

City of Black Diamond 2015 Comprehensive Plan Update

April 2, 2014 Open House Comments

Overview

Approximately 35 citizens attended the open house. Five comment cards/questionnaires were filled out that evening, and two since, making a total of seven submissions; plus one letter from a citizen that was sent to city staff.

The following City and consultant staff were on hand to field questions and comments regarding the 2015 Comprehensive Plan update process:

- Stacey Welsh (City of Black Diamond)
- Seth Boettcher (City of Black Diamond)
- Aaron Nix (City of Black Diamond)
- Andy Williamson (City of Black Diamond)
- Don Hardy (BergerABAM)
- Dan Shafar (BergerABAM)
- Traci Chumbley (BergerABAM)

The following tables or stations with corresponding exhibits were arranged throughout the room:

- Welcome table
- "Project Timeline and Process"
- Comprehensive Plan Elements: "Transportation and Capital Facilities"
- Comprehensive Plan Elements: "Parks and Sensitive Areas"
- Comprehensive Plan Element: "Land Use"
- Refreshments table
- Comment tables

Comment Cards/Questionnaires:

Q1. What made you choose the City of Black Diamond as the place to live/work?

- Small town country living, quiet
- Quiet town, want to stay the same!!
- My parents built a house here, then I married a third generation resident, and we built a house and are raising our 4 children here.
- Amenity of lake living near geographically familiar "home town"
- A series of life events
- Close to home, seen a future

- I came for the people I found here, an honest people, not afraid to work for what they needed, but also not willing to be looked down on. People who appreciated each other for their strengths, but were willing to overlook weaknesses. A place where differences are expected, where you can be yourself, where you are allowed to be your own person. A place where you have the respect of your fellows, whatever your station in life; I have seen academic PhDs in meaningful dialogue with high school drop-outs; I have seen a local felon be also a friendly neighbor with the court clerk; I have seen very wealthy mega landowners and the homeless at dinner together on equal terms. People of BD are well suited to listen to and learn from each other with the aim of finding the best answers for everyone. This egalitarianism and the accompanying revulsion against exclusivism, is what gave America its strength and appeal throughout the eighteenth and nineteenth centuries; it is what made America the envy of the worlds' nations; it persists today in fewer and fewer small towns, but BD is one of them. If America is to recover its place in today's world, we need to recapture what Black Diamond has and export it across all parts of our country.
- Atmosphere and people

Q2 Please provide three words that would best describe the City of Black Diamond in 2035.

- Stay the same
- Small quiet community
- Friendly; Happy; Self-sustaining
- Robust, suburban area with many housing choices and complimentary commercial areas
- Peaceful, charming, educational; Friendly neighbors and community activities; Convenient stores and amenities (libraries, parks, public buildings)
- Large. Profitable. Thriving
- Black Diamond needs a **healthy economic base**, the most logical fit for our assets is for us to become the haven of **outdoor activity, cottage industry and tourism**; with enough development to provide these, but not to over-reach the economic reality. Black Diamond could be a world renowned tourist mecca by 2035, if it plays its cards right. BD could have the needed at least **one job for each dwelling unit, preferably 2 jobs**, like our previous comp plan demands. These changes will not come by osmosis, our assets, the talents of our citizens, must be marshaled and our government has a role to play in this community wide endeavor. By creating the necessary enabling infrastructure, removing artificial roadblocks for business owners, and by strategic planning to facilitate these ends our government serves its citizens. Bending over backwards for a land developer with an oversized and unworkable plan at the expense of all other enterprises is putting all the eggs in one basket and does not serve today's citizens at all.

Q3 What attributes do you value most about the City of Black Diamond?

- Small, quiet town, no traffic, pollution, not much crime
- Close family and neighbors
- Quiet, walkable, smiles
- Harmonious blend of commercial, convenience interfaced with natural beauty
- A haven from the cares and stresses of the world (usually); peaceful co-existence with wildlife and nature.

