

To the Black Diamond City Council and Mayor Olness

Jim Smith [bzcountry@gmail.com]

Sent: Monday, November 07, 2011 6:24 AM

To: Rebecca Olness

Cc: Leih Mulvihill; William Saas; Bill Boston; Craig Goodwin; Kristine Hanson

*Various opinions
of your council*



To the Black Diamond City Council and Mayor Olness,

As a resident of the Enumclaw Plateau who drives Green Valley Road and 169 nearly every day, I am outraged by the proposed Yarrow Bay MPD.

Brian Ross is a criminal, and his "vision" will wreck the lives of everyone who currently lives in and enjoys Black Diamond. There is nothing visionary about a sprawl of cheap houses and big box retail. This has got to be about money, because I refuse to believe that any of you want to live in a land of McDonald's, Subways, and Taco Bells, instead of the Pizza and Deli, Mama's, and the Bakery.

How can you in good conscience vote to destroy the beautiful piece of America called Green Valley Road? How can you possibly want to transform Black Diamond into a grid of stoplights and retail centers, instead of the quiet country experience that we all currently enjoy? Mrs. Olness, you say we "need" things like grocery stores? Why? You just can't make another 10-minute drive to Maple Valley or Enumclaw? And big box retail off of 169? Wow, that sounds wonderful. Why would I want to drive past woods and wetlands when I could be driving by gas stations and Home Depots? Give me one reason why we need stuff like that in Black Diamond, when we have TRM, Johnson's, Safeway, Costco and Fred Meyer all within 15 minutes. Give me one good reason why we need to turn Black Diamond into Covington.

There are enough sanitary, characterless crap towns in Western Washington. Go live there if that's what you like, but some of us moved to this area to spend the rest of our lives in a quiet country setting. You are cheating us out of it and we are furious about it.

Jim Smith

Council Replacement

Brian Doner [briandd@gmail.com]

Sent: Friday, November 11, 2011 3:31 PM

To: Rebecca Olness; Kristine Hanson; Craig Goodwin; Bill Boston; William Saas; Leih Mulvihill

*Congratulations
at for your term*

Yes! Three of you are on your way out soon, and the rest of you will go at the next election! You need to start listening to the people that actually live in this community. Stop making it about money and buying into the developer, and make it about the community and the people! This is by far the worst council ever!

-Brian Doner

Let the new council vote

tbaker5@comcast.net [tbaker5@comcast.net]

Sent: Monday, November 28, 2011 8:45 PM

To: Rebecca Olness; Kristine Hanson; Craig Goodwin; Bill Boston; William Saas; Leih Mulvihill



Dear Mayor and Council of the City of Black Diamond,

The voters in Black Diamond have spoken. Several of you will be leaving office in January. People are up in arms and angry about the city's decision to put in two large neighborhoods inside the city of Black Diamond. I am begging you, implore you, to leave the next vote on the neighborhoods to happen once the new council and take a look at it in January.

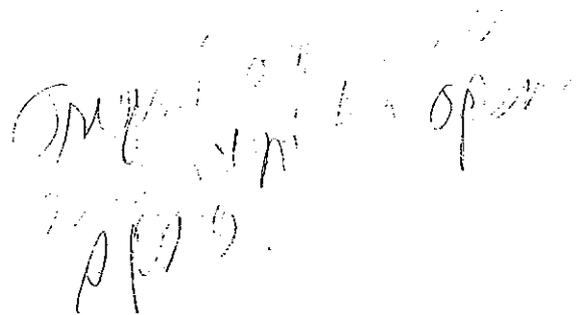
The state government is facing a huge deficit and there will no funds to help improve infrastructure to handle the traffic if the two neighborhoods go in. Traffic along Highways 169 and 516 will become heavily congested, the roads will have gridlock. The Enumclaw School District cannot handle the large enrollment numbers the neighborhoods would bring.

The people have spoken. Delay the vote.

Sincerely,

Todd Baker

November 30, 2011

City of Black Diamond City Council
24301 Roberts Drive
P.O. Box 599
Black Diamond, WA 98010

Dear Mayor Olness and Councilmembers:

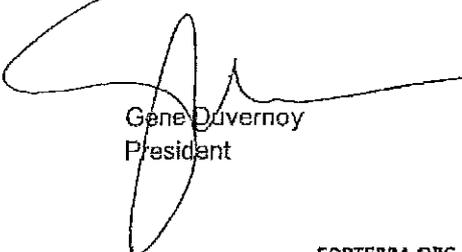
Thank you for the opportunity to comment on proposed amendments to the comprehensive plan and zoning code. Forterra (formerly Cascade Land Conservancy) played a role in developing both the 1996 Black Diamond Urban Growth Area Agreement (BDUGAA) and the 2005 Black Diamond Open Space Agreement (the Agreements), which together create an innovative linkage between development within Black Diamond and conservation both within and surrounding the city. The Agreements are the result of lengthy, detailed, and transparent negotiations that led to a unified vision for the community.

I have not been involved either in implementing the Agreements or in drafting the resulting provisions of the City's planning and code. I am aware, however, that differing perspectives within the community exist as to whether the 2009 comprehensive plan and the Master Planned Developments, as approved, fully support the Agreements. I am also aware the pending comprehensive plan amendments (CPT-11-02, CPT-11-03) now before the Council have supporters and opponents. My concern is that the spirit and long history of support for the four corners of the Agreements, each carefully negotiated and drafted, may now be diluted by or distorted in the details of their implementation.

