

42.

Affidavits of Public Notices

LIST OF NOTICES

NOTICE	MEDIA USED	DATE
Notice of Application Preliminary Plat	U.S. Mail, Daily Journal of Commerce, Voice of the Valley newspaper, City Website, Posted at City	12/6/13
Notice of Complete Application	Posted at project site	12/6/13
MDNS and Adoption of Existing Environmental Document	U.S. Mail, Daily Journal of Commerce, Voice of the Valley newspaper, City Website, Posted at City	6/17/14
Notice of Public Hearing	U.S. Mail, Daily Journal of Commerce, Voice of the Valley newspaper, City Website, Posted at City	7/25/14



CITY OF BLACK DIAMOND

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

Phone: (360) 886-5700
Fax: (360) 886-2592
www.ci.blackdiamond.wa.us

NOTICE OF APPLICATION PRELIMINARY PLAT

Notice Released: December 6, 2013

The City of Black Diamond has received the following application that may be of interest to you. The application and any related documents are available for public review during normal business hours at the City of Black Diamond, 24301 Roberts Drive, Black Diamond, WA. For additional information, please contact the Community Development Department at 360-886-5700.

Project Name: The Villages MPD Phase 2 Plat C Preliminary Plat

Application Date: November 8, 2013

Complete Application Date: December 3, 2013

Application Number: PLN13-0027

Name of Applicant: BD Village Partners, 10220 NE Points Drive Suite 310, Kirkland, WA 98033

Project Description: Subdivision of approx. 136 acres within The Villages Master Planned Development (MPD) into 203 lots and 5 future development tracts. Twenty additional tracts are proposed for utility, access, parks and open space uses and sensitive areas. The 203 lots are detached single family alley and front loaded lots. The project includes street and utility improvements in order to serve the plat and associated site preparation and grading.

Location: South of Roberts Drive and SE of The Villages MPD Phase 1A Preliminary Plat, generally within the SE ¼ and portions of the SW ¼ of Section 15, Township 21 North, Range 6 East and limited areas of the NW ¼ of Section 22. Tax parcels: 1521069108, 1521069096 and 2221069004.

Environmental Documents: A SEPA checklist and supporting studies were filed with the application. The City anticipates adopting the Final Environmental Impact Statement (FEIS) for The Villages MPD, dated December 11, 2009, for purposes of SEPA compliance. This document is currently subject to an appeal with the Court of Appeals.

Requested Approvals: Preliminary Plat approval

Staff Contact: Stacey Welsh, Community Development Director, City of Black Diamond, 360-886-5700

You are invited to express comments, request a copy of the decision when it becomes available, and be made aware of any appeal rights. Written comments may be submitted to the Community Development Department, at the address noted above.

**INITIAL COMMENTS RELATED TO THIS APPLICATION ARE REQUESTED BY 5:00 P.M. ON
DECEMBER 20, 2013.**

There will be more opportunities to comment on this proposal, as a public hearing before the City of Black Diamond Hearing Examiner is required for a Preliminary Plat. Once scheduled, a separate Notice of Public Hearing will be mailed.



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AFFIDAVIT OF MAILING OF LEGAL NOTICE

Application No.: PLN13-0027

Applicant: BD Village Partners, LP, 10220 Points Dr. Suite 310 Kirkland, WA 98033

Location: The Villages MPD Phase 2 Plat C Preliminary Plat

Date of Notice: December 6, 2013

I certify that on **December 6, 2013** I did send a Notice of Application for the above referenced application, as required by Black Diamond Municipal Code 18.08.120 to all persons on the attached mailing list. Said Notice was mailed pre-paid stamped through the United States Postal Service.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Tracey Redd

Name (please print or type)

12/6/2013

Date

Tracey Redd

Signature



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December 3, 2013

BD Village Partners, LP
Attn: Colin Lund
10220 NE Points Drive, Suite 310
Kirkland WA 98033

RE: The Villages MPD Phase 2 Plat C Preliminary Plat (file no. PLN13-0027)
Notice of Complete Application

Pursuant to Black Diamond Municipal Code (BDMC) 18.08.110.D, this letter serves as official notice that The Villages MPD Phase 2 Plat C Preliminary Plat application, which was submitted on November 8, 2013, has been determined to be "complete" for processing as of the date of this letter. As provided in BDMC 18.08.110, the City may request additional information during the course of its review of the application, should it determine that to be necessary.

