

BLACK DIAMOND CITY COUNCIL MINUTES

October 6, 2011 Special Meeting

Black Diamond Elementary School Gymnasium
25314 Baker Street, Black Diamond, Washington

CALL TO ORDER, FLAG SALUTE:

Mayor Olness called the special meeting back to order at 6:32 p.m. and lead us all in the Flag Salute.

ROLL CALL:

PRESENT: Councilmembers Hanson, Boston, and Mulvihill.

ABSENT:

Staff present were: Stacey Borland, Associate Planner; Andy Williamson, Executive Director of Engineering Services and Economic Development; Chip Hanson, IS Manager; Margaret King, City Attorney and Brenda L. Martinez, City Clerk.

Mayor Olness announced she would now turn it over to City Attorney King for Appearance of Fairness.

APPEARANCE OF FAIRNESS INQUIRIES:

City Attorney King asked the following questions collectively to Council:

1. Do any Councilmembers have any interest in the property that is subject to the Development Agreements? Council collectively responded **no**.
2. Do you stand to gain or lose financially as a result of the outcome of these proceedings? Council collectively responded **no**.
3. Can you hear and consider the application in a fair and unbiased manner? Council collectively responded **no**.
4. Any ex parte contact with parties of record or applicant since the last time you were asked this question? Council collectively responded **no**.

PARTY OF RECORD STATEMENTS:

Jay McElroy was ceded speaking time by Gerry Middlestadt. He spoke about the scale of the project and pace of development, the city's vision and rural by design. He discussed the impact of development on other communities and open space requirements in the code. He stated the development falls short of the 50% open space requirement. He spoke about impacts to Green Valley Road. He stated the Green Valley Road study did not net much in its results. He said that the Green Valley Road Committee has a minority

representation of residents, which does not seem fair. He read a letter from Peter Rimbo dated September 30th. He cautioned Council on accepting Yarrow Bay's offer and thanked Council for the ability to speak to them. He spoke about Councilmembers who were recused and fairness of the process.

Les Dawson spoke on behalf of the Greater Maple Valley Unincorporated Area Council. He spoke about patronage of Black Diamond businesses. He spoke about the need to locate urban services in the urban area to reduce impacts on the rural area. He stated locating schools and the stormwater facility in the rural area goes against the Growth Management Act and has impacts on the rural area.

Dan Streiffert was ceded speaking time by Elaine Packard. He is the chair of the South King County chapter of the Sierra Club. He said adequate plans for mitigation are not in place and regional impacts on transportation are not addressed. He stated the Council should heed the Hearing Examiner recommendation regarding transportation concurrency. He said Black Diamond open space goals are not being realized. He stated schools and stormwater facilities should not be placed in the rural area. He said the EIS was programmatic and the Development Agreements (DAs) have insufficient detail to address environmental impacts in many areas. He stated the DAs do not meet open space requirements. He spoke about stormwater impacts and air quality impacts from increased vehicle trips. He stated the DAs need an air quality preservation plan. He discussed water quality impacts on local fish. He stated support for the Hearing Examiner recommendation on the water preservation plan. He also stated support for testimony from Dr. Cooke on wetlands. He said Council should require an erosion control plan and groundwater quality is not protected. He spoke about removal of trees and concerns about hazardous tree removal. He stated tree removal should be done only on an active phase. He said the transportation plan is reactive and developments need a strong mass transit component.

Peter Rimbo was ceded speaking time by Patricia Sumption, Gwynllyn Vukich and Larry Baird. He spoke about concerns of residents in the City and in the surrounding area. He encouraged Council to review all exhibits and testimony and talk to staff and independent experts. He discussed the pace of the schedule. He spoke to concerns on transportation including a comparison of several master planned developments in the area. He spoke about transportation mitigation and the wide reaching effects. He discussed the Hearing Examiner's recommendations related to transportation items. He said the Hearing Examiner did not have enough time. He spoke about his forthcoming written statement.

Clarissa Metzler Cross said the study done to limit traffic on Green Valley Road (GVR) completed by Parametrix was inadequate and didn't address how to limit traffic on GVR. She spoke about her dissatisfaction with the study. She stated the GVR Committee has not met yet and the DA is lacking. She said the applicant must agree to no construction traffic routed to GVR, no future connections to GVR and Plass Road should have a permanent barrier. She stated the South Connector should be designed to route citizens to Auburn Black Diamond Road. She spoke about adding King County staff to the GVR

Committee. She discussed other associated recommendations. She spoke about projected traffic volumes on GVR compared to other areas.

Bonnie Scott spoke about loss of wildlife habitat, especially the pileated woodpecker. She hoped plans are compatible with wildlife. She spoke to concerns for other rural areas being developed with this project setting a precedent. She stated concerns about the loss of bicycling routes in the area.

Donna Gauthier spoke about legal advice given to the Council and the Hearing Examiner recommendation. She said the Green Valley Road residents gave up their development rights. She stated the Council should seek legal advice from independent attorneys.

Carol Benson spoke about fiscal concerns and the contents of the Hearing Examiner recommendation related to them. She stated the funding agreement has not been executed yet and should be a separate executed agreement. She said language should be added regarding city staff funding and the influence of the developer. She spoke about increased property taxes, the Hearing Examiner's 24 implementing conditions and how the Examiner did not have enough time.

Nanette Stocks spoke about testimony she heard and continuing concerns. She stated the decision before Council should not be influenced by Yarrow Bay. She said the citizens should be the Council priority and Council should take advice from the Hearing Examiner.

Robbin Taylor spoke about the school site on Lawson Hills and the ability to revert the site back to MPD-M. She referenced her written statement from the open record hearings. She stated the school site cannot revert back to MPD-M since it is on the perimeter of an MPD with no intervening development. She stated the change should require a major amendment. She spoke about concerns regarding signs. She does not believe the City should enforce private standards for signs and is concerned about this in a larger context. She stated concerns about other contracts the City may have with Yarrow Bay.

Susan Harvey spoke about Sections 12 and 15 of the DAs. She discussed Section 12.0 and the major and minor amendments decision making structure. She said Council should review this section and consult independent counsel. She stated concerns about the Master Developer Transferee and the 30 day notice, the city has no recourse if they do not approve of the transferee. She stated clauses in the general provisions section must be reviewed and spoke about concerns with the process. She spoke about reducing the size of the development by half and that commercial space is needed by the city.

Dave Ambur spoke about the scale of the development. He stated his biggest concern is that there is no protection for the citizens in the agreement. He said 15 years down the road the developers may change things. He spoke about dissatisfaction with the developer and the process. He stated growth should pay for growth and stated concerns about LIDs effects on existing residents in the area. He said the City should pass bonds and pay for it


themselves and tell the developer to do it how the city wants it done. He stated he wants all loopholes tightened up.

Mayor Olness asked the audience if there were any other parties of record who wished to speak tonight. Seeing none she then reminded folks that the next proceeding will be on Saturday and sign-ups sheets will be available that day for the first hour only, so any party of record wishing to speak needs to be signed up by 10 a.m. on Saturday, October 8th. She also noted written statements need to be submitted to the City Clerk before midnight on October 8th.

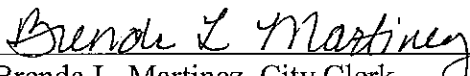
ADJOURNMENT:

Mayor Olness announced the special meeting will continue Saturday, October 8, 2011 at 9:00 a.m. at the Black Diamond Elementary School Gymnasium and thanked everyone for coming.

ATTEST:



Rebecca Olness, Mayor



Brenda L. Martinez, City Clerk