As established in the *Cascade Agenda*, the 100-year shared vision and action plan for our region, we must work to the utmost to create vibrant, livable, affordable cities and to conserve our landscapes if we are to retain our cherished quality of life. The Agreements reflect this understanding by establishing clear goals for growth and conservation. They outline clear measures for by-right development and for development caps, as well as for how these relate to sensitive area open space protection via TDR. Economic development is balanced with community character. Growth to accommodate a growing region is balanced with quality of life.

Black Diamond and its citizens will benefit from the principled utilization of these Agreements, as they were expressly drafted to address issues such as those currently facing the city. A course of action advancing both the spirit and the letter of the BDUGAA and the Open Space Agreement will deliver a positive outcome for the city and its residents. As a signatory to the 2005 Open Space Agreement, I urge you to keep these foundational agreements at the core of your decision-making moving forward.

Sincerely,

Gene Duvernoy
President

Kristine Hanson

From: Irrgang, Michael E [michael.e.irrgang@boeing.com]
Sent: Tuesday, December 06, 2011 9:44 AM
To: Kristine Hanson; Craig Goodwin; Bill Boston; William Saas; Leih Mulvihill
Cc: Peter Rimbos; Bob Edelman; 'Tamie Deady'; 'Joe May'; 'Ron Taylor'; 'gjohnson@kirotv.com'; dwestneat@seattletimes.com; kervin@seattletimes.com
Subject: gridlock and Hwy 169 -- today's planned vote on the YarrowBay Black Diamond MPD development agreements

Before you go into your 2 pm meeting today, I just want you to know that it took me 55 minutes this morning to drive from my house at Horseshoe Lake to the Boeing 10-20 building at 800 N 6th St., Renton. I left home at 7:40.

55 minutes! With TODAY'S level of traffic. This is a 30 minute drive on a Sunday evening! And the drive home will be the same!

I remind you that YarrowBay and their traffic expert AGREED with me that their MPDs would at least double the traffic on 169. They only disagreed with my conclusions -- not what I said about the level of traffic.

They also denied that there is gridlock today -- they said that there is still plenty of rush-hour capacity left on 169. Well, this morning was a typical Tuesday (or Wednesday or Thursday) for me. There was a line of cars from the Quadrant development at 4 Corners all the way down to the Sheriff's Office by the McDonald's, more than 2.2 miles long. There was another line from the top of the hill past the Park N Ride, down to the Testy Chef, half a mile long. There was another line from a mile past Testy Chef to Cedar Grove Road, 1 1/2 miles long. And there was another line from the Maplewood Golf Course to I-405, 1.8 miles long!

This is not gridlock? 169 still has more capacity at rush hour? Give me a break! If YarrowBay believes that this is OK -- then how can you believe ANY of their value judgements?

And this is going to be fixed by some intersection improvements in Black Diamond and Maple Valley? Get real!!! The intersection improvements won't even fix TODAY's problems, let alone those that occur after the MPDs are built!

The only solution is to make 169 a freeway. Note that the last gridlock was where 169 already is four lanes, down by the golf course. And we are going to DOUBLE the traffic?????!!!!

When you go into your meeting today, you need to think about this!!!

This development needs to be scaled back to no more than 1000 units. And it really needs to be DELAYED until there is a 169 freeway!

You need to NOT vote on the DAs today.

You need to defer this development to the new city council!

Regards,
Mike Irrgang

12/6/2011

December 3, 2011

Dear Ms. Hanson,

It was a pleasure talking to you the other night after the city council meeting. As I said, I wanted to send you this letter, which I hope you will not find offensive ... if you do, please read it one more time, since I am just speaking from the heart, and mean no offense.

I have been in front of you with regularity for the past two years as first we went through the EIS process, the MPD process and finally as we went through the Development Agreement process, and many city council meetings before, during and in between. We have been on opposite sides of the fence, as you are well aware. But in all of this, I believe you are a very sincere person who is honest, caring, and believed you were doing the best for your community in your position on the MPDs. You have worked on this project for the last eight years, as you said in your newspaper interview this week. You believed this tiny little town needed growth and you united with a developer in order to bring it.

I am also an honest, sincere person, so I am writing you a letter from my heart. In spite of our disagreements, I am hoping you will take my words to heart, and consider carefully what I have to say. I know that we are in an age where it seems that there is no room for compromise in politics anymore, but you and I come from the previous generation who came of age in the '70's. Our generation DID have a better understanding of when it is time to accept that one is going too much against the flow of what people are willing to accept, and when it is time to compromise with the other side of a dispute in order to have peace and harmony, for the greater good of everyone.