- The ability to work through problems
- The PEOPLE, their engagement in our community and with each-other, their commitment to BD's neighbor communities, and the resistance against sending problems and pollution downstream; The natural setting, the productive wildcraft industry, \$30 for a gallon of trailing blackberries clean picked, chanterelle mushroom, wild game meat butcher right here in town, these are just a few; The love of walking and nature, the individual commitment to a healthy outdoor lifestyle engaged in by most of our citizens; The rural small town character, neighborliness; The way our city's current development (not the expected development) respects the ecology, and the lay of the land, and the needs of citizens generally; The many streams and lakes; The surrounding open space and the wealth of nature trails, and undeveloped parks; The dedication to wildlife and neighbor wellbeing, respect for many wetlands, and the rare pristine peat bog unmatched in the continental US, but common in Alaska.
- Small town atmosphere/Proximity to Seattle and Tacoma/Beauty of surroundings/Friendly people

Q4 What aspects do you think may be lacking in the City of Black Diamond?

- To remain as small quiet town. Consideration for the people that live here now!
- Consider our wishes, small town, life style
- Schools, jobs with livable wages
- Development
- Supermarkets and other quality retail (not convenience stores), entertainment facilities especially for teens, but for all
- New families
- Technical expertise to adequately understand the constraints of the environment, and how to enhance and live with and as a part of that natural environment, particularly among the staff in our city hall. We need an economic plan to build from; its redeveloping from the "company town model" but this one needs the modern spin of diversified private ownership and manufactured product to weather the business cycles and the inclusion of the democratic will in the choices going forward. No go: for today's plan of huge residential development as a commuter community at a time when commuters is frowned upon socially by the energy consciousness up-coming generation who don't wish to afford the car payments and insurance and price of gas required for this life style. A hopeful developer who takes away the money he gets, away does not answer BD's issues, or help our economy. Yes, do this instead: today's citizens want the say in what happens in our town. Small businesses that belong to the individuals who live here act to draw "foreign" money in, and are sustainable in a small community and will lift the whole town. We need a summer time swimming pool, probably better as a private club for each 3,000 voters. We need a year round recreation center, boys and girls club, sports facility. We need an organized scholastic assistance program for our youth. We need our own high-school, and I wonder if a charter school is the way to get one sooner, our students are bullied in the Enumclaw Schools till they drop out, destroying our economy by losing their talents from the job market.
- Lack of cooperation between officials and business folks; more private services and stores; better roads - transportation

Q5 What other comments or questions do you have regarding the 2015 Comprehensive Plan update/process?

- What are you going to do about destroying water shed and flooding Horseshoe Lake? Your plans are too big and take too long to finish. If I wanted to live in Kent I would have moved there; not Black Diamond.
- Watershed protection; Lake overflowing - costing the government many \$ to pump overflowing lake; Who will buy the houses that are affected by lake flood every so many years and maybe every year; No trees to absorb the water/rain; underground aquifer flooding the lake.
- Nice presentation!
- Are there any plans to make the natural areas accessible to ADA equipping or at least to the less mobile segment of the community over 50 years old?
- Transportation and zoning map combined or next to each other at open house displays; How do we more actively attract businesses and stores that would be helpful for us to have closer (high quality - not convenience stores) and/or that would enhance the historical ambience and/or attract customers from around the area?
- Please move forward with new homes. Time to grow.
- I was profoundly disappointed with the cursory invitation of the first meeting. The lack of real planning that could have made that meeting a learning experience for everyone. The meeting should have at least drafted a workable framework for encouraging real public input, not just the tired and tried issue lists that will result in no productive action. We need ideating sessions and implementing sessions. There is not nearly enough reliance on the public's wishes throughout this process. We the tax-payers here, have the responsibility and the right to formulate BD's future and our government needs to facilitate this engagement. Our citizens need the chance to dialogue with each other over the subjects so we go on with a truly community vetted plan. There is way too much reliance on, and accommodation for, the hopes of an absent mega developer who wants to rape our village of its "Intrinsic Capital", is an LLC, and will run with whatever they can take from us in the way of profits. I want to see many public discussions about all the topics going on weekly for the benefit of our citizens so they can work out together a reasonable way forward. I worked on the first comp plan in 1980, over 200 people from 176 dwellings took active part, there were weekly meetings, there were field trips, there was meaningful mediation and leadership, till we came to a mutually agreed upon plan. We took important comment from any neighbors of BD who also have a stake in what happens here.
- Please plan on linking Four Corners 169 to/through city – 4 lanes; cooperation with state and county roads departments; lobbying for road link from city via Kent Black Diamond Road to SR 18; faster access to SR 516

Q6 How Important is available housing?