Within 14 days of this date we will be issuing a Notice of Application to the public. In accordance with the notification requirements of Table 18-1 BDMC, this requires posting of the project site. As you know from previous applications, the notice board and installation is your responsibility as the applicant. City staff will provide you with a copy of the Notice of Application to use on the required notice board.

Staff looks forward to working with you on this proposal. Please feel free to contact me should you have questions about the review process.

Sincerely,

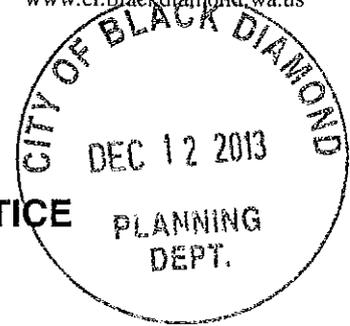
Stacey Welsh, AICP
Community Development Director



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AFFIDAVIT OF POSTING OF LEGAL NOTICE BY APPLICANT

Application No.: PLN13-0027

Applicant: BD Village Partners

Location: South of Roberts Drive and SE of The Villages MPD Phase 1A Preliminary Plat, generally within the SE ¼ and portions of the SW ¼ of Section 15, Township 21 North, Range 6 East and limited areas of the NW ¼ of Section 22. Tax parcels: 1521069108, 1521069096 and 2221069004.

Notice of Application: 12-6-13

I certify that on 12/6/13 I did post a notice on a land use posting board at the location above, which included a Notice of Application for the above referenced application, as required by Black Diamond Municipal Code.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Colin Lund
Name (please print or type)

12/6/13
Date

Signature



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Mitigated Determination of Non-significance (MDNS) and Adoption of Existing Environmental Document File No. PLN13-0028

Description of current proposal: The Villages MPD Phase 2 Plat C Preliminary Plat, a subdivision of approx. 136 acres within The Villages Master Planned Development (MPD) into 203 single-family lots (between 3,150 and 8,547 sq. ft. in size) and 5 future development tracts (between 11,638 and 183,340 sq. ft. in size). Twenty-six additional tracts (between 853 and 2,837,997 sq. ft. in size) are proposed for utility, access, parks and open space uses and sensitive areas. There are six wetlands located on and in the vicinity of the proposed development area of the site: Wetland E1 (Category 2), Wetland TOS (Category 1), Wetlands E7, E8, and E10 (Category 3), and Wetland 213 (Category 4). The primary access to the site is through local roads provided by the Phase 1A Preliminary Plat to Roberts Drive. The project includes street and utility improvements in order to serve the plat and associated site preparation and grading.

Proponent: BD Village Partners, LP

Location of current proposal: South of Roberts Drive and SE of The Villages MPD Phase 1A Preliminary Plat, generally within the SE ¼ and portions of the SW ¼ of Section 15, Township 21 North, Range 6 East and limited areas of the NW ¼ of Section 22. Tax parcels: 1521069108, 1521069096 and 2221069004.

Lead agency: City of Black Diamond

Adoption of Existing Environmental Document:

Title of document being adopted: The Villages Master Planned Development Final Environmental Impact Statement (FEIS)

Agency that prepared document being adopted: City of Black Diamond

Date adopted document was prepared: December 11, 2009

Description of document being adopted: FEIS for a 1,196 acre mixed use development including 4800 dwelling units; 775,000 sq. ft. of retail, office and light industrial uses; and educational, recreational, and open space uses.

If the document being adopted has been challenged (WAC 197-11-630), please describe:

The FEIS is no longer the subject of a pending appeal, as the Court of Appeals decision is final because the petition for review to the Supreme Court was denied.

The document is available to be read at (place/time): City of Black Diamond Community Development Department, 24301 Roberts Drive, Black Diamond, M-F, 8:30 AM – 5:00 PM.

We have identified and adopted this document as being appropriate for this proposal after independent review. The EIS included this property as a component of the proposed Villages Master Planned Development and environmental impacts are addressed in the EIS. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decision-maker.

Mitigated Determination of Nonsignificance:

After review of the FEIS adopted above, the completed environmental checklist, The Villages MPD Phase 2 Plat C Preliminary Plat application and related materials, the lead agency has determined the proposal will not have a probable significant adverse impact on the environment if the mitigation measures set forth below are implemented. Therefore, neither a new environmental impact statement (EIS) or a supplemental environmental impact statement (SEIS) is required under RCW 43.21C.030(2)(c) or WAC 197-11-600.

