



CITY OF BLACK DIAMOND
PLANNING COMMISSION
SPECIAL MEETING AGENDA
September 21, 2021

**THIS IS OFFERED AS A ZOOM MEETING ONLY.
CALL IN AND JOINING INFORMATION FOLLOWS:**

Zoom link to join meeting:

<https://zoom.us/j/4254157187?pwd=RE9OV0VoU1RFc3psSHdjem9mMk9hdz09>

(Note: You do not need a web cam to join the meeting, but you will need audio to hear the proceedings.)

Meeting ID: 425 415 7187

Password: PC

Telephone dial in options:

+1 253 215 8782 US (Tacoma)

+1 206 337 9723 US (Seattle)

Meeting ID: 425 415 7187

Password: 941820 (phone in only)

6:00 P.M. - CALL TO ORDER, FLAG SALUTE, AND ROLL CALL

APPROVAL OF MINUTES: None

PUBLIC COMMENTS: Persons wishing to address the Planning Commission regarding items of new business are encouraged to do so at this time. Please use the "raise your hand" feature and once recognized by the Chair, you may unmute and state your name and city for the record. Please limit your comments to 3 minutes. For those dialing in, please press *9 to raise your hand and *6 to unmute yourself.

PUBLIC HEARING: None

STUDY/WORK SESSION:

- 1) Deliberation on the preparation of a feasibility study, including costs and scope of operations, on conducting an Ecological Inventory in the City
- 2) Deliberation on deleting policy ED 4.5 from the Economic Development chapter or move it to the Transportation Chapter
- 3) Deliberation on repealing city prohibitions on marijuana businesses and update land use chapter as needed to facilitate appropriate siting
- 4) Deliberation on the reconsideration of the 2019 FLUM including possible reversion to the 2009 FLUM, and corresponding updates to the zoning code for consistency with the Comprehensive Plan and the FLUM, and to begin narrowing discrepancies with the PSRC's VISION 2040 and 2050 (as applicable) and Regional Growth Strategy

UNFINISHED BUSINESS: None

NEW BUSINESS: None

This site is barrier free. People needing special assistance or accommodations should contact the Community Development Department 72 hours in advance of the meeting at (360) 851-4447

COMMUNITY DEVELOPMENT DEPARTMENT REPORT:

PUBLIC COMMENTS: Persons wishing to address the Planning Commission are encouraged to do so at this time. Please use the “raise your hand” feature and once recognized by the Chair, you may unmute and state your name and city for the record. Please limit your comments to 3 minutes. For those dialing in, please press *9 to raise your hand and *6 to unmute yourself.

ADJOURN:



CITY OF BLACK DIAMOND

Physical Address: 24301 Roberts Drive
Mailing Address: PO Box 599
Black Diamond, WA 98010

Phone: (360) 851-4447
Fax: (360) 851-4501
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Meeting Date: September 21, 2021

To: Planning Commissioners

From: Mona Davis, Community Development Director
Joey Portmann, Senior Planner

Subject: Work Session – public hearing debriefs and discussion

Purpose

The purpose of this memo (and this meeting) is to discuss the public hearings that occurred on September 7, regarding the following topics:

- Prepare a feasibility study, including costs and scope of operations, on conducting an Ecological Inventory in the City.
- Delete policy ED-4.5 from the Economic Development Chapter or move it to the Transportation Chapter.
- Repeal city prohibitions on marijuana businesses and update land use chapter as needed to facilitate appropriate siting.
- Reconsideration of the 2019 FLUM including possible reversion to the 2009 FLUM, and corresponding updates to the zoning code for consistency with the Comprehensive Plan and the FLUM, and to begin narrowing discrepancies with the PRSC's VISION 2040 and 2050 (as applicable) and Regional Growth Strategy.

Many comments were received in the hours before the meeting. Since then, staff has reviewed the comments and responded (see attached memo). Further information has also been gathered, including a traffic review for the FLUM/Zoning inconsistencies.

The purpose tonight is to discuss each of the public hearings. This includes asking staff any questions and potentially resulting in changed staff recommendations or revisions to the policy language proposed. Specifically, staff wishes to get the Commission's opinions on Inconsistency #1, as staff has been considering changing the recommendation based on comments received. In addition, Inconsistency #6, for which further information has come to light by the property owner may make a "Public" designation inappropriate.

Tonight, it should also be decided if the Commission wishes to hold an additional public hearing on any of the docket items (including the SE Connector Loop alternative for which the hearing occurred at any earlier meeting), which would occur on October 12th at a special meeting. This is not required, and only needs to happen if the commission feels it's necessary. Lastly, tonight the Commission should also begin



to think about and create consensus on their recommendations for all docket items which will occur at the October 24 meeting.

Remaining Timeline

- September:
 - 9/21: Planning Commission work session.
 - 9/22: SEPA Notice of Consultation comment period closes.
- October
 - 10/6: SEPA Determination issued
 - 10/12: Additional public hearing(s) on selected items if necessary and/or further discussions on items.
 - 10/20: SEPA Determination comment/appeal period closes.
 - 10/26: Planning Commission makes recommendation on docket items to Council.



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Meeting Date: September 21, 2021 (work session)
Memo Date: September 14, 2021
To: Planning Commissioners
From: Joey Portmann, Senior Planner
Mona Davis, Community Development Director
Subject: FLUM/ Zoning Map Changes – Responses to Comments

Verbal Comments

At the hearing multiple citizens made comments. Staff addressed some of the questions during the hearing but took note of a few we'd like to respond to or elaborate further on.

Moving the Economic Development Policy

One comment was received on this item; they asked what the justification was for moving the policy. Staff believes this policy, which deals with access improvements, intersection improvements, and infrastructure maintenance for SR 169 does fit better with the transportation section.

Policy on Conducting an Ecological Inventory

One member of the public questioned what the rationale was to make changes before the inventory was done. The reasoning is to provide for a policy in the comprehensive plan that states the Council's (and citizens') desire to see this done. By having it in the plan there is a policy present for Council to use as a basis for including the inventory in a future Capital Improvements Program (CIP) and budget cycle.

Marijuana Businesses Policy

A main concern here was that staff was putting the "cart before the horse" by having the planning commission look at this prior to Council. As explained at the meeting, this docket item was brought forward by Council, and voted on by Council to be included on the final docket. Another comment was generally concerns about these businesses coming in and desiring further research. This comprehensive plan policy **will not** permit marijuana businesses to come into the city and **will not** repeal any current regulations. Rather, this policy in the comprehensive plan gives staff the direction to look into permitting these businesses and make recommendations about where they should be sited. This future recommendation will be in the form of BDMC code amendments which will have it's own process, including providing further citizen opportunity for comments and one or more public hearing(s).

FLUM/Zoning Map Changes

Many comments were received that were reiterations of written comments such as impact to traffic, schools, emphasis on the 2009 FLUM. These are all addressed in the "written comments" section below.



Comments not in the written section staff wishes to address are those that stated the staff report came out too late and there was no meaningful public comment. The staff report came out, as required and noticed, a week before the public hearing. Staff recognizes this was a lengthy staff report. However, this was necessary given the amount of docket items requested by the public and moved forward by Council and the time constraints associated with that. Public input was solicited at the preliminary docket stage, the final docket stage, and for all the associated public hearings. Further, the City has issued a SEPA Notice of Consultation to allow for public and agency comments and revisions to the SEPA checklist prior to issuing a determination, allowing for multiple opportunities for the public to be heard and participate in the comprehensive plan amendment process.

Written Comments

Leading up to the hearing many public comments were received. There were common themes, questions, and comments between all the received emails/letters. This memo serves to respond to those. It has been broken down by topic (summarized language from letters is in *italics*) to group similar comments together and reduce redundancy. Staff's response is below the comments.

Process/ Planning

- *Require a full Environmental Impact Statement and Public Hearing*
An EIS is required when there will be significant environmental impacts. The potential FLUM and zoning map changes do not meet the threshold for significant environmental impacts. If an EIS were completed, individual projects done on the included parcels would not need to complete a project-level SEPA review at the time of development.
- *Stop ignoring our laws that require developers to submit additional reports and application fees (city code 16.10.050).*
This comprehensive plan amendment docket item was put forth by citizens and City staff to harmonize the FLUM and zoning map. Every change between the 2009 and 2019 FLUM map and zoning map was analyzed to ensure the maps are consistent. As this was initiated by the City there are no "developers" who are required to submit those items, it would have been the citizens putting forth the request to reevaluate the FLUM and Zoning map (Duane Garcia, Mike England, William Bryant, Gary Davis, Philip Acosta, Angela Fettig, Kelley Sauskojus) who would have had to provide that information and provide application fees had the City not become a proponent on the docket item (for which the evaluation is contained in the staff report, and third party review which is being conducted).
- *Where are the written bases of the Planning Commission that each of these 5 requirements has been satisfied?*
Each docket item addresses the referenced requirements in BDMC 16.10.220 A and B in the associated staff reports prepared for the public hearing.
- *City can't deny permits if it reduces level of service to other properties in the future. If water and sewer were available at that time for this single development, but then no other capacity would be available for future development, the City would nevertheless be obliged to issue permits.*
The City plans 6-10 years in advance for water capacity. Should the City even begin to get close to running out of capacity (for water or sewer), new requirements would be put in place and



plans would be made on how to increase capacity. The Public Works director has indicated the City has ample water.

- *Hold public hearing on all preliminary docket items and a vote on each.*
This comment came from a resubmitted 2019 comment. For the current cycle, all proposed amendments were taken in and voted on and the preliminary docket was narrowed down to the final docket (often by combining items) by the Planning Commission.
- *Growth needs to be planned, not just allowing things to randomly be allowed in without having to fit into a plan for sustainable growth.*
The purpose of this process is to plan the growth for the City, a primary purpose of the comprehensive plan is to plan for and establish a vision for how the City will grow in the future. The City goes through and participates in many processes with other jurisdictions to plan for regional growth as well, and accounts for transportation and infrastructure.
- *No more development until Ten Trails and Lawson Hills are at least 75% complete.*
The growth at Ten Trails and Lawson Hills cannot and should not dictate overall City development. This would limit development to only occur under the Development Agreements in place and therefore under certain developers in certain portions of the City. This essentially would put a moratorium on the other areas of the City and create a monopoly-like circumstance on development in the City. The City cannot, without just cause, limit economic use of an owner's property.
- *Changes impact beyond city limits*
Changes in the City do impact surrounding jurisdictions. This is why the City coordinates continually with Puget Sound Regional Council (PSRC), King County, and surrounding jurisdictions – including during the recent 2021 growth target setting process.
- *Do not wait for permit or zoning review because the City's legal options are very limited then. If the city code does not require a developer to address and issue, what happens?*
When a property is developed the BDMC applies, including regulations on use, bulk, sensitive areas, access, design and more. It would depend on what the "issue" was to know how the City would address it. In some instances, "issues" can be addressed as conditions of permit approval, through code compliance, and/or stop-work orders if need be.

Traffic

- *Require updated Transportation Analysis for city roads and roads to and from Black Diamond*
Traffic studies are done City-wide as part of the comprehensive plan update, the last one was done for the adopted 2019 comprehensive plan update. Traffic Impact Analysis are completed for developments that come in at a site-specific level, including impacts to surrounding roads and intersections.
- *216th as well as 169 cannot take the traffic*
The traffic impacts will be assessed at the time of site-specific development. The zoning permits multiple uses, making it difficult to predict exactly what the traffic impacts would be; therefore,



traffic impacts must be addressed at the time of permit when the uses and development are known. Traffic is addressed in the staff report for each individual amendment.

- *Transportation concurrency and level of service not properly evaluated*
Transportation concurrency is evaluated at the time of development permit, additionally the City (through a third-party reviewer) is evaluating the level of service impacts the proposed, applicable FLUM/ Zoning map changes would have.
- *Ten Trails traffic impact on Lake Sawyer Road and 216th warrants at least 3 lanes (center turn lane) on Lake Sawyer Road and 5 lanes north of 292nd*
No changes are proposed to Ten Trails/ Development Agreements of the MPDs. The MPDs must mitigate for traffic and provide for intersection and road improvements.
- *Ten Trails is not living up to its agreement and not being held accountable for their contracts. Some road improvements are years behind.*
The delays in schedule were due to changing state requirements, the original dates were for installing stop lights, which have now been changed to roundabouts. The need for permits from the state also contributed to the dates moving back, the new dates have been approved. A mid-point traffic analysis for the plats just got started and a new traffic model for the entire MPD, as required per the DA, is being implemented by Parametrix.

Impact Fees/ Taxes

- *Developer fees to support parks*
A PROS plan is necessary before a city can implement park impact fees. The City is in the process of finalizing the PROS plan now, which will go through Council for adoption. Once adopted, the City can implement park impact fees.
- *Require increased developer traffic fees*
The City recently completed a traffic impact fee study (through a third party contractor) and an Ordinance has been presented to Council amending Title 3 of the Black Diamond Municipal Code (BDMC) to establish a new chapter 3.80 entitled "Transportation Impact Fees." This is being done to ensure that those transportation facilities necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use, or within the period provided by law, without decreasing the current service levels below established minimum standards for the City.

Development Requirements

- *Require walking and bicycle improvements*
Policies already exist in the comprehensive plan regarding pedestrian access/ sidewalks and bicycles (such as Policy T-10). Sidewalks are required for developments at the permitting stage and are paid for by the developer. Bicycle access/ paths and designated parking are required for some developments depending on the size and zone.
- *Address noise, light, glare, and small-town character*
Noise, light, and glare are all specifically addressed in the SEPA checklist process as well as site plan and civil review. The SEPA checklist for the docket items acknowledges that the amount of



noise, light and glare may change due to the proposals. However, as many uses are allowed in the proposed zone, it is impossible to assess the exact noise, light and glare impacts that would occur from the development at this phase. Those are evaluated, and mitigated for as appropriate, at the time of site development. Small town character is regulated for through the design guidelines which exist for commercial, business park industrial, historic town center, MPD, multi-family development, and residential uses in the historic village core.

- *Restoration of the trees clear cut without development approval*

Restoration of trees that were clear cut without approval is a separate issue outside the comprehensive plan amendment cycle. However, any tree that was removed, from the referenced parcel, has been required to be replanted on a one-to-one basis per BDMC Title 19, and a Forest Practice Permit was applied for and approved from the Department of Natural Resources, and a tree permit was obtained from the City.

Growth

- *Over development of too much commercial will ruin the market for retail land development in Ten Trails.*

The City does not regulate the market. The City coordinates with surrounding jurisdictions and King County to plan for population, growth, and employment projections.

- *Black Diamond more than doubles its share of growth in the Puget Sound Regional Plan. This means the state and county cannot fund roads and services for our area.*

PSRC is working with cities to meet the growth targets. The City did commit to providing accurate data around housing since, as PSRC notes, the previous inconsistency in growth targets was largely due to the Lawson Hills and The Villages MPDs not being properly accounted for in previous reports.

The City cannot receive funding for our roads and services without an approved comprehensive plan. The most recent comprehensive plan update is currently in a yearlong appeal process and has not yet been certified by PSRC.

- *Additional dense development is beyond the capacity for schools, roads, air quality, EMS, fire, police, and parks.*

These items are addressed in the SEPA environmental review as well as the project-review level. School and fire impact fees are assessed by the City.

Current FLUM

- *Change FLUM to current zoning or current use and any developer should apply for changes following the proper process.*

Future Land Use Maps are not meant to always reflect the current use on ground. They are meant to be the vision for the future of the City and guide future development. Reverting the FLUM to just match what is on the ground would be an Existing Conditions map and contrary to the FLUM purpose.



This process is to make the FLUM and Zoning map consistent as required under state law. The purpose of these amendments was not to grant any land owners a free change in land use. It was to evaluate every change between the 2009 and 2019 FLUM compared to the zoning map and ensure the best land use designation and zoning are in place for the City.

- *Revert to 2009 map*

The purpose of this docket item was to consider all changes between the 2009 and 2019 FLUM and inconsistencies with the 2015 zoning map. Some of these do recommend reverting to the 2009 map, but all have been analyzed first – a blanket reversion would not be recommended. City staff is working diligently to recommend a 2021 FLUM and Zoning Map based on these changes under the docket item.

Ian Williams

From: palmercokingcoal@aol.com
Sent: Thursday, September 2, 2021 1:33 PM
To: Mona Davis
Cc: Joey Portmann
Subject: 2021 Comp Plan Update - Inconsistencies
Attachments: COBD 2021 Comp Plan Update 9-2-21 Inconsistencies.pdf

Mona & Joey - Good job on your Aug. 30, 2021 Staff Report for next week's Planning Commission meeting. Attached please find our comments on the report, much of which we support, with a few caveats on select issues.

I will deliver the hard copy original today.

Bill

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September 2, 2021

Mona Davis & Joey Portmann
City of Black Diamond Planning Commission
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Comprehensive Plan Updates per Staff Report dated Aug. 30, 2021

Dear Mona and Joey:

We have reviewed your Staff Report dated Aug. 30, 2021 to the Planning Commission regarding Comp Plan Amendments – FLUM / Zoning Map Changes. Below are my comments on items that concern our company's property. We've used the same titles and nomenclature that you used for each property:

Inconsistency #1 (Slide 8) – Parcels 102106-9011; 152106-9110; 9112; -9113; -9114; -9115. Palmer supports the Staff Recommendation and agrees this property is best suited for Medium Density Residential, so as to be consistent with the 2019 Future Land Use Map.

Inconsistency #3 (Slide 10) – Parcel 102106-9010. Palmer supports the Staff Recommendation and agrees this property is best suited for Medium Density Residential, so as to be consistent with the 2019 Future Land Use Map.

Inconsistency #4 (Slide 11) – Parcel 102106-9103. Palmer was never particularly comfortable with the Neighborhood Commercial designation as it seemed ill-conceived and not particularly suitable for this property. We believe the property is better suited for residential. Palmer may in the future develop plans recommending a more comprehensive approach to this and surrounding properties.

Inconsistency #5 (Slide 12) – Parcels 112106-9112; -9113; -9114; -9020; -9049. Palmer was never particularly comfortable with the Neighborhood Commercial designation as it seemed ill-conceived and not particularly suitable for this property. We believe the property is better suited for residential.

With that said these properties will probably not be developed until the active mine reclamation is complete (likely in two to three years) and the Lawson Connector arterial is built (unknown date). Because this property when reclaimed will have a plateau topography with a flat center top and side slopes that are unbuildable, we believe Medium Density Residential is a better long-term designation.

Inconsistency #6 (Slide 13) – Parcels 132106-9012. Palmer agrees that this property is not part of the MPD. However, we are uncomfortable with the property being listed as “Public.” Such a designation will communicate to citizens a public nature that doesn’t exist. The property is not in any sense “public” as it is privately owned, and trespass is not permitted.

In 1996, Palmer granted to the City a “Temporary and Revocable Conservation Easement” for a period of 20 years. That recorded “Easement” expired on Dec. 31, 2016 and so did the City’s rights in the property. The “Easement” provided the City with an option to purchase the timber rights, surface rights, and a permanent and perpetual conservation easement, but the City never followed through and completed the purchase. Thus, there is no longer any City interest in the property and no rationale by which it can be considered “public.”

It is our understanding that for a parcel to be considered “Public” in a Comprehensive Plan that the City (or county) must have some ownership or other interest or an option to purchase rights in said property. That is not the case anymore, though it was the case during the 20-year period when the City dithered and failed to exercise their option to purchase. Designating this parcel “Public” is akin to taking a private property for public use without just compensation. We request the City research this matter further as “Public” is not a proper land use classification for a privately-owned property.

Scrivener’s Error #1 (Slide 19) – Parcel 102106-9001. This northeasterly portion of this tax lot lies east of the former Columbia & Puget rail line (undesignated parcel 102106-9016), which Palmer also owns. Palmer supports the Staff Recommendation to match zoning.

Scrivener’s Error #3 (Slide 21) – Parcels 132106-9012. Palmer supports the Staff Recommendation to remove the property from the MPD overlay. However, please see our above comments regarding the land use proposal to designate this property as “Public.”

Undesignated Parcels (Slide 22 & 23) – Parcels 102106-9016; 112106-9017; -9024; 122106-9038; 132107-9017. Palmer supports the Staff Recommendation to designate these parcels consistent with the zoning of parcels surrounding each.

Split Zone #1 (Slide 25) – Parcels 222106-9054; -9056; -9008; -9009. Palmer supports the analysis behind the Staff Recommendation and recognition of zoning changes pursuant to City-requested legal descriptions as made in 2015.

Very Truly Yours,



Bill Kombol, Manager
Palmer Coking Coal Company, LLP

From: [Renee Mix](#)
To: [Mona Davis](#)
Cc: pammccain@johnlscott.com; nukldragr@aol.com; 1johnolson@gmail.com; ricco451@comcast.net; stevesharon2@comcast.net; fwheat@gmail.com
Subject: 2021 Comprehensive Plan Update Sep 7 Hearing
Date: Tuesday, September 7, 2021 4:21:10 PM
Attachments: [Planning Black Diamond the Growth Management Act - Sep2021.docx](#)

Please read comments in the attachment.

Thank you.

Renee DeLappp-Mix

This document provides information on the [Growth Management Act](#), [Countywide Planning Policies](#), [Growth Targets](#), [Payment for Urban Services](#), and some policies from our own Comprehensive Plan.

A few highlights: King County tried to coordinate with the City of Black Diamond by giving Black Diamond a very high target for additional houses: 2,900 households by 2044. Black Diamond has already planned to far exceed that number with 6,000 homes being built at Ten Trails.

Cities and Counties are required to coordinate on Growth Planning. The County has already done more than enough to accommodate growth in Black Diamond. Black Diamond is not coordinating with neighbors. Specifically, our roads and County roads to Black Diamond will be far too crowded.

This re-zone would make it worse. Please remove the increased development capacity from the Comprehensive Plan Future Land Use Map and the Zoning Map.

Information on the Growth Management Act

Source: Washington Municipal Resources Services Center

The Growth Management Act (GMA) is a series of state statutes, first adopted in 1990, that requires fast-growing cities and counties to develop a comprehensive plan to manage their population growth. It is primarily codified under [Chapter 36.70A RCW](#), although it has been amended and added to in several other parts of the RCW.

Under [RCW 36.70A.020](#), the GMA establishes a series of 13 goals that should act as the basis of all comprehensive plans. The legislature added the goals and policies of the Shoreline Management Act as the fourteenth GMA goal ([RCW 36.70A.480](#)).

...While all of these elements are important, the land use element sets the direction of future growth in a community and is usually depicted as a future land use map. The future land use map, which is policy-oriented, is then implemented in large part by the official zoning map, a regulatory tool.

... Comprehensive plans also **must be coordinated with adjacent and overlapping jurisdictions** and must be updated every 8 years, with optional annual updates.

Urban Growth Areas and Accommodating Future Growth

Under the GMA, the state Office of Financial Management (OFM) develops [population projections](#) for the state and each county. **Each "fully planning" county is then mandated to determine, in consultation with cities, where that growth should be directed to occur.** Once these growth projections are adopted, then the county and cities are to use them in their comprehensive planning processes and make sure that their plans can accommodate the projected level of growth ([RCW 36.70A.115](#)).

King County County-Wide Planning Policies.

Growth Targets

DP-11 GMPC shall allocate residential and employment growth to each city and unincorporated urban area in the county. This allocation is predicated on:

- Accommodating the most recent 20-year population projection from the state Office of Financial Management and the most recent 20-year regional employment forecast from the Puget Sound Regional Council;
- Planning for a pattern of growth that is consistent with the Regional Growth Strategy including focused growth within cities with countywide designated centers and within other larger cities, limited development in the Rural Area, and protection of designated Resource Lands;
- Efficiently using existing zoned and future planned development capacity as well as the capacity of existing and planned infrastructure, including sewer and water systems;
- Promoting a land use pattern that can be served by a connected network of public transportation services and facilities and pedestrian and bicycle infrastructure and amenities;
- Improving the jobs/housing balance within the region and the county;
- Promoting sufficient opportunities for housing and employment development throughout the Urban Growth Area;
- Allocating growth to individual Potential Annexation Areas within the urban unincorporated area proportionate to its share of unincorporated capacity for housing and employment growth.

DP-12 GMPC shall:

- Update housing and employment targets periodically to provide jurisdictions with up-to-date growth allocations to be incorporated in state-mandated comprehensive plan updates;
- Adopt housing and employment growth targets in the Countywide Planning Policies pursuant to the procedure described in policy G-1; and
- Adjust targets administratively upon annexation of unincorporated Potential Annexation Areas by cities. Growth targets for the 2006-2031 planning period are shown in table DP-1.

DP-13 All jurisdictions shall plan to accommodate housing and employment targets. This includes:

- Adopting comprehensive plans and zoning regulations that provide capacity for residential, commercial, and industrial uses that is sufficient to meet 20-year growth needs and is consistent with the desired growth pattern described in VISION 2040;
- Coordinating water, sewer, transportation and other infrastructure plans and investments among agencies, including special purpose districts; and
- Transferring and accommodating unincorporated area housing and employment targets as annexations occur.

King County Growth Targets:

<https://kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/CPPs/2021-CPP-Update/Attachment-A-Proposed-2021-KCCPP-052121.ashx?la=en>

Table DP-1: King County Jurisdiction Growth Targets 2019-2044			
Net New Units and Jobs			
<u>Jurisdiction</u>		<u>2019-2044 Housing Target</u>	<u>2019-2044 Jobs Target</u>
High Capacity Transit Communities Subtotal		29,932	25,240
<u>Cities and Towns</u>	<u>Algona</u>	<u>170</u>	<u>325</u>
	<u>Beaux Arts</u>	<u>1</u>	<u>0</u>
	<u>Black Diamond</u>	<u>2,900</u>	<u>680</u>
	<u>Carnation</u>	<u>799</u>	<u>450</u>
	<u>Clyde Hill</u>	<u>10</u>	<u>10</u>
	<u>Covington</u>	<u>4,310</u>	<u>4,496</u>
	<u>Duvall</u>	<u>890</u>	<u>990</u>
	<u>Enumclaw</u>	<u>1,057</u>	<u>989</u>
	<u>Hunts Point</u>	<u>1</u>	<u>0</u>
	<u>Maple Valley</u>	<u>1,720</u>	<u>1,570</u>
	<u>Medina</u>	<u>19</u>	<u>0</u>
	<u>Milton</u>	<u>50</u>	<u>900</u>
	<u>Normandy Park</u>	<u>153</u>	<u>35</u>
	<u>North Bend</u>	<u>1,748</u>	<u>2,218</u>
	<u>Pacific</u>	<u>135</u>	<u>75</u>
	<u>Sammamish</u>	<u>700</u>	<u>305</u>
	<u>Skykomish</u>	<u>10</u>	<u>0</u>
	<u>Snoualmie</u>	<u>1,500</u>	<u>4,425</u>
	<u>Yarrow Point</u>	<u>10</u>	<u>0</u>
Cities and Towns Subtotal		16,183	17,468
<u>Urban Unincorporated</u>	<u>Auburn PAA</u>	<u>12</u>	<u>0</u>
	<u>Bellevue PAA</u>	<u>17</u>	<u>0</u>
	<u>Black Diamond PAA</u>	<u>328</u>	<u>0</u>
	<u>Issaquah PAA</u>	<u>35</u>	<u>0</u>
	<u>Kent PAA</u>	<u>3</u>	<u>300</u>
	<u>Newcastle PAA</u>	<u>1</u>	<u>0</u>
	<u>Pacific PAA</u>	<u>134</u>	<u>0</u>
	<u>Redmond PAA</u>	<u>120</u>	<u>0</u>
	<u>Sammamish PAA</u>	<u>194</u>	<u>0</u>
	<u>Unaffiliated Urban Unincorporated</u>	<u>448</u>	<u>400</u>
Urban Unincorporated Subtotal		1,292	700
Urban Growth Area Total		299,267	461,798

From Washington State Department of Commerce Urban Growth Area Guidebook

<https://deptofcommerce.app.box.com/s/pnkar5j81ghxrgfdgr3ofa7pmw5v37da>

Who Pays for Urban Services (Page 43)

... Since revenue sources change from year to year, jurisdictions are faced with a complex challenge to align revenue sources with needed capital facilities and to assign costs equitably to both new development and to the larger community.

Many of the broad based taxes, such as property and sales taxes, are assessed to the entire community and everyone pays. **However, when broad based**

revenues are used to pay for the cost of urban services for new development, questions of equity and benefits arise that need to be resolved in a public discussion of planning for UGAs.

“Fiscal impact analysis appears to be gaining recognition as an important tool for evaluating local land use and development policy decisions. A greater use of this analysis tool by local governments in Washington would shed light on how urban growth is impacting communities in the state. To achieve a real understanding of growth’s fiscal impacts, the substantial capital cost of the infrastructure growth requires, must be included in any analysis.”²⁰

... Understanding the fiscal impacts of urban growth and applying the cost of urban services to existing or new urban growth areas is essential in order to have fiscal balance in our cities and counties.

“Integrating finance with land use planning requires some caution. I’ve heard it said that there are two significant pitfalls to incorporating finance into the GMA planning process. The first pitfall is to involve the finance director in the planning process since the pessimism and cautiousness of the typical finance director will tend to dampen and constrain the “dreaming” about the future essential to a good visioning process. The second pitfall is to not involve the finance director because the plan may then become fiscally unrealistic and difficult to implement. When considering the role of financial planning in comprehensive planning, one always needs to remember that it is a question of how to balance “thinking creatively” about the future while simultaneously being concerned about how to pay for that future.”²¹

The risk in not analyzing the costs of urban services and aligning these costs to a compatible land use plan is a deepening budget hole – where new growth will always be needed to pay the debt service on old growth. This is not a sustainable pattern of development that will generate the funding to provide for new urban services, let alone pay the long term obligation for replacing large urban infrastructure systems once their current life cycle ends.

Cities and Counties are required to coordinate on Growth Planning. **The County has already bent over backwards to accommodate growth in Black Diamond.** Far beyond what makes sense for our roads and schools. King County set Black Diamond’s a growth target to more than double Black Diamond in the next twenty years. King County has been asked to come way too far and Black Diamond is still not coordinating. This re-zone make it worse.

5.14 Public Land Goals and Policies

The Public designation identifies properties under public ownership, whether by the City or other governmental entities that are either currently used or intended for uses such as public utilities, parks, libraries, community centers, or elementary schools. This includes the City's watershed, which is located approximately 1.5 miles southeast of the City limits and is otherwise surrounded by unincorporated King County. Lands falling within the Public category should be those intended to remain within public ownership and management for long periods.

❖ **LU Goal 11:** Ensure compatibility between land providing necessary services to the community and surrounding land uses.

- **Policy LU-50:** Public uses should respect the neighborhood and district context in which they are proposed by adherence to the City's design guidelines and zoning code.
- **Policy LU-51:** Public buildings and spaces should be designed to be compatible with Black Diamond's unique architectural heritage and qualities.
- **Policy LU-52:** Public buildings and spaces should fulfill their role as gathering areas and community resources.

5.15 Regional Coordination Goals and Policies

The City recognizes that coordination with neighboring cities, counties, and tribal government is a requirement for sustainable growth and prosperity. The GMA mandates regional coordination and Black Diamond shares planning and growth management responsibilities with King County and the Puget Sound Regional Council (PSRC). In addition to the regional coordination of comprehensive plan policies and allocation of population and employment growth targets, the GMA requires that city and county development regulations identify a process to review the siting of "essential public facilities". These are large scale land uses that provide regional benefits and include airports, state educational facilities, state or regional transportation facilities, state and local correction facilities, solid waste handling facilities, and inpatient facilities (e.g. substance abuse, mental health, group home, and secure community transition facilities).

❖ **LU Goal 12:** Coordinate land use and development actions with government agencies, adjacent jurisdictions, and tribes as appropriate.

- **Policy LU-53:** Use the countywide planning policies and PSRC Vision 2040 as a basis for regional coordination and land use decisions.

Ian Williams

From: Angel Tucker <angel.tucker1970@gmail.com>
Sent: Tuesday, September 7, 2021 10:37 AM
To: SaveBlackDiamond@gmail.com; Mona Davis
Subject: Black Diamond development

I understand that the developers of our little city are getting greedy. We would like to maintain a sort of “small town” feel. We did not move to Black Diamond so that it could become the next Bellevue, or God forbid, Seattle. We like our conservative little town. I do not consider it a privilege to pay more in taxes to facilitate liberal growth and policies. Please slow the spread and keep developers in check!

Sincerely,
Matt and Angel Tucker

Ian Williams

From: DAVID HAGEN <dlhagen1@msn.com>
Sent: Tuesday, September 7, 2021 7:08 AM
To: Mona Davis
Subject: Black Diamond Public Hearing Comments September 2021

We moved to BD for its size and small town feel also to be near our granddaughters they looked hard at the rapid expansion and the traffic and left for South Carolina We don't want to leave we have good friends and a good church at Lake Sawyer. This ridiculous expansion pace will soon push us out David and Linda Hagen.

Comments on the Comprehensive Plan Future Land Use Map.

Regarding the 31-acre strip mall potential site along State Highway 169. Over-development for too much commercial land will delay or eliminate the market for retail land development in Ten Trails. The Ten Trails retail location was carefully planned to reduce driving. Master Planned Development retail design standards were developed to benefit the public.

Black Diamond is already quadrupling in size, to more than double our share of growth in the Puget Sound Regional Plan. This means the state and county do not have enough fund for roads and services for our area.

Additional dense development will strain the capacity of our schools, roads, air quality, EMS, fire, police, and parks. Road projects like intersections on SR169 are already behind schedule.

Developer fees cover less than ten percent of school costs. With a need already for taxpayers to pay to build 5 future schools, adding more growth is not feasible.

A change for increased density should analyze all of the above and more.