On December 6, you have two options – you can accept the will of the people or you can be defiant and participate in a lame duck vote to impose your will on the people for the next 20 years. There is no turning back from either choice. Before you do, consider a key point:

The principal beneficiary of these MPDs is going to be YarrowBay. Black Diamond will not benefit. You will not benefit. The people that voted in the new city council members will not benefit. But YarrowBay is going to sell these 6,050 homes for somewhere between \$2 and \$2.5 billion dollars. BILLION!! As they have pointed out (and I agreed) they have construction costs. But they have managed to manipulate you, your fellow council members, the city planners, the mayor, and the city attorney into making building this development MUCH richer for them than it either should be, or than it would be probably anywhere in the United States. In fact, using current construction costs, and using the numbers that YarrowBay themselves said that they expected to get, I would estimate they would have at least a 35% gross profit margin on this development. In other words, they will POCKET perhaps \$600 or \$700 million, much of it in hidden taxpayer subsidies that you were manipulated into organizing for them.

Is this what you really want to do? Make Brian Ross and his friends unbelievably wealthy at the expense of YOUR community?

This developer has wanted to turn this little rural village out at the end of a bunch of two lane roads into a ridiculously concentrated urban center that would totally destroy the character of our forests, wetlands, farms and quaint little village. No more would we be "rural by design"; YarrowBay is riding roughshod over the needs and desires of your own fellow citizens and ruining their lives as well as those of many in the surrounding communities, people such as me, 100 yards from the city's border. We were all going to see our forests destroyed, our wild

animals die from lost habitat, with an attendant nightmare of noise from gravel trucks for 20 years, and an even worse nightmare of commuting traffic forever on all of our rural roads. All of this NOT to better the community, but so this developer could get rich NOT from just building and selling his homes, but by directly benefiting from what I estimate to be a \$100,000 taxpayer subsidy per home, for 6,000 homes, from Enumclaw, King County and Washington State taxpayers that a bunch of poorly written laws have allowed you to impose a huge cost on all these taxpayers. I have explained all this to you in my past testimonies – instead of making the developer pay for his own infrastructure the taxpayers have been required to fund the unmitigated Enumclaw school construction, the necessary highway expansion and the needed King County sewer expansion provide instant value to YarrowBay – it is a subsidy, because the MPD DAs are vested for 20 years!

Anywhere else in the United States, development is expected to pay for itself. Developers build or pay for ALL their own infrastructure, ESPECIALLY all schools construction (100%, not the 10% in the mitigation agreement), sewage construction and processing, water sourcing and related construction. Then for roads and highways, it is not just in the community where they are that they build the roads, but they need feeder highways for large developments. In most places, if they aren't required to pay for the highways, at least they are not allowed to build until the highways are already built and there. As Peter Rimbois pointed out in some of his recent testimony to you, the Black Diamond YarrowBay MPDs are larger than the SUM of Issaquah Highlands and Snoqualmie. Yet, it was felt necessary to build both of those adjacent to a major freeway, and at the Highlands to build a feeder road. As I have often said to you, where is the Highway 169 FREEWAY?

And one final point I want to clarify. The recent two articles in the Seattle Times about Black Diamond were quite interesting and informative, but unfortunately they also perpetuate an important myth about the MPDs that needs to be countered -- the YarrowBay MPDs do NOT provide "permanent protection of forestland outside the city". The forestland was ALREADY protected -- ALL of the open spaces which YarrowBay has included in the MPDs which they will NOT clearcut are either federally-protected wetlands, or open bodies of water, ALSO automatically protected under law. ALL of the remaining open space in their MPDs is either the pond they will build, forest which they will clearcut to plant as open fields, or forest they will clearcut to replant with park trees. In other words, subject to questioning, they have confirmed that in essence they are setting aside ZERO existing forest. It is important to kill this myth, because apparently some important environmentalists have supported YarrowBay's MPD concept on the strength of this alleged "forestland protection".

You did not listen to your citizens – in their hundreds who came to testify. In their hundreds who signed petitions. You ignored all of the townspeople's voices and all of the voices of your neighbors like me, who begged you to listen to what we want, and also who begged you to listen to a less rosy picture of what the real impact of the development would be than what YarrowBay wanted you to hear. You ignored the experts including multiple traffic experts from the State DOT, County DOT, Maple Valley, and consultants. You ignored the State Growth Management Hearing Board, when they ordered you to go back and do the MPD hearings over again using a legislative process that is part and parcel of our democracy and republic. You ignored the Hearing Examiner, first on many of his recommendations for conditions on the MPDs, and even worse, you didn't even give him enough time to thoroughly review the DAs – he begged for more!

So the voters did the only other thing they could do. They voted. Just imagine – our country is a place where it is hard to get much more than 50% turnout in a PRESIDENTIAL election – yet

in this little off-year election there was a 62% voter turnout! Amazing! And in each council race between 73% and 76% of the voters SENT YOU A MESSAGE to change course, that they DO NOT WANT 6,050 homes packed together at an average density of 9 per acre, with a clear cut of 750 acres and a lifetime of future traffic commute gridlock in all directions. You can't interpret this vote ANY OTHER WAY.

So what are you going to do? Tomorrow, you were planning to take a vote to pass the DAs. But now you have an opportunity to LISTEN TO THE VOTERS and leave it to the newly elected city council. You can put off the vote to January. If Yarrow Bay sues you, you have plenty of legal cover – you can send the DAs back to the Hearing Examiner, as he requested. You can decide to recognize the GMHB ruling from last February.