This MDNS is issued under WAC 197-11-350; the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by July 1, 2014.

In accordance with WAC 197-11-158, mitigation measures include those required by applicable provisions of the Black Diamond Municipal Code, the 2009 Comprehensive Plan, City of Black Diamond Engineering Design & Construction Standards, conditions of the MPD permit approval in Ordinance No. 10-946, The Villages MPD Development Agreement approved in Ordinance No. 11-970, and as imposed by this MDNS.

All of the conditions of approval from The Villages Master Planned Development Permit and The Villages MPD Development Agreement apply to this plat, whether listed or not herein.

Mitigation measures required by Black Diamond Municipal Code & City of Black Diamond Engineering Design & Construction Standards (Exhibit "E" of The Villages MPD Development Agreement):

1. Prior to issuance of a clearing/grading permit for any portion of the plat, the tree plan required by Chapter 19.30 BDMC shall delineate root protection zones for all significant trees retained, relocated, or planted for the division under the plan.
2. Pursuant to BDMC 19.10.220.D, wetland buffer boundaries adjacent to land within this plat shall be permanently delineated by split-rail fencing and identification signs, as approved by the City.
3. Wetlands and all required wetland buffers shall be defined as separate tracts in the final plat (BDMC 19.10.150.B).
4. To ensure compliance with BDMC Ch. 19.10, subsequent review of development activities in future development tracts adjacent to Wetlands E7, E8 and E10 is required.
5. Pursuant to BDMC 19.10.220.B.3:
 - a. Trail alignments within wetland buffers shall be field located by the applicant and observed by a representative of the City, to avoid clearing of significant trees. Downed woody debris that is removed for the trail must be placed in naturalistic locations, similar to what exists on the site for ground contact, instead of making slash piles, and culverts must be provided when the trail bisects surface or groundwater drainages.
 - b. Trail alignments within wetland buffers shall be combined with the infiltration trenches, wherever feasible, subject to final design work to be reviewed by the City.

- c. The portion of the proposed soft surface trail shown on the plans bisecting Wetland E1 shall be eliminated.
6. Pursuant to the City of Black Diamond Engineering Design & Construction Standards, Section 1.17, a construction management plan shall be developed by the applicant for review and approval by the City.

Mitigation measures required by Ordinance 10-946 (The Villages MPD approval) & Ordinance 11-970 (The Villages MPD Development Agreement):

1. Compliance with the Detailed Implementation Schedule Phase 2 Regional Infrastructure Improvements construction thresholds and improvement details, dated January 28, 2014 and approved on June 13, 2014, is required.
2. Compliance with the "The Villages MPD Phase 2 Preliminary Plat C PLN13-0027 Short -Term Construction Noise Mitigation Plan" dated March 13, 2014 and approved on May 21, 2014, is required.

Other mitigation measures:

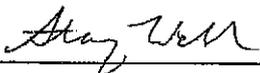
1. Prior to submittal of the first clearing/grading permit for any portion of Plat C, the proponent shall place additional archaeological shovel probes on lands near Rock Creek (Parcel E) and provide a report to the City prepared by a qualified professional summarizing the results and any recommended actions.
2. During final engineering review of the plat, an update to the preliminary drainage analysis shall be conducted by the proponent and submitted to the City for review, to account for any subtle design changes from the preliminary plat design to the final engineering construction drawings.

Name of Agency Adopting Document: City of Black Diamond

Responsible official: Stacey Welsh, AICP

Position/title: Community Development Director **Phone:** 360-886-5700

Address: P.O. Box 599, Black Diamond, WA 98010

Date: June 17, 2014 **Signature** 

This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date above. Comments must be submitted by July 1, 2014.

You may appeal this determination at the Community Development Department, 24301 Roberts Drive, Black Diamond, no later than 5:00 p.m., July 1, 2014 by completing the proper appeal form and paying an appeal fee of \$250.00. You should be prepared to make specific factual objections.

Contact the Community Development Department at 360-886-5700 to read or ask about the procedures for SEPA appeals.