Do not keep the increased development in the 2019 Comprehensive Plan Future Land Use Map. The City should change the Map to current zoning or 'current use.'

Thank you,

Get [Outlook for iOS](#)

Ian Williams

From: palmercokingcoal@aol.com
Sent: Tuesday, August 24, 2021 7:30 PM
To: Mona Davis
Cc: portmann@blackdiamondwa.gov
Subject: COBD Comp Plan Public Record 2021
Attachments: PCC 2008 & 2015 Comments on Comp Plan.pdf; COBD Comp Plan Update 8-21-18.pdf; COBD 2021 Comp Plan Update 6-9-21.pdf; COBD 2021 Comp Plan Update 6-10-21.pdf; COBD 2021 Comp Plan Update 6-11-21.pdf

Mona & Joey -

Per your suggestion, please incorporate the attached letters and accompanying background information into the public record as part of our public comments for the Sept 7 public hearing.

The letters and background are **attached as .pdf** and named as follows (with the date I emailed you the material in parenthesis):

1. PCC 2008 & 2015 Comments on Comp Plan (6/3/2021 email)
2. COBD Comp Plan Update 8-21-21 (6/4/2021 email)
3. COBD 2021 Comp Plan Update 6-9-21 (6/9/2021 email)
4. COBD 2021 Comp Plan Update 6-10-21 (6/10/2021 email)
5. COBD 2021 Comp Plan Update 6-11-21 (6/11/2021 email)

Also, if I could get a copy of Joey's slide presentation, it would help me develop fresh comments to help the Commission understand facts and come to conclusions.

In fact, during the presentation, I came up with an idea to solve the split zoning on Palmer's 160-acre property in the MPD, due south of Ten Trails. We could do a BLA to incorporate the R-4 zoning into one parcel, thereby solving the split zone problem? Having the slide presentation can probably help me come up with other ideas to solve problems.

Thank you.

Bill

William Kombol, Manager
Palmer Coking Coal Company, LLP
P.O. Box 10 / 31407 Highway 169
Black Diamond, WA 98010-0010

telephone: 425-432-4700

telephone: 360-886-2841

fax: 425-432-3883

website: palmercc.com Click here: [Palmer Coking Coal Co. - Home Page](#)

e-mail: palmercokingcoal@aol.com

In a message dated 8/24/2021 1:24:12 PM Pacific Standard Time, mdavis@blackdiamondwa.gov writes:

Hi Bill,

We can certainly work with the documents you provided earlier. It would be helpful to have you send me an e-mail after tonight's meeting and prior to the Sept 7th public hearing that asked me to incorporate your earlier letters dated __-__-__ into the record as part of your public comment. Then I will include that e-mail and letters in the final docket discussion/packet.

Thanks!

Mona

From: palmercokingcoal@aol.com <palmercokingcoal@aol.com>

Sent: Tuesday, August 24, 2021 12:57 PM

To: Mona Davis <mdavis@blackdiamondwa.gov>

Subject: Re: Tonight's meeting on FLUM/zoning maps

Mona - Yes, I would like to do that. Do I need to prepare new copies or are the .pdfs and hard copies I provided to you sufficient?

Bill

William Kombol, Manager

**Palmer Coking Coal Company, LLP
P.O. Box 10 / 31407 Highway 169
Black Diamond, WA 98010-0010**

telephone: 425-432-4700

telephone: 360-886-2841

fax: 425-432-3883

website: palmercc.com Click here: [Palmer Coking Coal Co. - Home Page](#)

e-mail: palmercokingcoal@aol.com

In a message dated 8/24/2021 12:22:24 PM Pacific Standard Time, mdavis@blackdiamondwa.gov writes:

Hi Bill,

No...staff utilized the information you provided to me, as well as other documents in the public record, in preparing the materials for discussion. If you'd like to have those formally entered into the public record around this docket item, you could present those at the public hearing on or prior to September 7th specifically requesting that for further consideration.

Thanks,

Mona

From: palmercokingcoal@aol.com <palmercokingcoal@aol.com>

Sent: Tuesday, August 24, 2021 12:10 PM

To: Mona Davis <mdavis@blackdiamondwa.gov>

Subject: Re: Tonight's meeting on FLUM/zoning maps

Mona - Has the materials and rationale I provided to you been provided to the Planning Commission?

Bill

William Kombol, Manager

**Palmer Coking Coal Company, LLP
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telephone: 360-886-2841

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website: palmercc.com Click here: Palmer Coking Coal Co. - Home Page

e-mail: palmercokingcoal@aol.com

In a message dated 8/24/2021 11:29:08 AM Pacific Standard Time, mdavis@blackdiamondwa.gov writes:

Hi Bill,

I just wanted to give you a heads up that staff are rolling out the differences between all the zoning designations between the zoning map, 2009 FLUM, and 2019 FLUM at a special meeting this evening with the Planning Commission. The public hearing on this topic will be held on September 7th with the Planning Commission. Tonight's meeting is just a work session. The packet materials can be found on the City's website here:

<https://www.blackdiamondwa.gov/home/pages/minutes-agendas>

Please reach out with any questions.

Thank you,

Mona Davis, Community Development Director

City of Black Diamond | www.blackdiamondwa.gov

360-851-4528 DIRECT | 360-851-4447 MAIN | 360-851-4501 FAX

mdavis@blackdiamondwa.gov E-MAIL

Note: *City offices will be open to the public on July 6, 2021 by appointment only. Please call 360-851-4500 should you need to schedule an appointment. If you are not comfortable with coming into the office, we remain committed to assisting you as best we can by phone or electronically.*

NOTICE OF PUBLIC DISCLOSURE: *This e-mail account 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.*





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October 8, 2008

Mayor Howard Botts and Members of the City Council
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Comprehensive Plan and Zoning Map – Updated Changes and Rationale

Dear Mayor Botts and Members of the City Council:

Thank you for this opportunity to comment upon the proposed Draft Comprehensive Plan and Zoning Map in conjunction with the public hearing to be held on October 9, 2008. We understand that the City Council will be addressing both the Comprehensive Plan land use designations and the Zoning Map zoning designations during this process. Our suggestions to this combined process speak both to proposed changes to the Comprehensive Plan land use designations and compatible changes to the Zoning map zoning designations that implement the Comprehensive Plan. We understand that the Planning Commission did not consider the Comprehensive Plan land use designations and Zoning Map in a parallel fashion and was thus limited in their ability to address needed improvements.

First, I'd like to say that our company was very involved in the multi-year process that eventually led to the adoption of the 1996 COBD Comprehensive Plan. We are happy to see that the proposed 2008 Plan builds upon the good foundation laid forth in 1996. Most of the refinements of the 1996 Plan that we've noticed make sense. However, we believe there are several more refinements to the 1996 Plan that are prudent given progress in the development of the City. These refinements are graphically shown in our suggested changes to the Zoning map, which mirrors are suggested changes to the Comprehensive Plan land use designations.

We have attached an enlarged color copy of the draft zoning map and numbered five referenced areas (Area 1 – Area 5) where we believe a different proposed Comprehensive Plan land use designation and zone changes would make better sense. Under each of the numbered areas, we provide a brief description of the area (*in italics*) together with a rationale for how our proposed zone designation might provide better compatibility with the development of the surrounding areas. We then provide some suggested alternatives to better implement the Comprehensive Plan's land use "designation criteria" for differing land uses and zoning. Each alternative is numbered correspondingly.

Area 1: *Located in the east half of Section 10-21-6, just east of Lake Sawyer Park. This 30+/- acre node of proposed Residential (R-4) zoning is surrounded by Business Park / Light Industrial zoning to the east and south and the Lake Sawyer Park to the west. It is a small*

island of lower density residential zoned property in a sea of Business Park / Light Industrial zoning that is generally not conducive to this type of residential use. This particular node of residential zoning doesn't seem to make sense, but for that matter, neither did the 1996 Plan from which this idea probably originated. I suspect that if it weren't for deference to the 1996 Plan, few urban planners would propose mixing lower density residential with Business Park / Light Industrial. In examining the "designation criteria" contained within the Land Use section of the Comprehensive Plan, this area does not reflect those planning elements nor comply with the "designation criteria" that would support Residential (R-4) designation. For these reasons, we don't think that the R-4 zone works in this particular area.

Alternatives for Area 1: We suggest a couple of different alternatives. One would be a residential zone which is more compatible with Business Park / Light Industrial such as Medium Density Residential (MDR-12). A second and perhaps better alternative would be to plan and zone this node to something more compatible with the Business Park zone, such as Community Business (CB). This could in turn allow development of residence inns or some other kind of group housing more appropriate to serving the needs of the surrounding business park. A third alternative would be to simply follow the Business Park / Light Industrial plan and zone which apparently works for all of the surrounding land. However, the single family residential R-4 zone seems on the surface to be out of character and simply not compatible with the surrounding planned business park.

Area 2: *Located in the north half of the southwest quarter of Section 10-21-6, around an area commonly known as Oak Lake or Lake Marjorie.* This 20 acre, rectangular-shaped properties of proposed R-4 zoning is surrounded by Business Park / Light Industrial to the east and south, the Lake Sawyer Park to the north, and unincorporated King County to the west. In examining the "designation criteria" contained within the Land Use section of the Comprehensive Plan, this area does not reflect those planning elements that would suggest Residential (R-4) designation. For many of the same reasons detailed above for Area 1, we simply do not think that an isolated island of lower density residential zoned property works for this particular property.

Alternatives for Area 2: This is a unique site and we think that it is more suited for either office buildings or perhaps Community Business (CB) allowing something along the lines of a residence inn, retirement housing, or some other type of group housing. We think that by its very nature, R-4 zoning would be too consumptive of land for this rather small site. An office building or some form of group housing (residence inn, retirement center, or group housing) would likely have a smaller footprint and enable a larger number of people to enjoy the significant amenities provided by these properties. However, the single family residential R-4 zone seems to be the exact wrong type of plan and zone for this 20 acre property.

Area 3: *Located in the north half of the northwest quarter of Section 15-21-6, east of and adjacent to the Lake Sawyer Road.* This 25 acre, triangular-shaped properties of proposed Business Park and Light Industrial property is adjacent to a huge swath of Business Park / Light Industrial property to the north and medium density residential to the east. We believe this property's attributes would be better served by proposed zoning that makes best use of its strengths and its strategic location at the intersection of two major roads.

Alternatives for Area 3: We believe this site is a natural for Community Business (CB). A Community Business zone with its focus on larger buildings serving commercial markets and retail opportunities demands a larger site with flat topography and easy access to arterial roads. Plenty of road frontage is also a definite plus for businesses wanting to locate in a such a commercial area. This property has all of the attributes (flat topography, easy access, significant road frontage) which would make it successful as a Community Commercial center. Also, it seems that there are already expansive Business Park / Light Industrial zoned properties to the north, so as to make this of “more of the same” zoning seemingly superfluous. Due to the significant opportunities available to this property, we think that Community Business (CB) planning and zoning makes good sense, where as even more Business Park / Light Industrial properties are just not needed. In examining the “designation criteria” contained in the Land Use section, this property has all of the attributes that support Community Business (CB), such as 1) a larger sized property located at the intersection of arterials; 2) a property that is free of environmentally sensitive areas; and 3) the property is capable of being served by transit and connections to pedestrian routes.

Area 4: *Located in the south half of the southeast quarter of Section 10-21-6, south of the Tacoma Pipeline route and east of Rock Creek.* This 25 acre, narrow, rectangular-shaped properties of proposed Business Park and Light Industrial zoning is located adjacent to and due north of R-6 and MDR-12 residential areas in Morganville. The proposed East-West arterial road, which follows the route of the Tacoma Pipeline (as anticipated in the 1996 Comprehensive Plan and built in 2002) makes a far better dividing line between Business Park / Light Industrial zoning to the north and residential zoning to the south. The current proposed dividing line is simply an artificial line between Section 10 and Section 15. We believe that a significant land form, such as an East-West connecting arterial, would make a better dividing line between residential and business zoning, than something as insignificant as a section line. The Comprehensive Plan “designation criteria” also supports using topography or other appropriate boundary forms for separating land uses.

Alternatives for Area 4: Given residential zoning to the south, we would suggest that the property south of the proposed East-West connecting arterial and east of Rock Creek be comprehensively planned and zoned R-6 residential to the west and MDR-12 to the east. These zones will flow naturally from the same residential zones to the south. We believe that community compatibility will be enhanced through using significant land forms, such as a connecting arterial, as divisions between different zoning uses, in this case residential and business. The use of a section line as a division does not seem as responsive to the built environment, nor is a section line responsive to creating suitable neighborhood boundaries. We believe the flow from residential to business areas promotes a better transition if a significant land form is used. We think moving the zone transition line 500 feet to the north and recognizing the connecting arterial road as a dividing line, makes much more sense than simply using a section line to define planning and zoning differences. For these reasons, we think that the two residential zone classifications from the south should be carried forth into these parcels to the north.

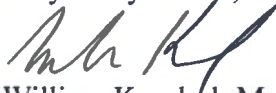
Area 5: *Located in the south half of the southeast quarter of Section 11-21-6 and a small portion of the south half of the southwest quarter of Section 12-21-6.* This 20+ acre property of proposed R-4 zoning is located south of an old abandoned railroad bed, historically known as the Bruce branch. The only problem with using this remnant artifact as a dividing line is that it

no longer exists and hasn't been on the ground for more than twenty years. While it's an interesting historic footnote, the former rail line no longer has any relevance to designing a city for the 21st century. We would suggest that a more important dividing line in this area would be the new Tacoma Pipeline route which is also strongly suggested as the location of a new arterial road connecting SR 169 with Lawson Street. The area both north and south of the former rail line is now the site of a large earthen stockpile used in connection with nearby mining. When the stockpile is reconfigured there will be no difference between the Medium Density Residential (MDR-12) properties to north or the proposed R-4 property to the south. The Comprehensive Plan "designation criteria" for Medium Density Residential properties supports using topography or other appropriate boundary forms for separating land uses. We believe that the new Tacoma Pipeline route combined with the proposed SR 169 to Lawson Street arterial road will be a defining land division line and as such should be used for Comprehensive Plan land use designation and zoning. The former rail line is simply a historic artifact on a map. In actual land form and use it has no relevance.

Alternatives for Area 5: We believe the entire site located north of the Tacoma Pipeline route and north of the future SR 169 to Lawson Street connecting arterial should be zoned Medium Density Residential (MDR-12). Two properties (both north and south of the former rail line) share similar topography, ownership, and long-term development prospects. We think that the new arterial paralleling the Tacoma Pipeline route will be a defining community characteristic which is an ideal departure point for zoning transitions. The former rail line, which was abandoned over 70 years ago and erased as a land feature more than 20 years ago, is no longer anything but a historic footnote on older maps. It is not an existing land use nor is it a land form. It provides no rationale for planning or zoning divisions. The new Tacoma Pipeline and the planned arterial connector is the dividing line of today and tomorrow.

Thank you for this opportunity to provide comments on the proposed updates to the Comprehensive Plan as integrated with the Zoning Map component of the Comprehensive Plan. Given our intimate knowledge of the areas that we own, our company's plans, and our long-time involvement in the previous iterations of the several Comprehensive Plans, we would be more than happy to meet with you to provide further explanations of our rationale for proposed alternatives. Please give me a call at 425-432-4700 or e-mail me at palmercokingcoal@aol.com, if you would like to either meet or tour the areas where we believe we may have some better ideas.

Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company

Enclosure: Colored Zoning Map titled "Alternative 1 through 5"



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May 7, 2015

Stan May, Contract Planner
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

206-267-2425
360-886-5700 x 5730

Re: 2015 Comprehensive Plan Update – Proposed Modifications to the Land Use and Zoning Maps

Dear Mr. May:

Thank you for this opportunity to comment upon the 2015 Comprehensive Plan Update. This year provides for the periodic review of this plan, which was first adopted by the City in August 1996. First, I'd like to say that our company was very involved in the multi-year process that eventually led to the adoption of the 1996 COBD Comprehensive Plan. That plan with minor changes has served the city over the past twenty years. However, we believe there are several necessary refinements to that 1996 plan to improve certain outmoded concepts adopted over two decades ago.

We do not pretend to have a monopoly on good ideas. If there are better ideas for planning future growth in the areas we've highlighted, we would be certainly interested in discussing them. I have attached a color copy of a Zoning Map and numbered five referenced areas (1 – 5) where I believe a different proposed zone would make better sense. Under each of the numbered areas, I've provide a brief description of the area. Then there is a discussion of the existing zone and a rationale for how our proposals might provide better compatibility with the development of the surrounding areas. Each alternative is numbered corresponding to the described area (i.e. Areas 1, 2, 3, 4, and 5). The map I used is slightly out of date, but its sole purpose is to help visually locate the five areas in question.

Area 1: *Located in the east half of Section 10-21-6, just east of Lake Sawyer Park.*

This 30+/- acre node of existing R-4 zoning is surrounded by Business Park / Light Industrial zoning to the east and south and the Lake Sawyer Park to the west. It is a small island of lower density residential zoned property in a zoned area (Business Park / Light Industrial) that is generally not conducive to this type of residential use. This particular node of residential zoning doesn't seem to make sense. I suspect that if it weren't for deference to the 1996 Plan, few urban planners would propose mixing lower density

residential surrounded by Business Park / Light Industrial. We just don't think that the Single Family Residential (R-4) zone works in this particular area.

Alternative Zoning – Area 1: We suggest a couple of different alternatives. One would be a residential zone which is more compatible with Business Park / Light Industrial such as Medium Density Residential (MDR-8). A second alternative would be to rezone this node to something more compatible with the Business Park zone, such as Community Commercial (CC). This could in turn allow development of residence inns or some other kind of group housing more appropriate to serving the needs of the surrounding business park

Area 2: *Located in the north half of the southwest quarter of Section 10-21-6, around an area commonly known as Oak Lake or Lake Marjorie.*

This 20 acre, rectangular-shaped properties of proposed Single Family Residential (R-4) zoning is surrounded by Business Park / Light Industrial to the east and south, the Lake Sawyer Park to the north, and unincorporated King County to the west. For many of the same reasons detailed for Area 1 above, we simply do not think that an isolated island of lower density residential zoned property works for this particular property.

Alternative Zone – Area 2: This is a unique site and we think that it is more suited for either office buildings; or perhaps Community Commercial (CC) for something along the lines of a residence inn, retirement housing; or perhaps MDR-8 for some other type of multi-family such as condominiums or townhouses. We think that by its very nature, Single Family Residential (R-4) zoning would be too consumptive of land for this rather small site. An office building or some form of group housing (residence inn, retirement center, or multi-family) would likely have a smaller footprint and enable a larger number of people to enjoy the significant amenities provided by these properties.

Area 3: *Located in the north half of the northwest quarter of Section 15-21-6, east of and adjacent to the Lake Sawyer Road.*

This 25 acre, triangular-shaped five parcel property of existing Business Park / Light Industrial property is adjacent to a huge swath of Business Park / Light Industrial property to the north and medium density residential to the east. We believe this property's attributes would be better served by a zone classification that makes best use of its strengths and its strategic location at the intersection of two major roads, and a future East-West arterial as anticipated in the Comprehensive Plans' transportation chapter.

Alternative Zoning – Area 3: We believe this site is a natural for Neighborhood Center (NC). A Neighborhood Center zone with its focus on larger commercial buildings serving retail markets and varied retail opportunities demands a large site with flat topography and easy access to arterial roads. Plenty of road frontage is also a definite plus for businesses wanting to locate in a Neighborhood Center. This property has all of the attributes (flat topography, easy access, significant road frontage) which would make it successful as a Neighborhood Center. In additions there is a surplus of undeveloped,

yet existing Business Park / Light Industrial zoned properties to the north, so as to make this of “more of the same” zoning seemingly superfluous.

Area 4: *Located in the south half of the southeast quarter of Section 10-21-6, south of the Tacoma Pipeline route and east of Rock Creek.*

This 25 acre, narrow, rectangular-shaped properties of proposed Business Park and Light Industrial zoning is located adjacent to and due north of R-6 and MDR-8 residential areas in Morganville. The proposed East-West arterial road, which generally follows the route of the Tacoma Pipeline (as anticipated in the 1996 Comprehensive Plan and built in 2002) makes a better dividing line between Business Park / Light Industrial zoning to the north and residential zoning to the south. The current proposed dividing line is simply the line between Section 10 and Section 15. We believe that a significant land form, such as an East-West connecting arterial, would make a better dividing line between residential and business zoning, than something as insignificant as a section line.

Alternative Zoning – Area 4: Given residential zoning to the south, we would suggest that the property south of the proposed East-West connecting arterial be zoned R-6 residential to the west and MDR-8 to the east. We believe that community compatibility will be enhanced through using significant land forms, such as a connecting arterial, as divisions between different zoning uses, in this case residential and business. The use of a section line as a division does not seem as responsive to the built environment. We believe the flow from residential to business areas promotes a better transition if a significant land form is used. We think moving the zone transition line 500 feet to the north and recognizing the connecting arterial road as a dividing line, makes more sense than a line between two sections of property. We also think that the two residential zone classifications from the south should be carried forth into this parcel to the north for residential continuity.

Area 5: *Located in the south half of the southeast quarter of Section 11-21-6 and a small portion of the south half of the southwest quarter of Section 12-21-6.*

This 20+ acre property of proposed R-4 zoning is located south of an old abandoned railroad bed, historically known as the Bruce branch. The only problem with using this remnant artifact as a dividing line is that it no longer exists and hasn't been on the ground for more than 25 years. While it's an interesting historic footnote, the former rail line no longer has any relevance to designing a city in the 21st century. We would suggest that a more important dividing line in this area would be the new Tacoma Pipeline route which has been planned as the location of a new arterial road connecting SR 169 with Lawson Street. The area both north and south of the former rail line is now the site of a large earthen stockpile used in connection with nearby mining. When the stockpile is reconfigured there will be no difference between the Medium Density Residential (MDR-8) properties to north or the proposed R-4 property to the south. We believe that the new Tacoma Pipeline route combined with the proposed SR 169 to Lawson Street arterial road will be a defining zoning division line in the future. The former rail line is simply a historic artifact on a map. In actual land form and use it has no relevance.

Alternative Zoning – Area 5: We believe the entire site located north of the Tacoma Pipeline route and north of the future SR 169 to Lawson Street connecting arterial should be zoned Medium Density Residential (MDR-8). Two properties (both north and south of the former rail line) share similar topography, ownership, and prospects. We think that the new arterial paralleling the Tacoma Pipeline route will be a defining community characteristic which is an ideal departure point for zoning transitions. The former rail line, which was abandoned nearly 80 years ago and erased as a land feature more than 25 years ago, is no longer anything but a historic footnote on old maps. The former rail line is not a tax parcel, or an existing land use, or even a land form and thus provides no rationale basis for zoning divisions. The new Tacoma Pipeline and future arterial route is the dividing line for tomorrow's developments.

Thank you for this opportunity to provide comments on the proposed updates to the Zoning Map component of the Comprehensive Plan. Given our intimate knowledge of the areas that we own, our company's plans, and our long-time involvement in the previous iterations of the several Comprehensive Plans, we would be more than happy to meet with you to provide further explanations of our rationale for proposed alternatives. Please give me a call at 425-432-4700 or e-mail at palmercokingcoal@aol.com. If you an interest in touring the areas where we've provided alternate idea, I would be happy to oblige.

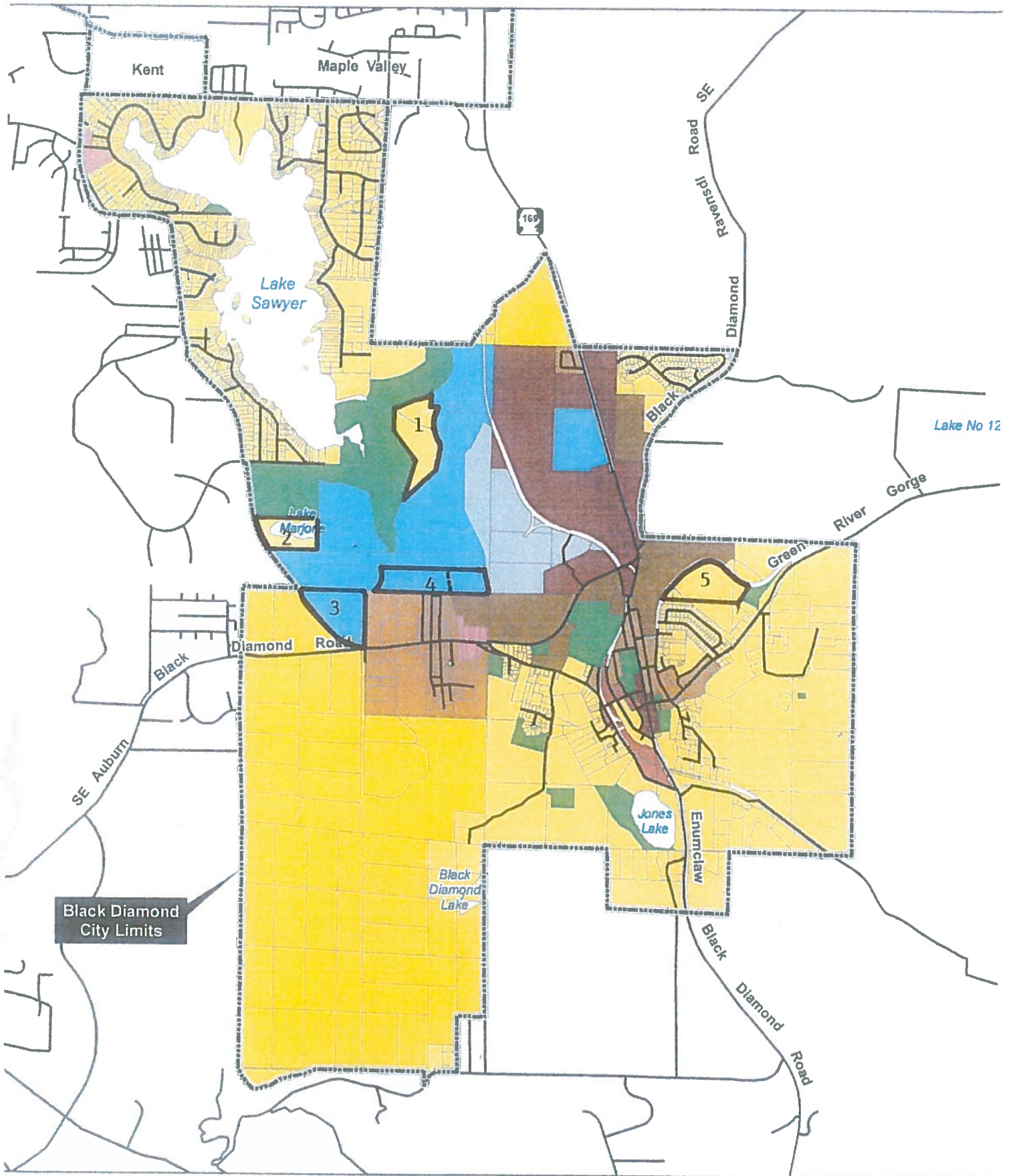
Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company, LLP

Enclosure: Zoning Map with Areas 1 through 5 highlighted and numbered

PROPOSALS FOR AREAS 1 - 5





PALMER COKING COAL CO., LLP

31407 Highway 169 • P.O. Box 10 • Black Diamond, Washington 98010
360-886-2841 • 425-432-4700 • Fax 425-432-3883 • www.palmercc.com

September 3, 2015

Planning Commission
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Public Hearing – Land Use and Zoning within Section 22-21-6

Dear Planning Commission:

As you are aware in April 2014 the City imposed a moratorium on property owned by PCCC and located in Section 22-21-6 (hereinafter the “Section 22 property”). During the moratorium period the City was to consider what zone classification might best suit this property going forward. The moratorium has been extended three times. The Section 22 property is surrounded by Master Plan Development (MPD) property on three sides and by unincorporated property owned by the MPD developer on one side, to the west. We have weighed to City staff with our ideas, which we share below.

In approving the Villages MPD the City mandated a coordination and integration with the interface of adjacent land uses in adjoining developments (see Design Concept and Land Use Plan – The Villages, page 3-26). The idea articulated in that plan was that lot sizes adjacent to the boundary of the MPD would be no smaller than 75% of the size or 7,200 square feet, whichever is less. That same approval plan (Chapter 4 – Circulation) demanded connectivity and integration through adjacent streets within the larger circulation system. At the community level, the circulation plan shows approximate locations of connections on-site and to adjacent properties (see page 4-1). There are five potential future connection points which will allow this connectivity and circulation plan to integrate future development of Palmer’s Section 22 properties.

In making a determination for the best zoning, the first and foremost fact to acknowledge is that this property will eventually be surrounded by an MPD with the densities envisioned and already approved through the Village project. The current phases that are already under development will be bordering the north boundary of our property. This is a fact and a challenge, but also a guideline. The Villages will have a variety of land uses including single-family residential, multi-family residential, and retail-commercial within the confines of the first phases of the Villages. Since most of the retail-commercial will be nearer the Auburn-Black Diamond Road and capable of serving both the first phases as well as later phases, it seems reasonable that there is little pressing need for the same kind of retail-commercial on the Section 22 property.

Thus, residential will be the dominant use, but the obvious question is what kind of residential? Given the dense urban nature of this property and Growth Management considerations, large lot residential is of course out of the question. Within Black Diamond there are three residential zones which can be applied to this property: R-4; R-6; and MDR-8. As the property is rather varied both in terms of topography and adjacency to other uses, we would support a variety of residential zones on the Section 22 property. We suggest the following zoning strategies for our 160 acres in the NW 1/4 of Section 22.

- The western edges of the Section 22 property border rural lands, which are being developed by Yarrow Bay in a cluster style of development. Thus, it make sense to have some lower density residential (i.e. R-4) along the western boundary.
- The northern, eastern, and southern edges of the Section 22 property border the Villages, where adjacent land use is characterized as MPD-Low with density ranges from 1 up to 8 dwelling units per acre. As a transitional zone for these areas along the northern and southern boundaries, we would suggest an R-6 zone.

Since topographic lines can make good divisions between neighborhoods, our suggested zoning lines generally follow topographic lines. Over the past six months, we have worked with City Staff to prepare surveyed lines that incorporate the suggested divisions. We support the current plan to rezone our property from the current MPD designation to one of R-4 zoning in the western portion and R-6 zoning in the northern, eastern, and southern portions.

Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company



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

Staff Report Zoning Map Amendment Area-wide Rezone

I. APPLICATION INFORMATION

Applicant:
City of Black Diamond

Owner:
Palmer Coking Coal Co. LLP
31407 Highway 169
P.O. Box 10
Black Diamond, WA 98010

Project Name:
MPD Rezone

Project Description:
The proposal is for a Zoning map amendment that would take approximately 160 acres (shown on the attached map) out of the Master Planned Development (MPD) zoning designation and replace it with new zoning designations consistent with the City's Low Density Residential (LDR) Comprehensive Plan land use designation. The proposed new zoning designations and legal site descriptions are shown as Exhibits "A" & "B" of the draft rezone Ordinance attached to this report. Staff has worked closely with the property owners in evaluating these proposed zoning district changes and the changes are reflective of this work with the property owner.

Parcel Numbers:
2221069054, 2221069008, 2221069055, 2221069007, 02221069056, 2221069009, 2221069057 and 2221069010

Current Zoning:
Master Planned Development (MPD)

Comprehensive Plan:
Low Density Residential (LDR)

II. FINDINGS

1. The city is proposing to rezone eight parcels, totaling approximately 160 acres, from MPD to R4 and R6.
2. The eight parcels are not part of the Villages MPD Development Agreement.
3. The property owner is in agreement with the proposed rezone.
4. A development moratorium on the subject parcels was imposed by Black Diamond Ordinance 14-1025 on March 20, 2014.
5. The development moratorium has been extended three times and is due to sunset on November 18, 2015.
6. The property owner has provided the city with suggested boundaries for the proposed rezone that the city is in agreement with.
7. The property owner has provided legal descriptions for the proposed rezone.
8. A SEPA determination of non-significance (DNS) was issued by the city on May 13, 2015.
9. The proposed rezone was submitted to the Washington State Department of Commerce for an expedited 60 day review process on April 20, 2015.
10. A zoning map amendment is a Type 5 legislative decision per Black Diamond Municipal Code (BDMC) 18.08.030; these decisions are recommended by the planning commission and made by the city council.

III. APPLICABLE PLANS, CODES AND STANDARDS

1. BDMC Title 18 Zoning

IV. ANALYSIS

This section of the report analyzes the proposal in light of the various standards contained in adopted plans, codes and regulations.

(Staff comments shown in italics)

18.12.020 Zoning reclassification (rezone) and zoning text amendments.

- B. Criteria—Map Amendments. The city will consider the following criteria in reviewing applications for zoning reclassifications, and may only approve an application if the applicant demonstrates that all of the criteria are met:
 1. The proposal is consistent with the goals and policies of the comprehensive plan, and with the future land use map;

The map amendment would change the properties from MPD to R4 and R6 which is consistent with the Comprehensive Plan Future Land Use Map that designates the area Low Density Residential.

2. The subject property is suitable for development in conformance with the standards applicable to the requested zoning designation;

The proposed rezone covers areas that are bound on three sides by the future site of the Villages Master Planner Development (MPD) which will be dominated by residential development.

3. The proposal will not be materially detrimental to properties in the immediate vicinity or the community based on the range of uses allowed in the proposed zoning classification;

Rezoning the subject properties to low density residential (R4 and R6) is compatible with the Villages MPD on three sides and possible future residential to the west, outside of the city boundary.

4. Adequate services and facilities, including transportation facilities, will be available to serve the range of uses permitted in the proposed zoning classification;

Services and facilities will be available in the future for low density zoning with development of the Villages MPD .

