

Rachel Pitzel

From: Steve Pilcher
Sent: Thursday, June 23, 2011 8:29 AM
To: WebMaster
Cc: Brenda Martinez
Subject: Dev. Agreement posting

Please begin a new listing on the Development Agreement page titled "Responses to Pre-hearing Motions" and list this (and future submittals) by the individual's name.

From: Jack Sperry [mailto:JackSperry@Comcast.net]
Sent: Wednesday, June 22, 2011 9:44 AM
To: Steve Pilcher
Cc: Andy Williamson; Stacey Borland; Brenda Martinez
Subject: Letter for Mr. Olbrechts

Mr. Pilcher,

Below is a letter addressed to Mr. Olbrechts in response to the motion filed by Ms. Rogers on June 13th of this year.

June 22, 2011

Mr. Olbrechts,

The following response is provided regarding specific items in Ms. Rogers' Motion dated June 13, 2011.

Applicable Motion Paragraph

B. "The scope of the hearing should be limited to confirming that the development agreements appropriately incorporate those matters directed and allowed to be incorporated by the MPD Approvals and State law."

As citizens of Black Diamond we were told repeatedly when there was lack of definition in the MPDs on a topic that these were just program level documents and that the details would be covered in the Development Agreements. However, there are still many areas in the Development Agreements where detail is extremely lacking. During this hearing we should be allowed to point out those areas where there is insufficient information to judge what's being agreed to in these contracts and should be allowed to offer suggestions on what needs to be added. I have spent over 1,000 hours studying the various iterations of these Development Agreements and I have a great deal to say regarding the areas where there is inadequate definition of how the MPD Conditions will be met or how aspects of these developments will be built. The Public needs to be heard on these issues and to have the opportunity to provide testimony on all areas of the Development Agreements that have inadequate definition.

D. "Timing and process for the hearing"

D.1

D.2. Thirty days from availability of the final draft of the Development Agreements is wholly inadequate for members of the public to read, analyze, and prepare testimony on documents as voluminous and complex as these Development Agreements. As noted above I have been carefully keeping up with the four versions of the Development Agreements published to date. It will be hard for me to re-read all of this material, look for changes, and adjust my planned testimony in the 30 days that are available prior to the proposed hearing start date of 11 July. No redline version has been provided to show where changes were made between the final Development Agreements and the previous versions so every word of the final version has to be read and analyzed. For a member of the public who has not devoted most of their time for the past nine months reviewing these documents there is no way they can digest all this material and be prepared to testify in anything less than a minimum of 60 to 90 days. I strongly request that for the benefit of the Public that these hearings be rescheduled to late August, or early September.

D.3. As noted above these Development Agreements are voluminous and very complex. And they will have a profound effect on the lives of Black Diamond citizens and those from surrounding cities and communities for many decades. Plus this is likely the last opportunity the public will have to give their input on how to correct or improve these 15-20 year contracts. Therefore speakers should not be held to minimal time limits like 10 minutes on something so important in their lives just for the convenience of the developer. These are once in a generation hearings and members of the public should be given at least 20 minutes if they need that amount of time with additional ceding of time in 10 minute increments from other members of the public willing to cede their allotted time. Furthermore I feel strongly that members of the Public should have the opportunity for sur-rebuttal to have the final say on rebuttal of their testimony by either the City or Yarrow Bay.

Jack C. Sperry
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