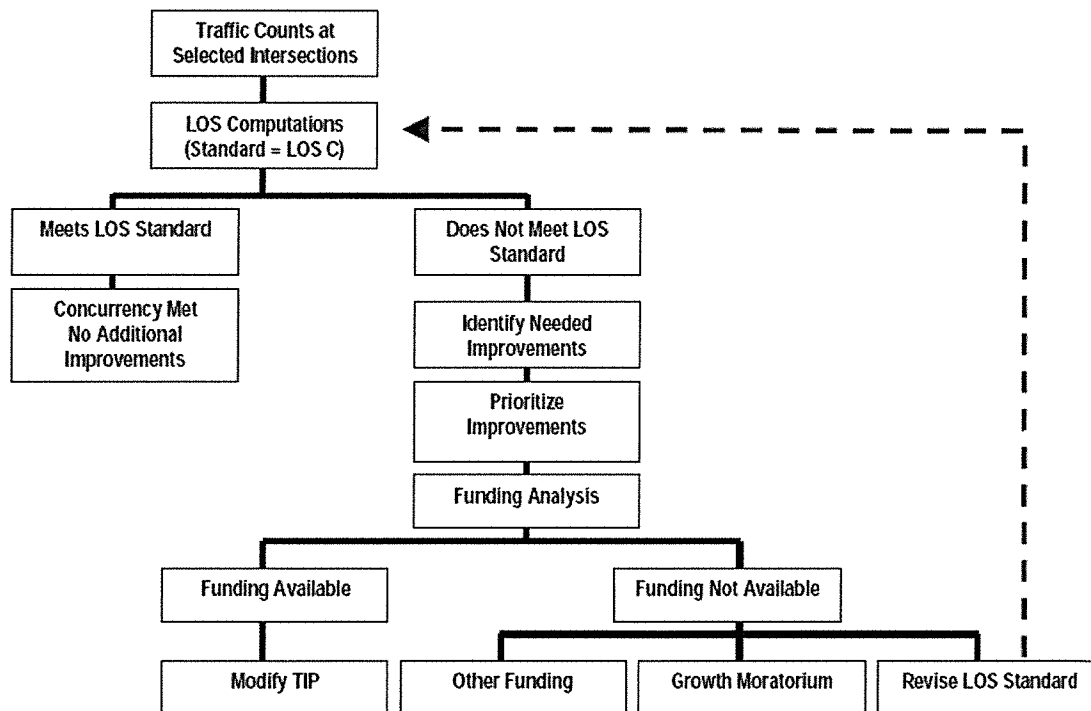
- Reassess Land Use. GMA requires that if the funding for capital improvements (such as roads) cannot be met, the land use or levels of development within the plan should be re-assessed.
- Growth Moratorium. Per GMA requirements. If funding cannot be met, and the LOS standard unchangeable, then GMA requires development to be stopped until either issue can be resolved.

COMMENT: As far as the MPDs are concerned, the last option of instituting a “Growth Moratorium” no longer is available to the City.

#### Analyzing External Influences on Concurrency Management System.

The City’s LOS standards will also be used to evaluate impacts to the transportation system created by development outside the City. The City’s annual TIP development process will evaluate if concurrency standards have been exceeded and identify the improvements needed to maintain the City’s standards. The City should seek appropriate funding sources to mitigate through traffic impacts.

**Figure 78: Concurrency Management System**



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COMMENT: This pertains to the entire section 7.9.2 Concurrency. TAT was very involved in reviewing and preparing detailed comments on the City Council's Concurrency Ordinance 15-1070 prior to its passage in late 2015. During our discussions with Council and Staff at that time we included concerns expressed by the city's Hearing Examiner. Many of these were not included in the ordinance and remain key flaws in the city's Concurrency regulations. Below is a summary of some of those discussions:

In the Hearing Examiner's July 2011 *open-record* DA Hearings he found problems with the **Traffic Monitoring Plan** and **Transportation Concurrency Testing** (our emphasis added): "*The DA traffic modeling [HE typo, should have been "monitoring"] plan lacks assurances that traffic mitigation will comply with GMA mandated concurrency requirements.*" [**HE DA Recommendations, September 2011, p. 82**]..."*Nothing in the DA monitoring plan requires any concurrency during review of implementing projects. The traffic monitoring plans, Ex. F to both DAs, require that the timing of construction be determined for each MPD phase prior to the submission of any implementing permit applications for those phases. The plans are prepared by YB and must set out the timing of construction for traffic improvements. Construction of improvements is required to commence prior to LOS failure for projects within the City, and engineering plans must be completed prior to LOS for projects outside the City. For projects affecting roadways with an already failed LOS, the construction or engineering and design must commence before traffic impacts become worse. However, nothing in the monitoring plan requires concurrency review for implementing projects. Nothing requires that the City deny any implementing project applications that fail to meet concurrency.*" [**HE DA Recommendations, September 2011, p. 83**]

The Hearing Examiner went further into detail in an ADDENDUM (emphasis added) [**HE DA Recommendations ADDENDUM, B. Recommendation, September 2011, pp. 4-5**]: "*As discussed in the Examiner's Response to concerns over the traffic monitoring plans for the DAs, DA Ex F, the traffic monitoring plans set up detailed timing requirements for infrastructure improvements that are not linked to implementing project level concurrency assessments. Nothing in the monitoring plans suggests construction of traffic infrastructure will be superseded by the concurrency findings required by DA 11.1....Further, the phasing plan adopted by V COA 3 states that the timing of traffic infrastructure is set by the traffic monitoring plans, with no mention of a superseding concurrency provision such as DA 11.1. Given the difference in specificity between the general requirements of DA 11.1 on the one hand and the detailed timing provisions in the traffic monitoring and phasing plans on the other, DA 11.1 is vulnerable to an interpretation that the timing established in the traffic monitoring plan satisfies the timing requirements of DA 11.1, even though they may not meet the timing requirements of GMA traffic concurrency adopted into the City's comprehensive plan and contemplated by BDMC 18.98.080(A)(4). As discussed in the assessment of the traffic monitoring plan, it is recommended that the [traffic] monitoring plan be amended to make it clear that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan.*"

[**NOTE:** The Hearing Examiner references both DA 11.1 and DA 11.7 and it is hard to tell if his reference to the former actually meant the latter throughout. For completeness, here are the pertinent excerpts from each--**DA 11.1** states (in part): "As noted on the approved MPD Phasing Plan on p. 9-1 (Exhibit "K"), the MPD Phasing Plan is "subject to change" and is only "an estimate of the improvements that will be needed for the project." "**DA 11.7** states (in part): "The sequencing of Implementing Projects, Implementing Approvals, construction completeness and City acceptance of facilities shall be confirmed by the Designated Official, who shall make a finding within each staff report for proposed preliminary plats or binding site plans within The Villages MPD whether required infrastructure and amenities have been scheduled to meet the demands of the future occupants of that specific plat or binding site plan."]