5. The proposed reclassification is warranted because of a change in circumstances, or because of a demonstrated need for additional land within the proposed zoning classification;

Since the subject properties were not part of the Villages MPD development agreement, the MPD zoning designation is inconsistent with the Comprehensive Plan Future Land Use map. Changing the zoning district to R4/R6 allows the properties to be developed consistent with the comprehensive plan.

6. The reclassification does not reflect special treatment of the subject property; and

This downzone was initiated by the city with agreement by the property owner. The low density zoning designation is compatible with the neighboring MPD zoning.

7. The reclassification will promote the general health, safety and welfare of the community.

Public health, safety and general welfare will be promoted by insuring that future development complies with residential zoning regulations and storm drainage, water and sewer availability and appropriate setbacks are implemented.

V. CONCLUSION

1. The proposed rezone conforms to Title 18 (Zoning) of the Black Diamond Municipal Code (BDMC).
2. The proposed rezone satisfies the criteria of BDMC 18.12.020(B).

VI. RECOMMENDATION

This rezone is recommended for approval by staff.

VIII. EXHIBITS

- | | |
|-----------|--|
| Exhibit 1 | Zoning Map |
| Exhibit 2 | Legal Description |
| Exhibit 3 | Comprehensive Plan Future Land Use Map |

LEGAL DESCRIPTIONS

R-4 ZONING

That portion of the Northwest quarter of Section 22, Township 21 North, Range 06 East, Willamette Meridian, King County, Washington, more particularly described as follows;

BEGINNING at the Northwest corner of said Northwest quarter;
 THENCE South 84°32'13" East, 136.46 feet along the North line of said Northwest quarter;
 THENCE South 24°17'57" East, 191.60 feet;
 THENCE South 27°19'58" East, 565.98 feet;
 THENCE South 33°31'50" East, 669.49 feet to a point of tangency;
 THENCE Southerly along the arc of a curve to the right, having a radius of 255.00 feet, through a central angle of 82°40'55", and an arc length of 367.98 feet;
 THENCE South 49°09'05" West, 157.81 feet;
 THENCE South 52°26'54" West, 292.38 feet;
 THENCE South 47°44'13" West, 355.65 feet;
 THENCE South 55°29'33" West, 243.73 feet to the West line of said Northwest quarter;
 THENCE North 00°25'30" East, 2,240.98 feet along said West line to the POINT OF BEGINNING;

Containing Approximately 26.26 Acres.

R6 Zoning

That portion of the Northwest quarter of Section 22, Township 21 North, Range 06 East, Willamette Meridian, King County, Washington, lying Northeasterly, Easterly and Southeasterly of the following described line;

COMMENCING at the Northwest corner of said Northwest quarter;
 THENCE South 84°32'13" East, 136.46 feet along the North line of said Northwest quarter to the TRUE POINT OF BEGINNING;
 THENCE South 24°17'57" East, 191.60 feet;
 THENCE South 27°19'58" East, 565.98 feet;
 THENCE South 33°31'50" East, 669.49 feet to a point of tangency;
 THENCE Southerly along the arc of a curve to the right, having a radius of 255.00 feet, through a central angle of 82°40'55", and an arc length of 367.98 feet;
 THENCE South 49°09'05" West, 157.81 feet;
 THENCE South 52°26'54" West, 292.38 feet;
 THENCE South 47°44'13" West, 355.65 feet;
 THENCE South 55°29'33" West, 243.73 feet to the West line of said Northwest quarter and the terminus;

Containing Approximately 130.65 Acres

ORDINANCE NO. 15_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, RELATING TO LAND USE AND ZONING, REZONING 26.26 ACRES FROM MASTER PLANNED DEVELOPMENT (MPD) TO RESIDENTIAL 4 (R-4) ZONING DISTRICT, LOCATED WITHIN THE NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6, KING COUNTY PARCEL NUMBER 2221069054 (PARTIAL) AND 2221069056 (PARTIAL), 2221069008 (PARTIAL), 2221069009; AND REZONING 156.91 ACRES FROM MASTER PLANNED DEVELOPMENT (MPD) TO RESIDENTIAL 6 (R-6) ZONING DISTRICT, LOCATED WITHIN THE NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6; KING COUNTY PARCEL NUMBERS 221069054 (PARTIAL) AND 221069056 (PARTIAL), 2221069008 (PARTIAL), 2221069009 (PARTIAL) AND 2221069055, 2221069057, 2221069007, 2221069010; AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH.

WHEREAS, the City imposed a moratorium on the submission of applications for development in the Master Planned Development District (other than the properties that were included in two Development Agreements); and

WHEREAS, the purpose of the moratorium was to consider whether a new zoning classification was appropriate for the property; and

WHEREAS, the property has a land use designation of in the City's Comprehensive Plan, which allows for zoning classifications of Residential 4 dwelling units per acre (R-4) and Residential 6 dwelling units per acre (R-6); and

WHEREAS, the owner of the property currently zoned MPD is Palmer Coking Coal; and

WHEREAS, Palmer Coking Coal and City staff discussed the most appropriate zoning classification for the property, and all agreed that the property should be rezoned to R-4 and R-6; and

WHEREAS, a SEPA threshold determination of Non-significance (DNS) was issued for this Ordinance on May 13, 2015; and

Black Diamond Planning Commission September 8, 2015 Public Hearing

WHEREAS, a public hearing was held on this Ordinance on September 8, 2015 before the Planning Commission, which issued a recommendation of _____ to the City Council; and

WHEREAS, the City Council considered this Ordinance during a regular City Council meeting on _____, together with the Planning Commission's recommendation;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The real property located within the NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6, which is King County Parcel Numbers 221069054 (partial), 221069056 (partial), 221069008 (partial), 221069009 (partial); which are legally described in Exhibit A, and shown on the map labeled Exhibit B, both of which are attached hereto and incorporated herein by this reference, are hereby rezoned from Master Planned Development (MPD) to Residential 4 (R-4).

Section 2. The real property located within the NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6, which is King County Parcel Numbers 2221069008 (partial), 2221069009 (partial), 2221069055, 2221069057, 2221069007, 2221069010, which are legally described in Exhibit A, and are shown on the map labeled Exhibit B, both of which are attached hereto and incorporated herein by this reference, are hereby rezoned from Master Planned Development (MPD) to Residential 6 (R-6).

Section 3. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with Sections 1 and 2 of this Ordinance.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance

Black Diamond Planning Commission September 8, 2015 Public Hearing

should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Publication and Effective Date. This Ordinance shall be published by an approved summary consisting of the title. This ordinance shall be effective five days after publication, as provided by law.

PASSED by the Council and approved by the Mayor of the City of Black Diamond, this ____ day of ____, 2015.

CITY OF BLACK DIAMOND

Mayor Carol Benson

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

Black Diamond Planning Commission September 8, 2015 Public Hearing

WHEREAS, a public hearing was held on this Ordinance on September 8, 2015 before the Planning Commission, which issued a recommendation of _____ to the City Council; and

WHEREAS, the City Council considered this Ordinance during a regular City Council meeting on _____, together with the Planning Commission's recommendation;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The real property located within the NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6, which is King County Parcel Numbers 221069054 (partial), 2221069056 (partial), 2221069008 (partial), 2221069009 (partial); which are legally described in Exhibit A, and shown on the map labeled Exhibit B, both of which are attached hereto and incorporated herein by this reference, are hereby rezoned from Master Planned Development (MPD) to Residential 4 (R-4).

Section 2. The real property located within the NW ¼ SECTION 22, TOWNSHIP 21, RANGE 6, which is King County Parcel Numbers 2221069008 (partial), 2221069009 (partial), 2221069055, 2221069057, 2221069007, 2221069010, which are legally described in Exhibit A, and are shown on the map labeled Exhibit B, both of which are attached hereto and incorporated herein by this reference, are hereby rezoned from Master Planned Development (MPD) to Residential 6 (R-6).

Section 3. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with Sections 1 and 2 of this Ordinance.

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Black Diamond Planning Commission September 8, 2015 Public Hearing

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PASSED by the Council and approved by the Mayor of the City of Black Diamond, this ____ day of ____, 2015.

CITY OF BLACK DIAMOND

Mayor Carol Benson

ATTEST/AUTHENTICATED:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK:
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PALMER COKING COAL CO, LLP

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April 21, 2015

Aaron Nix
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Rezone for Property in the MPD Zone: Section 22-21-6 – Survey of Units

Dear Aaron:

Pursuant to your request, attached please find legal descriptions for the three proposed units of property as shown in the exhibit accompanying our letter dated March 31, 2015.

Legal descriptions and an exhibit have been prepared by a Public Land Surveyor for property conforming to R-4, R-6, and MDR-8 proposed zone boundaries. Acreages for each classification are included at the end of each legal description. The 156.91-acre total conforms closely to the previous Record-of-Survey prepared by ESM Inc., filed under recording number 9609189001; and underlying Record-of-Survey prepared by Cramer Northwest, Inc., filed under recording number 9708119013, as shown on the attached Exhibit Map.

If you have any questions or need additional information, feel free to call or write.

Very Truly Yours,

William Kombol, Manager
Palmer Coking Coal Company

Enclosure: Legal Descriptions for zone classifications and accompanying Exhibit Map

LEGAL DESCRIPTIONS

R-4 ZONING

That portion of the Northwest quarter of Section 22, Township 21 North, Range 06 East, Willamette Meridian, King County, Washington, more particularly described as follows;

BEGINNING at the Northwest corner of said Northwest quarter;
THENCE South 84°32'13" East, 136.46 feet along the North line of said Northwest quarter;
THENCE South 24°17'57" East, 191.60 feet;
THENCE South 27°19'58" East, 565.98 feet;
THENCE South 33°31'50" East, 669.49 feet to a point of tangency;
THENCE Southerly along the arc of a curve to the right, having a radius of 255.00 feet, through a central angle of 82°40'55", and an arc length of 367.98 feet;
THENCE South 49°09'05" West, 157.81 feet;
THENCE South 52°26'54" West, 292.38 feet;
THENCE South 47°44'13" West, 355.65 feet;
THENCE South 55°29'33" West, 243.73 feet to the West line of said Northwest quarter;
THENCE North 00°25'30" East, 2,240.98 feet along said West line to the POINT OF BEGINNING;

Containing Approximately 26.26 Acres.

MDR-8 Zoning

That portion of the Northwest quarter of Section 22, Township 21 North, Range 06 East, Willamette Meridian, King County, Washington, more particularly described as follows;

COMMENCING at the Northeast corner of said Northwest quarter;
THENCE South 00°02'48" West, 505.94 feet along the East line of said Northwest quarter to the TRUE POINT OF BEGINNING;
THENCE CONTINUING South 00°02'48" West, 1,470.69 feet along said East line;
THENCE North 39°38'04" West, 492.32 feet;
THENCE North 29°36'48" West, 514.77 feet;
THENCE North 22°25'33" West, 181.27 feet to a point of tangency;
THENCE Northerly along the arc of a curve to the right, having a radius of 160.00 feet, through a central angle of 71°19'58", and an arc length of 199.20 feet;
THENCE North 48°54'25" East, 102.42 feet to a point of tangency;
THENCE Northeasterly along the arc of a curve to the right, having a radius of 415.00 feet, through a central angle of 16°25'58", and an arc length of 119.02 feet;
THENCE North 65°20'23" East, 357.67 feet to a point of tangency;
THENCE Easterly along the arc of a curve to the right, having a radius of 169.86 feet, through a central angle of 32°32'47", and an arc length of 96.49 feet to said East line and the TRUE POINT OF BEGINNING;

Containing Approximately 12.85 Acres.

R6 Zoning

The Northwest quarter of Section 22, Township 21 North, Range 06 East, Willamette Meridian, King County, Washington;

EXCEPT that portion of said Northwest quarter, more particularly described as follows;

BEGINNING at the Northwest corner of said Northwest quarter;
THENCE South 84°32'13" East, 136.46 feet along the North line of said Northwest quarter;
THENCE South 24°17'57" East, 191.60 feet;
THENCE South 27°19'58" East, 565.98 feet;
THENCE South 33°31'50" East, 669.49 feet to a point of tangency;
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THENCE South 52°26'54" West, 292.38 feet;
THENCE South 47°44'13" West, 355.65 feet;
THENCE South 55°29'33" West, 243.73 feet to the West line of said Northwest quarter;
THENCE North 00°25'30" East, 2,240.98 feet along said West line to the POINT OF BEGINNING;

AND EXCEPT that portion of said Northwest quarter, more particularly described as follows;

COMMENCING at the Northeast corner of said Northwest quarter;
THENCE South 00°02'48" West, 505.94 feet along the East line of said Northwest quarter to the TRUE POINT OF BEGINNING;
THENCE CONTINUING South 00°02'48" West, 1,470.69 feet along said East line;
THENCE North 39°38'04" West, 492.32 feet;
THENCE North 29°36'48" West, 514.77 feet;
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THENCE Easterly along the arc of a curve to the right, having a radius of 169.86 feet, through a central angle of 32°32'47", and an arc length of 96.49 feet to said East line and the TRUE POINT OF BEGINNING;

Containing Approximately 117.80 Acres

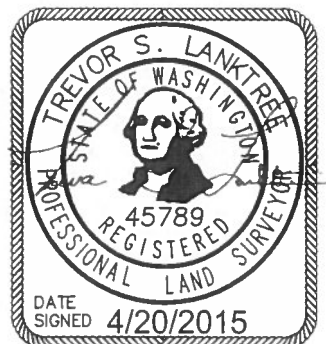
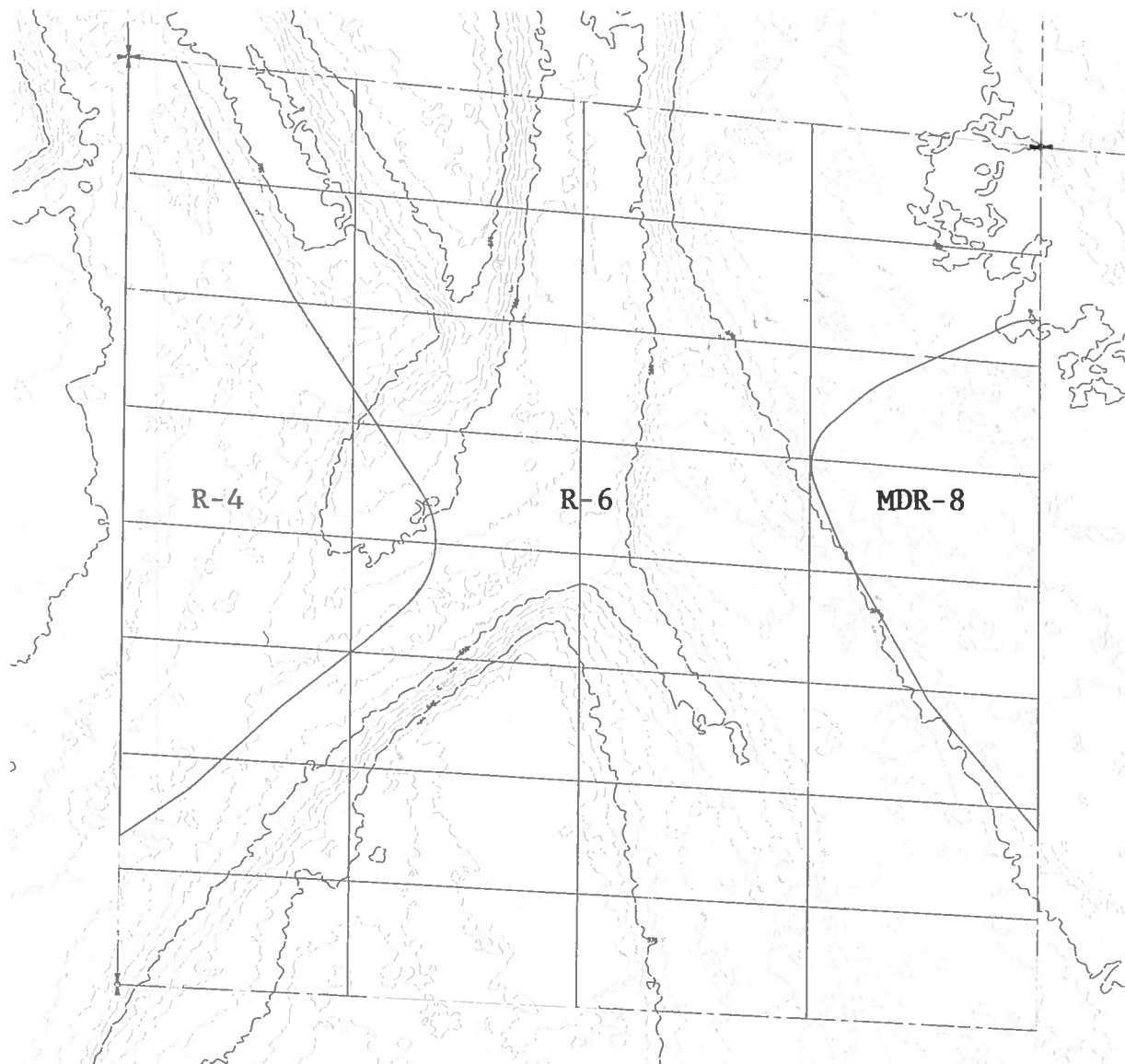


EXHIBIT MAP: Zoning - N.W. 1/4 Section 22, T.21N., R.6E., W.M.





PALMER COKING COAL CO., LLP

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March 31, 2015

Aaron Nix
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Residential Rezone for Property in the MPD Zone: Section 22-21-6

Dear Aaron:

As you know the City has imposed a moratorium for certain activities on property owned by PCCC and located in Section 22-21-6 (hereinafter the "Section 22 property"). During this moratorium period the City is considering what zone classification might best suit this property going forward. We would like to weigh in with our ideas.

In approving the Villages MPD the City mandated a coordination and integration with the interface of adjacent land uses in adjoining developments (see Design Concept and Land Use Plan – The Villages, page 3-26). The idea articulated in that plan was that lot sizes adjacent to the boundary of the MPD would be no smaller than 75% of the size or 7,200 square feet, whichever is less. That same approval plan (Chapter 4 – Circulation) demanded connectivity and integration through adjacent streets within the larger circulation system. At the community level, the circulation plan shows approximate locations of connections on-site and to adjacent properties (see page 4-1). There are five potential future connection points which will allow this connectivity and circulation plan to integrate future development of Palmer's Section 22 properties.

In making a determination for the best zoning, the first and foremost fact to acknowledge is that this property will eventually be surrounded by an MPD with densities envisioned and approved through the Village project. The current phases that are already under development will be bordering the north boundary of our property. This is a fact and a challenge, but also a guideline. The Villages will have a variety of land uses including single-family residential, multi-family residential, and retail-commercial within the confines of the first phases of the Villages. Since most of the retail-commercial will be nearer the Auburn-Black Diamond Road and capable of serving both the first phases as well as later phases, it seems reasonable that there is little pressing need for the same kind of retail-commercial on the Section 22 property.

Thus, residential will be the dominant use, but the obvious question is what kind of residential? Given the dense urban nature of this property, large lot residential is of course out of the question. Within Black Diamond there are three residential zones which can be applied to this property: R-4; R-6; and MDR-8. As the property is rather

varied both in terms of topography and adjacency to other uses, we would support a variety of residential zones on the Section 22 property. We suggest the following zoning strategies for our 160 acres in the NW 1/4 of Section 22.

- The western edges of the Section 22 property border rural lands, which are being developed by Yarrow Bay in a cluster style of development. Thus, it make sense to have some lower density residential (i.e. R-4) along the western boundary.
- The northern and southern edges of the Section 22 property border the Villages, where adjacent land use is characterized as MPD-Low with density ranges from 1 to 8 dwelling units per acre. As a transitional zone for these areas along the northern and southern boundaries, we would suggest an R-6 zone.
- The eastern edges present more challenges as there are several wetlands which may limit development. The Villages plan call for high-density residential development in the central portion of this eastern edge. We suggest that a transition zoning of MDR-8 be continued on Palmer's property to the west. Because this area will generally be isolated due to surrounding wetlands, and because the MPD will support high density residential of 13-30 dwelling units per acres, it may actually be appropriate to continue the high density residential land use on the Palmer property.

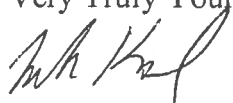
Attached please find a combination topography and preliminary wetland map upon which we've designated areas as suggested above. Since topographic lines can make good divisions between neighborhoods, our suggested zoning lines generally follow topographic lines and wetland limits.

The following are our zoning strategies for the approximate 30 acres located in the NE 1/2 of Section 22 near Black Diamond Lake.

- This property is fairly uniform and has two connecting points to the MPD development to the west and south. The MPD neighborhood to the west will be MPD-Low, while the neighborhood to the south will be MPD-Medium. We suggest following the same type of framework for the 160 acres with R-4 zoning in the northern half and R-6 zoning in the southern portion bordering Black Diamond Lake.

Attached please find a combination topography and preliminary wetland map upon which we've designated areas as suggested above. For this zoning effort, we've attempted to accommodate discrete neighborhoods to be compatible with development on the adjacent MPD properties.

Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company

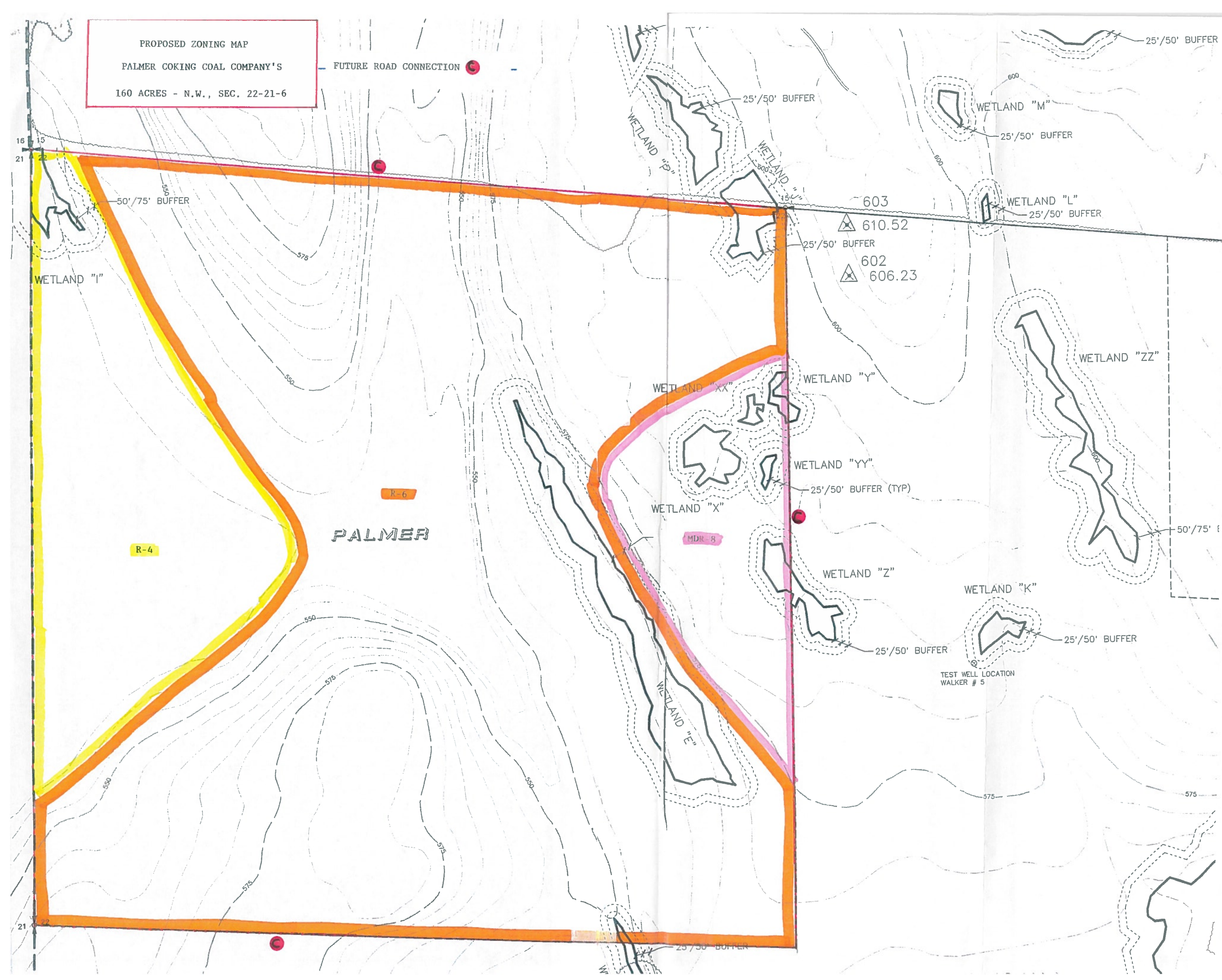
Enclosure: Two maps

PROPOSED ZONING MAP

PALMER COKING COAL COMPANY'S

160 ACRES - N.W., SEC. 22-21-6

FUTURE ROAD CONNECTION





PALMER COKING COAL CO, LLP

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June 9, 2021

Mona Davis
City of Black Diamond Planning Commission
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Comprehensive Plan and Zoning Map Updates – Light Industrial & Business Park

Dear Mona:

Thank you for taking time to chat with me last week about Comprehensive Plan issues and the package to be forwarded to the City Council. Our company came to Black Diamond in 1946. That is when we first leased a property to process coal. Seven years later, Palmer Coking Coal (Palmer) entered in a real estate contract to purchase King County assets of the Pacific Coast Company, including significant acreage in and around Black Diamond. Purchase of those properties was completed in 1958, when we moved our company offices from Four Corners to the building we've occupied ever since.

Over the Palmer has become a fabric of the city. We have gifted or sold some parcels of land which are now a fabric of Black Diamond, including the cemetery; Coal Car / Miner's Memorial Park (the triangle park at Roberts and SR 169); Tennis Court / later Skateboard park; the City shops; portions of the City Watershed; Jones Lake Park; the Lawson reservoir site; Lake Sawyer Park (160 acres total); the former sewage treatment plant; 5th Ave. extension; Roberts Roundabout stormwater site; and countless easements throughout the town.

Our company has also taken an active interest planning issues over the years, including the original 1996 Comprehensive Plan, the Black Diamond Urban Growth Area Agreement, the 2009 Plan, and the 2015 updates completed in 2019. Over the past 25 years, much of the city has witnessed modest growth, except in the Ten Trails MPD which has experienced explosive growth. However, during that same time a great deal of empirical evidence was observed which should guide refinements to the planning efforts.

During this past year, a small number of critics have joined together to advocate a disregard for empirical evidence in favor of a blind revision to the 2009 plan. Their vision would ignore thoughtful changes to that plan over the past decade. This group doesn't want growth and their chosen vehicle to stop growth is to rezone property to a zone for which there is no demand. Here's the spoiler alert – they love the Business

Park / Light Industrial (BP-LI) zone which has seen almost no demand over the past 25 years since adoption of the 1996 Comp Plan.

Allow me to illustrate this point with a pertinent example which most people who pay attention will be familiar. Of the gobs of land set aside for BP-LI in 1996, only one 6-acre parcel has been developed, that being the Diamond Square site. The attached article appeared in the South County Journal in 1997, when the industrial park site called Diamond Square was first proposed. The original use pushed by Continental Industries never materialized and the site sat vacant for the next eight years. Mind you, this is a site with great frontage on a State Highway, no sensitive areas, level topography, fabulous views of Mount Rainier, and excellent soils.

It wasn't until 2005 that a new plan with three, instead of the original four buildings was put forward and approved. The center pad was developed with a 27,791 square foot building in 2006, with different sizes and spaces for a large variety of business park and light industrial uses. Over the past 14 years, Diamond Square has hosted a series of ever-changing tenants, none of which has been particularly successful, at least if successive turnover is any indication.

So, here's the bottom line of BP-LI zoning: of the hundreds of acres zoned for that use only one small site has been developed. And that site had everything a developer could hope for: highway frontage, flat ground, good soils, great view, and no competition. But, only one of the three pads was ever developed and that one building by any most any measure has been an utter failure. So, guess what pseudo-planners from the no-growth contingent is a great zone for lots of Black Diamond's land? If you guessed BP-LI zoning, you'd be right, because that's that their "bring back the 2009 zoning" plan would result in. Their plan is the opposite of planning. All it's comprised of is to pick the least desired zone classification and request that as much of the city as possible be zoned that way.

And here's another little secret that might not be visible for those who hold out the glorious future for business parks – Covid changed everything. The office cubicle is going away, and it isn't coming back. American workers have spoken, and a sizeable number like to work remotely. American businesses have listened and are now actively planning for that future with offices in homes and commuting through traffic a distant memory. Sure, there will still be office buildings, but most will be in downtown areas where towers of tall building are already standing.

Very Truly Yours,



Bill Kombol, Manager

Palmer Coking Coal Company, LLP

Enclosure: South County Journal, Dec. 15, 1997 by Mike Archbold

Industrial park, with rural flavor, proposed for Black Diamond

Black Diamond History

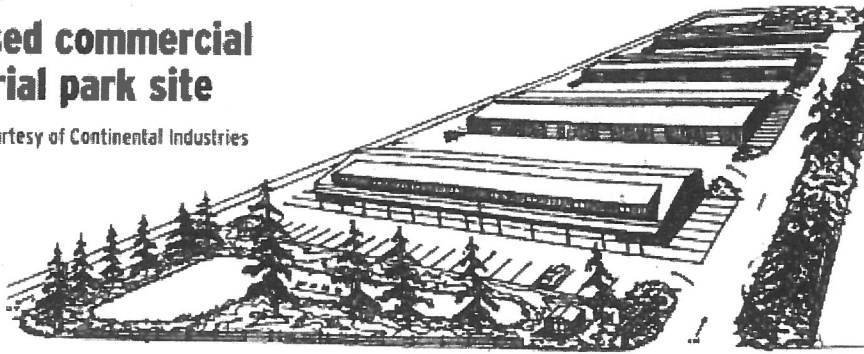
Originally published in the South County Journal, December 15, 1997

By Mike Archbold

Journal Reporter

Proposed commercial industrial park site

Rendering courtesy of Continental Industries



BLACK DIAMOND —

A commercial industrial park with a rural flavor is the goal of a Federal Way company that wants to move its housing construction business to this small town. Officials for Continental Industries Inc., which makes modular housing for rural Alaska, presented their plans to the Black Diamond Planning Commission last week. Commission members liked what they saw. "Definitely they put a lot into it in keeping with the city's rural-by-design goals," said Commission Chairman **Bob Kaye**. "You want development like that, yet you want to protect the scenery. It would be nice if everyone took that approach."

After a public hearing, the Planning Commission is expected to make a decision on the project Jan. 13. The development, called Diamond Square, won't look much like a Kent Valley warehouse park. The 6.5-acre site that abuts State Route 169 at the city's north entrance will have a parklike setting. Trees, plantings, and even a large, shallow pond will front the highway. More trees and landscaping will ring the development. Streets within the park will be paved and have curbs and gutters. A cedar board façade, a second-floor balcony and awnings will cover the side of the metal building that faces the highway.

Continental co-owner **Wayne Cortney** said his company will anchor the industrial park with 10,000 square feet of space. The seven-year-old firm employs about 17 people during peak construction times at its Federal Way site on Pacific Highway South. Eventually, Diamond Square will have four buildings totaling 80,000 square feet that can house other businesses.

Jan Schmalenberg, a development consultant hired by Continental, said he envisions tenants needing 1,000-5,000 square feet of space. Uses such as storage for small shops or auto repair will fill the park once it is built. Marketing hasn't begun yet. "I could see 100 people working out there when this is done," Schmalenberg said. If all goes well, permits should be issued by spring and the first building, with about 24,000 square feet should open by late summer or early fall, Schmalenberg said. The other buildings will be phased in as needed, but the site will be landscaped completely, he said.

Even the land for the other buildings will be seeded in the interim. While the pond is an aesthetic feature, it also will help supplement fire flows in the area. Water from a hydrant can be pumped directly into the pond, then drawn out during a fire.

Both city officials and the developer know an industrial base is important for Black Diamond. The city has only a small retail core and hasn't had a new industry in town in decades. "An important portion of making this small town viable is having a commercial or industrial base," Schmalenberg said. "You can't do it on residential development alone if you want to maintain the quality of life and the neighborhoods. You need to attract that base."

More light industrial development is expected on the edges of Black Diamond, in exchange for more open space in the city, under an agreement city officials signed with King County and three major landowners last year.

BACKGROUND:

- Black Diamond Development Co. purchased Diamond Square property in May 1997.
- The above article was published in the South County Journal in Dec. 1997.
- Continental Industries planned lease never materialized.
- Property clearing commenced in 2005.
- Three pads for development were prepared.
- The center pad was developed with a 27,791 sq. ft. building in 2006.
- Diamond Square has hosted a series of tenants over the past 14 years, none of which have been particularly notable.
- Several interior remodels have been undertaken to attract new tenants.



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June 10, 2021

Mona Davis
City of Black Diamond Planning Commission
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Comprehensive Plan and Zoning Map Updates – Proposals and Rationale

Dear Mona:

You recently inquired about background information for zoning changing to the 2015 updated Comprehensive Plan, which were completed in 2019. A number of those proposals date back to 2008, when they were first proposed. However, procedural roadblocks prevented them from being considered for the 2009 Comp Plan updates. Please see correspondence from 2008 which detail the proposed changes and responses.

In early 2015, fresh opportunities were presented by the City during the periodic review of the Comprehensive Plan Update. Palmer presented a similar suite of ideas to improve deficiencies from the 1996 plan which were not addressed in 2009. When Barbara Kincaid was hired as Planning Director additional process involved staff review and refinement followed by hearings before the Planning Commission. In the summer of 2018, Ms. Kincaid requested a site visit to better understand our proposal. Following her tour, we provided additional refinements.