Extremely Important - 1

Very Important - 1

Somewhat Important - 2

Not Important - 3

No opinion - 1

Additional Comment:

There are 10,000 bank owned dwellings in SE King County currently, many in this town, we have no jobs here and no viable economic base. Today's young families want to live car-less, in a municipal area where the internet access blankets them and the extended public services are plentiful, where there is a night-life besides government meetings, state of the art child care and scholastic and continuing ed opportunities for youth and adults, a gym and public transportation and a job. These same Sea-tac corridor people want to get out of town to do the active recreation on days off, they want to get there with public transportation on days off, but they don't want to live there.

Q7 How important are employment opportunities?

Extremely Important - 4

Very Important - 1

Somewhat Important - 0

Not Important - 2

No opinion - 1

Additional Comment:

BD will never be an employment nexus for the reasons stated above, and it doesn't need to be, but there must be at least one job for each dwelling here by 2035. In order to have a balanced economy we need to have heavy and light industry and a major organizing sense of where our city is headed to guide all prospective development. I have also been thinking about, what if "The John Henry Strip Mine" could be home to "Cedar Grove Compost", Cedar Grove needs to find a new site, the papers say. When I go over to Cedar Grove, that area seems nicely reclaimed and planted as do the other places they have been. We were headed to be a tourist economy before our mega developer came to town, we have a nucleus begun toward that goal still thriving, I think this idea is built on reality rather than wishful thinking, I think this is an industry that could employ many of our particular unemployed. I also think there are other recycling opportunities that could be possible, there is a franchise-able plastic recycling machine originating in Portland that has been a very successful woman-owned enterprise.

Q8 How important is Black Diamond's transportation system (roads and sidewalks)?

Extremely Important - 3

Very Important - 2

Somewhat Important -

Not Important - 2

No opinion - 1

Additional Comment:

The roads are important because BD is a bottleneck for the State and County transportation system. Increasingly these are the agents of commerce for our, and our neighboring communities, as experience demonstrates the ever increasing semi and truck transport through town. Sidewalks are important for the much walking public, this is a walking town with always people young and old afoot. The children need the sidewalks to have a safe walking school commute, the seniors are currently using unsafe shoulders along their daily exercise walks. I can think of five places right now that need walker overpasses, over 169 at each end of town and over Roberts drive at the 169 intersection by the commercial space, at Morgan Street and at Lake Sawyer Road. Yeah I added the trails back in from the old comp plan. We were always to be a town transected by trails, the people want and need the trails, many find the sidewalks too hard on their ankles and feet they want a softer surface to walk on, also there are the dog-walkers who really need a trail. Trails are so very important that they are listed with parks as a Council Committee and they are being worked on constantly by the city, but there is the dearth of connectivity and functionality that is being neglected and there is no consideration for this concern on the developer's property, except for the County requirements for the regional trail. This is holding BD back, we need to follow the County example, they have the expertise, they know that if you don't stake out the public trails at the beginning you lose the coordination and connectivity that makes a rational plan. In other words we need to be stalking the public plan before the developer, it's our choice and we need to take it.

Q9 How important are capital facilities (water/sewer, storm drainage, public facilities, etc.)

Extremely Important - 2

Very Important - 3

Somewhat Important - 0

Not Important - 1

No opinion - 2

Additional Comment:

We must have the community meeting place to conduct the municipalities business and to accommodate the increase in population. The facilities must not overwhelm the need but they must be adequate to serve the need. They must be efficient and practical and they probably need to be constructed in a modular add-on fashion so they can be grown as the city grows, no matter the added final cost at full build out. More services will be required by the more citizens. The Courts will be handling a larger slate of case types and will be functioning more of the time. There will be a need for expanded attorney housing and holding cells and a financial office for fine collections and accounting for court ordered community service, etc. All the water related services must be state of the art because especially for BD, water is in constant flow toward Puget Sound, BD will be culpable for water that is polluted or is in excess or deficiency downstream. It is almost that we will be at fault no matter what, look at Oso, who allowed the 400 acre logging, that is who can expect to pay the survivors and for the highway replacement. BD is thinking of allowing how many acres of clear and grade, the high bank of Green River Valley Rd's east wall slid again this year, will the County demand of 100 foot setback protect BD financially, has any real definitive hydrology been done, did any geologist sign his professional guarantee that the plan will protect the valley? The answer is NO! What I know is that with the global