In summary, per the city's Hearing Examiner, no implementing project should be approved unless Concurrency requirements are met and such concurrency testing should *supersede* any conflicting timing in the Traffic Monitoring Plan. Thus, RCW-mandated Concurrency takes *precedence*, as the State's Growth Management Act (GMA) *requires* the City ensure each implementing project satisfies concurrency. So, *at each stage*, mitigation projects should be funded and included in the 6-yr

## ***Black Diamond Comprehensive Plan Update***

### **TAT COMMENTS**

Transportation Improvement Plan (TIP), so that LOS requirements are met per RCW-mandated timing requirements and the Traffic Monitoring Plan must address and incorporate same.

Further, since the DAs don't specify what specific steps will be taken to implement *additional* mitigation should future traffic modeling, analyses, and monitoring show planned mitigation is inadequate (this is extremely likely given the vast increase in traffic volumes since the 2009-era Traffic-Demand Model (TDM) using 2007 or earlier-era data), how will the City handle same at Plat approval? (Note: Once 850 building permits have been issued, the City can complete and validate and thereafter, continually update and exercise, the TDM, as necessary, paid for by the Master Developer--see **MPD COA 17a**).

We recommend the city consult its attorneys as to applicability to the MPDs and consider revising its Concurrency Ordinance to conduct Transportation Concurrency testing for *each* implementing project (in conjunction with review of Traffic Monitoring results) to better align the timing of needed traffic mitigation.

COMMENT: The above should be considered when addressing “Concurrency” in this Comprehensive Plan Update.

### **7.10. Transportation Plan**

The Black Diamond Comprehensive Transportation Plan emphasizes that the transportation system should be designed to provide safe and efficient multi-modal circulation consistent with the City's vision as an active, beautiful and friendly community based on a rich historic heritage and exceptional natural setting, with a small-town atmosphere. This circulation network will facilitate the transportation needs of retail, industrial/Business Park, office, tourist and local cottage industries as well as city residents including a system of trails, bikeways and greenbelts connecting housing, shopping and employment with nearby regional parks and recreational facilities.

The City plans to continue developing its transportation network as a grid system. The Plan will use a grid of similar smaller roads as well as linking existing and planned neighborhoods to accommodate future growth. Street construction standards are to be used to reinforce the transportation goals and policies.

The plan's policy guidance includes using the existing transportation system efficiently and encouraging transportation alternatives, such as transit, HOV use, and pedestrian and bicycle facilities. Cooperation between affected jurisdictions (the City, State of Washington, King County and the Puget Sound Regional Council) in planning for state highways and county roads is also supported by City policies. The presence of both state and county roads as the primary arterial system requires coordination with King County and Washington State in the planning of these roads.

#### **7.10.1. Alternative Modes**

The Comprehensive Plan identifies that a comprehensive network of non-motorized facilities, including trails, sidewalks, and bicycle facilities needs to be developed. These facilities would enhance non-motorized mobility options and reduce automobile dependency. Similarly, an off-street parking plan for Old Town, a park-and-ride for City residents, and visitor parking to serve bicyclists who come to the City to ride on weekends are identified as desired elements of the plan.

The Lawson Hills and Villages Master Planned Developments will both include extensive new trail networks. Lawson Hills will add 4.5 miles of internal multi-purpose trails, sidewalks and forest paths. The Villages will add 12 more miles of trails including connections to off-site locations.

## **Black Diamond Comprehensive Plan Update**

### **TAT COMMENTS**

#### **7.10.2.Funding Strategies**

To provide for the necessary transportation facilities, the plan identifies an ongoing program of transportation facility planning and private MPD development funded projects by the authority of a development agreement, developer contributions, and public funds. The plan identifies that development should cover the cost of the impact of development on transportation system.

#### **7.10.3.Transportation Improvement Program**

Road improvement projects for existing deficiencies are identified for the short term (2010 to 2016) as required by GMA. New roads are identified for both the short-term and the long-term (2017 to 2022) for better circulation for vehicles. The road system identified in Figure 74 forms the basis for the long-term motorized transportation improvements. Non-motorized transportation improvements will be identified in the City's update to the trails plan.

The improvements proposed for the short and long term are intended to mitigate the impacts of anticipated traffic growth. Construction of additional roads identified in the proposed Arterial and Collector System Plan will serve to divert and spread traffic flows.

#### **7.10.4.Transportation and Land Use Element Coordination**

The Black Diamond Comprehensive Plan Transportation and Land Use Elements are intended to work together to maintain the City's unique character in the face of increasing regional traffic. Surrounding King County land uses and other regional land use patterns may produce adverse effects on City traffic. Land use patterns that perpetuate automobile dependency would be expected to increase traffic in the City. It should be noted that an isolated change of land uses within the City may not, by itself, be expected to produce improved City-wide mobility.

COMMENT: We have some concerns with the first sentence above.

The phrase "*small town character*"—from the *existing* 2009 Comprehensive Plan—was generalized (i.e., watered down) by replacing it with the phrase "*unique character*." The residents of Black Diamond still value its small town character.

Also, once again, there appears to be a fallacy in identifying cause and effect. The City's "*unique character*" is not threatened by outside regional traffic, but rather by its own internally generated traffic resulting from the two massive MPDs. The City must recognize what primarily will cause its future traffic congestion and not try to lay blame on some mysterious outside regional influence. In fact, communities outside the City are fearful of the traffic behemoth to come from the City's two MPDs.