Palmer Coking Coal (Palmer) continues to believe that there is simply too much business park & light industrial-zoned (BP-LI) properties. By letter dated June 9, 2021, we provided empirical evidence to support that conclusion. Over the past 25 years since adoption of the 1996 Comprehensive Plan there has been almost no demand for BP-LI zoned properties. In fact, the one development on BP-LI zoned properties as shown on the 1996 Land Use Map (Diamond Square) has been a dismal failure.

There are many good ideas that can be implemented during the planning process to improve the future of Black Diamond. However, reverting to the FLUM map from the 2009 Comp Plan is not one of them.

Very Truly Yours,

Bill Kombol, Manager
Palmer Coking Coal Company, LLP

Enclosures: Letters and Memos dated Aug. 5, 2008, Oct. 8, 2008, Oct. 23, 2008, Oct. 30, 2008, May 7, 2015, Jan. 19, 2016, and Aug. 21, 2018



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August 5, 2008

Steve Pilcher, Community Development Director
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Draft Zoning Code and Zoning Map

Dear Mr. Pilcher:

Thank you for this opportunity to comment upon the proposed Draft Zoning Code and Zoning Map in advance of the public hearing to be held on August 12, 2008.

First, I'd like to say that our company was very involved in the multi-year process that eventually led to the adoption of the 1996 COBD Comprehensive Plan. We are happy to see that the proposed 2008 Plan builds upon the good foundation laid forth in 1996. Most of the refinements of the 1996 Plan that we've noticed make sense. However, we believe there are several more refinements to the 1996 Plan that are prudent given progress in the development of the City in light of the current draft updated zoning map.

We have attached an enlarged color copy of the Draft Zoning Map and numbered five referenced areas (1 – 5) where we believe a different proposed zone would make better sense. Under each of the numbered areas, we provide a brief description of the area and a rationale for how our proposed zone designation might provide better compatibility with the development of the surrounding areas. Each alternative is numbered correspondingly.

Area 1: *Located in the east half of Section 10-21-6, just east of Lake Sawyer Park.* This 30+/- acre node of proposed R-4 zoning is surrounded by Business Park / Light Industrial zoning to the east and south and the Lake Sawyer Park to the west. It is a small island of lower density residential zoned property in a zoned area (Business Park / Light Industrial) that is generally not conducive to this type of residential use. This particular node of residential zoning doesn't seem to make sense, but for that matter, neither did the 1996 Plan from which this idea probably originated. I suspect that if it weren't for deference to the 1996 Plan, few urban planners would propose mixing lower density residential with Business Park / Light Industrial. We just don't think that the R-4 zone works in this particular area.

Alternative 1: We suggest a couple of different alternatives. One would be a residential zone which is more compatible with Business Park / Light Industrial such as Medium Density Residential (MDR-12). A second alternative would be to rezone this node to something more compatible with the Business Park zone, such as Community Commercial (CC). This

could in turn allow development of residence inns or some other kind of group housing more appropriate to serving the needs of the surrounding business park

Area 2: *Located in the north half of the southwest quarter of Section 10-21-6, around an area commonly known as Oak Lake or Lake Marjorie.* This 20 acre, rectangular-shaped properties of proposed R-4 zoning is surrounded by Business Park / Light Industrial to the east and south, the Lake Sawyer Park to the north, and unincorporated King County to the west. For many of the same reasons detailed for Area 1 above, we simply do not think that an isolated island of lower density residential zoned property works for this particular property.

Alternative 2: This is a unique site and we think that it is more suited for either office buildings or perhaps Community Commercial (CC) for something along the lines of a residence inn, retirement housing, or some other type of group housing. We think that by its very nature, R-4 zoning would be too consumptive of land for this rather small site. An office building or some form of group housing (residence inn, retirement center, or group housing) would likely have a smaller footprint and enable a larger number of people to enjoy the significant amenities provided by these properties.

Area 3: *Located in the north half of the northwest quarter of Section 15-21-6, east of and adjacent to the Lake Sawyer Road.* This 25 acre, triangular-shaped properties of proposed Business Park and Light Industrial property is adjacent to a huge swath of Business Park / Light Industrial property to the north and medium density residential to the east. We believe this property's attributes would be better served by proposed zoning that makes best use of its strengths and its strategic location at the intersection of two major roads.

Alternative 3: We believe this site is a natural for Neighborhood Center (NC). A Neighborhood Center zone with its focus on larger commercial buildings serving supermarkets and retail opportunities demands a larger site with flat topography and easy access to arterial roads. Plenty of road frontage is also a definite plus for businesses wanting to locate in a Neighborhood Center. This property has all of the attributes (flat topography, easy access, significant road frontage) which would make it successful as a Neighborhood Center. Also, there are already expansive Business Park / Light Industrial zoned properties to the north, so as to make this of "more of the same" zoning seemingly superfluous.

Area 4: *Located in the south half of the southeast quarter of Section 10-21-6, south of the Tacoma Pipeline route and east of Rock Creek.* This 25 acre, narrow, rectangular-shaped properties of proposed Business Park and Light Industrial zoning is located adjacent to and due north of R-6 and MDR-12 residential areas in Morganville. The proposed East-West arterial road, which follows the route of the Tacoma Pipeline (as anticipated in the 1996 Comprehensive Plan and built in 2002) makes a better dividing line between Business Park / Light Industrial zoning to the north and residential zoning to the south. The current proposed dividing line is simply the line between Section 10 and Section 15. We believe that a significant land form, such as an East-West connecting arterial, would make a better dividing line between residential and business zoning, than something as insignificant as a section line.

Alternative 4: Given residential zoning to the south, we would suggest that the property south of the proposed East-West connecting arterial be zoned R-6 residential to the west and MDR-

12 to the east. We believe that community compatibility will be enhanced through using significant land forms, such as a connecting arterial, as divisions between different zoning uses, in this case residential and business. The use of a section line as a division does not seem as responsive to the built environment. We believe the flow from residential to business areas promotes a better transition if a significant land form is used. We think moving the zone transition line 500 feet to the north and recognizing the connecting arterial road as a dividing line, makes more sense. We also think that the two residential zone classifications from the south should be carried forth into this parcel to the north.

Area 5: *Located in the south half of the southeast quarter of Section 11-21-6 and a small portion of the south half of the southwest quarter of Section 12-21-6.* This 20+ acre property of proposed R-4 zoning is located south of an old abandoned railroad bed, historically known as the Bruce branch. The only problem with using this remnant artifact as a dividing line is that it no longer exists and hasn't been on the ground for more than twenty years. While it's an interesting historic footnote, the former rail line no longer has any relevance to designing a city for the 21st century. We would suggest that a more important dividing line in this area would be the new Tacoma Pipeline route which is also strongly suggested as the location of a new arterial road connecting SR 169 with Lawson Street. The area both north and south of the former rail line is now the site of a large earthen stockpile used in connection with nearby mining. When the stockpile is reconfigured there will be no difference between the Medium Density Residential (MDR-12) properties to north or the proposed R-4 property to the south. We believe that the new Tacoma Pipeline route combined with the proposed SR 169 to Lawson Street arterial road will be a defining zoning division line in the future. The former rail line is simply a historic artifact on a map. In actual land form and use it has no relevance.

Alternative 5: We believe the entire site located north of the Tacoma Pipeline route and north of the future SR 169 to Lawson Street connecting arterial should be zoned Medium Density Residential (MDR-12). Two properties (both north and south of the former rail line) share similar topography, ownership, and prospects. We think that the new arterial paralleling the Tacoma Pipeline route will be a defining community characteristic which is an ideal departure point for zoning transitions. The former rail line, which was abandoned over 70 years ago and erased as a land feature more than 20 years ago, is no longer anything but a historic footnote on older maps. It is not an existing land use or land form and provides no rationale for zoning divisions. The new Tacoma Pipeline is the dividing line of today.

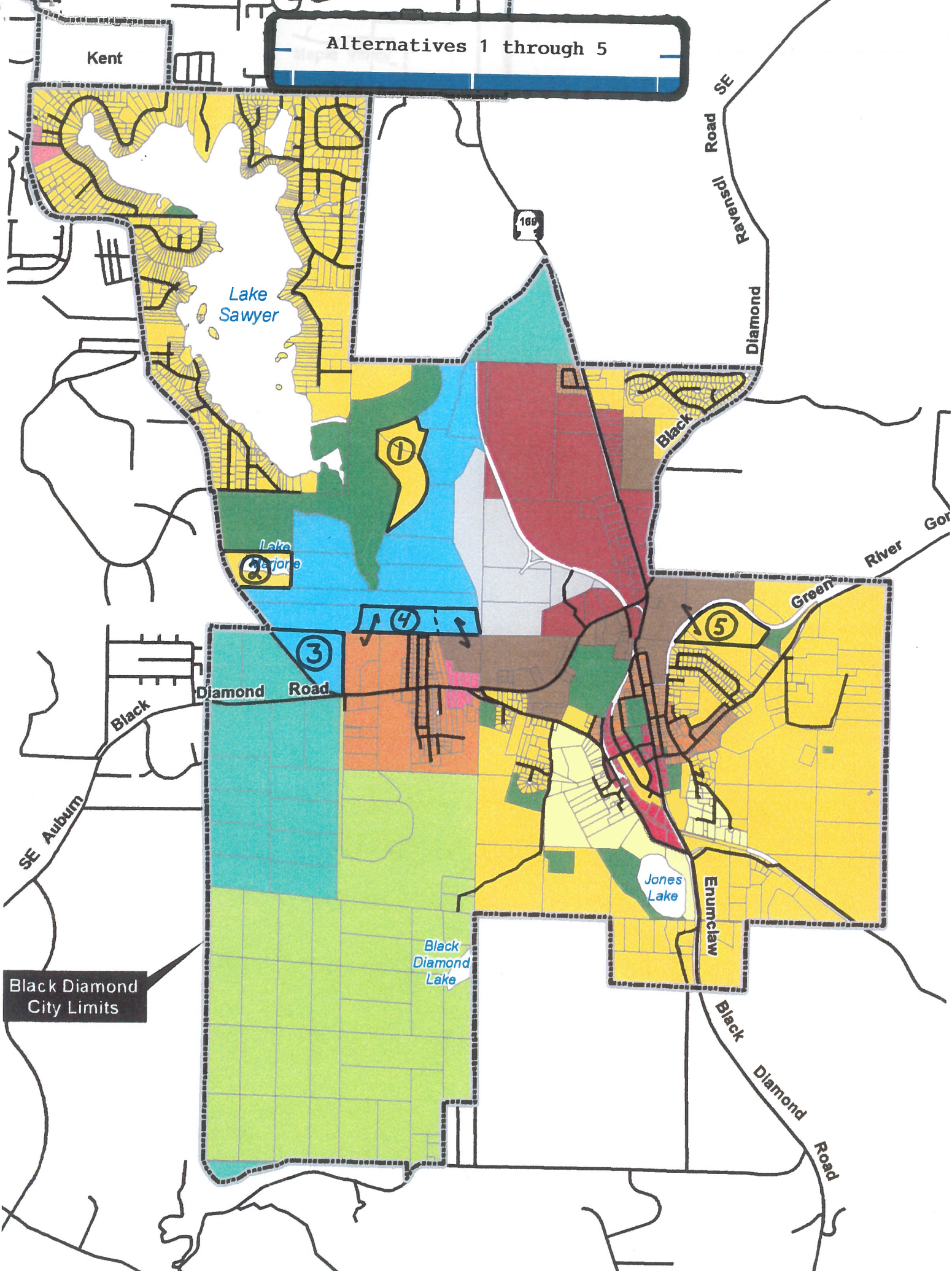
Thank you for this opportunity to provide comments on the proposed updates to the Zoning Map component of the Comprehensive Plan. Given our intimate knowledge of the areas that we own, our company's plans, and our long-time involvement in the previous iterations of the several Comprehensive Plans, we would be more than happy to meet with you to provide further explanations of our rationale for proposed alternatives. Please give me a call at 425-432-4700 or e-mail at palmercokingcoal@aol.com, if you would like to either meet or tour the areas where we believe we may have some better ideas.

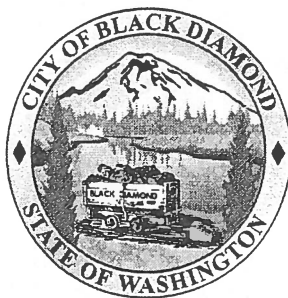
Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company

Alternatives 1 through 5





**CITY OF BLACK DIAMOND
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING
ON PROPOSED NEW ZONING CODE
AND ZONING MAP**

The City of Black Diamond Planning Commission will conduct a public hearing on Tuesday, August 12, 2008 beginning at 7:00 p.m. in the City Council Chambers, 25510 Lawson Street, Black Diamond. The public is invited to provide testimony on a proposed new Zoning Code and Zoning Map for the City of Black Diamond. The proposal will apply to the entire corporate limits of the city and is intended to implement the updated Black Diamond Comprehensive Plan, currently under consideration by the Black Diamond City Council.

The existing Zoning Code (Title 18 of Black Diamond Municipal Code) will be repealed in its entirety and replaced with new regulations. In addition, the existing Zoning Map will also be repealed and replaced with the new Zoning Map. As a result, all properties within the City limits will be rezoned to a new zone classification.

Copies of the proposed Zoning Code and map are available for viewing on the City's website (www.ci.blackdiamond.wa.us), at the Black Diamond Branch of the King County Library, 24707 Roberts Drive and at Black Diamond City Hall/Community Development Department, 24301 Roberts Drive.

Written comments must be submitted by noon on August 12, 2008 to the Community Development Department. For further information, contact Steve Pilcher, Community Development Director, 360-886-2560.



PALMER COKING COAL CO.

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October 8, 2008

Mayor Howard Botts and Members of the City Council
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Comprehensive Plan and Zoning Map – Updated Changes and Rationale

Dear Mayor Botts and Members of the City Council:

Thank you for this opportunity to comment upon the proposed Draft Comprehensive Plan and Zoning Map in conjunction with the public hearing to be held on October 9, 2008. We understand that the City Council will be addressing both the Comprehensive Plan land use designations and the Zoning Map zoning designations during this process. Our suggestions to this combined process speak both to proposed changes to the Comprehensive Plan land use designations and compatible changes to the Zoning map zoning designations that implement the Comprehensive Plan. We understand that the Planning Commission did not consider the Comprehensive Plan land use designations and Zoning Map in a parallel fashion and was thus limited in their ability to address needed improvements.

First, I'd like to say that our company was very involved in the multi-year process that eventually led to the adoption of the 1996 COBD Comprehensive Plan. We are happy to see that the proposed 2008 Plan builds upon the good foundation laid forth in 1996. Most of the refinements of the 1996 Plan that we've noticed make sense. However, we believe there are several more refinements to the 1996 Plan that are prudent given progress in the development of the City. These refinements are graphically shown in our suggested changes to the Zoning map, which mirrors are suggested changes to the Comprehensive Plan land use designations.

We have attached an enlarged color copy of the draft zoning map and numbered five referenced areas (Area 1 – Area 5) where we believe a different proposed Comprehensive Plan land use designation and zone changes would make better sense. Under each of the numbered areas, we provide a brief description of the area (*in italics*) together with a rationale for how our proposed zone designation might provide better compatibility with the development of the surrounding areas. We then provide some suggested alternatives to better implement the Comprehensive Plan's land use "designation criteria" for differing land uses and zoning. Each alternative is numbered correspondingly.

Area 1: *Located in the east half of Section 10-21-6, just east of Lake Sawyer Park.* This 30+/- acre node of proposed Residential (R-4) zoning is surrounded by Business Park / Light Industrial zoning to the east and south and the Lake Sawyer Park to the west. It is a small

island of lower density residential zoned property in a sea of Business Park / Light Industrial zoning that is generally not conducive to this type of residential use. This particular node of residential zoning doesn't seem to make sense, but for that matter, neither did the 1996 Plan from which this idea probably originated. I suspect that if it weren't for deference to the 1996 Plan, few urban planners would propose mixing lower density residential with Business Park / Light Industrial. In examining the "designation criteria" contained within the Land Use section of the Comprehensive Plan, this area does not reflect those planning elements nor comply with the "designation criteria" that would support Residential (R-4) designation. For these reasons, we don't think that the R-4 zone works in this particular area.

Alternatives for Area 1: We suggest a couple of different alternatives. One would be a residential zone which is more compatible with Business Park / Light Industrial such as Medium Density Residential (MDR-12). A second and perhaps better alternative would be to plan and zone this node to something more compatible with the Business Park zone, such as Community Business (CB). This could in turn allow development of residence inns or some other kind of group housing more appropriate to serving the needs of the surrounding business park. A third alternative would be to simply follow the Business Park / Light Industrial plan and zone which apparently works for all of the surrounding land. However, the single family residential R-4 zone seems on the surface to be out of character and simply not compatible with the surrounding planned business park.

Area 2: *Located in the north half of the southwest quarter of Section 10-21-6, around an area commonly known as Oak Lake or Lake Marjorie.* This 20 acre, rectangular-shaped properties of proposed R-4 zoning is surrounded by Business Park / Light Industrial to the east and south, the Lake Sawyer Park to the north, and unincorporated King County to the west. In examining the "designation criteria" contained within the Land Use section of the Comprehensive Plan, this area does not reflect those planning elements that would suggest Residential (R-4) designation. For many of the same reasons detailed above for Area 1, we simply do not think that an isolated island of lower density residential zoned property works for this particular property.

Alternatives for Area 2: This is a unique site and we think that it is more suited for either office buildings or perhaps Community Business (CB) allowing something along the lines of a residence inn, retirement housing, or some other type of group housing. We think that by its very nature, R-4 zoning would be too consumptive of land for this rather small site. An office building or some form of group housing (residence inn, retirement center, or group housing) would likely have a smaller footprint and enable a larger number of people to enjoy the significant amenities provided by these properties. However, the single family residential R-4 zone seems to be the exact wrong type of plan and zone for this 20 acre property.

Area 3: *Located in the north half of the northwest quarter of Section 15-21-6, east of and adjacent to the Lake Sawyer Road.* This 25 acre, triangular-shaped properties of proposed Business Park and Light Industrial property is adjacent to a huge swath of Business Park / Light Industrial property to the north and medium density residential to the east. We believe this property's attributes would be better served by proposed zoning that makes best use of its strengths and its strategic location at the intersection of two major roads.

Alternatives for Area 3: We believe this site is a natural for Community Business (CB). A Community Business zone with its focus on larger buildings serving commercial markets and retail opportunities demands a larger site with flat topography and easy access to arterial roads. Plenty of road frontage is also a definite plus for businesses wanting to locate in a such a commercial area. This property has all of the attributes (flat topography, easy access, significant road frontage) which would make it successful as a Community Commercial center. Also, it seems that there are already expansive Business Park / Light Industrial zoned properties to the north, so as to make this of "more of the same" zoning seemingly superfluous. Due to the significant opportunities available to this property, we think that Community Business (CB) planning and zoning makes good sense, where as even more Business Park / Light Industrial properties are just not needed. In examining the "designation criteria" contained in the Land Use section, this property has all of the attributes that support Community Business (CB), such as 1) a larger sized property located at the intersection of arterials; 2) a property that is free of environmentally sensitive areas; and 3) the property is capable of being served by transit and connections to pedestrian routes.

Area 4: *Located in the south half of the southeast quarter of Section 10-21-6, south of the Tacoma Pipeline route and east of Rock Creek.* This 25 acre, narrow, rectangular-shaped properties of proposed Business Park and Light Industrial zoning is located adjacent to and due north of R-6 and MDR-12 residential areas in Morganville. The proposed East-West arterial road, which follows the route of the Tacoma Pipeline (as anticipated in the 1996 Comprehensive Plan and built in 2002) makes a far better dividing line between Business Park / Light Industrial zoning to the north and residential zoning to the south. The current proposed dividing line is simply an artificial line between Section 10 and Section 15. We believe that a significant land form, such as an East-West connecting arterial, would make a better dividing line between residential and business zoning, than something as insignificant as a section line. The Comprehensive Plan "designation criteria" also supports using topography or other appropriate boundary forms for separating land uses.

Alternatives for Area 4: Given residential zoning to the south, we would suggest that the property south of the proposed East-West connecting arterial and east of Rock Creek be comprehensively planned and zoned R-6 residential to the west and MDR-12 to the east. These zones will flow naturally from the same residential zones to the south. We believe that community compatibility will be enhanced through using significant land forms, such as a connecting arterial, as divisions between different zoning uses, in this case residential and business. The use of a section line as a division does not seem as responsive to the built environment, nor is a section line responsive to creating suitable neighborhood boundaries. We believe the flow from residential to business areas promotes a better transition if a significant land form is used. We think moving the zone transition line 500 feet to the north and recognizing the connecting arterial road as a dividing line, makes much more sense than simply using a section line to define planning and zoning differences. For these reasons, we think that the two residential zone classifications from the south should be carried forth into these parcels to the north.

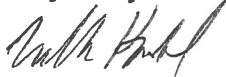
Area 5: *Located in the south half of the southeast quarter of Section 11-21-6 and a small portion of the south half of the southwest quarter of Section 12-21-6.* This 20+ acre property of proposed R-4 zoning is located south of an old abandoned railroad bed, historically known as the Bruce branch. The only problem with using this remnant artifact as a dividing line is that it

no longer exists and hasn't been on the ground for more than twenty years. While it's an interesting historic footnote, the former rail line no longer has any relevance to designing a city for the 21st century. We would suggest that a more important dividing line in this area would be the new Tacoma Pipeline route which is also strongly suggested as the location of a new arterial road connecting SR 169 with Lawson Street. The area both north and south of the former rail line is now the site of a large earthen stockpile used in connection with nearby mining. When the stockpile is reconfigured there will be no difference between the Medium Density Residential (MDR-12) properties to north or the proposed R-4 property to the south. The Comprehensive Plan "designation criteria" for Medium Density Residential properties supports using topography or other appropriate boundary forms for separating land uses. We believe that the new Tacoma Pipeline route combined with the proposed SR 169 to Lawson Street arterial road will be a defining land division line and as such should be used for Comprehensive Plan land use designation and zoning. The former rail line is simply a historic artifact on a map. In actual land form and use it has no relevance.

Alternatives for Area 5: We believe the entire site located north of the Tacoma Pipeline route and north of the future SR 169 to Lawson Street connecting arterial should be zoned Medium Density Residential (MDR-12). Two properties (both north and south of the former rail line) share similar topography, ownership, and long-term development prospects. We think that the new arterial paralleling the Tacoma Pipeline route will be a defining community characteristic which is an ideal departure point for zoning transitions. The former rail line, which was abandoned over 70 years ago and erased as a land feature more than 20 years ago, is no longer anything but a historic footnote on older maps. It is not an existing land use nor is it a land form. It provides no rationale for planning or zoning divisions. The new Tacoma Pipeline and the planned arterial connector is the dividing line of today and tomorrow.

Thank you for this opportunity to provide comments on the proposed updates to the Comprehensive Plan as integrated with the Zoning Map component of the Comprehensive Plan. Given our intimate knowledge of the areas that we own, our company's plans, and our long-time involvement in the previous iterations of the several Comprehensive Plans, we would be more than happy to meet with you to provide further explanations of our rationale for proposed alternatives. Please give me a call at 425-432-4700 or e-mail me at palmercokingcoal@aol.com, if you would like to either meet or tour the areas where we believe we may have some better ideas.

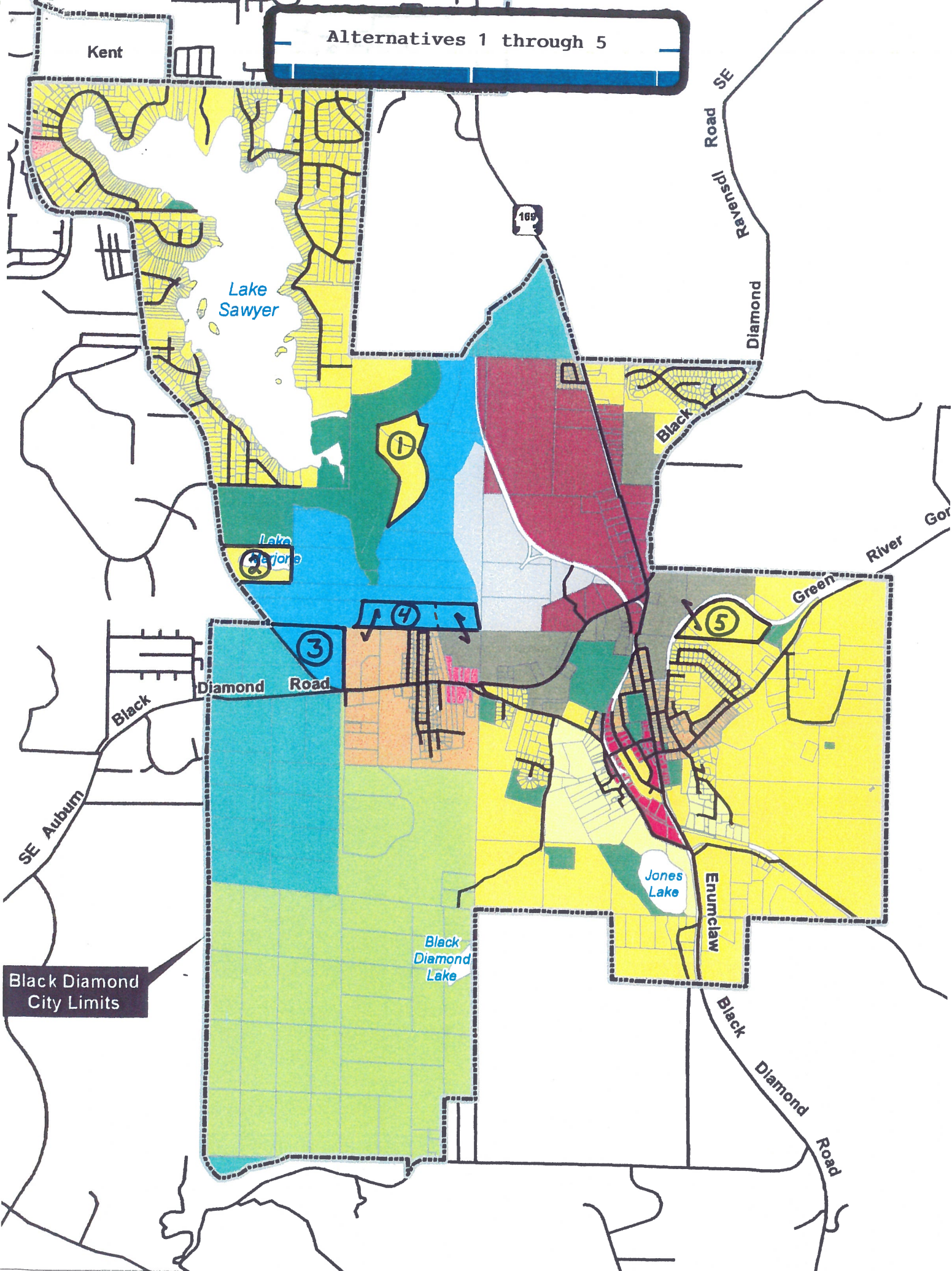
Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company

Enclosure: Colored Zoning Map titled "Alternative 1 through 5"

Alternatives 1 through 5





CITY OF BLACK DIAMOND
COMMUNITY DEVELOPMENT DEPT.
24301 Roberts Dr., Black Diamond, Washington 98010

MEMORANDUM

Date: October 23, 2008
To: City Council
From: Steve Pilcher, Community Development Director
Re: Draft Comprehensive Plan, Zoning Code & Zoning Map

On October 9, City Council conducted a public hearing on Chapters 1-6 of the Comprehensive Plan; the draft Zoning Code (Title 18); and the draft Zoning Map. At the conclusion of public testimony, the Mayor closed the public hearing to oral testimony, but kept the record open through the close of business on October 31st for any written comments. At the time of writing this memorandum, no written comments have been received.

As you know, Council action on these items is not requested at this time. However, staff is seeking your direction on what changes you may wish to see to the documents before a final version is brought forward for formal adoption in the future.

In terms of the Land Use and Zoning Maps, the following appear to be issues, based upon public testimony:

1. Consider changing the Urban Reserve land use designation and zoning for the area located west of Railroad Avenue to Low Density Residential/R4.

Staff comment: This would maintain the equivalent zoning of what currently exists in this area (R9600).

2. Consider changing the Urban Reserve land use designation and zoning for the area located along 5th St./Pacific St./etc. to Low Density Residential/R4.

Staff comment: This would maintain the equivalent zoning of what currently exists in this area (R9600).

3. Consider changing the land use designation of properties on the east side of SR-169 near the northern city limits from Low Density Residential to Community Commercial, and the zoning from R4 to Community Commercial.

Staff comment: At the end of last year, staff mailed notice to all property owners within the city limits, advising them of the opportunity to formally request a change to the

Comprehensive Plan map. An application and a small fee was required. The filing period closed on January 4, 2008. A request to redesignate these properties was not received. In order to maintain an equitable process, these individuals could be directed to submit a plan amendment request next year.

4. Numerous changes requested by Bill Kombol (letter previously provided).

Staff comment: Same comment as #3, above. Alternatively, given the size of the Kombol landholdings, Council could direct staff to conduct a more comprehensive study and analysis of these areas as part of next year's annual amendment process.

Other issues:

1. Make a technical adjustment to the Comprehensive Plan map to recognize the boundaries of the east annexation area, which currently are generalized.

Staff comment: As part of this year's amendment process, King County formally adjusted the Urban Growth Area boundary to coincide with Yarrow Bay's ownership. Adjusting our map will provide consistency between the two.

2. Potential Annexation Area in Reserve at Covington Creek area. Given the decision of King County to approve the inclusion of this area within the Urban Growth boundary and their conditions that the property owner negotiate an agreement with the City, plus the presence of other, adjacent urban lands, the Council could consider formally placing this area within the City's Potential Annexation Area (PAA). Currently, this area is not included within the Comprehensive Plan Map.

Staff comment: This area represents a small pocket of urban-designated lands that is not "claimed" by any adjacent incorporated city. Given its location, it would be most appropriately contained as part of Black Diamond's PAA, rather than Covington's or Maple Valley's. If so, an appropriate land use designation would be Low Density Residential, with a Public designation for Kentlake High School and the associated ball fields.

In terms of the text of either the Plan or Zoning Code, it would be appropriate for Council to provide any direction to staff at this time. There was no testimony requesting any changes to the current drafts.



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October 30, 2008

Mayor Howard Botts and Members of the City Council
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Comprehensive Plan and Zoning Map

Dear Mayor Botts and Members of the City Council:

We are in receipt of the October 23, 2008 Memorandum to the City Council prepared by Steve Pilcher, Community Development Director. In the Memo, Mr. Pilcher provides "*staff comments*" on the public testimony to the Land Use Designation and Zoning Maps at the October 9, 2008 public hearing. A portion of the staff comment follows:

At the end of last year, staff mailed notice to all property owners within the city limits, advising them of the opportunity to formally request a change to the Comprehensive Plan map. An application and a small fee was required. The filing period closed on January 4, 2008. A request to redesignate these properties was not received. In order to maintain an equitable process, these individuals could be directed to submit a plan amendment next year.

I suppose that I'm mildly surprised that there seems to be little interest, but certain procedural roadblocks, towards improving what many people believe to be the most important component of a Comprehensive Plan: the Land Use and zoning maps. Consider that the current Comprehensive Plan was prepared more than 12 years ago and adopted in August 1996. Consider that since 1996 the City has annexed the Lake Sawyer area and doubled its population. Consider that since 1996 the City has entered into an Urban Growth Area agreement (BDUGAA) that allowed the possibility for nearly doubling the acreage size of the old City. Consider that after more than a decade of planning the City did annex the majority of its UGA with the final piece due to be annexed soon. Consider that vast sums have been expended vast expanding the City's infrastructure including new water connections and a new storage reservoir. With all of these rather massive changes to the City over the past 12 years, one would think that perhaps there might be a few necessary updates to the Comprehensive Plan Land Use Designation and zoning map.

In August 2008, we submitted suggested zoning changes to City staff following a Notice of Public Hearing on the Proposed New Zoning Map. In October 2008, we submitted suggested zoning changes to the City following a Notice of Public Hearing before the

Mayor and City Council. Perhaps I'm wrong, but I don't remember a Notice of Public Hearing for the Comprehensive Plan Land Use Designation map, though there was of course the invitation in late 2007 for the public to suggest changes to the Land Use map.

We considered our suggested changes to be small incremental improvements to the suggested Draft Plan. However, in reflecting upon the process that the City staff has laid out, it seems apparent that changes proposed by the public should have first been suggested as Land Use Designation changes (by January 4, 2008) and then later suggested as zoning changes (in August 2008). We had supposed that after 12 years of significant changes to the City, that there would be at least some significant refinements to the Draft Plan suggested by the City staff. But, the 2008 Land Use Plan mirrors the 1996 Land Use Plan in most every significant area. There is, of course, the possibility that the 1996 Plan is perfect in every way. But, we think it's more likely than not, that there are considerable refinements that could be made to a Plan that is more than 12 years old, particularly in light of the many changes over the past 12 years.

Whether or not you support the small refinements that we suggested earlier this month, we think it's important for the City to take a serious look at the Comprehensive Plan's Land Use Designations. It is important to determine if they make sense, to determine whether the land uses follow the "designation criteria" laid out in the plan, and then to design a proper Land Use Designation and Zoning Map that follow those criteria. In fact, the "designation criteria" set forth in this new Draft did not even exist in the 1996 Plan.