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AFFIDAVIT OF MAILING OF LEGAL NOTICE

Application No.: PLN13-0028, Villages MPD Phase 2 Plat C SEPA Review

Applicant: BD Village Partners

Location: South of Roberts Drive and SE of The Villages MPD Phase 1A Preliminary Plat, generally within the SE $\frac{1}{4}$ and portions of the SW $\frac{1}{4}$ of Section 15, Township 21 North, Range 6 East and limited areas of the NW $\frac{1}{4}$ of Section 22. Tax parcels: 1521069108, 1521069096 and 2221069004.

Date of Notice: June 17th, 2014

I certify that on **June 16th, 2014** I did send a SEPA Determination for the above referenced application, as required by Black Diamond Municipal Code 18.08.120 to all persons on the attached mailing list. Said Notice was mailed pre-paid stamped through the United States Postal Service.

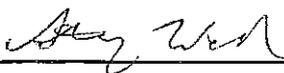
I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Stacey Welsh

June 16th, 2014

Name (please print or type)

Date



Signature



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NOTICE OF PUBLIC HEARING

THE VILLAGES MPD PHASE 2 PRELIMINARY PLAT C

CITY OF BLACK DIAMOND HEARING EXAMINER

10:00 AM, AUGUST 25, 2014
BLACK DIAMOND CITY COUNCIL CHAMBERS
25510 LAWSON STREET, BLACK DIAMOND

FILE NUMBERS: PLN13-0027: The Villages MPD Phase 2A Preliminary Plat C

PROPONENT: BD Village Partners, LP; 10220 NE Points Drive, Suite 310, Kirkland, WA 98033

PROPERTY LOCATION: South of Roberts Drive and SE of The Villages MPD Phase 1A Preliminary Plat, generally within the SE ¼ and portions of the SW ¼ of Section 15, Township 21 North, Range 6 East and limited areas of the NW ¼ of Section 22, Willamette Meridian, WA. King County tax assessor parcels: 1521069108, 1521069096 and 2221069004.

DESCRIPTION OF PROPOSAL: Subdivision of approximately 136 acres within The Villages Master Planned Development (MPD) into 203 lots and 5 future development tracts. Twenty additional tracts are proposed for utility, access, parks and open space uses and sensitive areas. The 203 lots are designed for detached single family residential development. The project includes street and utility improvements. Activities include site preparation, grading, and construction.

ENVIRONMENTAL DETERMINATION: A SEPA Mitigated Determination of Non-significance (MDNS) and Adoption of Existing Environmental Document was issued on June 17, 2014. An appeal of this action was not filed.

STAFF CONTACT:
Gillian Zacharias
mdrt@ci.blackdiamond.wa.us
360-886-5700

APPLICATION FILED: November 8, 2013
COMPLETE APPLICATION: December 3, 2013
NOTICE OF APPLICATION: December 6, 2013

In accordance with BDMC 2.30.090, the staff report will be available at least five working days prior to the scheduled hearing. The project files are available for public review during normal business hours at the Community Development Department, 24310 Roberts Drive.

Any interested person may comment either in writing to the address above or by submitting written or oral testimony during the public hearing. Any person wishing to receive the Hearing Examiner's decision must notify the Community Development Department by providing their name, mailing address and reference the application number PLN13-0027. Written comments may be submitted to the Community Development Department, PO Box 599, Black Diamond, WA 98010, prior to commencement of the hearing or at the hearing.



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AFFIDAVIT OF MAILING OF LEGAL NOTICE

Application No.: PLN13-0027 Public Hearing for The Villages MPD Phase 2A Preliminary Plat C

Applicant: BD Lawson Partners, LP, 10220 Points Dr. Suite 310 Kirkland, WA 98033

Location: South of Roberts Drive and SE of The Villages MPD Phase 1A Preliminary Plat, generally within the SE ¼ and portions of the SW ¼ of Section 15, Township 21 North, Range 6 East and limited areas of the NW ¼ of Section 22. Tax parcels: 1521069108, 1521069096 and 2221069004.

Date of Notice: July 25, 2014

I certify that on July 25, 2014 I did send a Notice of Application for the above referenced application, as required by Black Diamond Municipal Code 18.08.120 to all persons on the attached mailing list. Said Notice was mailed pre-paid stamped through the United States Postal Service.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

TRACEY REDD
Name (please print or type)

7/25/2014
Date

Tracey Redd
Signature