#### **7.10.5.Transportation Facilities and LOS Standards Coordination**

Intergovernmental coordination is essential for the cost-effective provision of transportation services. The City does not possess the resources nor is it fiscally responsible for addressing all the of the transportation circulation system needs that might be identified through transportation planning. The City has reviewed the plans of the County and State Department of Transportation and has assessed the impact of their plan on the transportation facilities in the City. The LOS standards and proposed transportation improvements to be adopted by this element are not inconsistent with the LOS standards or plans of other jurisdictions. In addition, the City is committed to actively seek financial resources necessary to achieve the goals of the Comprehensive Transportation Plan. The City is an active participant (Mayor Benson has been the chair for two years) in the South County Area Transportation Board, SCATB, that serves as a South King

## ***Black Diamond Comprehensive Plan Update***

### ***TAT COMMENTS***

County forum for information sharing, consensus building, and coordinating in order to resolve transportation issues and promote transportation programs that benefit the south King County area. Additionally, the City of Black Diamond joined SEAL-TC, South East Area Legislative Transportation Coalition which was formed by Covington, Maple Valley and Black Diamond chamber of commerce. This Coalition has a mission to improve access to, from and through our communities by way of public-private collaboration, legislative advocacy and commitment to our region.

COMMENT: The above does not meet the requirements of **RCW 36.70A.0740(6)(a)(v)**: *"Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;"* The city needs to sit down with its counterparts in both the cities of Maple Valley and Covington, not just to try to secure additional Federal, State, and/or Regional funds, but to decide what can be done by all three to minimize traffic impacts of their combined developments. Unfortunately, this got off to a very poor start during the 2010 MPD Public Hearings where Maple Valley was vociferously against the size of the proposed MPDs and eventually was forced to sign a Transportation Mitigation Agreement with YarrowBay (*nee* Oakpointe). Maple Valley essentially took what it could get, even though it knew it was insufficient.

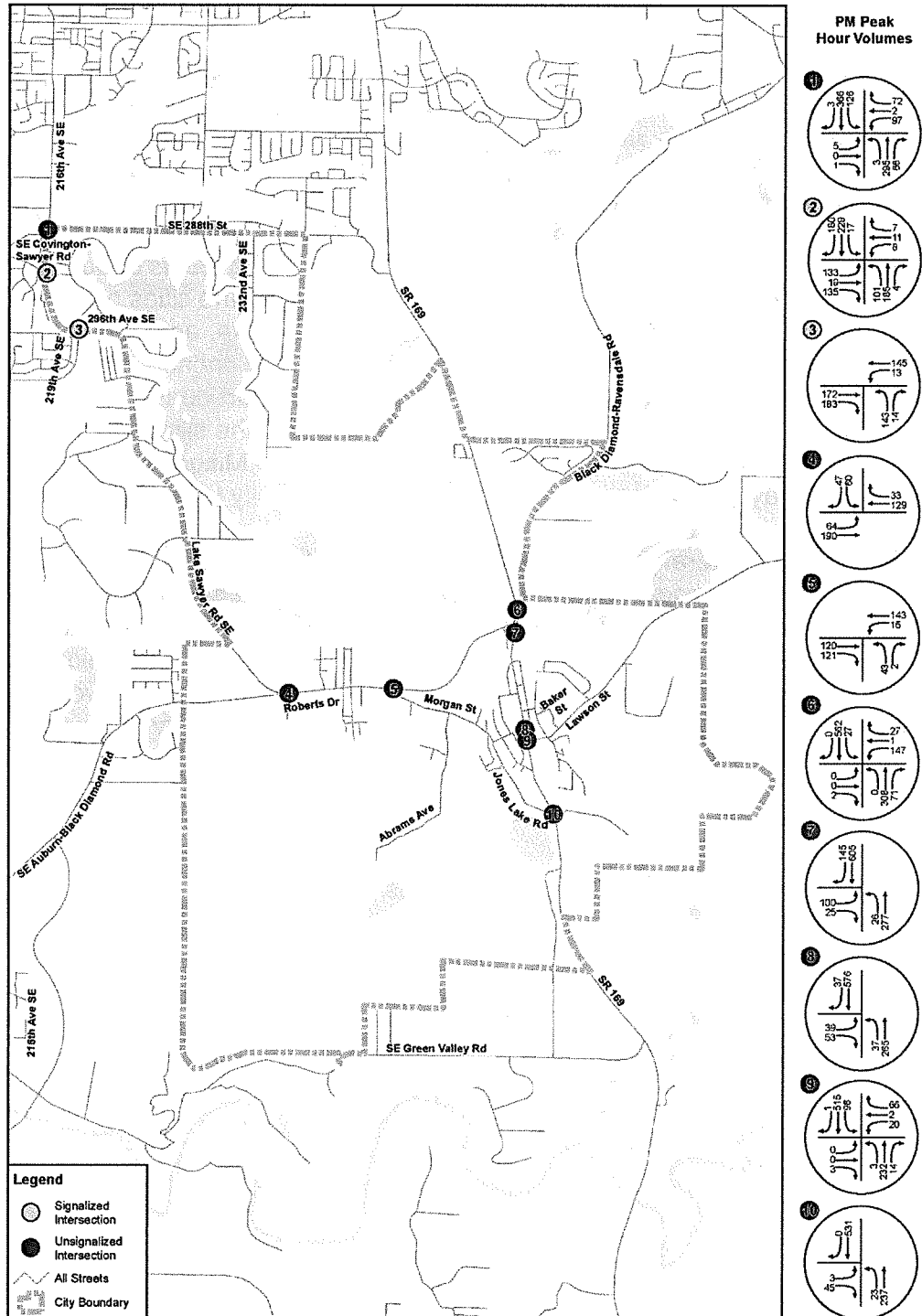
Once again, we must reiterate the City of Black Diamond has chosen to far, far exceed its agreed-to Growth Targets. This decision will have a strong negative impact on traffic in much of southeast King County for decades to come. Taxpayers who do not live in Black Diamond should not be asked to pay—through State Grants, State highway funds, County highway funds, etc.—for Black Diamond's decision to permit the two MPDs without a full transportation evaluation that was acceptable to the city's Hearing Examiner. Citizens outside of Black Diamond already will be paying both through their taxes and with a reduced quality of life including just trying to get around!

Figures 7-1 thru 7-7 are provided on the following pages for reference.



# Black Diamond Comprehensive Plan Update

## TAT COMMENTS



GIS Data, City of Black Diamond & King County  
Data sources supplied may not reflect current or actual conditions. This map is a graphical representation based on information available. It does not represent survey data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.  
BMC Consultants LLC assumes no responsibility for the validity of any information presented herein, nor any responsibility for the use or misuse of the data.