While we appreciate the City staff's emphasis on the "process" that was laid out for the public to apply for changes by January 4, 2008, we also think it's important for the Comprehensive Plan Land Use Designation to follow the "designation criteria" for various land uses that are stated in the plan. It is important to recognize that the "designation criteria" set forth in this new Draft did not even exist under the 1996 Plan. In our letter of October 8, we provided a number of areas where the Land Use Designation and proposed zoning maps did not adhere to the "designation criteria" set forth in the new plan. If the "designation criteria" are supposed to be anything but "a bunch of words strung together" then at the very least, we think it's important that City staff be directed to examine whether Land Use Designations are consistent with the "designation criteria", and if not, to correct the Land Use and zoning map.

Thank you for this opportunity to provide additional comments on the proposed updates to the Comprehensive Plan as integrated with the Zoning Map component. We sincerely appreciate the City's willingness to hold the Public Hearing open until October 31 to receive additional comments. I certainly don't pretend to have a monopoly on good ideas and since I spoke at the October 9th Public Hearing, I've already received feedback on some potentially better refinements to the Land Use and zoning maps. Hopefully, a wide collection of the many good ideas, suggested refinements, and indeed the City's own designation criteria, can be used to create a better Comprehensive Plan, rather than a Plan which is a slave to "process".

Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company



PALMER COKING COAL CO, LLP

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May 7, 2015

Stan May, Contract Planner
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

206-267-2425
360-886-5700 x 5730

Re: 2015 Comprehensive Plan Update – Proposed Modifications to the Land Use and Zoning Maps

Dear Mr. May:

Thank you for this opportunity to comment upon the 2015 Comprehensive Plan Update. This year provides for the periodic review of this plan, which was first adopted by the City in August 1996. First, I'd like to say that our company was very involved in the multi-year process that eventually led to the adoption of the 1996 COBD Comprehensive Plan. That plan with minor changes has served the city over the past twenty years. However, we believe there are several necessary refinements to that 1996 plan to improve certain outmoded concepts adopted over two decades ago.

We do not pretend to have a monopoly on good ideas. If there are better ideas for planning future growth in the areas we've highlighted, we would be certainly interested in discussing them. I have attached a color copy of a Zoning Map and numbered five referenced areas (1 – 5) where I believe a different proposed zone would make better sense. Under each of the numbered areas, I've provide a brief description of the area. Then there is a discussion of the existing zone and a rationale for how our proposals might provide better compatibility with the development of the surrounding areas. Each alternative is numbered corresponding to the described area (i.e. Areas 1, 2, 3, 4, and 5). The map I used is slightly out of date, but its sole purpose is to help visually locate the five areas in question.

Area 1: *Located in the east half of Section 10-21-6, just east of Lake Sawyer Park.*

This 30+/- acre node of existing R-4 zoning is surrounded by Business Park / Light Industrial zoning to the east and south and the Lake Sawyer Park to the west. It is a small island of lower density residential zoned property in a zoned area (Business Park / Light Industrial) that is generally not conducive to this type of residential use. This particular node of residential zoning doesn't seem to make sense. I suspect that if it weren't for deference to the 1996 Plan, few urban planners would propose mixing lower density

residential surrounded by Business Park / Light Industrial. We just don't think that the Single Family Residential (R-4) zone works in this particular area.

Alternative Zoning – Area 1: We suggest a couple of different alternatives. One would be a residential zone which is more compatible with Business Park / Light Industrial such as Medium Density Residential (MDR-8). A second alternative would be to rezone this node to something more compatible with the Business Park zone, such as Community Commercial (CC). This could in turn allow development of residence inns or some other kind of group housing more appropriate to serving the needs of the surrounding business park

Area 2: *Located in the north half of the southwest quarter of Section 10-21-6, around an area commonly known as Oak Lake or Lake Marjorie.*

This 20 acre, rectangular-shaped properties of proposed Single Family Residential (R-4) zoning is surrounded by Business Park / Light Industrial to the east and south, the Lake Sawyer Park to the north, and unincorporated King County to the west. For many of the same reasons detailed for Area 1 above, we simply do not think that an isolated island of lower density residential zoned property works for this particular property.

Alternative Zone – Area 2: This is a unique site and we think that it is more suited for either office buildings; or perhaps Community Commercial (CC) for something along the lines of a residence inn, retirement housing; or perhaps MDR-8 for some other type of multi-family such as condominiums or townhouses. We think that by its very nature, Single Family Residential (R-4) zoning would be too consumptive of land for this rather small site. An office building or some form of group housing (residence inn, retirement center, or multi-family) would likely have a smaller footprint and enable a larger number of people to enjoy the significant amenities provided by these properties.

Area 3: *Located in the north half of the northwest quarter of Section 15-21-6, east of and adjacent to the Lake Sawyer Road.*

This 25 acre, triangular-shaped five parcel property of existing Business Park / Light Industrial property is adjacent to a huge swath of Business Park / Light Industrial property to the north and medium density residential to the east. We believe this property's attributes would be better served by a zone classification that makes best use of its strengths and its strategic location at the intersection of two major roads, and a future East-West arterial as anticipated in the Comprehensive Plans' transportation chapter.

Alternative Zoning – Area 3: We believe this site is a natural for Neighborhood Center (NC). A Neighborhood Center zone with its focus on larger commercial buildings serving retail markets and varied retail opportunities demands a large site with flat topography and easy access to arterial roads. Plenty of road frontage is also a definite plus for businesses wanting to locate in a Neighborhood Center. This property has all of the attributes (flat topography, easy access, significant road frontage) which would make it successful as a Neighborhood Center. In additions there is a surplus of undeveloped,

yet existing Business Park / Light Industrial zoned properties to the north, so as to make this of “more of the same” zoning seemingly superfluous.

Area 4: *Located in the south half of the southeast quarter of Section 10-21-6, south of the Tacoma Pipeline route and east of Rock Creek.*

This 25 acre, narrow, rectangular-shaped properties of proposed Business Park and Light Industrial zoning is located adjacent to and due north of R-6 and MDR-8 residential areas in Morganville. The proposed East-West arterial road, which generally follows the route of the Tacoma Pipeline (as anticipated in the 1996 Comprehensive Plan and built in 2002) makes a better dividing line between Business Park / Light Industrial zoning to the north and residential zoning to the south. The current proposed dividing line is simply the line between Section 10 and Section 15. We believe that a significant land form, such as an East-West connecting arterial, would make a better dividing line between residential and business zoning, than something as insignificant as a section line.

Alternative Zoning – Area 4: Given residential zoning to the south, we would suggest that the property south of the proposed East-West connecting arterial be zoned R-6 residential to the west and MDR-8 to the east. We believe that community compatibility will be enhanced through using significant land forms, such as a connecting arterial, as divisions between different zoning uses, in this case residential and business. The use of a section line as a division does not seem as responsive to the built environment. We believe the flow from residential to business areas promotes a better transition if a significant land form is used. We think moving the zone transition line 500 feet to the north and recognizing the connecting arterial road as a dividing line, makes more sense than a line between two sections of property. We also think that the two residential zone classifications from the south should be carried forth into this parcel to the north for residential continuity.

Area 5: *Located in the south half of the southeast quarter of Section 11-21-6 and a small portion of the south half of the southwest quarter of Section 12-21-6.*

This 20+ acre property of proposed R-4 zoning is located south of an old abandoned railroad bed, historically known as the Bruce branch. The only problem with using this remnant artifact as a dividing line is that it no longer exists and hasn't been on the ground for more than 25 years. While it's an interesting historic footnote, the former rail line no longer has any relevance to designing a city in the 21st century. We would suggest that a more important dividing line in this area would be the new Tacoma Pipeline route which has been planned as the location of a new arterial road connecting SR 169 with Lawson Street. The area both north and south of the former rail line is now the site of a large earthen stockpile used in connection with nearby mining. When the stockpile is reconfigured there will be no difference between the Medium Density Residential (MDR-8) properties to north or the proposed R-4 property to the south. We believe that the new Tacoma Pipeline route combined with the proposed SR 169 to Lawson Street arterial road will be a defining zoning division line in the future. The former rail line is simply a historic artifact on a map. In actual land form and use it has no relevance.

Alternative Zoning – Area 5: We believe the entire site located north of the Tacoma Pipeline route and north of the future SR 169 to Lawson Street connecting arterial should be zoned Medium Density Residential (MDR-8). Two properties (both north and south of the former rail line) share similar topography, ownership, and prospects. We think that the new arterial paralleling the Tacoma Pipeline route will be a defining community characteristic which is an ideal departure point for zoning transitions. The former rail line, which was abandoned nearly 80 years ago and erased as a land feature more than 25 years ago, is no longer anything but a historic footnote on old maps. The former rail line is not a tax parcel, or an existing land use, or even a land form and thus provides no rationale basis for zoning divisions. The new Tacoma Pipeline and future arterial route is the dividing line for tomorrow's developments.

Thank you for this opportunity to provide comments on the proposed updates to the Zoning Map component of the Comprehensive Plan. Given our intimate knowledge of the areas that we own, our company's plans, and our long-time involvement in the previous iterations of the several Comprehensive Plans, we would be more than happy to meet with you to provide further explanations of our rationale for proposed alternatives. Please give me a call at 425-432-4700 or e-mail at palmercokingcoal@aol.com. If you an interest in touring the areas where we've provided alternate idea, I would be happy to oblige.

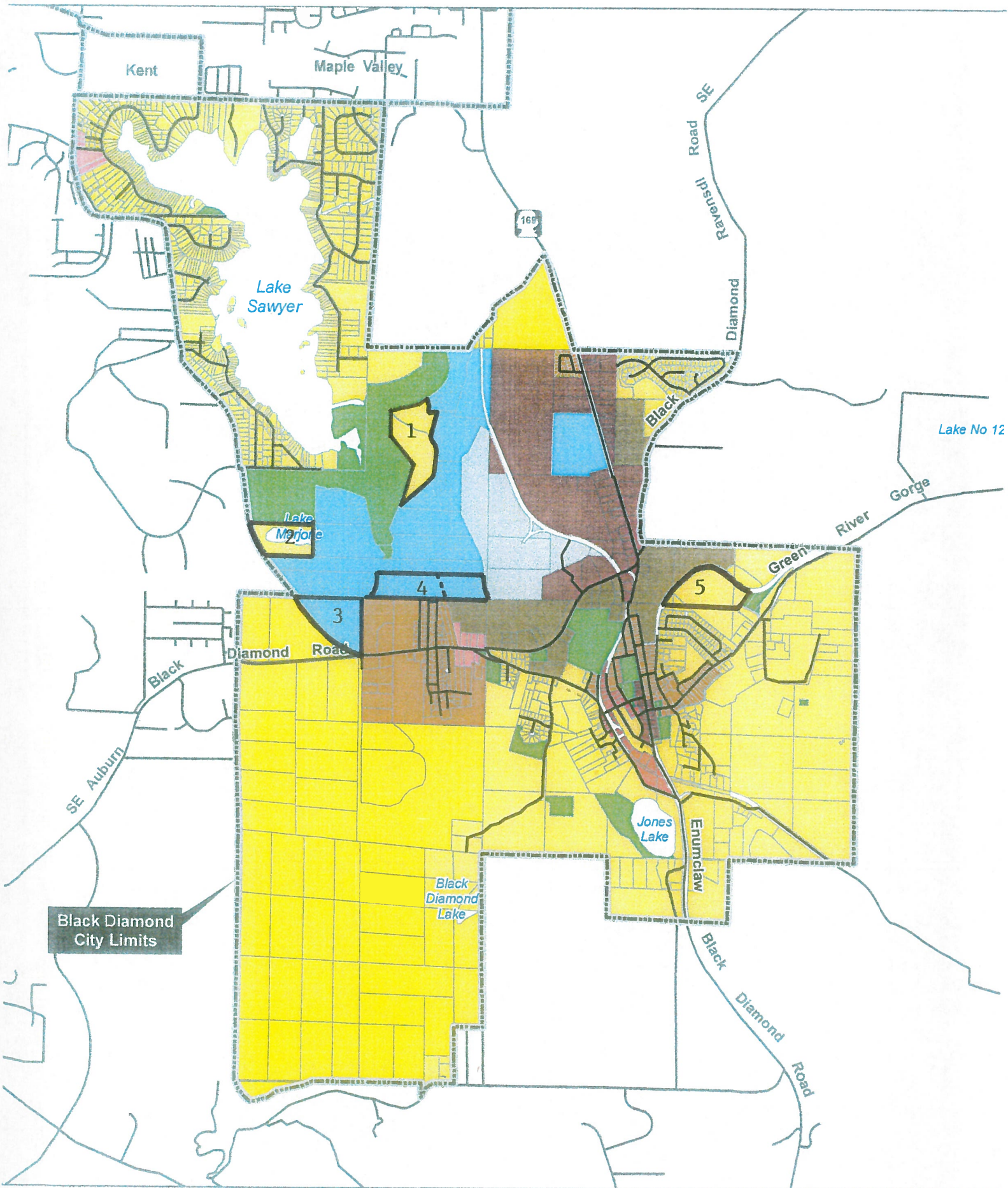
Very Truly Yours,



William Kornbol, Manager
Palmer Coking Coal Company, LLP

Enclosure: Zoning Map with Areas 1 through 5 highlighted and numbered

PROPOSALS FOR AREAS 1 - 5





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January 19, 2016

Barbara Kincaid
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Comprehensive Plan and Zoning Map – Updated Changes and Rationale

Dear Barbara:

It was nice meeting you last week in connection with a different project. I found the letter which I sent to Steve Pilcher in January 2008 during a previous Comprehensive Plan update. Here is the same letter and rationale, together with the maps as referenced. The only significant change is this introductory paragraph.

We have attached an enlarged color copy of the zoning map and numbered five referenced areas (Area 1 – Area 5) where we believe a different proposed Comprehensive Plan land use designation and zone changes would make better sense. Under each of the numbered areas, we provide a brief description of the area (*in italics*) together with a rationale for how our proposed zone designation might provide better compatibility with the development of the surrounding areas. We then provide some suggested alternatives to better implement the Comprehensive Plan's land use "designation criteria" for differing land uses and zoning. Each alternative is numbered correspondingly.

Area 1: *Located in the east half of Section 10-21-6, just east of Lake Sawyer Park.* This 30+/- acre node of proposed Residential (R-4) zoning is surrounded by Business Park / Light Industrial zoning to the east and south and the Lake Sawyer Park to the west. It is a small island of lower density residential zoned property in a sea of Business Park / Light Industrial zoning that is generally not conducive to this type of residential use. This particular node of residential zoning doesn't seem to make sense, but for that matter, neither did the 1996 Plan from which this idea probably originated. I suspect that if it weren't for deference to the 1996 Plan, few urban planners would propose mixing lower density residential with Business Park / Light Industrial. In examining the "designation criteria" contained within the Land Use section of the Comprehensive Plan, this area does not reflect those planning elements nor comply with the "designation criteria" that would support Residential (R-4) designation. For these reasons, we don't think that the R-4 zone works in this particular area.

Alternatives for Area 1: We suggest a couple of different alternatives. One would be a residential zone which is more compatible with Business Park / Light Industrial such as Medium Density Residential (MDR-12). A second and perhaps better alternative would be to plan and zone this node to something more compatible with the Business Park zone, such as Community Business (CB). This could in turn allow development of residence inns or some other kind of group housing more appropriate to serving the needs of the surrounding business park. A third alternative would be to simply follow the Business Park / Light Industrial plan and zone which apparently works for all of the surrounding land. However, the single family residential R-4 zone seems on the surface to be out of character and simply not compatible with the surrounding planned business park.

Area 2: *Located in the north half of the southwest quarter of Section 10-21-6, around an area commonly known as Oak Lake or Lake Marjorie.* This 20 acre, rectangular-shaped properties of proposed R-4 zoning is surrounded by Business Park / Light Industrial to the east and south, the Lake Sawyer Park to the north, and unincorporated King County to the west. In examining the “designation criteria” contained within the Land Use section of the Comprehensive Plan, this area does not reflect those planning elements that would suggest Residential (R-4) designation. For many of the same reasons detailed above for Area 1, we simply do not think that an isolated island of lower density residential zoned property works for this particular property.

Alternatives for Area 2: This is a unique site and we think that it is more suited for either office buildings or perhaps Community Business (CB) or MDR-12, allowing something along the lines of a residence inn, retirement housing, or some other type of group housing or shared wall construction. We think that by its very nature, R-4 zoning would be too consumptive of land for this rather small site. An office building or some form of group housing (residence inn, retirement center, or group housing) would likely have a smaller footprint and enable a larger number of people to enjoy the significant amenities provided by these properties. However, the single family residential R-4 zone seems to be the exact wrong type of plan and zone for this 20 acre property.

Area 3: *Located in the north half of the northwest quarter of Section 15-21-6, east of and adjacent to the Lake Sawyer Road.* This 25 acre, triangular-shaped properties of proposed Business Park and Light Industrial property is adjacent to a huge swath of Business Park / Light Industrial property to the north and medium density residential to the east. We believe this property’s attributes would be better served by proposed zoning that makes best use of its strengths and its strategic location at the intersection of two major roads.

Alternatives for Area 3: We believe this site is a natural for Community Business (CB). A Community Business zone with its focus on larger buildings serving commercial markets and retail opportunities demands a larger site with flat topography and easy access to arterial roads. Plenty of road frontage is also a definite plus for businesses wanting to locate in a such a commercial area. This property has all of the attributes (flat topography, easy access, significant road frontage) which would make it successful

as a Community Commercial center. Also, it seems that there are already expansive Business Park / Light Industrial zoned properties to the north, so as to make this of “more of the same” zoning seemingly superfluous. Due to the significant opportunities available to this property, we think that Community Business (CB) planning and zoning makes good sense, where as even more Business Park / Light Industrial properties are just not needed. In examining the “designation criteria” contained in the Land Use section, this property has all of the attributes that support Community Business (CB), such as 1) a larger sized property located at the intersection of arterials; 2) a property that is free of environmentally sensitive areas; and 3) the property is capable of being served by transit and connections to pedestrian routes.

Area 4: *Located in the south half of the southeast quarter of Section 10-21-6, south of the Tacoma Pipeline route and east of Rock Creek.* This 25 acre, narrow, rectangular-shaped properties of proposed Business Park and Light Industrial zoning is located adjacent to and due north of R-6 and MDR-12 residential areas in Morganville. The proposed East-West arterial road, which follows the route of the Tacoma Pipeline (as anticipated in the 1996 Comprehensive Plan and built in 2002) makes a far better dividing line between Business Park / Light Industrial zoning to the north and residential zoning to the south. The current proposed dividing line is simply an artificial line between Section 10 and Section 15. We believe that a significant land form, such as an East-West connecting arterial, would make a better dividing line between residential and business zoning, than something as insignificant as a section line. The Comprehensive Plan “designation criteria” also supports using topography or other appropriate boundary forms for separating land uses.

Alternatives for Area 4: Given residential zoning to the south, we would suggest that the property south of the proposed East-West connecting arterial and east of Rock Creek be comprehensively planned and zoned R-6 residential to the west and MDR-12 to the east. These zones will flow naturally from the same residential zones to the south. We believe that community compatibility will be enhanced through using significant land forms, such as a connecting arterial, as divisions between different zoning uses, in this case residential and business. The use of a section line as a division does not seem as responsive to the built environment, nor is a section line responsive to creating suitable neighborhood boundaries. We believe the flow from residential to business areas promotes a better transition if a significant land form is used. We think moving the zone transition line 500 feet to the north and recognizing the connecting arterial road as a dividing line, makes much more sense than simply using a section line to define planning and zoning differences. For these reasons, we think that the two residential zone classifications from the south should be carried forth into these parcels to the north.

Area 5: *Located in the south half of the southeast quarter of Section 11-21-6 and a small portion of the south half of the southwest quarter of Section 12-21-6.* This 20+ acre property of proposed R-4 zoning is located south of an old abandoned railroad bed, historically known as the Bruce branch. The only problem with using this remnant artifact as a dividing line is that it no longer exists and hasn’t been on the ground for

more than twenty years. While it's an interesting historic footnote, the former rail line no longer has any relevance to designing a city for the 21st century. We would suggest that a more important dividing line in this area would be the proposed Tacoma Pipeline route which is also strongly suggested as the location of a new arterial road connecting SR 169 with Lawson Street. The area both north and south of the former rail line is now the site of a large earthen stockpile used in connection with nearby mining. When the stockpile is reconfigured there will be no difference between the Medium Density Residential (MDR-12) properties to north or the proposed R-4 property to the south. The Comprehensive Plan "designation criteria" for Medium Density Residential properties supports using topography or other appropriate boundary forms for separating land uses. We believe that the proposed Tacoma Pipeline route combined with the proposed SR 169 to Lawson Street arterial road will be a defining land division line and as such should be used for Comprehensive Plan land use designation and zoning. The former rail line is simply a historic artifact on a map. On the ground this feature no longer exists and therefore has no relevance for land planning.

Alternatives for Area 5: We believe the entire site located north of the Tacoma Pipeline route and north of the future SR 169 to Lawson Street connecting arterial should be zoned Medium Density Residential (MDR-12). Two properties (both north and south of the former rail line) share similar topography, ownership, and long-term development prospects. We think that the new arterial paralleling the Tacoma Pipeline route will be a defining community characteristic which is an ideal departure point for zoning transitions. The former rail line, which was abandoned over 70 years ago and erased as a land feature more than 20 years ago, is no longer anything but a historic footnote on older maps. It is not an existing land use nor is it a land form. It provides no rationale for planning or zoning divisions. The proposed Tacoma Pipeline and the planned arterial connector is the dividing line of today and tomorrow.

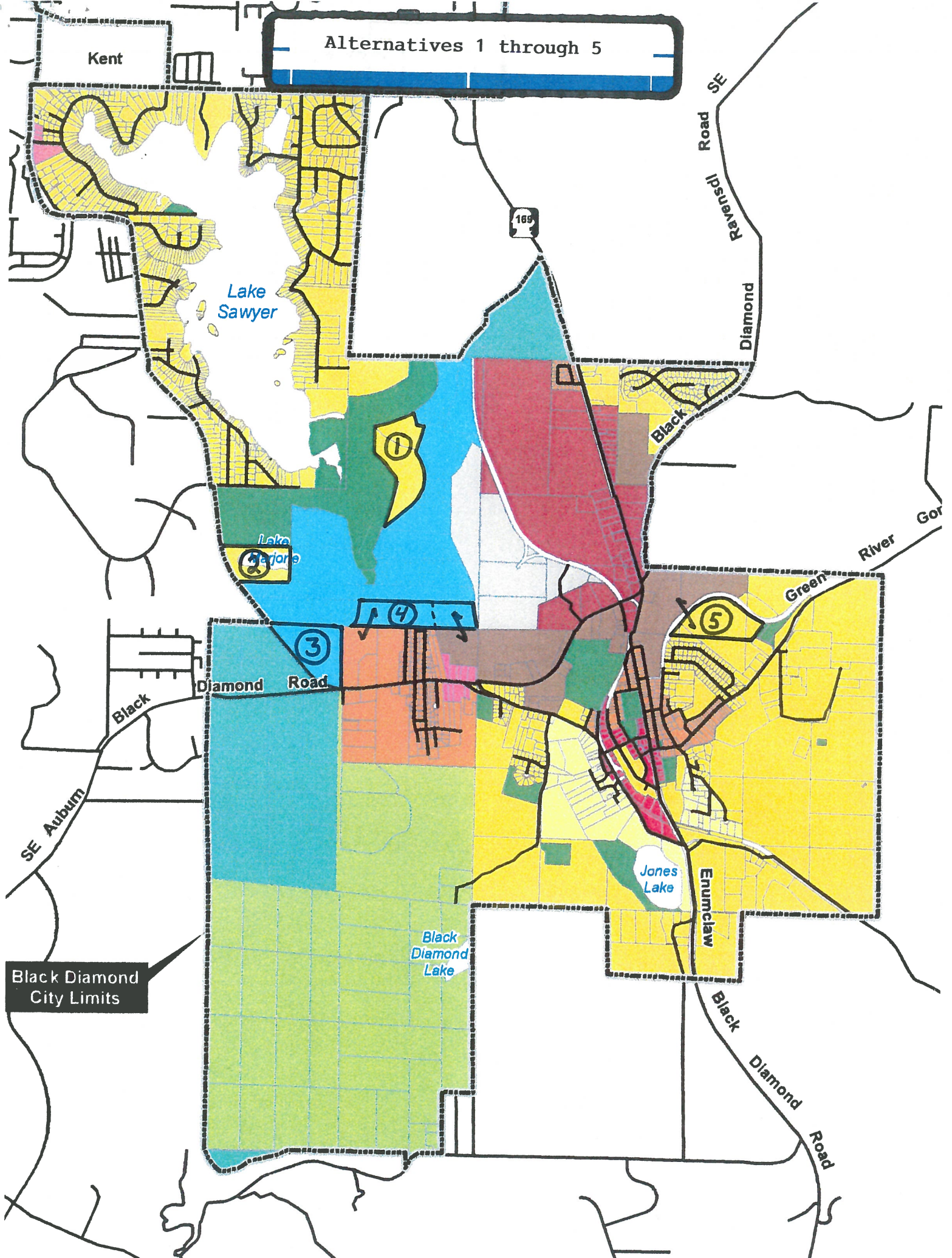
Thank you for this opportunity to provide comments on the proposed updates to the Comprehensive Plan as integrated with the Zoning Map component of the Comprehensive Plan. Given our intimate knowledge of the areas that we own, our company's plans, and our long-time involvement in the previous iterations of the several Comprehensive Plans, we would be more than happy to meet with you to provide further explanations of our rationale for proposed alternatives. Please give me a call at 425-432-4700 or e-mail me at palmercokingcoal@aol.com, if you would like to either meet or tour the areas where we believe we may have some better ideas.

Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company

Enclosure: Colored Zoning Map titled "Alternative 1 through 5"





PALMER COKING COAL CO, LLP

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August 21, 2018

Barbara Kincaid
City of Black Diamond Planning Commission
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Comprehensive Plan and Zoning Map – Updated Changes and Rationale

Dear Barbara:

Thank you for taking time to visit our company's mine yard and gravel pit properties to better understand their relationship to surrounding land forms. I think it was several hours well worth spent.

I believe during our tour we both saw logical changes that should be made to the Future Land Use Map (Figure 5-2) during the update to the Comprehensive Plan. I have marked up a copy of the map showing changes that make sense given natural dividers such as Rock Creek and the Lake Sawyer Park.

Palmer Coking Coal (Palmer) believes that there is simply too much business park & light industrial-zoned properties. By the same token we think our properties located west of Rock Creek and generally surrounded by the Lake Sawyer Park make far more sense as medium density residential. Given the conceptual reclamation plan that we are implementing in our gravel pit, there seems a natural cohesion between residential and park lands. This cohesion that does not exist between light industrial and public parks.

Another change that make sense is to delete the former RRR/W which shows on Figure 5-2. That RRR/W was long ago eliminated as a land form and the property reverted to the underlying owner. It simply doesn't make sense any longer and hasn't for the past 30+ years.

We would also like to see the Community Commercial / Industrial delineation in that same area follow a more usable line rather than create a tiny triangle of industrial surrounded by Community Commercial.

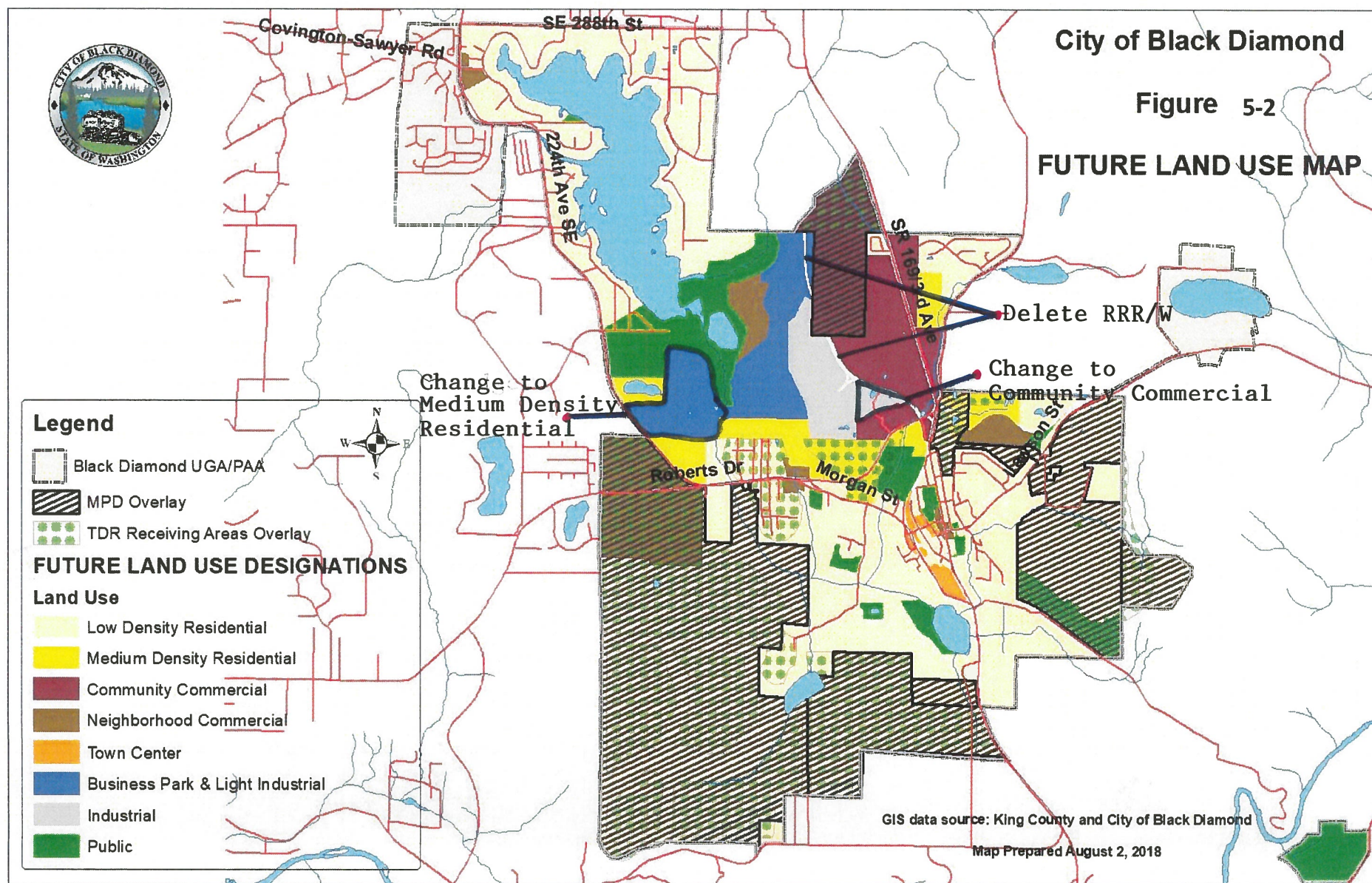
The attached "marked up" map shows the changes we are suggesting. Please call or write if you have any questions.

Very Truly Yours,

William Kombol, Manager

5.18 Future Land Use Map

SUGGESTED CHANGES PER PALMER LETTER DATED AUG. 21, 2018





PALMER COKING COAL CO, LLP

31407 Highway 169 • P.O. Box 10 • Black Diamond, Washington 98010
360-886-2841 • 425-432-4700 • Fax 425-432-3883 • www.palmercc.com

June 11, 2021

Mona Davis
City of Black Diamond Planning Commission
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Comprehensive Plan and Zoning Map Updates – Additional Proposals

Dear Mona:

This is the third of three planned letters addressing Comp Plan and zoning changes, focused on both existing, adopted, and proposed. I've dated the three letters on consecutive days (June 9, 10, 11) for ease of future reference. My June 9th letter provided background on our company with a deep dive into the Business Park & Light Industrial zone, and why the City of Black Diamond (COBD) doesn't need more of this zone now or in the future. My June 10th letter highlighted the long history of Comp Plan changes proposed by Palmer with analysis and rationale for why each made good sense.

This June 11th letter provides more suggested tweaks to the Comp Plan and zoning. I hope to bring coherence to issues which have previously been overlooked or ignored. I've chosen the Planning Commission 9/10/2019 zoning map (renamed as Palmer Proposals – June 11, 2021), as the best vehicle to illustrate this set of proposals. To avoid confusion with the numbering system used on that map (#1 through #8), each Palmer Proposal is identified by letters A through G. Each proposal includes a description of the affected property, tax parcel numbers where appropriate, and a rationale for the suggested change. The accompanying map places the corresponding letter upon or near the subject parcel(s) or area.

Proposal A - (tax parcels 112106-9017 and 112106-9024): Within the area of the city dominated by Business Park & Light Industrial, Industrial, and Community Commercial zoning, there is a narrow line of un-zoned property shown in white. The area corresponds to the long-abandoned Columbia & Puget Sound Railroad (later Pacific Coast Railroad). Much of what was once a recognizable rail bed has been obliterated by decades of earth moving and land changes in an area that once supported Black Diamond's largest coal mine.

That portion of the former rail road on Oakpointe's property (112106-9109) doesn't show as un-zoned and neither should it on Palmer's property. While any future development of this property will no doubt incorporate land forms and historic artifacts, this particular feature is no longer recognizable on the ground, and shouldn't be listed as un-zoned on City zoning maps. The Planning Commission recognizes that former railroad beds shouldn't be un-zoned as evidenced by their proposed change #8 for tax parcel 142106-9158, another railroad remnant.

Proposal B - (tax parcels 112106-9133 and 112106-9134): In August 2018, Palmer suggested to Barbara Kincaid and the Planning Commission that a triangle of property encompassing most of the above two parcels be rezoned from Industrial to Community Commercial (CC). The rationale is that as the eastern tip of this zoning triangle makes an awkward transition between Industrial uses which are squeezed between CC uses on both sides. Good zoning does not create future conflicts between zone classifications. These properties are the same in all conventional aspects (location, topography, orientation, etc.) and deserve to share the same zoning classification. Just imagine trying to develop an Industrial use within the tiny tip of that triangle while CC uses develop on either side. It's not smart planning and will lead to undesirable outcomes. We believe the zoning for those two parcels should correspond to the adjacent parcels and be rezoned to Community Commercial.

