

June 23, 2011

Mr. Olbrechts,

Herein please find my response to Ms. Rogers' Motion on behalf of YarrowBay dated June 13, 2011.

I take direct issue with many of the points made in Ms. Rogers' Motion:

**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."**

After having spent the last 9 months reading the various pieces of the proposed Development Agreements (since the first drafts were released in September 2010), I want to have the opportunity to discuss the glaring deficiencies contained therein. I do not want to be limited in my testimony by every legal trick a good lawyer can conjure up to stymie Public participation. Each MPD Ordinance contains over 160 Conditions. Many are very complexly worded and open to interpretation, some are vague. Just because the Development Agreements tend to parrot back Ordinance Conditions doesn't mean they answer the necessary questions of Who, What, Where, Why, How, and When? In many cases the Development Agreements lack specificity and detailed plans to respond to Ordinance Condition requirements.

Please let the Public speak to the issues, it's our only chance before you. In addition, because this is an Open-Record Hearing, by definition, any steps taken to muffle Public participation now will carry over to the Closed-Record Hearing.

**D. "Timing and process for the hearing"**

**3. c. & d.**

The Development Agreements are very complex documents and represent multi-decade contracts. The issues that are supposed to be addressed therein are very important to the Public. Consequently, we need sufficient time to speak. Public Oral Testimony should be up to 20 minutes per person with additional time allowed through a ceding system from members of the Public who wish to cede their 20 minutes. Members of the Public who cannot physically attend the Hearings due to illness, injury, or out-of-town vacation should be able to cede their time to whomever they choose.

The Public should be given sufficient time to present Oral Testimony.

**3. e. & f.**

"Sur-rebuttals" by the Public should not be limited to only "written testimony" as proposed by Ms. Rogers. Since, Ms. Rogers proposes that the City and YarrowBay be given sufficient time to present oral rebuttal to Public testimony, the Public also should have the option of presenting oral sur-rebuttal. Finally, why do the City and YarrowBay have the last opportunity on sur-rebuttal? They have gone first by submitting the proposed Development Agreements to you. The Public then presents testimony. The City and YarrowBay then has the opportunity to rebut that testimony. Finally, the Public should have the opportunity to provide sur-rebuttal. That's it.

The Public should have the final say on sur-rebuttals.

Thank you in advance for giving my comments your deliberate consideration.

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