0 1,100 2,200 Feet

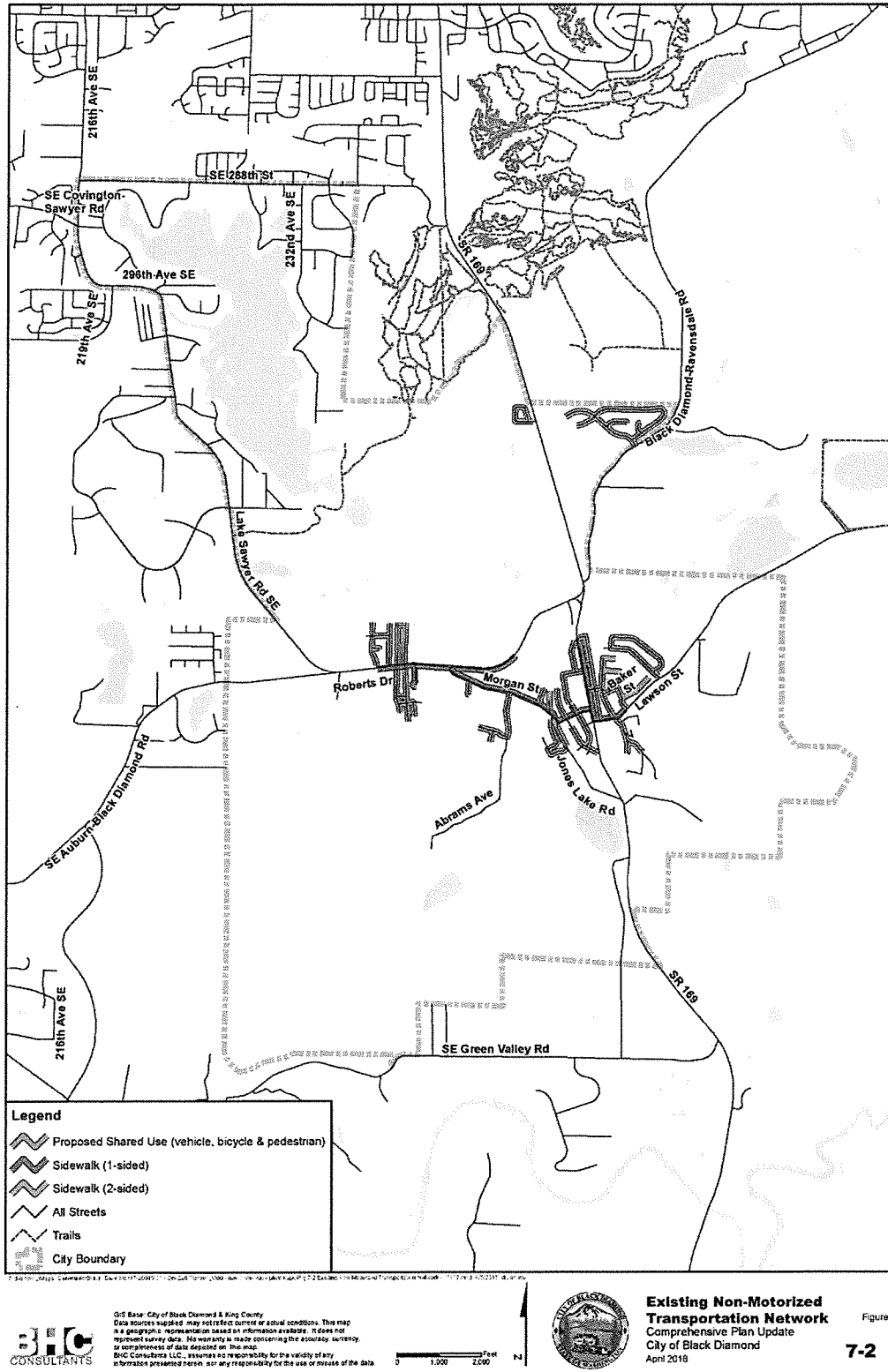


**Existing Road Network  
& PM Peak Traffic Volumes**  
Comprehensive Plan Update  
City of Black Diamond  
April 2018

Figure  
**7-1**

# Black Diamond Comprehensive Plan Update

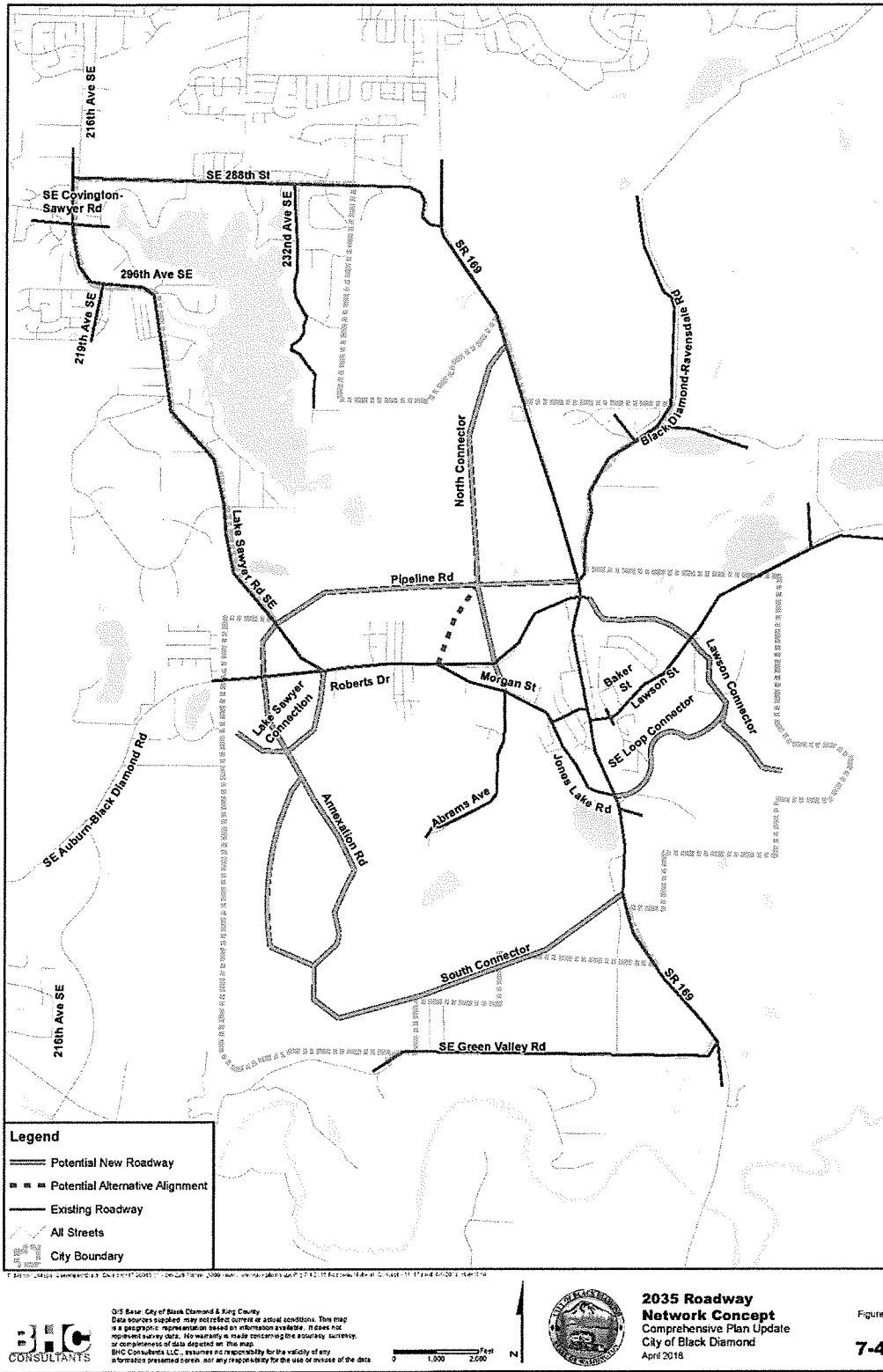