Proposal C - (tax parcel 142106-9152): Palmer's 5-acre lot was formerly used as the COBD's sewage treatment plant. Following the City's cleanup of the property and pursuant to a reversionary clause in the deed, Palmer repurchased this property from the City in 2018. It is currently listed as Public (PUB) on zoning maps. The property is no longer publicly owned so should be zoned the same as surrounding properties.

Proposal D - (tax parcel 132106-9012): Palmer's 50.13-acre parcel is located adjacent to tax parcel 132106-9017, a former railroad bed shown as Proposed Change #7 on the attached map. Palmer does not own 132106-9017 and has no position on that proposal.

While Palmer's 50.13-acre parcel was once subject to a Temporary and Revocable Conservation Easement dated Dec. 31, 1996 in favor of the City, it no longer is. That easement had a specific 20-year time period and all City rights expired on January 1, 2017. Thus, this property is fee-owned by Palmer and the City no longer has an interest in the property. The story of the City's failure to purchase the property and its timber is long and tortuous but suffice to say the City never exercised their rights within the 20 years during which they had rights. Those right expired over four years ago. This property should no longer be zoned public as it is privately owned and managed.

Proposal E: We note that several City-owned assets are not shown as Public on current zoning maps. Below is a list of tax parcels followed by a common name for each:

- ◆ **132106-9053** – City water tank on Lawson hill.
- ◆ **112106-9072** – Coal Car Triangle park at Roberts & SR 169.

- ◆ **112106-9090** – Roberts Roundabout future stormwater / historical.
- ◆ **142106-9088** – The City pump station on this otherwise privately-owned lot.
- ◆ **142106-9013** – Former Columbia & Puget Sound Railroad (portion).
- ◆ **084100-0005** – King County Housing Authority (manufactured homes).

There are likely other parcels with which we are not familiar. I do remember several years back when Barbara Kincaid was working on a TDR parcel data base. The printout she had included every parcel in the city. While reviewing it I noticed a large number of parcels the COBD owned, most of which are not shown above. Some may be alleys, streets, and the like, but it may be worth an investigation.

One other class of properties which might qualify for Public (depending on how the zone is defined) are the many open space tracts owned or managed by various Homeowners Associations. Whether these tracts have true Public characteristics might only be discovered through a review of their ownership, deed restrictions, and whether the City or public has any usage rights. [Note: This proposal is not specifically mapped as they are various locations through City.]

Proposal F - (tax parcel 563600-0500): When the Morgan Creek plat was developed in the 1990s, the tiny stream also named Morgan Creek served as the boundary between platted single-family lots to the east and the undeveloped portion to the west. Because the Androsko property (112106-9088) to the west was not yet ripe for development, the main arterial (Kanaskat Drive) through the plat crossed the creek but terminated at the Androsko property line (now Spartan Storage). To the south of Spartan Storage is another commercial development called Foothills Village, and further south is McDonough Industries, who property is also used commercially. To the east of McDonough is Diamond Valley trailer park (formerly Cedarbrook). And squeezed between these commercial and multi-family uses is Palmer's Morgan Creek Tract B.

When Morgan Creek was platted, both the City and Palmer realized that Tract B had entirely different characteristics than the rest of the plat. The city-approved plat map (Vol. 166 of Plats, page 102 – recording #9312092161) reflected that reality and included the following provision for Tract B:

Tract 'B' – Future development as a Multi Residential site utilizing Tracts A and G for storm retention & management, owned by Palmer Coking Coal Co. Maintained by Palmer Coking Coal Co. See protective covenants, conditions & restrictions Rec. No. 9312082166.

Palmer conveyed to the Morgan Creek Homeowners Association Tracts C, D, E, F, G, H, and I (9407201186) for stormwater and open space purposes (each Tract had a different use). The Tract A conveyance (Rec. No. 9407201185) had a special reservation to Palmer as follows:

Reserving unto the Grantor, Palmer Coking Coal Co. (hereinafter "Palmer"), its successors and/or assigns any and all residential density, density credits, density transfers, open space credits or similar allowances which may in the future be adapted by the Municipality of Black Diamond, so as to entitle Palmer, its successors and assigns, credits for realty dedicated for public trails, recreation, and open space and other beneficial uses which are inherent in Tract "A" describe above. Said residential density, density credit, density transfer, open space credit or similar allowance may be used to benefit property owned by PALMER, its successors and/or assigns, which may or may not be adjacent to Tract "A" described above. It is understood and agreed that the conveyance of residential density, density credit, density transfer, open space credit, or similar allowances will allow Palmer, its successors and/or assigns, a higher residential density on the property receiving such credits or allowance that might otherwise be enjoyed by that property (*for example Tract "B" of Morgan Creek I and IV*), had this reservation not been reserved, transferred, granter or assigned.

The Morgan Creek Homeowners Association subsequently conveyed to Palmer the density credits and open space rights in Tracts C and D (Rec. No. 9508211066):

Any and all residential density, density credits, density transfers, open space credits or similar allowances which may in the future be adapted by the Municipality of Black Diamond, so as to entitle Palmer, its successors and assigns, credits for realty dedicated for public trails, recreation, native areas, buffers, open space and other beneficial uses which are inherent in Tract "C" and "D". Said residential density, density credit, density transfer, open space credit or similar allowance may be used to benefit property owned by PALMER, its successors and/or assigns, which may or may not be adjacent to Tracts "C" and "D" described below. It is understood and agreed that the conveyance of residential density, density credit, density transfer, open space credit, or similar allowances will allow Palmer, its successors and/or assigns, a higher residential density on the property receiving such credits or allowance that might otherwise be enjoyed by that property, had this interest in real estate not been conveyed.

And later, the Morgan Creek Homeowners Association (M.C.H.A.) conveyed to Palmer (Rec. No. 9808282115), a Road, Utility, and Drainage Easement rights encumbering Tracts A and G in favor of Palmer's dominant estate, Tract B. **[NOTE:** All recorded documents can be provided upon request.]

The intent of all parties (COBD, Palmer, M.C.H.A.) point to one desired outcome – that Morgan Creek Tract B was intended to be developed as a multi-family site with additional residential density from the 7.8 acres of property contained within open space Tracts A, C, and D. It was also anticipated that Tract B would use Tract G for stormwater discharge.

Since then, both prior and subsequent development of adjoining properties to the west as commercial and south as multi-family leave little choice but to recognize the reality that Morgan Creek Tract B is destined for high density residential.

Proposal G: We note the dotting of many of our properties with what the zoning key shows as water bodies. We have examined these locations, and most are stormwater ponds. Yes, the stormwater ponds in most developed plats (Lawson Hill Estates, Morgan Creek, Eagle Creek, etc.) are not shown as water bodies.

The purpose of addressing this matter is that many of Palmer's stormwater ponds are temporary in nature and may be enlarged, removed, filled in, or relocated during subsequent development. And they are certainly not permanent aquatic features as are the more conventional water bodies such as Lake Sawyer, Jones Lake, Black Diamond Lake, etc.

Our suggestion is that if stormwater ponds need to be shown on the map, they bear a different graphic than natural water bodies. Stormwater ponds are man-made and subject to alteration, which is not the case with lakes and streams. And, if private (and sometimes temporary) stormwater ponds are shown on Palmer property, shouldn't the many stormwater ponds serving platted lots also be shown? [**Note:** This proposal is not specifically mapped as there are various locations through City.]

Very Truly Yours,



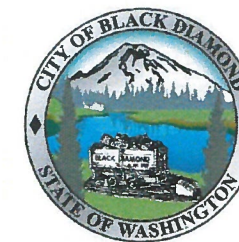
Bill Kombol, Manager
Palmer Coking Coal Company, LLP

Enclosures: COBD Zoning Map labeled Palmer Proposals – June 11, 2021

King County iMap of Morgan Creek Tract B and surrounding properties

Palmer Proposals - June 11, 2021

PROPOSALS A THROUGH G



City of Black Diamond Zoning

- Business Park and Light Industrial (B/IP)
- Community Commercial (CC)
- Industrial (I)
- Medium Density Residential (MDR8)
- Master Planned Development (MPD)
- Neighborhood Commercial (NC)
- Public (PUB)
- Single Family Residential (R4)
- Single Family Residential (R6)
- Town Center (TC)

- City Limits
- Black Diamond UGA/PAA
- Water-Bodies
- Streams

PARCELS TO BE AFFECTED

#1 - Change from R4 to MDR8
Parcel Number(s):
1021069010

#2 - Change from B/IP to MDR8
Parcel Number(s):
1521069110
1521069112
1521069113
1521069114
1521069115

#3 - Change from B/IP to MDR8
Parcel Number(s):
1021069111

#4 - Change from R4 to NC
Parcel Number(s):
1021069103
1021069105

#5 - Change from B/IP to CC
Parcel Number(s):
1121069008

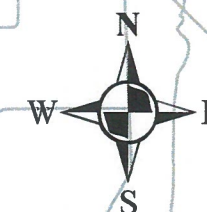
#6 - Change from R4 to NC
Parcel Number(s):
1121069020
1121069112
1121069113
1121069114
1221069049

#7 - Change from MPD to PUB
Parcel Number(s):
1321069017

#8 - Change from Unzoned to R4
Parcel Number(s):
1421069158

- E Various locations throughout City
- G Various locations throughout City

0 0.25 0.5 1 Miles



King County iMap



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Mobile Home Park (Cedarbrook)

Notes:



King County



PALMER COKING COAL CO, LLP

31407 Highway 169 • P.O. Box 10 • Black Diamond, Washington 98010
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August 21, 2018

Barbara Kincaid
City of Black Diamond Planning Commission
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

Re: Proposed Comprehensive Plan and Zoning Map – Updated Changes and Rationale

Dear Barbara:

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I believe during our tour we both saw logical changes that should be made to the Future Land Use Map (Figure 5-2) during the update to the Comprehensive Plan. I have marked up a copy of the map showing changes that make sense given natural dividers such as Rock Creek and the Lake Sawyer Park.

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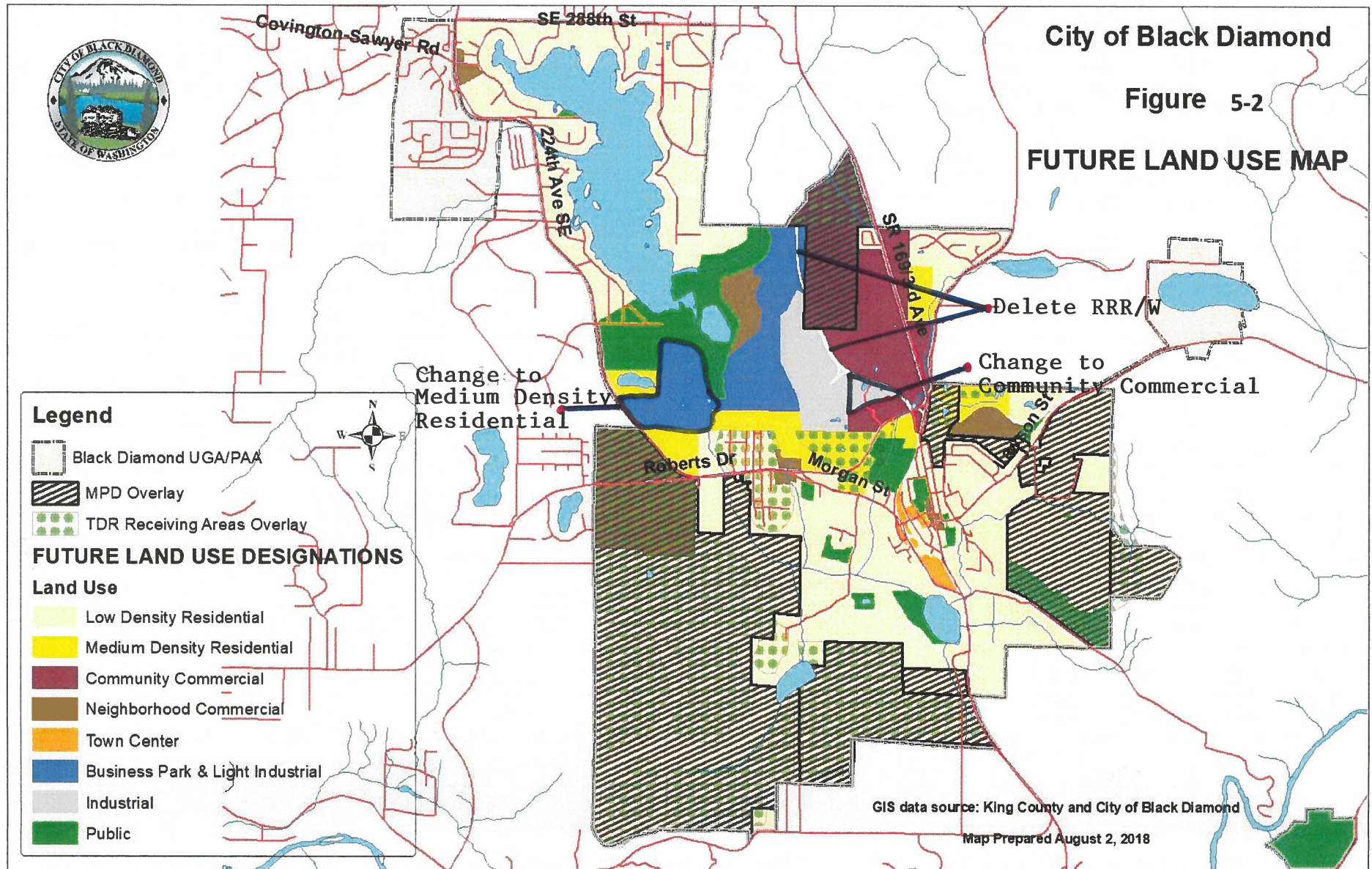
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William Kombol, Manager

5.18 Future Land Use Map

SUGGESTED CHANGES PER PALMER LETTER DATED AUG. 21, 2018



Ian Williams

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Tuesday, September 7, 2021 1:23 PM
To: Mona Davis
Cc: Gary Davis; karen@bryantstractorandmower.com; kristenbry@gmail.com
Subject: Comments for 9/7/21 Comp Plan Hearing part A.
Attachments: 2021-09-07 CompPlanLandUsePublicHearing-1.pdf; 2021-09-07
CompPlanLandUsePublicHearing-2.pdf; 2021-09-07 CompPlanLandUsePublicHearing-3.pdf

The attached comments are from individuals in the scanned paper documents they filled out.

Due to large file size, they are being sent in multiple emails.

To the City of Black Diamond. Public Hearing Comments September 2021.

Regarding the Comprehensive Plan Future Land Use Map Changes including the 31 Acre Strip Mall potential site along State Highway 169:

Over-development for too much commercial land use will ruin the market for retail land development in Ten Trails, which was carefully planned to reduce driving and to benefit the public.

Black Diamond is already quadrupling in size, to more than double our share of growth in the Puget Sound Regional Plan. This means the state and county cannot fund roads and services for our area. Additional dense development is beyond the capacity of our schools, roads, air quality, EMS, fire, police, and parks.

A change for increased density should be analyzed only with developer payment of Comprehensive Plan Amendment fee per Black Diamond Code 16.10.050, and:

1. A fully updated Transportation Analysis
2. Improved street standards for existing neighborhoods so pass-through traffic does not degrade quality of life
3. Walking safety, trails, and bicycle improvements
4. Wildlife corridors
5. Developer fees to support parks
6. More developer funds for schools
7. Restoration of the trees clear cut without development approval
8. Address noise, light, glare, and small-town character
9. A full financial, tax & public services, and market review

Do not keep the poorly planned increased development in the 2019 Comprehensive Plan Future Land Use Map. The City should change the Map to current zoning or 'current use' such as mineral, forestry, light industrial. These provide future employment without the traffic and other harmful impacts.

Name

Lynn Brimhall

Address

29808 22nd AVE SE Kent WA 98042

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Name MEENA RAHMAT

Address 33557 JUNIPER AVE SE

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Name ERIC ROSSKNECHT

Address rossknecht1@gmail.com

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Name Steve Farrell

Address 24711 Morgan St

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Name

Cindy Essick

Address

27825 SE 307th Pl

To the City of Black Diamond. Comprehensive Plan Comments September 2021.

Please reject any land use change for increased density at this time.

AND

Do not keep the poorly planned increased development in the 2019 Comprehensive Plan Future Land Use Map. Revert them to "current use."

Prior to any Land Use Change for Increased Density, Require Developers to Provide:

- A fully updated Transportation Analysis
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Stop ignoring our laws that require developers to submit additional reports and application fees (city code 16.10.050).

Before even thinking about more development, Black Diamond City Council Must Update our Code to Require:

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Name

Theodore Bogert

Address

POB 443

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Name

Gabriel Hanzeli

Address

31735 224th PL SE Black Diamond

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Name

Eric Harris

Address

27498 254th Pl SE MC 98038

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Name

John Kouach

Address

30824 228 Ave SE

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Name

Vic Sivitilli

Address

POB 1039 BD, WA 98010

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Prior to any Land Use Change for Increased Density, Require Developers to Provide:

- A fully updated Transportation Analysis
- A full financial, tax & public services, and market review
- Restoration of the trees clear cut without development approval

Stop ignoring our laws that require developers to submit additional reports and application fees (city code 16.10.050).

Before even thinking about more development, Black Diamond City Council Must Update our Code to Require:

1. Improved street design standards for existing roads, so pass-through traffic does not degrade quality of life
2. Pedestrian crossings, trails, and walking safety improvements
3. Wildlife corridors
4. Fixes to address noise, light, glare, and small-town character
5. Developer fees to support parks
6. Increased developer traffic fees
7. More developer funds for schools

Name Jason Skannos

Address 24421 Terrace Pl

To the City of Black Diamond. Comprehensive Plan Comments September 2021.

Please reject any land use change for increased density at this time.

AND

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Name

Charlie Martin

Address

24418 Terrace Place

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6. Increased developer traffic fees
7. More developer funds for schools

Name Nancy Blystone

Address PO Box 7, Black Diamond, WA 98010

To the City of Black Diamond. Public Hearing Comments September 2021.

Regarding the Comprehensive Plan Future Land Use Map Changes including the 31 Acre Strip Mall potential site along State Highway 169:

Over-development for too much commercial land use will ruin the market for retail land development in Ten Trails, which was carefully planned to reduce driving and to benefit the public.

Black Diamond is already quadrupling in size, to more than double our share of growth in the Puget Sound Regional Plan. This means the state and county cannot fund roads and services for our area. Additional dense development is beyond the capacity of our schools, roads, air quality, EMS, fire, police, and parks.

A change for increased density should be analyzed only with developer payment of Comprehensive Plan Amendment fee per Black Diamond Code 16.10.050, and:

1. A fully updated Transportation Analysis
2. Improved street standards for existing neighborhoods so pass-through traffic does not degrade quality of life
3. Walking safety, trails, and bicycle improvements
4. Wildlife corridors
5. Developer fees to support parks
6. More developer funds for schools
7. Restoration of the trees clear cut without development approval
8. Address noise, light, glare, and small-town character
9. A full financial, tax & public services, and market review

Do not keep the poorly planned increased development in the 2019 Comprehensive Plan Future Land Use Map. The City should change the Map to current zoning or 'current use' such as mineral, forestry, light industrial. These provide future employment without the traffic and other harmful impacts.

Name Jasmine Sandwal

Address 33557 Juniper Ave SE

To the City of Black Diamond. Comprehensive Plan Comments September 2021.

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AND

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Name

Tara Reyes

Address

25421 Palmer Pl.

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Name

Patrick Hobbs

Address

28902 224th Pl SE, Black Diamond WA

Ian Williams

From: Alan Gangl <argangl52@gmail.com>
Sent: Tuesday, September 7, 2021 10:06 AM
To: Mona Davis
Subject: Comments for Planning Commission 2021

To the Black Diamond Planning Commission,
Ms. Davis,

I would like to submit comments regarding the proposed rezoning of 155 acres.

My suggestion was to keep the Light Industrial Zoning on Black Diamond's Future Land Use Map as an excellent way to achieve a jobs and tax balance.

Black Diamond has more than enough residential development. Black Diamond is a small city and should remain that way. Other cities have more transit and infrastructure, and will and should remain King County's more robust job centers.

If we do want a better balance of jobs and housing in Black Diamond, we already have significant housing and significant areas for commercial development. We do not need more of either of these. For a better jobs balance, keep the Light Industrial. Light Industrial is usually a "tax positive" for cities. Mineral or forestry use (the current land uses) are also good industries for Black Diamond.

Some may express concern that "Light Industrial" may not be compatible with neighboring residential areas. This is easily solved by a requirement for buffers of trees if the light industrial use is not suitable next to residential.

Over time, other appropriate businesses may use that Light Industrial zoning. It probably won't be immediate, but time to find a land use that does not require significant population growth is a good thing. When we are experiencing rapid growth, it is hard to keep up. We have roads and intersections scheduled to be under constant construction. Enumclaw has a lot of school bonds to put to taxpayers and then needs time to build schools.

For apartments and housing growth that does occur, please require at least 50% natural open space (do not count parking as open space). For an outlying city like Black Diamond, housing at all income levels should have the experience of the green space and relaxed feel. Keep it walkable. This means we should not expand roads to more than one lane each way.

Please change the Future Land Use Map to revert to the 2009-2018 version. Do not add over-development. Our goal to keep our small-town character needs to be addressed in a meaningful way.

Thank you,
Alan Gangl
argangl52@gmail.com

Ian Williams

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Tuesday, September 7, 2021 1:57 PM
To: Mona Davis; Gary Davis; Angela Rossman Fetting; karen@bryantstractorandmower.com; kristenbry@gmail.com; argangl52@gmail.com; Philip Acosta; Kelley Sauskojus; r.mixdog4@comcast.net
Subject: Comments for Planning Commission Comp Plan Future Land Use Sep 7
Attachments: FOBD 2021-09-07 Land Use Comments.pdf

Ms. Davis and Planning Commission
Attached is from Friends of Black Diamond.
Kristen Bryant
William Bryant Gary Davis.

Comments on Future Land Use Changes Comprehensive Plan

Sept 7, 2021

Regarding the staff report, the following apply to Inconsistency #1 , 3, (Slide 8, 10) and others where the staff makes these comments. The staff language is shown, followed by underlined comments from our citizen group.

Staff Recommendation:

Staff recommends rezoning the parcels to Medium Density Residential (MDR8) to be consistent with the 2019 FLUM map.

Evaluation Criteria for Amendments for Site-Specific Proposals.

It is unclear why the staff report is following parts of the process for “site-specific proposals” but not the parts under BDMC 16.10 that required the land developer to submit specific reports and materials and an application fee for site specific proposals .

1. Whether the proposed site-specific amendment(s) meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services (e.g., police, fire and emergency medical services, parks, fire flow and general governmental services);

Further analysis is being done on transportation concurrency and level of service by a third-party reviewer and will be included on the final recommendation prior to planning commission action.

The staff has made its recommendation without considering transportation concurrency and level of service. No recommendation should have been made, even if preliminary, before this essential information has been obtained and evaluated.

The regional implications have not been considered for Transportation. Notably, PSRC advised the city to avoid further surpassing adopted growth targets and advised the city to: “Continue to coordinate with other jurisdictions regarding unanticipated growth levels, and to assess and mitigate traffic impacts from growth.”

Additionally, criteria listed in item 1 are much more extensive than transportation (police, fire, emergency services, parks, general government services) yet none of these are addressed.

2. Any proposed site-specific amendment(s) will not result in probable significant adverse impacts to the city's transportation network, capital facilities, utilities, parks and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;

Further analysis is being done on impacts to the transportation network, capital facilities and utilities and will be included on the final recommendation. Impacts to environmental features and parks will be regulated through the City's development code and site-specific SEPA review.

Again, staff has no basis to make a recommendation without this information. Delaying SEPA review

of impacts on the environment and parks is inconsistent with SEPA law and guidelines that require review at the earliest possible step in the review process.

3. In the case of a site-specific amendment(s) to the comprehensive plan's land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including, but not limited to, the following:
access; (ii) provision of utilities; and (iii) compatibility with existing and planned surrounding land uses;

No changes would be made to the existing comprehensive plan's land use map.

The land use map change was never evaluated in 2019. See Public Input October 8, 2019, June 2020, July 2020, March 2021 references to what was submitted earlier. This is the time to rectify that problem and do the proper analysis. The City cannot rely on prior work because there wasn't any.

However, the zoning map would be changed. Any proposed development would be required to submit for water and sewer concurrency/ availability prior to permits being granted.

The purpose of area-wide planning is to evaluate impacts and service areas cumulatively. For example, there are limits to the city's sewer and water infrastructure in this area. The City must consider whether this rezone will limit availability of these services to other properties in the area by allocating capacity to this rezoned area. To wait until the time of development review would be after the property owner has an entitlement and the City would be unable to deny a development proposal because it would reduce the level of service to other properties in the future. If the sewer and water were available at that time for this single development, but then no other capacity would be available for future development, the City would nevertheless be obliged to issue permits. This would obviously be unfair and harmful to other property owners. This is why infrastructure capacities need to be fully evaluated prior to the rezone.

The proposed rezone creates increased compatibility with the surrounding uses by providing a better transition between Business Industrial Park and the Single Family Residential (R6).

R6 (Low Density Residential in BD) and R8 (Medium Density Residential in BD) are very similar. There is no evaluation or explanation here for why the rezone would create increased compatibility.

4. The proposed site-specific amendment(s) will not create pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the city as a whole.

The proposed changes would not create pressure to change further parcels. The FLUM already reflects the parcels as medium density residential, and the zoning change is being done to provide consistency. The change to medium density residential is to provide for a transition of land uses between business park industrial and single family. The changing of further land uses would affect the purpose of creating a transition, and therefore does not create pressure to change other surrounding designations. These changes are in the best interest of the City.

The "best interests" statement is not backed up with any facts or study. It is simply an opinion and

does not meet the City's burden to "show its work". Moreover, the addition of such a large amount of additional housing would affect the real estate market in ways that have not been evaluated. The intent of the policy to "not create pressure" has many aspects, and some of them are market and infrastructure related.

5. The proposed site specific amendment(s) does not materially affect the land use and population growth projections that are the basis of the comprehensive plan;
The City has been actively working with PRSC to bring population projections for the City up to date to properly reflect development within the City. The projections do not function as a ceiling but are an important minimum to meet.

Growth targets are expressed as a target, not a minimum. The minimum is no more significant than the maximum. The growth targets have a strong legal basis in the context of the Growth Management Act and the King County Planning Policies. A jurisdiction that zones irresponsibly and far in excess of its allocated population growth projections may suffer sanctions and be unable to successfully obtain regional funding for infrastructure improvements such as roads. Cities are required to plan in collaboration with neighboring and regional jurisdictions, so ignoring PRSC population projections risks the City's plans being rejected by the Growth Management Hearings Board.

PSRC specifically advised the city to:

"•Avoid increases in development capacity that would significantly surpass adopted targets." Source: <https://www.psrc.org/sites/default/files/eb2020feb27-agenda.pdf> page 6.d.

The site is 53 acres, the new allowed density would be 8 du/acre, which would provide for a maximum or gross density of 424 units (likely less as some of the site would be taken up with roads, stormwater, sensitive areas and associated buffers, etc. which would net far less units).

Is this correct? Aren't there provisions in the code to allow higher density bonuses and transfer of development rights (TDRs) for increased density? Has the staff considered how many TDRs are available and how many are already possessed by this land developer? In addition, space for roads and utilities, etc., does not reduce the number of units per acre. In Black Diamond, lot sizes can be reduced and shifted to keep the zoned density.

The proposed zoning change will affect the land use and population growth projections; however, the growth targets are a minimum that must be met which this change will aid in meeting.

The targets relate to capacity not attainment. The City has no burden to meet growth targets, but is rather obligated to provide zoning to allow growth targets to be achievable. The City already has far more zoned potential development than is necessary to accomplish this. In fact the City is out of compliance with regional growth targets and this rezone will exacerbate the situation.

Further, the zoning on site would be changing to a higher density residential zone which provides for a buffer between the business park/industrial uses and lower density single-family residential uses, and is necessary to help provide for affordable, attainable, and/or transitional housing in the long term.

A buffer is not necessary between existing residential and a park. Additionally, if are assuming residential is not desired next to B/IP (which is not true and has no evidence for this assertion), then the new MDR8 actually will create more homes next to B/IP. This by definition creates pressure to change the neighboring zones.

6. If within an incorporated urban growth area (UGA), the proposed site-specific amendment(s) does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA;

The proposed change does will not materially affect the adequacy or availability of urban facilities and services.

There is no factual basis or evaluation to back this statement up.

Any development proposals must meet concurrency requirements and provide appropriate infrastructure.

Rezoning and future land use map changes require their own evaluation of service levels and capacities, as discussed above. It is inconsistent with SEPA, the GMA, and the City's own Plans and policies to defer all evaluation of infrastructure capacity and availability to the development application stage. To say this policy will be met later invalidates the intent of the policy.

7. The proposed amendment(s) is consistent with any applicable county-wide policies for the city and any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws.

The proposed amendment is consistent with all local, state, and federal laws, as well as county wide and city policies. The City will continue to coordinate with other local jurisdictions, as well as applicable regional and state agencies through review processes such as SEPA.

There is no factual basis or evaluation of this statement. The City fails to "show its work" because there hasn't been any. The City's planning is wildly inconsistent with regional and countywide planning goals and policies. The City is not compliant with State requirements regarding its Water Plan. The City has no early and ongoing communication and coordination about its plans with other agencies.

Item "Inconsistency #2"

The land use map change was never evaluated in 2019. See references to comments submitted earlier. This is the time to rectify that problem and do the proper analysis. The City cannot rely on prior work because there wasn't any. Please provide any citation of the prior work.

Ian Williams

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Tuesday, September 7, 2021 1:32 PM
To: Mona Davis
Cc: Gary Davis; karen@bryantstractorandmower.com; kristenbry@gmail.com
Subject: Comments for Public Hearing Sep 7 Land Use Map - to Planning Commission
Attachments: 2021-04-22 publiccomments scanmonadoc17848220210422093132.pdf

The attached comments were turned in earlier this year. They also apply to the Public Hearing tonight Sept 7. Many of these comments are not addressed. The Planning Commission can put back the B/IP zoning on the parcel in question.

Friends of Black Diamond
and Gary Davis
Kristen Bryant
William Bryant
and attached commenters.

To: The Residents and Government of Black Diamond
Subject: Proposed 31 Acre Commercial along State Highway 169
(Permit # PLN19-0057, PLN21-0007 & PLN21-0008)

Under State law, a rezone must prove that it provides a public benefit. The proposed rezone is unnecessary and to the detriment of the public. Prior to a decision, please require:

- A full Environmental Impact Statement and Public Hearing
- Updated Transportation Analysis for city roads and roads to and from Black Diamond
- Walking and bicycle improvements
- Wildlife corridors and mitigation fees to support public parks
- Restoration of the trees clear cut without development approval
- Address noise, light, glare, and small-town character
- A full financial, tax, and market review

The City should keep the existing "Light Industrial" Zoning, which provides future employment without the traffic and other harmful impacts.

Karl Raymond
Name

30404 Blaine Av Black Diamond
Address



To: The Residents and Government of Black Diamond
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Kevin Ediger
Name

2815 Kamstel Dr Black Diamond
Address



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STEVE DAY
Name

25412 CUMBERLAND WAY B.D 98010
Address



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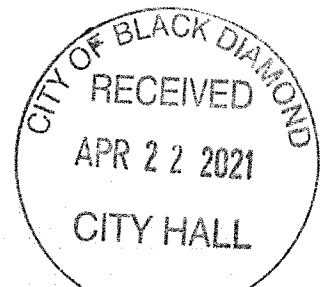
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Tessa Madsen
Name

22007 Granite Ct.
Address Black Diamond, WA 98010



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Shellyn Moore
Name

33113 Glacier Ave SE
Address



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MUKUND SUNDARARAJAN
Name

32801 Stuart Ave SE
Address



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Ashley Fullmer
Name

32731 Stuart Ave SE Black Diamond, WA 98010
Address



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Subject: Proposed 31 Acre Commercial along State Highway 169
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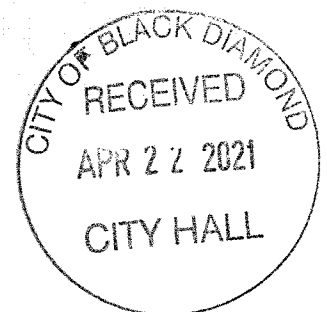
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Stephanie Read
Name

32819 Stuart Ave
Address



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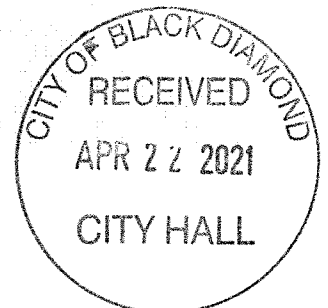
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Haurie Herbst
Name

32425 Lynch Lane
Address



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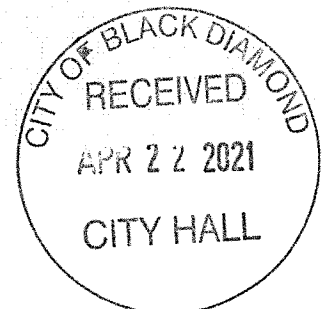
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Rollin Herbert
Name

32425 Lynch Lane
Address



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Andy Hemming
Name

32413 Lynch Lane
Address



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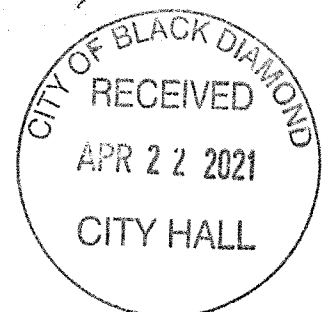
Name

Address

Michael Rowe

32449 4th Ln Black Diamond, WA

98010



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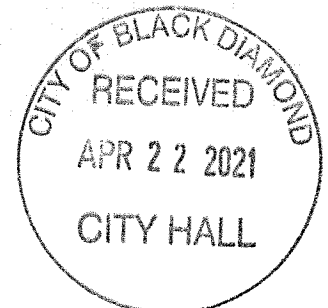
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- A full Environmental Impact Statement and Public Hearing
- Updated Transportation Analysis for city roads and roads to and from Black Diamond
- Walking and bicycle improvements
- Wildlife corridors and mitigation fees to support public parks
- Restoration of the trees clear cut without development approval
- Address noise, light, glare, and small-town character
- A full financial, tax, and market review

The City should keep the existing "Light Industrial" Zoning, which provides future employment without the traffic and other harmful impacts.