warming and more water in play there will be increasing water destruction and increasing liability being placed on whomever turns out to be the deep pocket, and since our developer is an LLC he is not going to assume liability his business license says so, so it will fall on BD in the end.

Q10 How important are parks, trails and sensitive areas?

Extremely Important - 1

Very Important - 3

Somewhat Important - 2

Not Important - 1

No opinion - 1

Additional Comment:

First sensitive areas are very important to not only BD but also to protect and mitigate us from the water related tragedies of the question above. We need to do two things. First our sensitive area buffers need to be set by the requirements of actually accomplishing the real protection of the wet areas, hills, slide areas, recharge aquifers and the like. Second we need to plan for an additional amount of water, probably a hydrologist and geologist are needed to calculate how much extra we need to prepare for. When we lose the filtering sponge of the forest land, and because there will be more water and less of it will be frozen for less time we need to prepare ahead to avoid financial negative consequence, and to have maximally effective wetland protection for our developed areas and the developed areas of our neighbors. Trails are very important to the lifestyle of BD, many citizens of all ages are fundamental walkers, the plan was that work, live and shop could all be done on foot by our citizens. Back in 1983 our citizens afforded the beginning of trails near the extensive wetlands for the public's benefit. This area has now been abandoned as it was realized that the trails were too buggy and were actually damaging the wetland, with more up-to-date science. However, the trails continue as an idea and a reality around town. In the future our extensive in-city wetlands with the proper trail placement and connectivity could become an economic asset for our town as wildlife watching experiences. Parks are the heart of a community and BD is no exception, people need athletic fields, play grounds unimproved areas for human exploration and wildlife refuge. There will be some statistical recommendations as to how many and how varied the activities required by our cities population in order to maintain a healthful living situation for our citizens. BD has come together as a community to build the parks in the past and will again and the bonus is these neighborly acts create the community among the people.

Miscellaneous Comments

Trees and animals make better neighbors

We have more than enough (parks, trails, sensitive areas); Sensitive areas are extremely impacted.

I think the county and the state have adequate oversight of these areas now.

I would like proof that this information has gone on to Makers and is not just at a repository in the city collecting dust.

Additional Comment(s)/Letter(s) Received

The following letter was sent to Seth Boettcher from Peter Rimbo, Leader and Transportation Focal for the Citizens' Technical Action Team:

April 3, 2014

Seth Boettcher
Public Works Director
City of Black Diamond

Mr. Boettcher,

Thank you for the good discussion we had last night at the BDCP 2015 Update Open House. We are following up on a few items from that discussion:

1. Maple Valley Transportation Mitigation Agreement (Development Agreement Exhibit Q).

We discussed, in general, the proposed transportation infrastructure improvements called for in this agreement. I pointed out *three* critical features:

- a. The improvements depend a great deal on securing Grant monies. The Master Developer's contribution is based on percentages, not dollar levels (see b. below for examples). Should Grant funding fall short (an extremely likely possibility), planned mitigations could be scaled back. In many cases the Master Developer's contributions are small with more than half <40%; consequently, the City of Maple Valley must secure the remainder of funding to make most of the projects even viable. Securing adequate funding for the full palette of proposed mitigation improvements in a timely manner to meet Transportation Concurrency requirements will be a challenge, at best, and improbable, at worst.
- b. Many of the most expensive improvements are not triggered until a high number of units have been permitted. For example:
 - * Constructing a new 3-lane SE 271st Bypass Rd from SR 169 to SR 516 is not scheduled until the 2,035th dwelling unit (Developer's share = 6.8%).
 - * Adding a second northbound lane and second southbound lane to SR 169, Witte Rd SE to SE 280th St whose segments are not scheduled until the 700th, 2,280th, 3,225th, and 4,135th dwelling units (Developer's share <62.5%).
 - * Adding a second southbound lane to SR 169 from SE 280th St to Maple Valley south city limits is not scheduled until the 4,802nd dwelling unit (Developer's share = 58.4%).
 - * Widening SR-516 to 4/5 lanes from 216th Ave SE to Maple Valley west city limits is not scheduled until the 5,500th dwelling unit (Developer's share = 29.9%).