## TAT COMMENTS



**TAT COMMENTS**

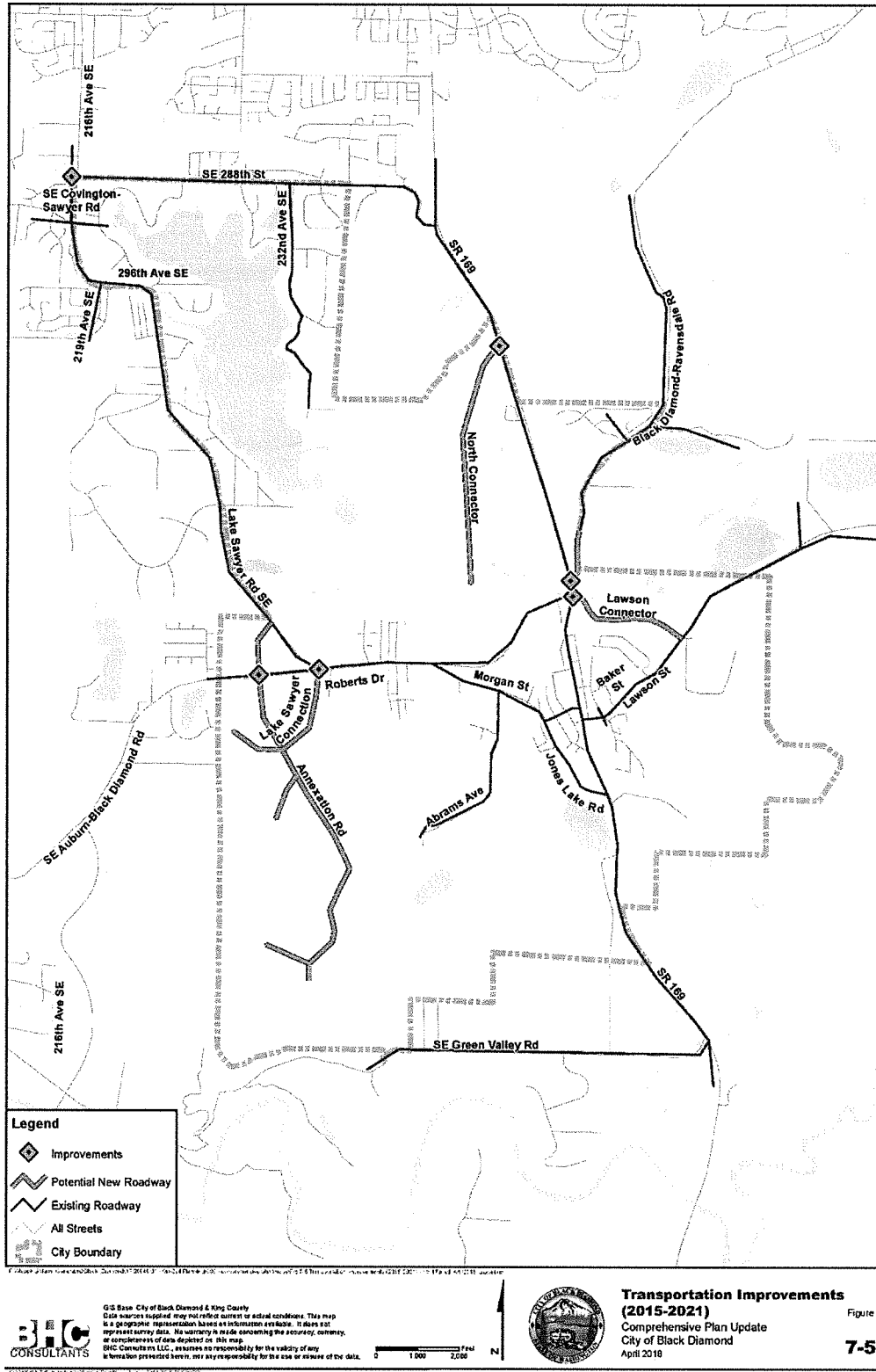
# Black Diamond Comprehensive Plan Update

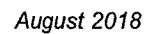
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# Black Diamond Comprehensive Plan Update