Elizabeth A. Nagy
Name

22545 SE 304 Pl.
Address



To: The Residents and Government of Black Diamond
Subject: Proposed 31 Acre Commercial along State Highway 169
(Permit # PLN19-0057, PLN21-0007 & PLN21-0008)

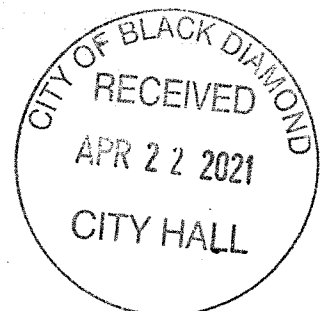
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ROBERT MARI
Name

28507 SE 36th PL
Address



To: The Residents and Government of Black Diamond
Subject: Proposed 31 Acre Commercial along State Highway 169
(Permit # PLN19-0057, PLN21-0007 & PLN21-0008)

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Christopher Grant
Name

32914 SE Stevens St Black Diamond, WA 98016
Address



To: The Residents and Government of Black Diamond
Subject: Proposed 31 Acre Commercial along State Highway 169
(Permit # PLN19-0057, PLN21-0007 & PLN21-0008)

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Ken Fager
Name

23546 Granite Ct, B.D. 98016
Address



To: The Residents and Government of Black Diamond
Subject: Proposed 31 Acre Commercial along State Highway 169
(Permit # PLN19-0057, PLN21-0007 & PLN21-0008)

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Kathy J. Walls
Name

30405 Hummer Ave
Address



To: The Residents and Government of Black Diamond
Subject: Proposed 31 Acre Commercial along State Highway 169
(Permit # PLN19-0057, PLN21-0007 & PLN21-0008)

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BRET GRIFFITH
Name

33008 PACIFIC ST
Address



To: The Residents and Government of Black Diamond
Subject: Proposed 31 Acre Commercial along State Highway 169
(Permit # PLN19-0057, PLN21-0007 & PLN21-0008)

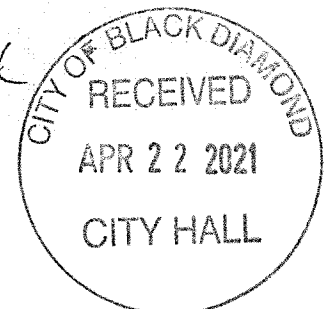
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Maelynn Griffith
Name

33008 Pacific ST, Black Diamond
Address



To: The Residents and Government of Black Diamond
Subject: Proposed 31 Acre Commercial along State Highway 169
(Permit # PLN19-0057, PLN21-0007 & PLN21-0008)

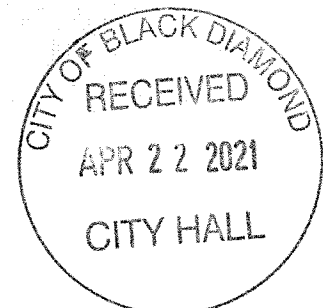
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DEAN MOKER
Name

32313 LYNCH LANE
Address



Ian Williams

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Tuesday, September 7, 2021 7:08 AM
To: Mona Davis
Subject: comments on the comprehensive plan 2021
Attachments: Comprehensive plan comments Sept 2021.docx

Mona

attached are my comments for the proposed comprehensive plan amendments. please forward them to the city planning commission.

thank you

Kelley Sauskojus

Comprehensive plan comments

My Name is Kelley Sauskojus. I bought my home in the city of Black Diamond in August of 1991, over 30 years ago. In the time I have lived in Black Diamond I have seen many changes to the City, not all of them have been good. Some have directly impacted the quality of life in the city in less than positive ways.

Over a decade ago the City Council, Planning Commission and the Mayor made a pledge to the citizens of Black Diamond to require growth to pay for growth. And that the growth would be managed to prevent loss of property value or the degrading of quality of life for current residents. That all developers would be held accountable to deliver the required upgrades to infrastructure on time and for the promised cost, not delaying or allowing the cost of improvements to skyrocket due to delays. These aspirations have not been delivered upon.

1. GROWTH should pay for GROWTH

Black Diamond has the lowest traffic and development impact fees of any city in King County. The cost of roads and infrastructure is not magically less inside the Black Diamond City limits than in neighboring Maple Valley, Covington, Auburn or Enumclaw. There is simply a large gap for funding the road, sidewalk, park and other critical infrastructure improvements needed due to the growth that has already been realized with in the City. That short fall is a cost that will be passed on to the current residents, contrary to the assurances made by the council, planning commission and mayor over a decade ago. If there is a change to the comprehensive plan it should be to correct this critical impact on ALL the residents of Black Diamond, including impact fees that are actually reflective of the true cost of growth and placing the cost back on the developer that will make millions on that growth and development within the city, not on the residences of the city, ensuring that growth truly pays for growth.

2. CONTROLLING development

Oak Pointe is already over 2 years behind on the road and infrastructure improvements already agreed to in the current comprehensive plan. This is a strong contributing factor to the out-of-control traffic that is already a daily reality with in our city on the neighborhood streets of Roberts Drive, 3rd Avenue and 288th. If there is a change to the comprehensive plan it should include stronger language and provide the council with the ability to levy penalties on developers for not completing the infrastructure projects on the agreed-on timeline. Make the developer give an accurate accounting for any delays and a clear representation of the steps taken to resolve and mitigate the projects within the timeframes agreed upon. Require the developer to absorb any additional costs realized by delays or redesigns of infrastructure projects. To little to late is a disservice to all the residences of the City. The costs of road projects never go down. Materials costs, labor costs, planning, design only get more expensive with time endless stalling only serves to intensify the traffic congestion and the danger to the pedestrians walking along the already overcrowded streets.

3. THOUGHTFUL planning and Design

Road standards need to be developed and adopted to make pedestrian safety a key component in any infrastructure improvement design. Traffic control measures need to be adopted and built into the city streets ensure the safety of all who use the roads within Black Diamond. Other Neighboring Cities like Auburn, Maple Valley and Enumclaw made thoughtful deliberate design inclusions to control traffic. There is no reason these measures will not also work within Black Diamond. Enumclaw has rumble strips on Hwy 169 to mark the transition to the lower speed limit near the Thunder Mountain Middle School. Maple Valley and Auburn have used speed bumps to slow traffic on major neighborhood through streets and prevent the run-away traffic speeds that threaten not only pedestrians and bicyclists but also the drivers that cannot safely navigate the streets not designed for high travel speeds. There are many permanent technologies available from photo speed traps to rumble strips and speed bumps. The residences of Black Diamond deserve the benefits of these type of thoughtful and deliberate inclusions to traffic planning. The alternative is unthinkable. No one wants to see a child, friend, neighbor or pet injured or killed due to poor planning/lack of safety consideration in local road design. Roads a critical component that directly affects property values and quality of life for ALL residents. No-one loves traffic. If there is a change to the comprehensive plan, requiring safety considerations and minimizing impacts to current neighborhoods should be included by design as key component to be added to traffic planning.

4. ENVIRONMENTAL protection

Requiring protection for the critical and sensitive areas within the city. Open space, community parks, walking trails, water ways and wildlife corridors all need to be protected from the impacts of development. Black tailed deer, Elk, Black Bear, Coyotes, owls, ducks and eagles are only a few of the residence that share the town without being given a voice to speak for their needs. All contribute to making Black Diamond the unique and special place to live. Lake Sawyer, Jones Lake, Lake 12 and Rock Creek are just a few of the critical sensitive areas that need stronger protections to ensure residents can continue to recreate and live in a safe unpolluted environment. Lake Sawyer suffers from excessive nutrient runoff from roads and development around it. Causing excessive Algae blooms that impact fishing, swimming, boating and all other water sports residences would engage in. Making the waters unattractive for recreational purposes at best, and a borderline health hazard at worst. Ensuring the health and safety of these critical areas is key to quality of life and recreation within the City. Required buffer zones, and through impact studies of the resource impacts should be added to the comprehensive plan to guide development and safeguard the long-term viability of critical sensitive areas and resources within the city.

Ian Williams

From: Susan D. Harvey <susandharvey@hotmail.com>
Sent: Tuesday, September 7, 2021 3:10 PM
To: Mona Davis
Cc: stopblackdiamondrezones@gmail.com
Subject: Comments Prepared for 9/7/21 Public Hearing

Prepared by Susan Harvey, P. O. Box 314, Ravensdale, WA 98051. Writing as an individual.

Submitted to: Mona Davis, Black Diamond City Council, Black Diamond Planning Commission

My involvement with the Development of Black Diamond by Oakpointe (formerly Yarrow Bay) goes back to 2009, over 10 years now! Some may call me an *outsider*, because I do not live within the Black Diamond city limits, but I prefer to be called a *neighbor*--like so many others in the unincorporated areas who live adjacent to Black Diamond. Decisions made by the City create changes in daily living that don't stop at your city limits. If these decisions were well analyzed and funded, that would be one aspect we could consider, but they have not been well analyzed and funded and the entire region has been greatly impacted. Resentment has built up not only by your neighbors, but I see that similar issues are now springing up from within the city. Understandably, people do want to see their neighborhoods sacrificed to accommodate the wishes of Oakpointe. You do not want to go through at Lawson Hills what unincorporated residents have been going through for years, witnessing the constant uptick in commuters driving through rural neighborhoods.

A city that sacrifices its citizens to help the bottomline of a developer or a select few citizens, must stop, listen, and reprioritize, in my opinion. What I see today, as your neighbor, is a city turning on itself. In the fear of Oakpointe suing the city, I would point out that the two Development Agreements were signed by Rebecca Olness, representing the City, and Brian Ross, representing then Yarrow Bay. One party cannot change the Agreements without agreement by the second party. Both must agree. Contract changes are very common. Do not be coerced into thinking you have no power--you have equal footing to decline a proposal, assuming you have not already agreed to it.

Development of Black Diamond's Comprehensive Plan, initiated in 2015, has been greatly affected by several changes in City administration, a financial downturn, an epidemic, and on and on. However, any Comprehensive Plan, once approved, is a footprint for the City's future and should not be taken lightly. If the city indicates a proposal or approach is an Option in the Comprehensive Plan, the door has been opened. My 1984 Webster's II describes *option* three ways:

1. The act of choosing: choice
2. A right to buy or sell something at a specified price within a specified time.
3. Something chosen or available as a choice.

Unless the definition of *option* has changed since 1984, one must interpret any action that is defined as a potential option, is pre-sanctioned (if that is a word). The City must use the Comprehensive Plan to protect

its citizens and fulfill its obligations both for safety and financially. The Comprehensive Plan process is the perfect opportunity to do so.

Any upzoning proposal that lessens viable work opportunities within Black Diamond itself, and does not adequately evaluate impact to area roads, schools, and the environment is farciful, at this point. Damages would far outweigh any drastic tax benefit that might be realized.

I do not understand why the City is again visiting the issue of upzoning from "light industrial" and "low density" land use to add 155 more acres

of dense development. Your citizens have already vehemently rejected this imposition on their daily lives. I understand this upzoning would potentially increase new housing units by 1,000, thus increasing the total housing units from 6,050 to 7,050? Really?

In addition, I thought citizens already rejected this proposal two years ago. Why is this again rearing its head? It is worth noting the venue is

now virtual. Back a couple of years ago, it was in person. I was there. Maybe there is protocol dictating that you cannot accept previous comments

on this same issue, but it seems to me a virtual venue might lessen participation. This process is an uncomfortable one!

Respectfully,
Susan Harvey
Ravensdale Resident

Ian Williams

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Tuesday, September 7, 2021 1:03 PM
To: Mona Davis
Cc: karen@bryantstractorandmower.com; Gary Davis; kristenbry@gmail.com
Subject: Comments Public Hearing CP Future Land Use Sep 7, 2021
Attachments: Ex4 2020-12-01CP hearingComments from p105-175 PC_Packet_120820.pdf; Ex3 2020-07-07CP hearingComments from pg4-93 07_07_20 PC SIGNED Minutes_compressed.pdf; Ex2 2020-06-15CP comments from pg4-37 6_15_20 SIGNED PC Special Meeting Minutes including Public Comments_compressed.pdf; Ex1 2020-06-09 CP comments pg3-35 from 6_9_20 PC SIGNED Minutes_cmprs.pdf

Dear Planning Commission and City Council,

The attached comments contain many points still relevant and worth considering from community members. They are submitted for tonight's public hearing on the Comprehensive Plan.

Thank you,
Friends of Black Diamond
and Gary Davis
Kristen Bryant
William Bryant

Carina Thornquist

From: info@bryantstractorandmower.com
Sent: Monday, June 8, 2020 11:25 AM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/09/20 RE: Comprehensive Plan Docket Suggestion

Hello Ms. Kincaid and Planning Commission,
The suggestions sent March 1 of 2020 (email below) for the Comprehensive Plan should be given to the Planning Commission for consideration and public hearing, per Black Diamond Municipal Code 16.10.130.B. The packet for the June 9 Planning Commission discussion of Comp Plan changes does not contain these suggestions.

It is difficult to follow up on this issue and give comments because the time from Friday evening when the PC Meeting Packet first became available to the Monday 5 PM deadline is too short. This is also short notice for Planning Commissioners to be able to absorb and research the materials for their discussion. The Planning Commission Packets should come out at least a week before the meeting, and should contain all public suggestions for the Comprehensive Plan. Since the Commission meets only once a month and has not met in months, why not have a larger packet ready sooner?

To accompany the suggestions made in the March 1 email below, here is some specific language that could be added to the Comp Plan or amended by the Commission:

Large amounts of natural open space must be included on sites developed for mixed use or intense land use. Clustering is appropriate so that intense land use is balanced with a natural space that feels like "small town" Black Diamond.

LU Policy: Clustering in Commercial Zones. At least 50% of the net develop-able land (excluding sensitive and critical areas) must remain natural as a trade off for Mixed-Use development. At least 50% of the net develop-able land (excluding sensitive and critical areas) must remain natural for Commercial development with a F.A.R. exceeding 1.0 .

Additionally:

Multi-family use in Black Diamond should include a large amount of open space and natural space for families and to maintain small town character.

LU Policy: Commercial Zones used for multi-family development are allowed a maximum of 16 units per acre . Multi-family development must have a minimum of 50% open space of the net develop-able land (excluding critical and sensitive areas).

On March 2, 2020 at 4:24 PM Barbara Kincaid <bkincaid@blackdiamondwa.gov> wrote:

Thank you for sending these suggestions.

Sincerely,

Barb

From: info@bryantstractorandmower.com <info@bryantstractorandmower.com>
Sent: Sunday, March 1, 2020 9:04 PM
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>
Subject: Comprehensive Plan Docket Suggestion

Hello,

We are sending the following change suggestions for the city's Comprehensive Plan. Thank you.

Comprehensive Plan Updates to Section 5.13 Commercial Goals and Policies

Section 5.13 sets the basis for Community Commercial and Neighborhood Commercial zoning.

Many people think of our existing Commercial areas in Black Diamond when they think of new commercial development. Black Diamond's existing commercial areas contain small stores or restaurants with a small amount of parking, and are not intense land uses.

However, it has recently become clear that the Commercial zoning in Black Diamond allows mixed use with commercial space plus residential up to 10 units per acre. Commercial also allows any number of apartment units so long as retail is included. The retail can be very intense, with a Floor Area Ratio of 2 to 1 over the acreage of the site. The current Comprehensive Plan Section 5.13 and zoning code allows development that is incompatible with our small town. It can generate more traffic than residents are willing to endure, too much noise, and remove too much green space.

The Comprehensive Plan should be amended to specify that:

Large amounts of natural open space must be included on sites developed for mixed use or intense land use. At least 50% of the net develop-able land (excluding sensitive areas) must remain natural as a trade off for intense land use such that described above. This is an appropriate use of clustering, so that the intense land use is balanced with a natural space that feels like "small town" Black Diamond.

Additionally:

There must be limits on the number of allowed apartment units in commercial zones. There should also be at least 50% open space of the net developable land (excluding sensitive areas) for a site used for apartments.

This is especially important because apartments are homes and residents, especially children, need trees and natural space to live near.

The city should impose restrictions against big box stores and impose limited parking in commercial zoning.

Thank you,

William and Karen Bryant

25100 Roberts Drive

Black Diamond, WA 98010

Carina Thornquist

From: B Stuart <lovethenw4life@gmail.com>
Sent: Monday, June 8, 2020 12:02 PM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/09/20

Hello Ms. Kincaid. I am re-sending this Comp Plan Preliminary Docket recommendation, originally sent Feb 27--before COVID disrupted the Planning Commission cadence.

The recommendations below were for the Comp Plan update in 2020. These are well-researched updates worthy of consideration as the planning commission meets to begin discussion Tuesday.

Are there any updates from staff regarding this docket suggestion for the Comp Plan?

Thank you,

Bob Stuart

On Fri, Feb 28, 2020 at 7:24 AM Barbara Kincaid <bkincaid@blackdiamondwa.gov> wrote:

Dear Planning Commissioners,

I am forwarding an email received from Mr. Bob Stuart for your consideration.

Sincerely,

Barb

From: B Stuart <lovethenw4life@gmail.com>
Sent: Thursday, February 27, 2020 10:13 PM
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>
Subject: Fwd: Planning Commission Suggested Docket Recommendation

Hello Ms. Kincaid. I am forwarding this for you and the planning commission to include as a suggested amendment for the 2020 Comprehensive Plan docket update. If I can provide any further information to clarify this proposal please let me know.

Bob

Dear Planning Commission Member,

The Comprehensive Plan update process is at the point where Black Diamond Planning Commission is creating a "Preliminary Docket." The Planning Commission can recommend a change to any part of the Comprehensive Plan. One change that makes sense is to update the Future Land Use Map because of the October 8th public input and the need to further evaluate the impact on public services and traffic. As you know, the Comprehensive Plan Future Land Use Map becomes the Zoning map. Zoning map changes cannot be made that are inconsistent with the Comprehensive Plan Future Land Use Map.

At this time, the Planning Commission can consider a "preliminary docket" that makes the Future Land Use Map match existing zoning or existing use. This would be a response to the Hearing on October 8, 2019. Although we remain interested in keeping Black Diamond small, we recognize that some public or staff may be interested in considering an increase in the amount of development. A change to the Comprehensive Plan Future Land Use Map now does not prevent the City from accepting changes to the map again next year after more study. If the Future Land Use Map were updated to match existing land use, the city could more thoroughly evaluate the impact on public services. The land owners or others can still submit a Comp Plan docket change (BDMC 16.10.50) next year for a Land Use Map change.

Thank you for your consideration,

Bob Stuart

Below are "Findings" and a "Preliminary Docket" draft written for the Planning Commission to adopt or modify as you see fit.

Comprehensive Plan Docket FINDINGS ("WHEREAS")

1. At the Planning Commission Comprehensive Plan Docket Public Hearing on October 8, 2019, many comments were made that any zoning change that increases residential or commercial space would negatively impact Black Diamond.
2. Some comments specifically brought up the requirement to coordinate with Countywide Planning Policies. The King County growth target is 1,900 households by 2031. According to the Comprehensive Plan, Black Diamond will grow much more than this, adding 6,000 households to get to a total of 7,674 households by as soon as 2026. The Commission finds coordination with King County and neighboring jurisdictions should be improved, and Black Diamond should attempt, where practical, to align more closely with King County Targets so that infrastructure is not negatively impacted.
3. The existing Master Planned Developments adopted by Development Agreements in 2011 include a mix of housing for a range of incomes, including townhouses and apartments currently under construction that are affordable to lower income households. There are homes in Black Diamond such as small or older homes and our existing mobile home communities that also meet our requirements to accommodate lower income brackets. Thus, there is sufficient housing capacity of all income levels.
4. Commercial space in the Master Planned Developments (MPD) is set to be over 1,100,000 square feet. This exceeds the economic development goals of the city as contemplated in the Economic Development and Land Use chapters of the Comprehensive Plan. Thus, there is sufficient commercial capacity.
5. Adding more commercial land would likely change the buildout of the MPD's in a negative way. As adopted, the May 2, 2019 Future Land Use Map would allow for uncoordinated development. Further, the impacts on traffic, public services, city fiscal resources, and infrastructure have not been analyzed sufficiently.
6. The city is considering, but has not adopted, a general school impact fee as requested by the Enumclaw School District. An increase in residential development prior to a school impact fee could place an unnecessary future tax burden on existing residents to pay for new schools.
7. The Growth Management Act (in 36.70A.040(3)(b)) allows cities to identify natural resource lands in their Comprehensive Plan.
8. The Planning Commission is creating a preliminary docket of amendments for the Comprehensive Plan.

Therefore, the Planning Commission recommends the following docket:

1. The Comprehensive Plan Land Use Chapter is updated to add a new Zoning Category of "Mineral and Resource Extraction."
2. The Comprehensive Plan Land Use Chapter is updated to add a new Zoning Category of "Forestry."
3. The Comprehensive Plan Land Use Chapter is updated to add the following Policy:

Any and all Future Land Use Map and/or zoning changes that increase the residential units allowed or change a property to a "commercial" designation must go through the formal docket application and Land Use Map Amendment process as further defined in the Black Diamond Municipal Code.

4. The Comprehensive Plan Land Use Chapter is updated to add the following Policy:

The city will develop a Conservation Easement Development Credit Program separate from its existing TDR (Transfer of Development Rights) program. The program will allow property of higher conservation value that does not meet the definition of critical areas to be put into permanent "natural area" conservation in exchange for a zoning change that increases the allowed density of development on other property of lower conservation value.

5. The Future Land Use Map is Amended as Follows:

- a. Parcels 1521069110, 1521069112, 1521069113, 1521069114, 1521069115, 1021069111 are designated as "Mineral and Resource Extraction."
 - b. Parcel 1021069010 is designated "Low Density Residential" (LDR).
 - c. Parcel 1021069103 and 1021069105 are designated "Low Density Residential" (LDR).
 - d. Parcels 1121069020, 1121069112, 1121069113, 1121069114 are updated to "Forestry."
-

The following was useful to us in researching the Comprehensive Plan update process, and is included for convenient reference by the Planning Commissioners.

Black Diamond Municipal Code

16.10.220 Evaluation Criteria for Proposed Amendments. The Planning Commission shall review the proposed Amendments to the Comprehensive Plan and Development Regulations under the following criteria to develop findings and conclusions to support its recommendation:

A. All Amendments. All of the Comprehensive Plan Amendments shall be reviewed under the following criteria:

1. Whether the proposed amendment(s) conform to the Growth Management Act (chapter 36.70A RCW);
2. Whether the proposed amendment(s) are consistent with and implement the City's Comprehensive Plan, including the goals, policies and implementation strategies of the various elements of the Plan;
3. Whether circumstances related to the proposed amendment(s) and/or the area in which it is located have substantially changed since the adoption of the City's Comprehensive Plan;

4. Whether the assumptions upon which the City's Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the City's Comprehensive Plan; and

5. Whether the proposed amendment(s) reflects current, widely held values of the residents of the City.

Carina Thornquist

From: Steven Day <Steven_Day@msn.com>
Sent: Sunday, June 7, 2020 1:50 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

Please update the Comprehensive Plan Preliminary Docket to:

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

The reasons for the above changes are:

Schools and School Capital Costs

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

Future Land Use Map

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,

Steve Day

Black Diamond

Carina Thornquist

From: CenturyLink Customer <g.davis001@q.com>
Sent: Sunday, June 7, 2020 7:17 PM
To: Barbara Kincaid
Cc: tekberg; ricco451; Stevesharon2@comcast.net; nuklldragr; Pam McCain
Subject: PUBLIC COMMENT 06/09/20 PLANNING COMMISSION
Attachments: 2020Comprehensive Plan Suggested Transportation Policies.docx

Ms. Kincaid;

The enclosed is a re email of an email sent to you 1/Mar/2020 regarding suggested changes to the Comprehensive Plan.

There are items such as the removal of policy LU-34 or at least an edit removing the word 'aggressive' providing new spaces for commercial development..neither of these is discussed in the packet for the 9/June/2020 Planning Commission meeting. Please review the 1/Mar/2020 email and consider the topics covered espically road repair and safety improvements rather than road expansion.

Regards.....Gary Davis.....

From: "g davis001" <g.davis001@q.com>
To: "bkincaid" <bkincaid@blackdiamondwa.gov>
Sent: Sunday, March 1, 2020 8:23:44 PM
Subject: Suggested changes to Comprehensive Plan

Dear Ms. Kincaid:

The following attachment contains suggested changes to the Comprehensive Plan.

Thank you.....

Gary Davis.....Black Diamond....

Comprehensive Plan Suggested Transportation Policies

Walkability Improvements

Black Diamond residents enjoy the ability to walk to and from local destinations such as the Elementary School, post office, bakery, Community Center and local businesses. To maintain small-town character and prioritize the high quality of life those who live here enjoy, it is extremely important to make walking a viable option as the city grows.

To walk, people must feel safe, the walk must be pleasant, and people must have a destination. As the traffic increases on highway 169, safety and enjoyment of the walk are at risk. Increasing numbers of cars or expanding the paved area by adding a lane or removing trees would reduce the enjoyment of the walk. Increased cars also call for an increase in safety. To maintain Black Diamond's historic charm and small-town feel, the existing town center including highway 169 should become a more pedestrian-friendly zone. We should encourage walking trips which will support local businesses as destinations, and connect people to each other within the community.

As an example, our town has the Rainier View retirement community near Lawson St and Highway 169. We also have a Community Center about a mile away that serves lunch and provides other services to senior citizens. As people age, they may prefer be able to walk but not drive, we should ensure our seniors can safely walk to the Community Center.

New Suggested Transportation Policy

T-#. Prioritize pedestrian and bicycle safety over increased motor vehicle capacity on city streets. At the same time, this must not allow new development to avoid providing street capacity increases or improvements needed as a result of new development.

Safety Improvements

Road funds at the state, county, and local level are limited. Safety of Black Diamond residents is one of the most important considerations when prioritizing funding.

Recognizing that the majority of employed residents will continue to commute to work outside the city and therefore roads in and out of town are an important consideration in the Black Diamond Comprehensive Plan. State and County roads leading to Renton, Issaquah, Auburn, and Enumclaw have land slide risks, areas with site distance limitations, pedestrian and bicycle safety problems.

New Suggested Transportation Policy

T-#. For both state and county roads leading to or from Black Diamond, the City supports prioritization of funding for safety improvements above road expansion.

It is also suggested to remove policy ED-4.5, about the Highway 169 corridor, or move policy ED-4.5 to the Transportation Chapter. Policy ED 4.5 is more focused on transportation than Economic Development.

~~Policy ED-4.5: Coordinate with the Washington State Department of Transportation (WSDOT), King County, and adjacent cities to plan for access improvements, intersection improvements, and infrastructure maintenance in the SR 169.~~

Small Town and Careful Planning

To ensure Planning consistent with small-town character, Black Diamond must carefully ensure existing commercial areas and those planned with the Master Planned Developments can thrive without putting too much pressure on limited infrastructure. Given Black Diamond's location on the far eastern edge of the urban growth area, it is unlikely growth to support things like big box stores or large business expansion is appropriate. Black Diamond can maintain a balanced city budget that does not rely on new growth. We need careful planning at a slow pace to ensure we do not trade live-ability for speculative development or tax revenue that may not be offset by the need for increases services.

Removal of policy LU-34 is warranted. Alternately, the word "aggressive" could be removed:

~~Policy LU-34: Create an aggressive economic development strategy, with the cooperation of the City, County, and business and property owners.~~

There are sufficient commercial spaces already developed in Black Diamond or permitted through the MPD's to be extremely cautious about adding more until we see if the existing plans are commercially successful while maintaining quality of life. Therefore, removal of policy LU-42 is also warranted.

~~Policy LU-42: Retain and enhance the existing commercial areas while providing sites large enough to accommodate significant commercial uses.~~

Carina Thornquist

From: Tom Hardebeck <hardebeck.tom@gmail.com>
Sent: Sunday, June 7, 2020 2:42 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

To Whom it may concern:

I am absolutely opposed to raising Black Diamond's taxes for schools, roads etc. The Developer School Impact Fees are another manipulative act that should absolutely not be allowed. The developers should be totally responsible for it all. Enough is enough with all the traffic issues. The "Up Zones" is not what I see for this beautiful community. Tom Hardebeck.

Carina Thornquist

From: jeanna stuart <jeannastuart71@gmail.com>
Sent: Monday, June 8, 2020 2:49 PM
To: Barbara Kincaid
Subject: Public Comment 06/09/20

To: Barb Kincaid and Planning Commission of Black Diamond

Regarding the consideration of updates to the "Comp Plan" on the agenda for the 6/9 meeting, I am very concerned about what is included in that plan, based on what I am seeing already happening in Black Diamond. Seemingly everywhere you look there is clear-cutting and preparation for development on land that is not zoned for such development. I am referring specifically to the clearing along hiway 169 from Palmer Coking Coal northward, and also the vast area to the north of my home up in Lawson Hill Estates, which has been clear-cut in the past couple of weeks.

These lands might have legally gotten permits that enables the owners to prepare them for development, as if they have zoning that would allow it, but I find it to be more than a coincidence that the zoning changes needed for these owners to cash in on development craze is conveniently included in the Future Land Use Map in the Comp Plan. Black Diamond is already over 3x the growth targets given to the city, so why does the Comp Plan include a zoning map that GUARANTEES even MORE growth? That needs to be changed when you work on the Comp Plan! Get rid of it and find a better solution that fits the needs of this community and not the needs of money-hungry development.

At what point is each and every person in an official city capacity--including our peers volunteering on the Planning Commission--going to start using the planning and decision making processes to benefit us citizens that have made it very clear we are not in favor of the run-away development?! Any one of you who has not questioned and challenged what is going on needs to feel personally responsible for handing over Black Diamond's future to developers, rather than working to improve on what has made Black Diamond special for decades for us who are sitting here paying the city bills.

I know of two families leaving Black Diamond right now, one who is my next door neighbor, all or in part because of this ridiculous destruction of the gem of a small town. It is a shame that this is all shrugged off as 'progress', when growth and maintaining our community could have been much more easily managed together.

I hope you will consider my desire to not use this Comp Plan and map as a way to continue handing over our town to those who have zero concern for keeping it a nice, small place to live.

Jeanna Stuart
Black Diamond resident

Carina Thornquist

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Monday, June 8, 2020 4:59 PM
To: Barbara Kincaid
Cc: Bill Popp, Sr.; Save Black Diamond
Subject: PUBLIC COMMENT 06/09/20 216th traffic issue with current Comp Plan
Attachments: Memo to Save Black Diamond re June 9, 2020 Planning Commision Mtg re Plan Update.pdf

Ms. Kincaid,

Attached is a memo from traffic engineer William Popp, Sr. for the Planning Commission.

Submitted on behalf of Save Black Diamond and myself.

Kristen Bryant

Bellevue WA

MEMORANDUM

TO: Save Black Diamond
FROM: Bill Popp, P.E.
DATE: March 2, 2020
SUBJECT: June 9, 2020 Planning Commission Meeting re Comprehensive Plan Update

This memorandum is largely based upon review of the following:

- *City of Black Diamond Comprehensive Plan, May 2, 2019* with special emphasis on Chapter 7, Transportation Element and its supporting Appendix 7;
- 2035 Peak Hour Traffic Volumes and Roadway Network from Appendix 7;
- *Traffic Monitoring Report, The Villages and Lawson Hills Master Planned Developments Phase 2*, December 2013 by Transpo Group;
- Phase 1A (8-25-2012) and Phase 2 Regional Implementation Schedule (1-28-2014);
- The Villages Development Agreement Exhibit C Conditions of Approval, 2010;
- *The Villages Transportation Technical Report*, December 2009; Parametrix

The following is a brief description of what I consider to be the most significant potential deficiencies with the current Transportation Element:

Lake Sawyer Rd and 216th Ave SE Corridor Arterial Widening

216th Ave SE

The 2035 Peak Hour Traffic Volumes & Roadway Network Figure 7-7 shows **traffic volumes in this corridor that will require substantial roadway widening of the entire arterial, not just major intersections.** Per Figure 7-7, 216th Ave SE north of SE 288th Street is **projected to be carrying some 3100 pm peak hour vehicles. This represents a 4.4 -fold growth in existing traffic – in 2013 it was 695 vehicles!**

For perspective SR 169 approaching I-405 was carrying 3100 vph in 2018 and that is in a 7-lane section approaching the Cedar River Park Drive intersection. In an urban setting with cross streets this 3100 demand would require up to

seven lanes (3 each way + center turn lane) in order for cross street or driveway traffic to enter the traffic stream at LOS better than F.

