

54.

Public Comment: Gil Bortleson, Email dated December
11, 2014, Related to the Public Hearing PLN13-0027
Posted November 25, 2014

Tracey Redd

From: Brenda Martinez
Sent: Thursday, December 11, 2014 8:33 AM
To: MDRT User
Subject: FW: WrittenTestimonyPhase2Plat2C
Attachments: PP2CWetlandWilldlifeParks.docx

Comments for tonight's hearing.

Brenda L. Martinez
City of Black Diamond

NOTICE OF PUBLIC DISCLOSURE: This e-mail is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: G Bort [<mailto:gbortles@gmail.com>]
Sent: Wednesday, December 10, 2014 11:00 PM
To: Aaron Nix; Brenda Martinez
Cc: Gil Bortleson
Subject: WrittenTestimonyPhase2Plat2C

Mr Nix and Ms Martinez,

Please find attached written testimony before the City Hearing Examiner concerning The Villages Preliminary Phase 2 Plat2C on December 11, 2014.

Please confirm receiving this testimony

Gil Bortleson

BEFORE THE HEARING EXAMINER
PRELIMINARY PHASE 2 PLAT2C (PP2C)
FOR THE VILLAGES MASTER PLANNED DEVELOPMENT MPD
December 11, 2014

Wetland E1 downgraded to Category II from Category I

Wetland E1 is contiguous with the core wetland complex and has changed from a Category I classification shown on the Constraint Map for the Development Agreement to a Category II shown on the PP2C mapping. Both the Constraint Map and PP2C mapping show a 110- foot buffer for most of wetland E1. Depending on habitat conditions, both a Category I and II wetland can have a 110-buffer according to the Sensitive Area Ordinance (SAO). However, wetland values and functions are better retained as a Category I wetland under SAO regulations. The category I classification for wetland E-1 needs to be upheld by project-level re-evaluation.

Less 225-ft buffer area than on Constraint Map

Most of wetland E1 has a 110-foot buffer but a small area connecting to the core wetland complex has a 225-foot buffer. For the small area in the southeastern part of the plat, wetland E1 has less area as a 225-foot buffer than on the Constraint Map (Exhibit G of Development Agreement). The location of the buffer-width change is at a drainage basin divide for the wetland mapping for PP2C. If the drainage divide shown on the PP2C map was the basis for a change in the buffer width area and wetland E1 downgrade from category I to category II, it is not sufficiently documented and should be re-evaluated . Re-evaluation of critical area protections must include best available science RCW 36.70A.060(2).

225-ft buffer width for wetland E1 is justified

Wetland E1 is high value adjoining the Black Diamond Fish and Wildlife Habitat Conservation Areas and King County Wildlife Habitat Network and core wetland complex. The Sensitive Area Ordinance will allow a buffer to be widened on a case-by-case basis,

according to BDMC 19.10.230 (G): “ *The mayor or his/her designee shall require increased buffer widths in accordance with the recommendations of an experienced, qualified professional wetland scientist, and the best available science on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on site-specific characteristics. This determination shall be based on one or more of the following criteria: 1.A larger buffer is needed to protect other sensitive areas;.....*”. A larger buffer width for wetland E1 appears justified to protect the Fish and Wildlife Habitat Conservation Areas and wetland function of the core wetland complex. A project-level analysis is needed using best available science by a qualified scientist to determine whether wetland E-1 does indeed qualify for a larger buffer width.

Environmental impact of future development tracts not analyzed

Environmental impacts have not been analyzed for the future development tracts in the southeastern part of PP2C. An implementing project is at a stage for committed land- use designation. Once land use for future development tracts is determined, an environmental review of the cumulative impact for the entire plat is needed .

Usable open space for parks and recreational activities may be insufficient

The Master Planned Development Framework and Design Standards and Guidelines advocate the use of: (a) environmental sensitive areas as organizing elements in design and (b) a wide range of open spaces (greenbelts, Village greens, parks etc.) in the development. The permit purpose for the MPD (BDMC 18.98.010 (C)) states: “*Preserve passive open space and wildlife corridors in a coordinated manner while also preserving usable open space lands for the enjoyment of the city's residents*”. The amount of usable open space in Black Diamond is an issue expressed in the staff report on p. 117. The combined phase1A and PP2C raises the dwelling units to over 800 once occupied. Even though the occupancy is not obviously triggered, usable open space needs to be available somewhere in phase1A or PP2C to fulfill the obligation of soccer fields, tennis courts etc given on table 9.5.6 Recreational Facilities of Development Agreement. Usable open space should be available in platted space to meet residential neighborhood design principles of Randall Arendt, author of Rural-by-Design and whose principles are endorsed by Black Diamond and written into City code.