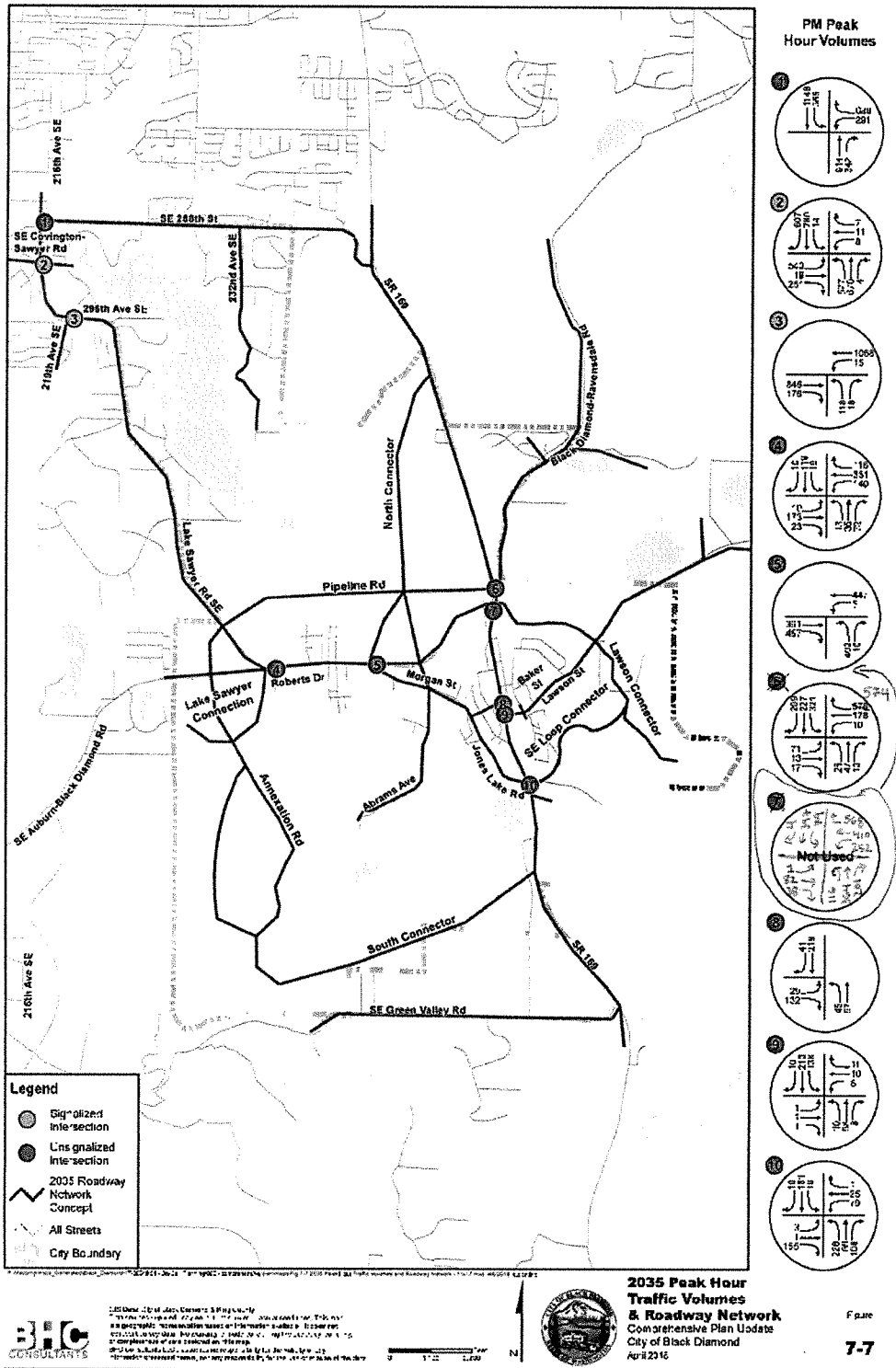
## TAT COMMENTS



**TAT COMMENTS**

# Black Diamond Comprehensive Plan Update

## TAT COMMENTS



## Regarding 2019 Planning Commission Public Hearing 10/8/2019

- Conflict of Interest – Weston Butt
  - Weston Butt owns PK Properties LLC
  - Purchased Parcel #1121069008 on 7/10/2018 under PK Properties LLC
  - Weston Butt applied for Planning Position #3 on 8/8/18
  - Weston Butt did not disclose potential conflict of interest in owning undeveloped property zoned Industrial/Business Park within the Urban Growth Area of the City of Black Diamond.
  - PLN 19-0072: SEPA Checklist submitted to the City of Black Diamond and DNR for Class 4 Tree Harvest states a proposed plan to build a strip mall and 132 multi-family apartment complex and a map showing plans to split the property from 1 lot into 8 different lots. Thus opening up for even more development above and beyond the strip mall and 132 unit apartment complex.
  - Per the “Rules and Procedures of the City of Black Diamond Planning Commission” document Section 7 – Disqualification states:
    - No member of the Planning Commission should participate in any discussion or vote on any matter in which the member has a direct and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote.”
- Lack of filled City Staffing positions
  - 4 City Staffing positions were budgeted for in 2019 and are currently unfilled.
    - Accounting Clerk/Utility Billing Specialist
    - Code Compliance Officer/Building Inspector
    - Assistant Planner/Permit Technician
    - Public Works Administrative Asst. III
  - Given the on-going Oak Pointe development I feel the City Staff is over loaded with development applications and permits and these staffing positions should be filled and trained prior to opening up rezoning for any more development applications.
    - For Example: The checking of Building Applications has missed simple yet critical issues. On Parcel #1421069195 and #1421069194 a misapplication of a 7ft Side Yard setback approved when the setback should have been a 10ft Flanking Street setback.
    - SEPA Exemption was granted for the Rock Creek Pedestrian Bridge on Roberts Drive and the City was notified by the Department of Ecology and Muckleshoot Tribe of the misapplication of WAC 197-11-800(2) and WAC 197-11-800(2)(a)(i) and was ignored.
- Traffic and School Impact fees still unresolved
  - If a development plan is submitted prior to the Impact Fees being resolved the developers will not be paying their fair share to improve the community they are



building in. The current and future citizens will shoulder the burden in Taxes and traffic grid lock and potential subpar education for our children.

- Oak Pointe Development only ~10% complete
  - Our City does not know the full impact of the current approved and ongoing development of Oak Pointe, Lawson Hills and the Villages development as they are still under way and not yet 10% complete.
    - Up-zoning plans should be put on hold until the current Master Planned Developments are at least 50-70% complete before adding any more impact to the current community of Black Diamond and its citizens.

I am not opposed to development or growth but the proposed rezoning is too soon given the current state of the City of Black Diamond and small percentage of completed Master Planned Development currently in progress. I would like to see this proposal put on the back burner for a few more years until the City Staff positions are filled and trained, the current development and impacts on the community are addressed with 50-70% of the MPD completed and the Traffic and School Impact Fees are in place.

Thank you for your consideration of these issues,

Rosemarie Wentz

25724 Pacific St, Black Diamond WA 98010



## CITY OF BLACK DIAMOND

### Commission Application

Mailing Address: PO Box 599

Physical Address: 24301 Roberts Drive

Black Diamond, WA 98010

Phone: 360.886.5700 - Fax: 360.886.2592

Name: Charles Weston Butt

Address: 29732

Home Phone: [REDACTED]

Business Phone: 11

Email address: [REDACTED]

How long at Residence: 29 years Best time to contact: anytime

Commission desired:

1.) planning position #2

2.)