The existence of these four key projects and their dependence upon building over 2,000 dwelling units (in most cases many, many more dwelling units) presents great risks to the Cities of Covington, Maple Valley, and Black Diamond, since most of the city's commuters travel through those sister cities.

- c. Maple Valley was boxed into a corner and "took what they could get." From the Development Agreement (DA) (our emphasis):

“12.10.1 Maple Valley Transportation Mitigation Agreement Pursuant to MPD Permit Approval Condition No. 15, Ordinance 10-946, the Maple Valley Transportation Mitigation Agreement “supersedes all other conditions and processes that may set mitigation measures and that are contained in the MPD Conditions or Development Agreement.” More specifically, Conditions of Approval 10 through 14, and 16 through 34 within Exhibit C of the Villages MPD, Ordinance No. 10-946, are superseded by the Maple Valley Transportation Mitigation Agreement in regards to transportation improvements within the City of Maple Valley.”

The original Condition of Approval (COA) 15 called for a set of mitigations that Maple Valley felt were grossly inadequate. Consequently, in its “negotiations” with the Master Developer on a Transportation Mitigation Agreement, it felt compelled to agree whatever the master developer offered over and above the COA 15 mitigations. At the time a Maple valley City Councilman was quoted as saying: “These mitigations will help us with our current problems.”

The other concern is the the last part of the DA 12.10.1 excerpt above which mentions “supersede.” This could be construed that no matter what the new Traffic Demand Model, Traffic Analyses, and subsequent mitigation proposed, the Maple Valley Transportation Mitigation Agreement is fixed. That is something for the attorneys to review and interpret. However, since Transportation Concurrency cannot be vested, we believe, the Maple Valley Transportation Mitigation Agreement (and the companion Covington agreement) will need to be revised with better information as it is generated.

2. Traffic-Demand Model development, scope, and timing.

The Traffic-Demand Model (TDM) allows for an iterative process that focuses on a set of self-consistent results. The modeling process typically involves: (1) Trip generation--based on types of land uses and the ITE Trip Generation Manual; (2) Trip distribution--iterative process usually based on travel times and distances traveled; (3) Mode choice--car, car/van pool, bus, and train; and (4) Traffic assignment--iterative process usually based on travel times.

Key aspects of the development and use of the TDM are listed below:

1. Based on a set of assumptions and a road network/gridwork the model predicts traffic demand in terms of traffic flow on road segments between intersections and at intersections.
2. Detailed intersection analyses are then performed to evaluate intersection throughput to determine needs for additional signaling, left-turn lanes, etc. (this could be done with a “local” analysis simulation tool called SYNCHRO which evaluates intersection capacity).
3. Continuous running of the model coupled with detailed intersection analyses provides an increasingly improved understanding of what mitigation schemes could work both along road segments (i.e., widening, etc.) and intersections (i.e., turn lanes, etc.).
4. Once an “equilibrium” is achieved (i.e., predicted demand meets mitigated capacity during peak-drive hours), then sensitivity analyses often are conducted to understand the importance of different input assumptions to the model and analyses. While there are several assumptions made, possibly the most critical is Internal Capture Rate, which affects the number of external commuters at peak AM and PM hours. The level of sensitivity of key assumptions provides a better measure of the risks involved with the predictions of traffic volumes--high sensitivity means greater risk. Greater risks directly impact success, timing, and costs of mitigations. These costs can be large.

The traffic-demand model used to support the DEISs and FEISs was based on the Puget Sound Regional Council’s (PSRC’s) “region-wide” model. The City of Maple Valley’s Traffic Expert (Jana Janarthanan) testified the PSRC model did not provide sufficient “local” definition. The City of Black Diamond’s Hearing Examiner (HEX) agreed the model used was insufficient to evaluate traffic impacts for the MPDs and recommended a new model be developed and used to determine and evaluate mitigations required prior to approval of the the DAs or as a major amendment.