Written report to MDRT describing monitoring vegetation in wetland buffers does not offer public scrutiny

Vegetation monitoring of wetland buffers is to have a duration of 5-years and done in accordance with the recent 2012 King County critical areas mitigation guidelines cited in the Wetland Buffer Vegetation Management Plan. The long time frame for wetland monitoring and the often high public interest in open space preservation lends itself to plan for public scrutiny. Volunteers may be encouraged to help maintain wetland buffers if the results of wetland vegetative monitoring and educational materials were available.

Roof-top drainage to wetlands is questionable

The condition of approval 68 (COA 68) requires restrictions on roof types (no galvanized, copper, etc.) and roof treatments (no chemical moss killers, etc) to ensure that storm water discharged from roof downspouts is suitable for direct entry into wetlands. According to the preliminary drainage report, runoff from roof tops will be routed to wetland TOS (core wetland complex) and E1 to approximately match the annual average volume of runoff generated by the existing forest conditions. COA 68 goes on to say, *“.....This condition does not constitute approval for direct discharge of roof drainage into wetlands, streams or their buffers; any such direct discharge is authorized only if approved by the Public Works Director as in compliance with Black Diamond Municipal Code Ch. 14.04 and the standards adopted therein.”* A project-level plan is needed to monitor roof-top water quality to ensure stormwater discharged to the core wetland complex meets water- quality standards expected with restrictions of CAO 68.

Buffer averaging plan may not improve wetland function

Buffer averaging is allowed under strict exceptions in the City code. Any buffer averaging plan must improve wetland function when no other feasible alternatives to site design could be accomplished (BDMC 19.10.230.H(1b,2a)). A wetland must benefit from buffer widening or in the case of buffer narrowing, not adversely impact a wetland. Ecological principles underlying the use of buffer averaging for wetland E1 needs to be re-evaluated.

Presence of threaten or endangered species dismissed

The wildlife analysis report presents no new analysis or survey data regarding wildlife. The SEPA checklist dismisses the presence of endangered or threaten species despite local knowledge and the obvious suitability of the Black Diamond Lake and surroundings to accommodate them. Without a sustained "on the ground" monitoring program for the wildlife, it is impossible to make assurances that threaten or endangered species are not present in or near PP2C. To the contrary, Councilwoman Erika Morgan, a biologist by training, lives on Black Diamond Lake and has walked the property over the years. In June 2014 she spotted a fisher, an endangered species, crossing Abrams Avenue near Rock Creek. Ms. Morgan and City employees encountered a lynx, a threaten species, in the same general location in the spring of 2014. The core wetland complex and its near surrounding is where more abundant and diverse wildlife could reasonably be expected. BDMC 18.98.155 (B) requires proposals to be designed to minimize impacts to wildlife habitats and migration corridors. Additional project-level monitoring by county and state wildlife experts is needed to verify the presence of threaten lynx and endangered fisher.

Core wetland complex as wildlife corridor compromised by recreational use of buffers

The buffers are the more useable portion of the core wetland complex for larger wildlife because wildlife movement is impeded by the soft sediments in ponded or moving water in the wetland proper. Thus, the 225- foot buffer portion of the core wetland complex is critical for a viable large animal wildlife corridor. Wildlife corridors are one element of the natural environment and require analysis of environmental impacts according to WAC 197-11-144. Even a 250- 300 foot buffer is only moderately functional for large wildlife (Parametrix, ...Best Available Science Review, 2008, p.51). An implementing project-level analysis is needed to determine the extent of use of walking trails in the buffer for the core wetland complex versus the wildlife corridor viability for larger animals such as deer, elk, bear, and cougar.

Respectfully submitted, Gil Bortleson, 23831 SE Green Valley Road, Auburn WA 98092