Let me tell you what will happen if you DON'T do this. You will tarnish your reputation forever. Even though I know and you know that you are a sincere, well-meaning, dedicated, honest person trying to do what you think is best, it will look otherwise. Here is a developer who went WAY, WAY overboard. If you so totally ignore such a STRONG, STRONG voter message, many people as well as history and posterity will likely jump to the conclusion that this was just another case of small town corruption between elected officials and a “deep pockets” developer. You will forever be suspected by many of your neighbors, your friends, your acquaintances – no matter what you say or do for the rest of your life, people will think, “When it was so obvious that nobody wanted this, that YarrowBay had gone WAY TOO FAR with building 6,000 homes, instead of a more reasonable 1,000 homes, and when they got SO RICH from it, WHY would Hanson have supported it? What was in it for her? It was obvious what the people wanted ... so this whole thing smells like last week's rotten fish!”

Is that what you want? I think not, so just do the moral thing, the sensible thing, the right thing! Don't allow a vote to be taken tomorrow on December 6. Defer the whole issue to the next city council in January. Walk away with your honor as well as the PERCEPTION of your honor intact. It isn't what YOU know to be true – it is what other people will PERCEIVE and the bad thoughts they will THINK!

I know that Brian Ross has helped you and your fellow pro-YarrowBay council members rationalize taking the vote on December 6 with such statements as from the Seattle Times,

“Ross said it's "nonsense" to suggest the new council — which missed weeks of testimony and deliberations — should vote on the development agreements.”

As you know quite well, the Taylors, the Deadys and the Mays have been there in all of the many months of meetings over the last two years. In fact, it was Joe May who first recruited me to come to the meetings, back a couple of years ago when I was getting physical therapy at his clinic.

I hope you take my sincere advice. Remember, to paraphrase a famous Supreme Court justice, it is necessary not only to not be corrupt but to not LOOK LIKE you could have been corrupt.

Thank you!

Mike Irrgang

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Thomas Hanson
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Hotmail

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Deleted (33)

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RE: Black Diamond shows democracy in spades

Back to messages |

To see messages related to this one, group messages by conversation.

Thomas Hanson 11/17/11
To concernedcitizen100@hotmail.com Reply ▾

From: **Thomas Hanson** (tkswhanson@hotmail.com)
Sent: Thu 11/17/11 7:31 AM
To: concernedcitizen100@hotmail.com

Richard,

Kristine has an email address through the city, can you respect that and use it? She didn't create this, but she did give up 4 years volunteering her time to do what she thinks is right. The new council can start their job in January. Tom



From: concernedcitizen100@hotmail.com
To: tkswhanson@hotmail.com
Subject: Black Diamond shows democracy in spades
Date: Wed, 16 Nov 2011 13:15:07 -0800

Ms. Hanson,

As a Councilmember you have really appeared to care about the community. I think the quasi-judicial stuff allowed the current council to lose touch with its citizens and that isn't your fault. I am hoping very much that you can have the courage to stand up for your community now and respect the vote. It wasn't a personal vote, it was a vote on the process and the message that we want to be heard. For example, this email is not ex parte, but your legal counsel and your Mayor would probably scare you into believing it is, there in lies the disconnect. I am not advocating yes or no on anything; I am advocating that you refrain from voting in general and allow the new council, voted in by the people, finish the City's business.

You have done tremendous things for the community, how do you want to be remembered?

Please read this article.

<http://seattletimes.nwsources.com/html/dannywestneat/201677969>



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FW: Black Diamond shows democracy in spades

Back to messages |

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Thomas Hanson

To bmartinez@ci.blackdiamond.wa.us

11/16/11

Reply ▾



From: concernedcitizen100@hotmail.com
To: tkswanson@hotmail.com
Subject: Black Diamond shows democracy in spades
Date: Wed, 16 Nov 2011 13:15:07 -0800

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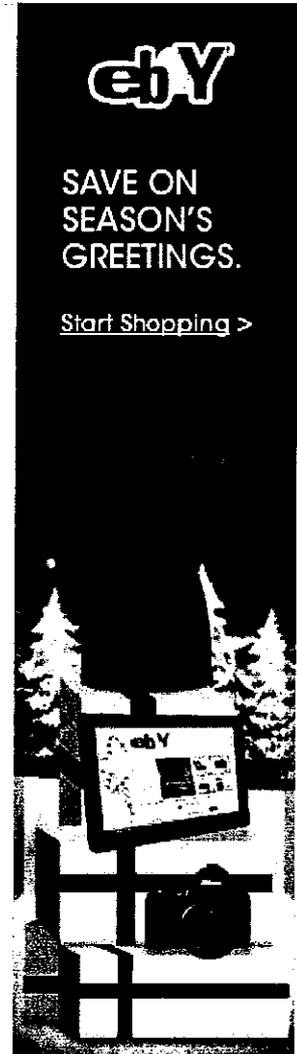
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Kristine Hanson

From: tbaker5@comcast.net

Sent: Monday, November 28, 2011 8:46 PM

To: Rebecca Olness; Kristine Hanson; Craig Goodwin; Bill Boston; William Saas; Leih Mulvihill

Subject: Let the new council vote

Dear Mayor and Council of the City of Black Diamond,

The voters in Black Diamond have spoken. Several of you will be leaving office in January. People are up in arms and angry about the city's decision to put in two large neighborhoods inside the city of Black Diamond. I am begging you, implore you, to leave the next vote on the neighborhoods to happen once the new council and take a look at it in January.