Reason you are interested in serving: I've lived in the city most of my life and I want to be involved in shaping it for the future

Previous community activities: LSCC volunteer. (Lake Sawyer Community Club) easter egg hunt, volleyball tournament, fireworks ect.

Applicable education, occupational, and specialized experience: I do construction in a lot of cities and see how they operate. I've worked in a lot of developed cities and I notice good and bad planning ideas. Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community.

1.) Can you foresee possible conflicts of interest with any of your current employment or civic positions:

unlikely but possible with my construction work

2.) When making these recommendations do you feel you could be impartial and base your decision on the overall need and benefit of the Community: yes

Are there any days or evenings you are unavailable to meet? No

Signature: Charles Butt

Date: 8/8/18

# Rules & Procedures of The City of Black Diamond Planning Commission

## **Section 3. Secretary**

The Community Development Director or his/her appointee, shall act as the Secretary of the Planning Commission and shall keep and retain a record of all meetings of the Commission and its committees.

## **Section 4. Quorum**

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A quorum must be in attendance in order to conduct a meeting, to transact any business or to render a recommendation. Every motion of the Planning Commission requires approval of a majority of the Planning Commission members present to pass.

## **Section 5. Absence of Members**

In the event of a member being absent for three (3) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Commission may request the Mayor to ask for his or her resignation. To be excused from a meeting, members must inform the Chair or Secretary in advance of a scheduled meeting or by the end of the next business day following the meeting.

## **Section 6. Vacancies**

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the Secretary shall immediately notify the City Clerk and request the Mayor to appoint a replacement at the earliest possible time.

## **Section 7. Disqualification**

No member of the Planning Commission should participate in any discussion or vote on any matter in which the member has a direct and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote.

## **Section 8. Conduct of meetings**

- A. General. The Chair has broad authority over all matters regarding the conduct of meetings. He/she shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Commission, while permitting the orderly and timely completion of Planning Commission business.

# SEPA Checklist - RN A-0072

## PK Properties c/o Weston Butt

The current zoning is CC- Community Commercial.

f. What is the current comprehensive plan designation of the site?

The current comprehensive plan designation is CC- Community Commercial and is within the Gateway Overlay District.

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.  
4 Class 4 wetland are identified on the western portions of the site. See attached Wetland and Fish and Habitat Assessment Report and Vegetation Management Plan prepared by Soundview Consultants.

i. Approximately how many people would reside or work in the completed project?

The logging operations by itself will not have anyone working or living in the completed project. The proposed development will house approximately 250 people and about 260 people will reside in the proposed multi-family development.

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

NONE

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed harvest will comply with City of Black Diamond Municipal Code and design standards including Gateway Overlay District.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

There are no farm or forest use properties of long-term commercial significance on or near the site to our knowledge.

### 9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

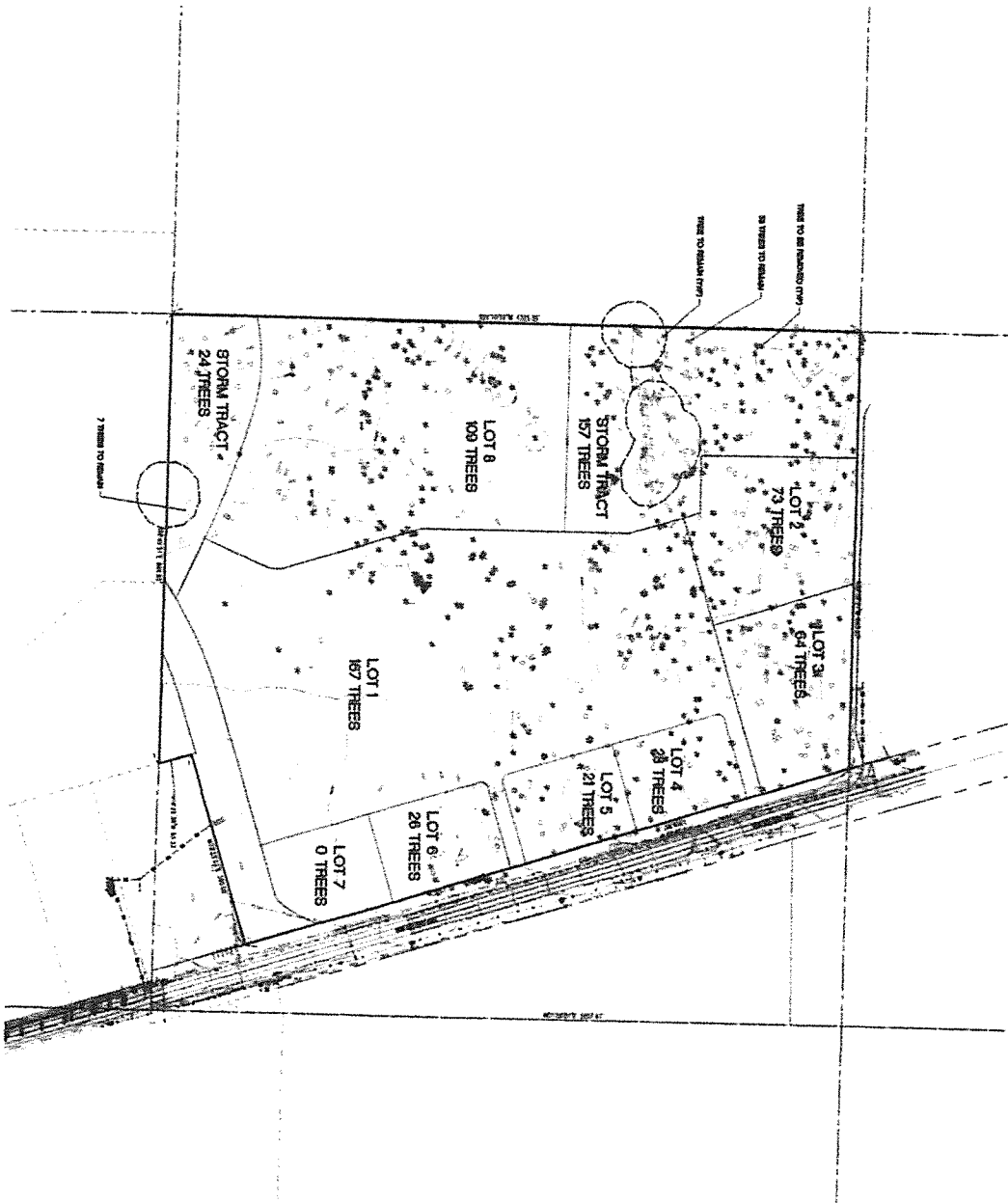
The logging and timber harvest project will not create any housing units. The long term development will create approximately 132 housing units.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.