The MPD permit application hearings resulted in HEX Recommendations to the Black Diamond City Council. Following the March 2010 FEIS Appeals Hearings--which included extensive Expert Witness testimony from Traffic Consultants, WSDOT, and KCDOT--and the concurrent MPD Application Hearings, the HEX found the foundation of the entire traffic analysis wanting in many areas and the resulting analyses and traffic mitigations generated were flawed. This included the TDM, which served as the basis for traffic analyses, as well as the evaluation of needed mitigation (emphasis added).

“The conditions of approval require the Applicant to put together a local model that extends to all jurisdictions within the vicinity, but without the flaws in the Maple Valley model. The new modeling may prove to be costly, but it may also stave off litigation from Maple Valley and other interested parties, which would result in a significant savings to all involved. Most importantly, the new modeling will more accurately predict traffic impacts, which will be of a profound benefit to the quality of life of Black Diamond residents.” [HEX MPD Application Recommendations, p. 2]

“As identified in Finding of Fact 5(B), the traffic modeling proposed by the FEIS is adequate from an environmental review standpoint but may yield more accurate results through a more localized model similar to that employed by Maple Valley. Greater accuracy in anticipated impacts will in turn provide for greater accuracy in the amount and timing of mitigation. A recommended condition of approval is the development of a more localized traffic model.” [HEX MPD Application Recommendations, p. 152]

“Black Diamond and Maple Valley each made very compelling arguments that the traffic model of the other was deficient. The record is clear that neither model is optimally suited to predict traffic impacts for the Black Diamond community. 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.” [HEX MPD Application Recommendations, p. 124]

“...[new] mitigation be added to the project either through the development agreement or processed as a major amendment to the MPD.” [HEX MPD Application Recommendations, p. 124]

“The applicant shall create a new transportation model for this project which incorporates, at an appropriately fine level of detail, and at a minimum, the transportation network from the northern boundary of the City of Enumclaw on SR 169 through the City of Maple Valley to the northern limits of that city, and west to SR 167 in Auburn.” [HEX MPD Application Recommendations, p. 193]

“The new model must contain a sensitivity analysis for the effect of projected peak hour factor assumptions and the varying consequences to project impacts and mitigation measures must be presented to the City and all affected jurisdictions.” [HEX MPD Application Recommendations, p. 193]

The HEX also made specific comments on his FEIS “adequacy” Decision vis-a vis his MPD Application Recommendations (emphasis added):

“BDMC 18.98.080(A)(2): Significant adverse environmental impacts are appropriately mitigated:

The criterion above is satisfied by imposition of the FEIS mitigation measures recommended by this decision in addition to the enhanced mitigation identified in Finding of Fact No. 5. In MPD Exhibit 114, p.3, the Applicant essentially asserts that the FEIS precludes any further discussion of environmental impacts under the criterion above. This is incorrect. Although not directly addressed in the context of an EIS, the courts have ruled that a mitigated determination of nonsignificance does not preclude an additional finding of significant environmental impacts if relevant to permitting criteria. Even with the issuance of an EIS, an applicant must still comply with all permitting criteria. The review standard for an FEIS is significantly different than that under MPD permit review. As noted in the FEIS decisions, the Examiner must give substantial weight to the determination of the SEPA responsible official in assessing the adequacy of an EIS. By contrast, the factual findings made by the City Council in finding

compliance with MPD criteria must be supported by substantial evidence. As discussed in Finding of Fact No. 5, there are some environmental impacts that have been adequately mitigated under the rule of reason standard for the EIS but nonetheless do not provide the most effective or comprehensive mitigation. For the reasons discussed in Finding of Fact No. 5, there is substantial evidence to justify the enhanced mitigation identified in Finding of Fact No. 5, including but not limited to revised traffic modeling,....