The state government is facing a huge deficit and there will no funds to help improve infrastructure to handle the traffic if the two neighborhoods go in. Traffic along Highways 169 and 516 will become heavily congested, the roads will have gridlock. The Enumclaw School District cannot handle the large enrollment numbers the neighborhoods would bring.

The people have spoken. Delay the vote.

Sincerely,

Todd Baker

Brenda Martinez

From: Kristine Hanson
Sent: Sunday, November 27, 2011 8:08 PM
To: Brenda Martinez; Andy Williamson
Subject: FW: YarrowBay Building Project Comment

Kristine A. Hanson
city council
Black Diamond, WA 98010
360-886-2560

From: L Barbarossa [lbarb@msn.com]
Sent: Friday, November 25, 2011 6:46 PM
To: Kristine Hanson
Subject: YarrowBay Building Project Comment

Dear Ms. Hanson,

Today (Friday, November 25) I read an article in the Seattle Times exploring the possibility of a huge new development in Black Diamond. I wanted to let you, as a member of the city council, know that I adamantly oppose the building projects. First of all, they will defile small-town, historic Black Diamond, making it no different than any neighboring city, like Covington or East Hill Auburn. Secondly, in the recent election, the people, the citizens, of Black Diamond have obviously spoken with their votes. By an overwhelming majority, they voted you, a supporter of the building project, out of office. This is not an oligarchy (rule by the few). This is not "your project to see through."

Please, it is your duty as an elected official to set aside your personal interests and listen to your constituents. They didn't elect you to make your own decisions; they elected you to speak for them. Please speak for them by stopping these atrocious development projects.

Thank you for your concern in this matter.

Mr. Tash Barbarossa

November 26, 2011

Dear Leih,

I have been in front of you with regularity for the past two years as first we went through the EIS process, the MPD process and finally as we went through the Development Agreement process, and many city council meetings before, during and in between. We have been on opposite sides of the fence, as you are well aware. But in all of this, I believe you are a very sincere person who is honest, caring, and believed you were doing the best for your community in your position on the MPDs. You have worked on this project for the last eight years, as you said in your newspaper interview this week. You believed this tiny little town needed growth and you united with a developer in order to bring it.

You also felt that having a new development here would revitalize the downtown of Black Diamond.

I am also an honest, sincere person, so I am writing you a letter from my heart. In spite of our disagreements, I am hoping you will take my words to heart, and consider carefully what I have to say. I know that we are in an age where it seems that there is no room for compromise in politics anymore, but you and I come from the previous generation who came of age in the '70's. Our generation DID have a better understanding of when it is time to accept that one is going too much against the flow of what people are willing to accept, and when it is time to compromise with the other side of a dispute in order to have peace and harmony, for the greater good of everyone.

On December 6, you have two options – you can accept the will of the people or you can be defiant and participate in a lame duck vote to impose your will on the people for the next 20 years. There is no turning back from either choice. Before you do, consider a couple of important points:

1. Past history has shown all over the United States that when someone brings “big box” stores to a small community, it is the small businessmen like you who suffer. The mere presence of a nearby WalMart has destroyed countless small businesses such as yours. Railroad Avenue is likely to be devastated – shoppers who live in the MPDs will probably shop in The Commons of The Villages, or else in the new, million square foot shopping center to the north. At best, you will have to relocate to a venue where you will pay higher rent and have more competition. At worst, your business will fail.
2. The principal beneficiary of these MPDs is going to be YarrowBay. Black Diamond will not benefit. You will not benefit. The people that voted in the new city council members will not benefit. But YarrowBay is going to sell these 6,050 homes for somewhere between \$2 and \$2.5 billion dollars. BILLION!! As they have pointed out (and I agreed) they have construction costs. But they have managed to manipulate you, your fellow council members, the city planners, the mayor, and the city attorney into making building this development MUCH richer for them than it either should be, or than it would be probably anywhere in the United States. In fact, using current construction costs, and using the numbers that YarrowBay themselves said that they expected to get, I would estimate they would have at least a 35% gross profit margin on this development. In other words, they will POCKET perhaps \$600 or \$700 million, much of it in hidden taxpayer subsidies that you were manipulated into organizing for them.

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Anywhere else in the United States, development is expected to pay for itself. Developers build or pay for ALL their own infrastructure, ESPECIALLY all schools construction (100%, not the 10% in the mitigation agreement), sewage construction and processing, water sourcing and related construction. Then for roads and highways, it is not just in the community where they are that they build the roads, but they need feeder highways for large developments. In most places, if they aren't required to pay for the highways, at least they are not allowed to build until the highways are already built and there. As Peter Rimbois pointed out in some of his recent testimony to you, the Black Diamond YarrowBay MPDs are larger than the SUM of Issaquah Highlands and Snoqualmie. Yet, it was felt necessary to build both of those adjacent to a major freeway, and at the Highlands to build a feeder road. As I have often said to you, where is the Highway 169 FREEWAY?