FOR  
BLACK DIAMOND MIXED USE  
PTN OF THE SE1/4 OF THE NW1/4 OF SEC. 11, 21 N., RGE 8 EAST, W. M.  
CITY OF BLACK DIAMOND, KING COUNTY, STATE OF WASHINGTON

TREE EXHIBIT *FPD 2421335*



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Job Number <b>20338</b>	 <b>Berghausen Consulting Engineers, Inc.</b> 18215 72nd Avenue South Kent, WA 98032 425.251.6222 <a href="http://berghausen.com">berghausen.com</a>	Designed: <b>JED</b> Drawn: <b>JED</b> Checked: <b>JF</b> Approved: <b>DMS</b> Date: <b>2/22/19</b>	Scale Horizontal: <b>1"=100'</b> Vertical: <b>1"=100'</b>	For: <b>HELIX DESIGN GROUP</b> 6021 12TH ST E, SUITE 201 TACOMA, WA 98424 C/O BRUCE MCKEAN	Title: <b>TREE EXHIBIT</b>  <b>FOR</b> <b>BLACK DIAMOND MIXED USE</b>
Sheet <b>1 of 1</b>					

To the Black Diamond Planning Commission and Council:

Please Deny the Proposed Re-zone of any property at the 2019 Zoning Public Hearing.

Black Diamond is already growing too fast and faces:

- Failure to make growth pay for growth - inadequate developer impact fees
- Higher taxes to pay for new development - schools, fire, roads, city hall, and police services
- Future traffic gridlock
- Future school crowding
- On-going construction traffic problems
- Degrading environment and quality of life.

Name	Address
Renata McCulloch	32406 3rd Ave
Lailanie Richmond	32408 4th Ave
Gordon Steller	22969 se 28th
Kenedi Meyering	22829 SE 28th St

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Name	Address
Janeen Burns	32427 Union Dr. Black Diamond
RAZ	32503 Union Dr. Black Diamond 98010
Denise Stine	32405 Union Dr. 98010
Steph Paris	32512 UNION DR Black Diamond

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Name	Address
Clara Anderson	30455-227 <sup>th</sup> PL SE
Helu Jacoben	30742 229th PL SE
Mike <del>England</del> England	30851 229 <sup>th</sup> Ave SE
Jessica McGhee	30831 229th Ave SE
Karla Esparza	25306 Kanasket Dr 98010



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Name	Address
Robert Brocx	25317 Cumberland Pl Black Diamond WA 98010
Paula Ford	30502 Cumberland Drive Black Diamond, WA 98010
MEGAN BROCX	25317 CUMBERLAND PL BLACK DIAMOND WA 98010

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Name	Address
RODGER CLOW	22047 S.E. 288 <sup>TH</sup> ST. Black Dia WA. 98010
Alexi Waterhouse	22047 21715 288 <sup>TH</sup> ST Black Diamond WA 98010
ART SHERVHEILL	21618 SE 290 <sup>th</sup> CT Black Diamond WA 98010
Patty Croth	21612 SE 290 <sup>th</sup> Black 98010 Diamond
Becky Miller	21608 SE 290 <sup>th</sup> CT Black Diamond

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Name	Address
ERIC SHIRUP	25001 SUMMIT DR BLACK DIAMOND, WA 98010
Sara Lange	30405 Blaine Ave Black Diamond, WA
Nathan Ritzke	30403 Blaine ave Black Diamond Wa

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Name	Address
Deanna Kitzke	30403 Blaine Ave Black Diamond, WA 98010
Karl Raymond	30404 Blaine Ave Black Diamond WA 98010
angela Raymond	30404 Blaine Ave Black Diamond WA 98010

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Name	Address	Phone/ Email
Carol A Paris	32512 Union Dr Black Diamond, wa. 98010	360-886-1206

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Name	Address	Phone/ Email
Bonnie England	30851 229 <sup>th</sup> Ave SE	253-632-9824
Jennifer Hingale	<del>30851</del> 30831 229 <sup>th</sup> Ave SE	(206) 854-1167

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Name	Address
Shirley Jones	25123 Roberts Dr #316
Paul Collins	25314 Cumberland Place
Kevin Zyanya	25123 Roberts Dr #418
Janet Anna	25123 Roberts Dr #506
Ashelin Rappaport	25123 Roberts Dr. #507

VINT VESPA 25123 Roberts Dr #380  
Don LIMA 16638 10644 SE  
Renton wa 98058

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- Degrading environment and quality of life.

Name	Address
<del>Casey Robbins</del>	25123 Roberts Dr. #201 Black Diamond, WA 98010
Anelle Linderman	25123 Roberts Dr Unit 202 Black Diamond, WA 98010
Aaron Lincoln	4
Cokeen Zeh	25123 Roberts Dr #103 Bl. Diamond, WA 98010
Nancy Beard	25123 Roberts Dr. #304 Black Diamond, WA



~~To the Black Diamond Planning Commission and Council:~~

Please Deny the Proposed Re-zone of any property at the 2019 Zoning Public Hearing.

Black Diamond is already growing too fast and faces:

- Failure to make growth pay for growth - inadequate developer impact fees
- Higher taxes to pay for new development - schools, fire, roads, city hall, and police services
- Future traffic gridlock
- Future school crowding
- On-going construction traffic problems
- Degrading environment and quality of life.

Name	Address
Bill & Karen Bryant	25100 Roberts Drive, Black Diamond
Stacy Price	32121 Union Dr Black Diamond
Leah [Signature]	32116 Union Dr Black Diamond
CHRIS CASTLEMAN	25123 ROBERTS DR #216
ERIC MARTENSON	25123 ROBERTS DR #213
Stacy Silver	25123 Roberts Dr Unit 311
	+

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Name	Address
SHAWN CHANLEY 25123 ROBERTS DR #302 BLACK DIAMOND, WA 98010	
Erica Morgan	33624 Abrams Ave BD