While the Applicant may point to the FEIS as prohibiting additional environmental mitigation, the SEPA Appellants may point to the necessity for additional mitigation as evidence that the FEIS was not adequate. In addition to the reasons set forth in the FEIS on adequacy, a reviewing court should also consider the policy ramifications of undercutting a determination of adequacy because additional study and mitigation is imposed. Due to the hundreds of hours of legal, examiner and staff time involved in these proceedings, the MPD hearings have cost well into the hundreds of thousands of dollars. A finding of inadequacy would require the City to go through the entire MPD hearings again. As recommended by the Examiner, significant additional mitigation would be treated as an amendment to the MPD applications so that the public would have an opportunity to comment on the new mitigation and a clear avenue of appeal would be available to those opposed to the changes. Using the amendment process avoids going through the entire review process again. Given that the traffic...study and mitigation would create discrete and fairly isolated project impacts - traffic changes would be almost entirely exterior to city limits - the segmentation of this review process would not undermine the cumulative nature of SEPA review." [HEX MPD Application Recommendations, pp. 153-154]

Although the HEX ruled the FEISs "adequate," he recommended specific Conditions on the MPD Applications (emphasis added):

"11. The applicant shall create a new traffic model for this project which incorporates. at an appropriately fine level of detail. and at a minimum. the transportation network from the northern boundary of the City of Enumclaw on SR 169 through the City of Maple Valley to the northern limits of that city" and west to SR 167 in Auburn, External trips may be captured by any valid methodology including overlaying the new model onto the existing Puget Sound Regional Council transportation model. The new model must be validated for existing traffic." [HEX MPD Application Recommendations, p. 193]

"16. The resulting project impacts and mitigations must be integrated into the development agreement or processed as a major amendment to the MPD prior to City approval of any implementing projects." [HEX MPD Application Recommendations, p. 194]

"17. The intersections needing mitigation as identified in the analysis required above shall be monitored under a Transportation Monitoring Plan which shall be incorporated into the Development Agreement for the MPD, with each designated improvement being required at the time defined in the Monitoring Plan. The Monitoring Plan shall require that improvements be constructed with development in order to bring

mitigation projects into service before the Level of Service is degraded below the City's standard." [HEX MPD Application Recommendations, p. 194]

Please note the scope of the TDM the HEX stipulated in 11. above:

"...create a new traffic model for this project which incorporates. at an appropriately fine level of detail. and at a minimum. the transportation network from the northern boundary of the City of Enumclaw on SR 169 through the City of Maple Valley to the northern limits of that city" and west to SR 167 in Auburn, External trips may be captured by any valid methodology including overlaying the new model onto the existing Puget Sound Regional Council transportation model...."

This envelope is critical and the description you provided to us does not meet this critical envelope (note that MPD Ordinance COA 11 states much the same). Please understand that the HEX indeed agreed with the vast majority of the traffic experts who testified before him that a finer level of detail was need than afforded by the PSRC model. However, he also stipulated that the model be as broad in reach as the PSRC model, hence the language above. We would like to review the Draft Parametrix report you mentioned to us to ascertain the scope of the model development. We, as did the city's HEX, believe the development, validation, and exercise of the TDM is critical to not only the City's future, but also that of the southeast King County region.

We also want to ensure that the Parametrix TDM work recognizes the eight modeling steps in the current PSRC land use and travel demand forecasting model: (1) Economic forecasting; (2) Land use forecasting; (3) Vehicle availability; (4) Trip generation; (5) Trip distribution; (6) Mode choice; (7) Time of day; and (8) Trip assignment. [Land Use and Travel Demand Forecasting Models: PSRC Model User's Guide http://www.psrc.org/assets/1512/model_usersguide2007.pdf]

For reference, the MPD Ordinance COAs 11, 12, 13, 14, and 17 address the traffic-demand model. Far more detail and critical analysis can be found in our Transportation: A review of key issues, history, and future decision points report released in March 2013.

3. The 850 permit-issuance trigger.

MPD Ordinance COA 17a mentions the TDM trigger and, as we discussed, the iterative process at the discretion of the City Council (our emphasis):

"At the point where building permits have been issued for 850 dwelling units at the Villages and Lawson Hills together, and again at such phase or interval determined by the City Council following completion of the review called for by this condition, the City shall validate and calibrate the new transportation demand model created pursuant to Condition 11 above for the then-existing traffic from the Villages and Lawson Hills together. The calibration may include an assumption for internal trip capture rates as set forth in Condition 14 above, rather than actual internal trip capture rates, if an insufficient amount of commercial development has been constructed at the time of the validation/calibration required herein. The City shall then run the model to estimate the trip distribution percentages that will result from the next upcoming phase or interval of MPD development, and to assign the estimated trips from that phase or interval to the intersections identified in Condition 11 above."