You did not listen to your citizens – in their hundreds who came to testify. In their hundreds who signed petitions. You ignored all of the townspeople's voices and all of the voices of your neighbors like me, who begged you to listen to what we want, and also who begged you to listen to a less rosy picture of what the real impact of the development would be than what YarrowBay wanted you to hear. You ignored the experts including multiple traffic experts from the State DOT, County DOT, Maple Valley, and consultants. You ignored the State Growth Management Hearing Board, when they ordered you to go back and do the MPD hearings over again using a legislative process that is part and parcel of our democracy and republic. You ignored the Hearing Examiner, first on many of his recommendations for conditions on the MPDs, and even worse, you didn't even give him enough time to thoroughly review the DAs – he begged for more!

So the voters did the only other thing they could do. They voted. Just imagine -- our country is a place where it is hard to get much more than 50% turnout in a PRESIDENTIAL election – yet in this little off-year election there was a 62% voter turnout! Amazing! And in each council race between 73% and 76% of the voters SENT YOU A MESSAGE to change course, that they DO NOT WANT 6,050 homes packed together at an average density of 9 per acre, with a clear cut

of 750 acres and a lifetime of future traffic commute gridlock in all directions. You can't interpret this vote ANY OTHER WAY.

So what are you going to do? In a couple of weeks, you were planning to take a vote to pass the DAs. But now you have an opportunity to LISTEN TO THE VOTERS and leave it to the newly elected city council. You can put off the vote to January. If Yarrow Bay sues you, you have plenty of legal cover – you can send the DAs back to the Hearing Examiner, as he requested. You can decide to recognize the GMHB ruling from last February.

Let me tell you what will happen if you DON'T do this. You will tarnish your reputation forever. Even though I know and you know that you are a sincere, well-meaning, dedicated, honest person trying to do what you think is best, it will look otherwise. Here is a developer who went WAY, WAY overboard. If you so totally ignore such a STRONG, STRONG voter message, many people as well as history and posterity will likely jump to the conclusion that this was just another case of small town corruption between elected officials and a “deep pockets” developer. You will forever be suspected by many of your neighbors, your customers – no matter what you say or do for the rest of your life, people will think, “When it was so obvious that nobody wanted this, that YarrowBay had gone WAY TOO FAR with building 6,000 homes, instead of a more reasonable 1,000 homes, and when they got SO RICH from it, WHY would Leih have supported it? What was in it for her? It was obvious that her business would be ruined from all the new commercial space ... so this whole thing smells like last week's rotten fish!”

Is that what you want? I think not, so just do the moral thing, the sensible thing, the right thing! Don't allow a vote to be taken on December 6. Defer the whole issue to the next city council in January. Walk away with your honor as well as the PERCEPTION of your honor intact. It isn't what YOU know to be true – it is what other people will PERCEIVE and the bad thoughts they will THINK!

I know that Brian Ross has helped you and your fellow pro-YarrowBay council members rationalize taking the vote on December 6 with such statements as from the Seattle Times,

“Ross said it's "nonsense" to suggest the new council — which missed weeks of testimony and deliberations — should vote on the development agreements.”

As you know quite well, the Taylors, the Deadys and the Mays have been there in all of the many months of meetings over the last two years. In fact, it was Joe May who first recruited me to come to the meetings, back a couple of years ago when I was getting physical therapy at his clinic.

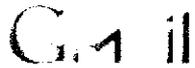
I hope you take my sincere advice. Remember, to paraphrase a famous Supreme Court justice, it is necessary not only to not be corrupt but to not LOOK LIKE you could have been corrupt.

Thank you!



Mike Irrgang
22505 SE 329th St.
Black Diamond, WA 98010
Phone: 206-384-5531; Email: mike@irrgang.net

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Election Inbox | X

Nanette nstocks@comcast.net to me

Dear Councilwomen Hanson,

I wanted to send my regrets. I am sorry that you lost the election, yet I did not vote I Yarrow Bay project was to overwhelming. I understand that because of past decisic

I ask now that you hold off on making any decision on the subject of Yarrow Bay an

Thank you for your service to our community.

Nanette Stocks

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FW: I think this would apply to our Council
Cindy Proctor [proct@msn.com]

You forwarded this message on 11/2/2011 10:23 AM.

Sent: Tuesday, November 01, 2011 3:38 PM
To: Kristine Hanson; Bill Boston; Leih Mulvihill

Council,

First, I am talking about process not about the specifics of pending itmes, so this should not be construed as Ex-Parte.

My research clearly shows that the individual City Councilmember's would NOT be held personally liable for a "quasi-judicial" decision and they are protected under the "Quasi-Judicial immunity clause" as you are acting as judges for the purpose of the MPD/DA Quasi-Judicial Hearings.

Furthermore the public comments/rumors that Yarrow Bay will sue for \$60M and every taxpayer will be held responsible if outright "false" per the City's Insurance policy and carrier. Furthermore, YB does not have an entitlement to approval; they entered into PSA long before any BDMC related to MPDs were even on the books; and they certainly cannot sue for re-payment of their funding agreement as it prohibits payment contingent upon approval. Actually they can sue, but they won't win.

I truly hope that the City is reviewing the Professional Liability Insurance of their past and current Legal Counsel.

Cindy Proctor

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Regan v. McClachlan, 163 Wn. App. 171 (08/16/2011) [Legal immunity]

A. Judicial Immunity

Under the judicial immunity doctrine, judges are absolutely immune from civil damage suits for acts performed within their judicial capacity. *Taggart v. State*, 118 Wn.2d 195, 203, 822 P.2d 243 (1992). The purpose of judicial immunity is to ensure that judges can administer justice without fear of personal consequences. *Taggart*, 118 Wn.2d at 203; *Adkins v. Clark County*, 105 Wn.2d 675, 677, 717 P.2d 275 (1986).

Quasi-judicial immunity “attaches to persons or entities who perform functions that are so comparable to those performed by judges that it is felt they should share the judge’s absolute immunity while carrying out those functions.” *West v. Osborne*, 108 Wn. App. 764, 772-73, 34 P.3d 816 (2001) (emphasis omitted) (quoting *Lutheran Day Care v. Snohomish County*, 119 Wn.2d 91, 99, 829 P.2d 746 (1992)). To determine if immunity applies, we look to the function being performed rather than the person who performed it. *Lallas v. Skagit County*, 167 Wn.2d 861, 865, 225 P.3d 910 (2009).

Quasi-judicial immunity protects a court clerk from liability when the clerk is acting as an

“arm of the court” and performing court-ordered functions. *Reddy v. Karr*, 102 Wn. App. 742, No. 40152-5-II

8

749, 9 P.3d 927 (2000); *see also Babcock v. State*, 116 Wn.2d 596, 809 P.2d 143 (1991); 15A Am. Jur. 2d Clerks of Court § 31 (2000). Conversely, the court clerk is not protected from liability when performing ministerial functions because a ministerial act is not a judicial act. *Mauro v. Kittitas County*, 26 Wn. App. 538, 540, 613 P.2d 195 (1980). For example, in *Mauro*, 26 Wn. App. at 541, the Kittitas County court clerk failed to record a court order withdrawing a defendant’s arrest warrant. Division Three of this court held that the clerk’s act was ministerial and, thus, Kittitas County would

Cindy Proctor

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To the Black Diamond City Council and Mayor Olness

Jim Smith [bzccountry@gmail.com]

Sent: Monday, November 07, 2011 6:24 AM

To: Rebecca Olness

Cc: Leih Mulvihill; William Saas; Bill Boston; Craig Goodwin; Kristine Hanson

To the Black Diamond City Council and Mayor Olness,

As a resident of the Enumclaw Plateau who drives Green Valley Road and 169 nearly every day, I am outraged by the proposed Yarrow Bay MPD.

Brian Ross is a criminal, and his "vision" will wreck the lives of everyone who currently lives in and enjoys Black Diamond. There is nothing visionary about a sprawl of cheap houses and big box retail. This has got to be about money, because I refuse to believe that any of you want to live in a land of McDonald's, Subways, and Taco Bells, instead of the Pizza and Deli, Mama's, and the Bakery.

How can you in good conscience vote to destroy the beautiful piece of America called Green Valley Road? How can you possibly want to transform Black Diamond into a grid of stoplights and retail centers, instead of the quiet country experience that we all currently enjoy? Mrs. Olness, you say we "need" things like grocery stores? Why? You just can't make another 10-minute drive to Maple Valley or Enumclaw? And big box retail off of 169? Wow, that sounds wonderful. Why would I want to drive past woods and wetlands when I could be driving by gas stations and Home Depots? Give me one reason why we need stuff like that in Black Diamond, when we have TRM, Johnson's, Safeway, Costco and Fred Meyer all within 15 minutes. Give me one good reason why we need to turn Black Diamond into Covington.

There are enough sanitary, characterless crap towns in Western Washington. Go live there if that's what you like, but some of us moved to this area to spend the rest of our lives in a quiet country setting. You are cheating us out of it and we are furious about it.

Jim Smith

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Brenda Martinez

From: Leih Mulvihill
Sent: Tuesday, December 06, 2011 3:57 PM
To: Brenda Martinez
Subject: NEW APPEARANCE OF FAIRNESS

Leih Mulvihill

City Council Member
Black Diamond, WA

From: Nanette [nstocks@comcast.net]
Sent: Tuesday, December 06, 2011 1:33 PM
To: Leih Mulvihill
Subject:

Dear Mrs. Mulvihill,

I know you are very passionate about city of Black Diamond. I would like to thank you for your service.

Now I would ask that you follow wishes of the people who voted you in and out of office. You were elected to represent us, I hope that you graciously vote to postpone any decision on Yarrow Bay. If you truly have and do represent us, it is the right thing to do.

Thank you do much for your time,

Nanette Stocks

Brenda Martinez

From: Leih Mulvihill
Sent: Tuesday, December 06, 2011 3:58 PM
To: Brenda Martinez
Subject: FW: To the Black Diamond City Council and Mayor Olness

Appearance of Fairness as discussed...

Leih Mulvihill

City Council Member
Black Diamond, WA

From: Jim Smith [bzcountry@gmail.com]
Sent: Monday, November 07, 2011 6:24 AM
To: Rebecca Olness
Cc: Leih Mulvihill; William Saas; Bill Boston; Craig Goodwin; Kristine Hanson
Subject: To the Black Diamond City Council and Mayor Olness

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Jim Smith

Brenda Martinez

From: Leih Mulvihill
Sent: Tuesday, December 06, 2011 3:59 PM
To: Brenda Martinez
Subject: FW: The people of Black Diamond

Appearance of Fairness as discussed...