This describes the “validation” and “calibration” of the TDM, as well as its use to determine trip distribution and volume. This provides the City with flexibility as to when and how often the TDM should be validated to ensure it is generating information that tracks reality. This is 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.

The “850 dwelling units” threshold for completion, validation, and use of the new TDM essentially exempts The Villages MPD Phase 1A from any traffic analyses based on the new TDM and set of assumptions. However, should the City decide in the future that it will allow a connection through The Villages from the proposed Woodland Reserves in unincorporated King County, then its 77 homes should be added to the 780 proposed in The Villages Phase 1A (as all traffic will use the same three ingress/egress points along Auburn-Black Diamond Road) which results in 857 units, thus triggering the TDM work. Former City Administrator Mark Hoppen and former City Councilman Craig Goodwin both mentioned this to King County during early discussions (circa October 2013) of King County’s Development Agreement with YarrowBay on the Woodland Reserves.

The phrase “The calibration may include an assumption for internal trip capture rates as set forth in Condition 14 above, rather than actual internal trip capture rates, if an insufficient amount of commercial development has been constructed at the time of the validation/calibration....” could allow unproven ICRs to be used. Since ICRs have a direct influence on the evaluation of traffic volume, trip distribution, travel times, and queue lengths, they are, possibly, one of the most important assumptions that feed the Traffic-Demand Model, as we also discussed with you.

Consequently, we feel it unwise to wait until ~6 months before the 850 trigger to begin TDM work in earnest.

Thank you and let’s continue the discussion. We are here to help and ensure the integrity of the City’s infrastructure, quality of life, and economic vitality.

Peter Rimbo
Leader and Transportation Focal
Citizens’ Technical Action Team
primbos@comcast.net

The following letter was received by the City of Black Diamond on April 2, 2014 from Cindy Proctor:

The Task force should look at all compliance and covenant requirements; possible amendment to the Lake Sawyer Park Plan.

The environmental impact to the lake is far greater now than at any time in the history of BD. After research with King County CFT and Washington State RCO it is clear that the intensive active use is not required, furthermore it is questionable whether moderate active use can be contemplated in the middle third of the park as currently proposed due to the multiple co-mingled sources:

Conservation Fund Taxes: \$3,000,000 (natural/passive uses)
Open Space Bond ('89): \$24,000

REET #1: \$3,433,606

Critical Resources Initiative Bond (REET): \$2,635,452

Total: \$9,593,058

Additionally, any Park Zoning Classification Codes should look at identifying the multiple types of parks in our community and these designations should/would have different uses allowed within them, for example:

Neighborhood Parks: Pocket Parks provide easily accessible, low-intensity recreational areas for unscheduled use, visual relief from urban congestion and scenic value, and buffering between adjacent land uses. Primary users are within walking distance (1/2 plus/minus mile radius). Ease of non-motorized access is a primary consideration.

Community Parks: Community parks provide a variety of individual and organized recreation activities conveniently located for short-term visits. Community parks may be located in residential neighborhoods and suburban areas. Community parks may also be located adjacent to elementary or intermediate schools to maximize cooperative use of recreation facilities. In mixed-use developments, proximity to retail/office areas is desirable for cooperative use of parking and minimal impact on residences. Access should be via secondary roads where possible. Parking is provided on site or on a shared location with an appropriate adjoining development. The service area for community parks generally extends up to 3 miles.

Special Purpose Parks: Such as Lake Sawyer Park, are natural resource parks, and preserves, that protect and perpetuate areas of sensitive or unique environmental ecological and scenic values. Development that does not adversely affect ecological functions and enhances awareness of the resource values is appropriate. Small interpretive (educational) facilities and structures include orientation kiosks, hiking, biking and equestrian trails (as designated), signs, and benches. Visitor centers and parking are appropriate only near the periphery of these parks.