Leih Mulvihill

City Council Member
Black Diamond, WA

From: Dave Gordon [dave@gordon.comcastbiz.net]
Sent: Sunday, October 30, 2011 3:48 PM
To: Leih Mulvihill
Subject: The people of Black Diamond

Hello

The people of Black Diamond don't want the Yarrow Bay project. Nobody is going to vote for anybody that was in office during this decision. I personally have been going door to door talking with people. You should be ashamed of yourself. We should only allow them to build 20 houses and one office building. Let's see if any of them sell. They are not going to sell. The plan I have seen, will only result in low income housing. The crime rates will go up. The roads cannot support this level of traffic. What about the animals ? the trees? I don't know how much they paid you to vote like this.... but I'm sure you will be facing criminal charges. Is Yarrow Bay going to pay your attorney fees ?

Dave Gordon

Cell (206) 412-3531

dave@gordon.comcastbiz.net

Opportunity is missed by most people because it is dressed in overalls and looks like work- Thomas Edison

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Brenda Martinez

From: Leih Mulvihill
Sent: Tuesday, December 06, 2011 3:59 PM
To: Brenda Martinez
Subject: FW: Let the new council vote

Appearness of Fairness as discussed...

Leih Mulvihill

City Council Member
Black Diamond, WA

From: tbaker5@comcast.net [tbaker5@comcast.net]
Sent: Monday, November 28, 2011 8:45 PM
To: Rebecca Olness; Kristine Hanson; Craig Goodwin; Bill Boston; William Saas; Leih Mulvihill
Subject: Let the new council vote

Dear Mayor and Council of the City of Black Diamond,

The voters in Black Diamond have spoken. Several of you will be leaving office in January. People are up in arms and angry about the city's decision to put in two large neighborhoods inside the city of Black Diamond. I am begging you, implore you, to leave the next vote on the neighborhoods to happen once the new council and take a look at it in January.

The state government is facing a huge deficit and there will no funds to help improve infrastructure to handle the traffic if the two neighborhoods go in. Traffic along Highways 169 and 516 will become heavily congested, the roads will have gridlock. The Enumclaw School District cannot handle the large enrollment numbers the neighborhoods would bring.

The people have spoken. Delay the vote.

Sincerely,

Todd Baker

Brenda Martinez

From: Leih Mulvihill
Sent: Tuesday, December 06, 2011 3:56 PM
To: Brenda Martinez
Subject: FW: gridlock and Hwy 169 -- today's planned vote on the YarrowBay Black Diamond MPD development agreements

NEW Appearance of Fairness....

Leih Mulvihill

City Council Member
Black Diamond, WA

From: Irrgang, Michael E [michael.e.irrgang@boeing.com]
Sent: Tuesday, December 06, 2011 9:44 AM
To: Kristine Hanson; Craig Goodwin; Bill Boston; William Saas; Leih Mulvihill
Cc: Peter Rimbo; Bob Edelman; 'Tamie Deady'; 'Joe May'; 'Ron Taylor'; 'gjohnson@kirotv.com'; dwestneat@seattletimes.com; kervin@seattletimes.com
Subject: gridlock and Hwy 169 -- today's planned vote on the YarrowBay Black Diamond MPD development agreements

Before you go into your 2 pm meeting today, I just want you to know that it took me 55 minutes this morning to drive from my house at Horseshoe Lake to the Boeing 10-20 building at 800 N 6th St., Renton. I left home at 7:40.

55 minutes! With TODAY'S level of traffic. This is a 30 minute drive on a Sunday evening! And the drive home will be the same!

I remind you that YarrowBay and their traffic expert AGREED with me that their MPDs would at least double the traffic on 169. They only disagreed with my conclusions -- not what I said about the level of traffic.

They also denied that there is gridlock today -- they said that there is still plenty of rush-hour capacity left on 169. Well, this morning was a typical Tuesday (or Wednesday or Thursday) for me. There was a line of cars from the Quadrant development at 4 Corners all the way down to the Sheriff's Office by the McDonald's, more than 2.2 miles long. There was another line from the top of the hill past the Park N Ride, down to the Testy Chef, half a mile long. There was another line from a mile past Testy Chef to Cedar Grove Road, 1 1/2 miles long. And there was another line from the Maplewood Golf Course to I-405, 1.8 miles long!

This is not gridlock? 169 still has more capacity at rush hour? Give me a break! If YarrowBay believes that this is OK -- then how can you believe ANY of their value judgements?

And this is going to be fixed by some intersection improvements in Black Diamond and Maple Valley? Get real!!! The intersection improvements won't even fix TODAY's problems, let alone those that occur after the MPDs are built!

The only solution is to make 169 a freeway. Note that the last gridlock was where 169 already is four lanes, down by the golf course. And we are going to DOUBLE the traffic????!!!!

When you go into your meeting today, you need to think about this!!!

This development needs to be scaled back to no more than 1000 units. And it really needs to be DELAYED until there is a 169 freeway!

You need to NOT vote on the DAs today.

You need to defer this development to the new city council!

Regards,
Mike Irrgang