The extent of improvements cited in the Phase 2 Regional Implementation Schedules only consists of signalization of the SE 288th St intersection and addition of an additional southbound left turn lane and westbound left turn lane. **The magnitude of this corridor demand has not been addressed in the agreement with Maple Valley so at this point the deficiency is a major issue for this upcoming Plan update.**

For the section of 216th Ave SE from SE 288th to Lake Sawyer Road the projected PM PM pk hour volume is 2700. Once again **this volume portends a 5 to 7-lane roadway section; not the minimal improvements identified in the Implementation Schedule.**

Lake Sawyer Road

The 2035 Peak Hour Traffic Volumes & Roadway Network Figure 7-7 shows traffic volumes in this corridor ranging from 1800 to 1950 PM peak vehicles per hour. In an urban setting this would typically require a 5 lane section for adequate driveway and side street access with signals at higher volume side street intersections. **At a minimum a 3-lane section would be required for LOS D or better access on Lake Sawyer Road, and that would extend the length of the corridor and include the two proposed signals and channelization.**

Carina Thornquist

From: Deanna Kitzke <ddkitzke@gmail.com>
Sent: Sunday, June 7, 2020 3:21 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

Please update the Comprehensive Plan Preliminary Docket to:

1. **Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
2. **Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

The reasons for the above changes are:

Schools and School Capital Costs

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

Future Land Use Map

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,
Nathan and Deanna Kitzke
Black Diamond

Carina Thornquist

From: ikolezhuk@comcast.net
Sent: Sunday, June 7, 2020 1:46 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

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Thank you for your time and consideration,
Yevgeniy Kolezhuk
Black Diamond

Carina Thornquist

From: MELODY MANN <passportt@comcast.net>
Sent: Sunday, June 7, 2020 1:53 PM
To: Barbara Kincaid; Planning Commission; melody
Subject: PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones.

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

Please update the Comprehensive Plan Preliminary Docket to:

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**

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Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

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Over the years I have noticed that things & timelines promised have not been followed through This is simply not right, Provisions for roads, schools, possibly water/sewer must be readdressed sensibly before they become an emergency situation.

I am already sick of the amount of traffic on the roads going to & from black diamonds growth areas, I feel the growth must pause right now, and the land use be addressed (again) before any more zoning changes are made. Revisit the 2009 Comp plans logical controlled development plan.

The current roads, bridges etc may work for people never leaving the city of Black Diamond but egress and ingress is already overcrowded and dangerous.

People have bought homes in Black Diamond because of the small town feel, The way the plan is going there won't be a town it will be more like one big over crowded subdivision, No country or small town feel just thousands of tiny cramped yards and any natural nature that once made people want to be here will be on the outside of all the concrete and asphalt and that will be where the people move to. When the property taxes go unreasonably high they will move out or potentially lose their homes. With out the nature and small town feel Black Diamonds enchantment will vanish. Having a coffee hut and other non essential type shops which may or may not be sustainable is not a reason to pay Kirkland size property taxes. There will never be enough amenities in Black Diamond to warrant that. As a long time resident of Black Diamond I would appreciate someone telling me what the City & departments are going to do about the situation at hand as well as what will be done to alleviate the future issues being brought up by citizens of the Town.

Thank you for your time and consideration,

M. Mann

Black Diamond

Carina Thornquist

From: GREGORY MEEKS <gmeeks32010@comcast.net>
Sent: Sunday, June 7, 2020 4:52 PM
To: Barbara Kincaid
Subject: Lack of transparency

Please update the Comprehensive Plan Preliminary Docket to:

1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.
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Thank you for your time and consideration,
Greg Meeks
Black Diamond

Carina Thornquist

From: olleser <olleser@gmail.com>
Sent: Sunday, June 7, 2020 12:49 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones.

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

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Thank you for your time and consideration,
Oleg Sergeev

Black Diamond

Carina Thornquist

From: Allison Ostrer <aostrer21@gmail.com>
Sent: Sunday, June 7, 2020 1:58 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Remove re-zones

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

Please update the Comprehensive Plan Preliminary Docket to:

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

Thank you for your time and consideration,
Allison Ostrer
Seattle, WA

Sent from my iPhone

Carina Thornquist

From: Barbara Kincaid
Sent: Tuesday, June 9, 2020 1:58 PM
To: Philip Acosta
Cc: Pam McCain (Kent-Covington)
Subject: RE: Planning Commission notification error

Hello Philip,

I just looked over everything that was noticed for the PC meeting tonight based on your email. I see that we made a typo on the agenda under Item #1 where it refers to the meeting minutes for "January 7th 2019/2020. It should have simply said "2020". That date refers to the meeting minutes the PC needs to approve tonight. Everything else seems to be in order for correctly noticing tonight's meeting.

I'm sorry you can't attend tonight. This is the PC's for virtual meeting. We are going to keep it short and "light" meaning the PC will not get into a really deep discussion tonight about the Comp Plan amendment docket. I anticipate holding another meeting to have a more thorough discussion before setting a public hearing. So, you will have more opportunities to provide input on this important matter.

Sincerely,
Barb

-----Original Message-----

From: Philip Acosta <philamatic@comcast.net>
Sent: Monday, June 8, 2020 4:38 PM
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>
Subject: Planning Commission notification error

Dear Barbara

I am requesting that the Zoom meeting be rescheduled for a date where proper notification can be given to all interested parties as your notification indicated that the Zoom meeting would be held on January 7th 2019/2020, I adjusted what I thought you may have meant to June 7th 2020 but later noticed in the small print it was June 8th, I am out of state and have no access to documents in which I can properly state my comments on upcoming developmental issues.

Best regards

Philip Acosta
Black Diamond

Carina Thornquist

From: Peter Rimbos <primbos@comcast.net>
Sent: Monday, June 8, 2020 8:33 AM
To: Barbara Kincaid; Planning Commission
Cc: Brenda Martinez
Subject: PUBLIC COMMENT--BD PLANNING COMMISSION--7/9/20
Attachments: TAT Testimony--BD PC--6-9-20.docx

Importance: High

Ms Kincaid and Planning Commission Members,

Please accept the attached **Written Testimony** for tomorrow evening's Planning Commission meeting discussion on the *Comprehensive Plan Annual Amendment: Preliminary Docket*.

Thank you.

Peter Rimbos
425-432-1332
Leader, Citizens' Technical Action Team (TAT)
primbos@comcast.net

"To know and not to do is not to know."-- Chinese proverb

Please consider our shared environment before printing.

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020

The Citizens' Technical Action Team (TAT) presents the following Written Testimony to the Planning Commission at its June 9, 2020 meeting for its consideration during the City's **Comprehensive Plan Amendment** process.

The Planning Commission received our extensive *Technical Comments* (as well as our *proposed Docket Amendments*) City's **Comprehensive Plan** last year. Tonight we provide a summary (in no particular order) of the key aspects of those comments—all related to the *Comprehensive Plan's Transportation Element (Chapter 7-Transportation and Appendix 7—Transportation)*.

In addition, we describe how the four Conditions imposed on the City's **Comprehensive Plan Update** by the Puget Sound Regional Council (PSRC) speak to several of our Comments (see **ALL CAPS BOLD** below).

1. Transportation-Demand Modeling (TDM): No information on such modeling has been provided, e.g., What was done? How was it done? What were the results? How were the results used?

2. SR-169: There is a major disconnect in what is assumed and what actually is planned in PSRC's *Regional Transportation Plan (RTP)*—the successor to *Transportation 2040*—adopted in May 2018. The *RTP* (see *Executive Summary*, p. 5) shows only a small portion of SR-169, just through *part* of the City of Maple Valley, as slated for widening by 2040. The Update does not recognize this reality.

PSRC ADDRESSED THIS IN ITS CONDITION 1 (E.G., “SHOULD BE AMENDED TO INDICATE THAT...THE TDM AND PROJECT LIST DO NOT ASSUME A WIDENING OF SR-169”). Please note in order to meet this PSRC Condition it is not enough to simply “*remove references to WSDOT widening SR-169,*” as stated in the “*2020 *Proposed* Preliminary Comprehensive Plan Docket.*” Rather, all related Traffic-Demand Modeling and subsequent Traffic Analyses must reflect the *removal* of this assumption, which could have major impacts on downstream analyses.

3. Funding Plans and Sources: There are no *Contingency Plans* (required by **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)(C)**) in place should potential Grant monies fall short or simply not materialize. Should probable funding fall short of meeting identified needs, a discussion is required of how additional funds will be raised or how land use assumptions will be reassessed to ensure that LOS standards will be met (**RCW 36.70A.070(6)(a)(iv)(C)** and **WAC 365-196-430(2)(I)(ii)**). Further, because new traffic modeling and analyses are required per the MPD Conditions of Approval (i.e., once the 850-building-permit-issued threshold is reached), we understand predicting what will be needed in future financing plans remains a moving target. The City should recognize this reality, yet makes no mention of it. The Master Developer-Funded Transportation Projects table (now labeled the first “*Table 0-10*”) is not described in the text (nor referenced) and is mostly blank. Such information is necessary to evaluate whether future traffic projects will mitigate MPD impacts and whether or not the *Update* is adequate to

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020
meet the city's Vision and the future needs of its residents. The MPD Development Agreements will expire in 2026—far before full MPD buildout is achieved. This must be recognized and assessed accordingly. We found no discussion of any of this. Finally, Cost Estimates are not provided, but should be, for *all* transportation capacity-adding projects for *both* the short term thorough 2021 and the long term through 2035. In summary, a *specific* financial plan that demonstrates how the transportation improvement program can be funded must be included, but is not.

PSRC ADDRESSED THIS IN ITS CONDITION 3 (E.G., "PROVIDE...CONTINGENCY PLANS TO ADDRESS ANY FUNDING SHORTFALLS"). We support the following language: *"Provide more detailed explanation of contingency plans to address potential funding shortfalls that may occur if the planned MPD improvements are not completed,"* as stated in the "2020 *Proposed* Preliminary Comprehensive Plan Docket."

4. Population Estimates: The city's estimate for future population growth is deficient—it assumes ~2.5 people per new residence in the MPDs (e.g., 6,050 residences x 2.5 people per residence = 15,125 people). The current city ratio of 2.7 (2014: 4,361/1,627) reflects a *relatively* older population. However, since the MPDs will undoubtedly *reduce* the average age of the City's population (e.g., more younger families with children), a factor of *at least* 3.0 should be used, which would result in a city population in 2035 at least 17% higher than assumed. Such a population forecast discrepancy can have profound effects on traffic modeling and analyses, yet this is not recognized.

PSRC ADDRESSED THIS IN ITS CONDITION 4 (E.G., "NARROW THE GAP BETWEEN GROWTH TARGETS AND ANTICIPATED GROWTH"). We support the following language: *"Review all Plan Chapters to address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth Strategies and develop goals or policies that would help to better align them,"* as stated in the "2020 *Proposed* Preliminary Comprehensive Plan Docket." We consider this the most difficult task to be accomplished, as it impacts many major assumptions and policies in the Comprehensive Plan.

5. Transportation Improvements: The city should not address road and intersection improvements *"incrementally with developments as traffic volumes increase,"* as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. The State GMA calls for identifying the long-term scope in advance, then assigning reasonable proportion of those improvements to each development. We remain concerned the verbiage is not consistent. Several 2022-2035 intersection projects listed in Table 7-9 are not shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met. Further, although traffic volume predictions, etc. are provided, there is insufficient explanation of the 2035 scenario. Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020
listed for each in Table 7-11 (please note: in the approved *Update*, table numbers start with "0" not "7," in addition, there are two tables labeled "Table 0-10;" the Table we refer to above, "Table 7-11," is now the second "Table 0-10."). We would expect this all to be corrected and sufficiently explained in the text, but it is not. In fact, the text simply states: "...additional arterial roads will be needed...." It must be kept in mind the information provided in Figure 7-7 is *critical* to evaluating future traffic impacts and whether or not this *Update* is adequate to meet the city's Vision and the future needs of its residents; unfortunately, at a minimum, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7.

6. Transportation Concurrency: It is stated: "*The City's strategy to tie concurrency directly to THE major developer within the City should give the City a step ahead of most communities that struggle to keep up with maintaining concurrency requirements.*" This is true to a point, but it depends heavily on MPD *Condition of Approval 20—Traffic Monitoring Plan*, which, according to the city's Hearing Examiner, has several flaws, which were not rectified by the City. One flaw is that the MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, *not* actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The City does not recognize in the *Update* that the MPD Master Developer will be providing the *bare minimum* to meet its local direct impacts, so that *cumulative* long-term growth could be ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner—a *lose-lose* proposition for both the city and the public.

7. Level of Service: SR-169 is a State-designated *Highway of Statewide Significance (HSS)*. The City agreed with TAT's recommendation in an earlier annual *Comprehensive Plan Update* to conduct Concurrency Testing on same. That was removed in the current *Update* and should be re-instated.

PSRC ADDRESSED THIS IN ITS CONDITION 2 (E.G. "ACKNOWLEDGE THIS DESIGNATION AND THE ASSOCIATED LOS"). We support the following language: "Revise text to acknowledge HB3266 designation of SR 169 as a highway of statewide significance," as stated in the "2020 *Proposed* Preliminary Comprehensive Plan Docket." However, the Comprehensive Plan should go beyond simply "acknowledg(ing)" this, but also explain the ramifications associated with the "highway of statewide significance" designation.

PSRC, in its *conditional* certification of the City's **Comprehensive Plan Update**, has called for four conditions, as indicated above (note: we numbered them 1 through 4 above, although PSRC did not number them, it put them in that order), to be met, all of which (items 2., 3., 4., and 7. above) were detailed in our *Technical Comments* (and/or *proposed Docket Amendments*). We are pleased PSRC recognized these items to be addressed in the City's **Comprehensive Plan**.

In the coming months *modified* and *new Comprehensive Plan* language will be prepared by Staff (and/or a Technical Consultant), vetted internally, and "*finalized*" for

Citizens' Technical Action Team (TAT)

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020
release to you and, then, the City Council. This is where the city develops the "How" to
answer PSRC's "What" needs to be included in the City's **Comprehensive Plan**.

During this process we urge the Planning Commission to ask questions of City Staff
(and any Technical Consultants procured by the City) to first understand what each
PSRC Condition means, e.g., what technical deficiencies did PSRC identify that need to
be addressed and in what specific ways the City can change its **Comprehensive Plan**
to meet same.

Thank you.

Peter Rimbo
primbos@comcast.net
425-432-1332
Leader and Transportation Focal
Citizens' Technical Action Team (TAT)

Carina Thornquist

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Sunday, June 7, 2020 12:40 PM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones.

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

Please update the Comprehensive Plan Preliminary Docket to:

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

The reasons for the above changes are:

Schools and School Capital Costs

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

Future Land Use Map

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,
Kelley Sauskojus
Black Diamond

Carina Thornquist

From: Rosemarie Wentz <RosemarieWentz@hotmail.com>
Sent: Monday, June 8, 2020 3:24 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/09/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

Please amend the Comprehensive Plan Preliminary Docket to:

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 and Commercial and replace with the current land use.**

The reasons for the above changes are:

Schools and School Capital Costs

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed, "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

Future Land Use Map

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The current 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town, and road expansion destroys small-town character. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not add zoning that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Furthermore,

No re-zoning nor development should be considered nor approved until the city has its affairs in order and School Impact Fees are put in place.

No re-zoning nor development should be considered until the current development of Ten Trails and Lawson Hills have completed at least 75% of the development plan and the impacts to the city, roads, water, and sewer systems are studied and addressed to maintain high quality of life for its residents.

Planning Commissioner Charles Butt should recuse himself from any and all Planning Commission business which has any impact, positive or negative on any of the many Black Diamond properties he purchased privately, later transferred into his development companies name, or through his business and is currently in the process of clearing and developing. This is clear conflict of interest and his vote does not represent the interests of the citizens of this city but represent his own business interests in development of his company owned properties. I would even go so far to ask that the Mayor remove Mr. Butt as a planning commissioner as he failed to disclose his purchase of multiple properties within City limits with intention to develop them just a few months prior to applying for the Planning Commission position. It is common for employees to be let go when the evidence shows that they failed to disclose when asked on their application about conflicts of interest.

Thank you for your time and consideration,
Rosemarie Wentz
Black Diamond

Carina Thornquist

From: Angela Rossman Fettig <angimal80@hotmail.com>
Sent: Sunday, June 14, 2020 8:58 PM
To: Barbara Kincaid; Planning Commission
Subject: Public Comment 6/15/20 Planning Commission

To:
bkincaid@blackdiamondwa.gov
planningCommission@blackdiamondwa.gov
Subject: PUBLIC COMMENT 06/15/20 . Correction

Dear Planning Commission,

When the Comprehensive Plan Future Land Use Map was discussed at the June 9 Planning Commission meeting, a city staff member commented that more analysis was needed before "reverting" it back to the 2009 Map. This is not correct. The Map changes adopted in 2019 were not analyzed prior to that change, as evidenced in the Plan itself and the meeting audio and materials leading up to 2019 Plan adoption.

With the 2015-2035 Comprehensive Plan update, Black Diamond's Future Land Use Map was changed to allow a significant increase in Medium Density Residential housing (8 to 12 per acre) and Commercial/Mixed Use development in future zoning. However, this change was done improperly, with no analysis of those 2018-2019 Future Land Use Map change impacts, such as :

- Housing and housing type analysis, and how the goal of having a mix of housing for all income levels will be affected.
- Analysis of the impact on school capacity of additional residential development.
- The impact on the city's police and emergency services.
- The economic impact of the loss of "Light Industrial" zoning (which typically generates more tax revenue and jobs than residential development).
- The impact on neighboring cities and King County.
- The impact on parks and wildlife.
- The impact on roads and traffic.

If you look at the Comprehensive Plan to see how the analysis would show up, the Transportation Appendix is a good example. It includes Black Diamond's two approved Ten Trails Master Planned Developments (MPD's). However, it *does not include* road or traffic analysis of changing other areas of the city to a future higher impact land use.

Black Diamond already has zoning and land use approvals to accommodate far more growth

than Black Diamond's regional share per the King County Growth Targets and Growth Management Act. Expanding roads to and from Black Diamond would not only burden taxpayers, it would destroy our small-town feel and encourage more long-distance commuting.

Please move to adopt the above reasoning, and the specific change below into the Preliminary Docket for the Comprehensive Plan in the 2020 Annual Amendment Process:

Therefore, the City of Black Diamond Comprehensive Plan is Amended As Follows:

The Future Land Use Map in the Black Diamond Comprehensive Plan is replaced with the following map: Figure 5-1 on page 5-25 (page 109) of http://ci.blackdiamond.wa.us/Depts/CommDev/planning/2013/FinalPlan_092209with20112012amendments.pdf , (the 2009 Comprehensive Plan as amended in 2012).

It is unfortunate that the record must be corrected like this, however, to assume that the map changes the community is worried about were properly analyzed would be to move ahead based on false information.

Thank you,

Angela Fettig

Carina Thornquist

From: Allison Ostrer <aostrer21@gmail.com>
Sent: Saturday, June 13, 2020 10:03 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Excluded public comments

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,
Allison Ostrer

Sent from my iPhone

Carina Thornquist

From: Duane Garcia <duane@nwreonline.com>
Sent: Monday, June 15, 2020 10:32 AM
To: Barbara Kincaid; Planning Commission
Subject: Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,

Duane Garcia
360-886-9928

Carina Thornquist

From: dawnis m <dawnis2@hotmail.com>
Sent: Sunday, June 14, 2020 8:27 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,

Dawnis Sparks
Dawnis2@hotmail.com
206-280-6866

Carina Thornquist

From: CenturyLink Customer <g.davis001@q.com>
Sent: Monday, June 15, 2020 11:09 AM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/15/20

Careful review of Comprehensive Plan and other documents will be needed to make informed decisions as to what changes and corrections are advisable.

City staff have not been providing accurate information about zoning map and proposed changes.

One example is Weston Butts indicating on his permit application's SEPA Check List that his property is zoned Community Commercial, this is not correct. It is zoned Light Industrial. It is still shown "Light Industrial" on the current zoning map. Until a proper application including proper zoning is submitted it should not be considered for a permit.

There are previous public suggestions to the Planning Commission regarding changes to the Comprehensive Plan that should have shown up in Agenda Packets but some have not. This goes back to last year! There are also poorly document actions with regard to the Future Land Use Map that should be reviewed.

There are a large number of suggested changes from the public to the Comprehensive Plan that should be adopted by the Planning Commission.

Please send all the public's changes forward to a full Public Hearing.

Regards....Gary Davis.....

Carina Thornquist

From: Jay Weeks <jayweeks07@gmail.com>
Sent: Sunday, June 14, 2020 12:35 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments. As a Black Diamond citizen I am concerned with the lack of public input and would like for the community's suggestions and concerns to be understood before any decisions are made.

Best regards,

Jay Weeks
(206) 261-1954

Carina Thornquist

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Sunday, June 14, 2020 9:06 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: PUBLIC COMMENT 06/15/20: Traffic impacts, Lake Sawyer Road, and Comprehensive Plan

Re-sending with corrected subject.

On Sun, Jun 14, 2020 at 9:03 PM Kristen Bryant <kristenbry@gmail.com> wrote:
Hello Planning Commissioners!

Last week you received a memo from Traffic Engineer William Popp as input to your Comprehensive Planning process.

The memo was commissioned by Save Black Diamond after on-going review of the Ten Trails traffic reports and plans from 2009 through the latest Ten Trails Preliminary Plats this year.

The memo focuses on Lake Sawyer Road and 216th (along the northwest border of Black Diamond) traffic analysis in the 2015-2035 Black Diamond Comprehensive Plan. The issue identified is that the Ten Trails buildout by 2035 sends enough traffic on that road to warrant at least 3 lanes (a center turn lane) on Lake Sawyer Road and more (5) lanes north of 292nd (the Lake Sawyer Store).

The current Black Diamond residents' homes along Lake Sawyer Road and the neighborhood next to the Lake will find it more and more difficult to pull out of their driveways or side streets. Again, this is based on the number of vehicles that are forecast by your existing Comprehensive Plan and its Traffic Appendix. The road will be too full yet there is no plan to expand the road.

The Comprehensive Plan should contain some project or requirement for how this issue would be resolved. The Planning process for Comprehensive Plans is not supposed to leave issues such as this one unaddressed. Of course, there are potential re-zones that the Planning Commission held a hearing on last year to Palmer Coking Coal property. The re-zones would add dense development to the "Pipeline Road" area (Palmer Coking Coal parallel to Roberts Drive), which would send Traffic to Lake Sawyer Road, making it even worse. Lake Sawyer road can't handle the traffic forecast from Ten Trails traffic in the current comprehensive plan.

Today, we can see new development going on in the area of the Lake Sawyer store and also on Sr 169. These impacts also do not appear to have been analyzed in the Comp Plan.

Given that there is not much time to study this issue this year, it would make sense to find ways to *reduce* potential development where the impacts (such as this traffic) have not been fully analyzed and development agreements are not already in place. That would make it so a whole new traffic analysis is not needed.

Thank you for your time, and please let me know if I can provide more information.

Kristen Bryant - 425-247-9619

Carina Thornquist

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Sunday, June 14, 2020 9:04 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Traffic impacts, Lake Sawyer Road, and Comprehensive Plan

Hello Planning Commissioners!

Last week you received a memo from Traffic Engineer William Popp as input to your Comprehensive Planning process.

The memo was commissioned by Save Black Diamond after on-going review of the Ten Trails traffic reports and plans from 2009 through the latest Ten Trails Preliminary Plats this year.

The memo focuses on Lake Sawyer Road and 216th (along the northwest border of Black Diamond) traffic analysis in the 2015-2035 Black Diamond Comprehensive Plan. The issue identified is that the Ten Trails buildout by 2035 sends enough traffic on that road to warrant at least 3 lanes (a center turn lane) on Lake Sawyer Road and more (5) lanes north of 292nd (the Lake Sawyer Store).

The current Black Diamond residents' homes along Lake Sawyer Road and the neighborhood next to the Lake will find it more and more difficult to pull out of their driveways or side streets. Again, this is based on the number of vehicles that are forecast by your existing Comprehensive Plan and its Traffic Appendix. The road will be too full yet there is no plan to expand the road.

The Comprehensive Plan should contain some project or requirement for how this issue would be resolved. The Planning process for Comprehensive Plans is not supposed to leave issues such as this one unaddressed. Of course, there are potential re-zones that the Planning Commission held a hearing on last year to Palmer Coking Coal property. The re-zones would add dense development to the "Pipeline Road" area (Palmer Coking Coal parallel to Roberts Drive), which would send Traffic to Lake Sawyer Road, making it even worse. Lake Sawyer road can't handle the traffic forecast from Ten Trails traffic in the current comprehensive plan.

Today, we can see new development going on in the area of the Lake Sawyer store and also on Sr 169. These impacts also do not appear to have been analyzed in the Comp Plan.

Given that there is not much time to study this issue this year, it would make sense to find ways to *reduce* potential development where the impacts (such as this traffic) have not been fully analyzed and development agreements are not already in place. That would make it so a whole new traffic analysis is not needed.

Thank you for your time, and please let me know if I can provide more information.

Kristen Bryant - 425-247-9619

Carina Thornquist

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Monday, June 15, 2020 11:27 AM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments. As representatives of the community there is an obligation to listen to the voices of the people affected. We are speaking, and asking you to listen.

Thank you,

Kelley Sauskojus
Black Diamond

Carina Thornquist

From: Oleg Sergeev <olleser@gmail.com>
Sent: Saturday, June 13, 2020 10:33 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,
Oleg Sergeev

Carina Thornquist

From: Philip Acosta <philamatic@comcast.net>
Sent: Monday, June 15, 2020 11:39 AM
To: Barbara Kincaid
Subject: Planning Commission Comments for meeting on 6/15/20

Attention Barb and Planning Commission members

As you are all aware I have voiced my concerns many times in the past about the safety issues concerning Black Diamonds major east/west thorough fare, 288th and its confluence with SH 169. This intersection has had many accidents over the last ten years and with advancing development in our area it only has gotten worse with no mention of imminent upgrades. Development is going to happen but it needs infrastructure to allow those of us residents who currently reside in this area to feel safe and enjoy the community we love and are so invested in.

You have an opportunity today to speak up on behalf of current residents and address the shortcomings of previous traffic studies and agreements with developers by generated new revised studies that take into account not only Black Diamond development but all development that impacts this thorough fare.

Sincerely

Philip Acosta
Black Diamond

Carina Thornquist

From: Paula Ford <paulaj4d@comcast.net>
Sent: Sunday, June 14, 2020 8:55 AM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 06/15/20

Ms. Kincaid and Commission:

Many of us, I would say, who live in the Morgan Creek neighborhood, here in Black Diamond, which is where we live, are concerned with the amount of traffic ever increasing through our town. We feel there needs to be a widening of Hwy 169 to help accommodate this and also some roundabouts added, or traffic lights, to be able to safely navigate our town and area. The intersections that meet with 169 are increasingly dangerous and a major concern for us. Can this be addressed sooner rather than later? We feel a two lane round-about would be helpful (or a traffic light) and some turn lanes would be so helpful. But as close to the main road as some houses are, makes it impossible to widen streets or even allow for sidewalks through town, which would make pedestrians and bike riders safer. Hwy 169 is increasingly more a bottleneck going north and south.

These concerns include winter challenges with how flooding and landslides occur. People who work north of here, in the Issaquah area, etc., are really stuck (like this past year) when flooding blocked people from getting through on Hwy 18 and through the Hobart and Ravensdale areas and on through to our area. They were forced to go I-90 and Hwy 167 and 169, however they could to get out here. We need to prepare for traffic congestion that is quickly overwhelming us with people trying to get out to Enumclaw and other areas.

We also have concerns about funding for schools that will soon need to be built with all the growth happening here and on either side of us. Please keep this in mind when allowing growth and ensure that developers pay their fair share for this important provision. I would hope this is included in the budget for our future.

We are entrusting you with our town's concerns and appreciate all you are doing on our behalf! We are pleased with how nicely Ten Trails has made the area look with all the foliage and trees they have planted. Nice job so far, although it seems like they have not planned well for parking in the development we have seen. This could be a real problem in the near future.

Bless you all as you continue to make improvements and work hard for our city. Hoping for traffic improvements and safety improvements soon!

Sincerely,

Paula & Raymond Ford
Black Diamond, WA

Carina Thornquist

From: Peter Rimbo <primbos@comcast.net>
Sent: Monday, June 15, 2020 9:42 AM
To: Barbara Kincaid; Planning Commission
Cc: Brenda Martinez; Carina Thornquist
Subject: PUBLIC COMMENT 06/15/20
Attachments: BDCP '20 Dkt--TAT Prop'd-BD Resp-TAT Rebut--MATRIX.docx; TAT Testimony--BD PC--6-9-20.docx

Importance: High

Barbara and Planning Commission,

Good morn ing. Attached please find TAT's **Written Public Comments** for tonight's *Planning Commission Special Meeting*.

Please note we have taken the 12-pg Matrix provided in the meeting packet, extracted just TAT's proposed items for the 2020 Docket, and highlighted TAT's "*rebuttal*" (shown in the 5th column) to Staff's Recommendations (shown in the 4th column). We believe this provides context needed by the Planning Commission as it discusses the proposed 2020 Docket. *[Please note: The attached matrix also comprises 12 pages, because we have included the full description of our proposed Docket Amendments, not simply the abbreviated representation provided in the Meeting Packet.]*

Further, we encourage the Planning Commission to review TAT's **Written Testimony** (re-attached for your convenience) submitted last week for the June 9 Planning Commission meeting, as it specifically addresses all four of PSRC's conditions to be met for eventual full certification of the City's Comprehensive Plan Update.

Thank you.

Peter Rimbo
Leader, Citizens' Technical Action Team (TAT)
primbos@comcast.net

"To know and not to do is not to know."-- Chinese proverb

Please consider our shared environment before printing.

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
Transportation Element, Appendix 7				
• Travel Forecasts p. 18, 1st para, under "Travel Forecasts": The 2nd bullet shows "land-use projections" for "year 2035" that do not even fully take into account the planned 6,050 homes in the MPDs, let alone any other development over the 19-yr period covered. Those "land-use projections" for "year 2035" are not consistent with the City's agreed-to Growth Targets, nor either PSRC's Regional Transportation Plan (20189) or PSRC's VISION 2050 (now being finalized). Regarding the statement about "existing traffic-demand models" the City must take care in recognizing that the TDM used to support approval of the MPDs was completely rejected by the City's Hearing Examiner and creation of a new one to evaluate the impacts of the MPDs on the City's and region's traffic patterns and volumes was put off by the City Council until 850 building permits have been issued. Consequently, the City can have no confidence or reasonable assurance with any travel forecasts based on the discredited TDM, as enumerated in painstaking detail by the city's Hearing Examiner's MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations.	This is necessary to meet the requirements of RCW 36.70A.070(6)(a)(iii)(E); "Travel forecasts should be based on adopted regional growth strategies, the regional transportation plan, and comprehensive plans within the region to ensure consistency."	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	As with the TAT's exhaustive comments provided to the city (which appeared to be not even technically reviewed by the City or its "reputable transportation consultants"), TAT's proposed Docket Amendments again have been not technically reviewed by the city as evidenced by the City Staff's response: "The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed." This constitutes a <u>non-response</u>. Then, City Staff recommends that ANY input received from the Public on "the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC." This is not a realistic <u>Public Participation</u> Plan. The City cannot state it has held many Public meetings/accepted numerous Public comments and then state it has not, and will not, even consider those Public comments—and admit same in writing as it has done! TAT provided herein six top-level issues extracted from many more in its exhaustive comments on the Transportation Appendix (all provided to the city in 2018. These issues require attention to meet RCW mandates as cited in the "TAT ACCOMPANYING COMMENTS" column herein.

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
• Funding Sources p. 35, Table 0-2, under "Funding Strategy": There are no cost numbers shown, only issues and potential mechanisms that <i>might</i> be available to solve them. Thus, the table does not constitute a realistic assessment of the cost risks to the city and its taxpayers. Under the "Transportation Benefit District" item there is nothing in the Comments column. Yet, under the Realistic Acceptance column it states: "<i>in-place but could be raised.</i>" On what basis would this be contemplated (all five "potential use of funds" are identified, i.e., footnotes 1 thru 5), especially when nearly all impacts to the City's transportation infrastructure are the result of the MPD buildout? Under the "State and Federal Grants" item in the Comments column it states: "<i>Once the City has their comprehensive plan approved they will also be eligible for more grants including Federal.</i>" However, since the city's Comprehensive Plan Update reflects a gross exceedance of its agreed-to Growth Targets the PSRC could decide not to certify or certify with strong conditions related to funding sources. In earlier versions there was a heading here called "Developer Contributions." We can understand why some of it was removed, but the subheading called "Disadvantages" stated some very key aspects the City should be cognizant of and consider going forward and should be put back, in some condensed form, into this Comprehensive Plan Update: "Disadvantages: The primary disadvantage is that developer improvements are focused on fixing the "immediate problem" and can result in solutions that may not be desired by the City. As mentioned earlier this "piece-meal" approach can often result in some unforeseen off-site impacts that may cause more traffic congestion or result in improvements that will need to be torn-out in the future to accommodate future improvements. If an intersection already operates below the standard, developers are only required to pay their "fair share" of the cost of an improvement—often requiring the City to fund a portion of the improvement. Further issues can arise over how to deal with developments which are approved after the original	This is necessary to meet the requirements of RCW 36.70A.070(6)(a)(iv)(A): "An analysis of funding capability to judge needs against probable funding resources;" and by RCW 36.70A.070(6)(a)(iv)(C): "If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;"	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
developer has completed a major improvement (late-comer's agreements). *				

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2020 Docket

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
• Transportation Improvements pp. 19-32, under "Transportation Improvement Recommendations". TAT provided a large number of technical comments on transportation improvements that covered over 22 pp (including the original text and figures)—our comments comprised, in total, ~7 pp. Below is a very, very brief summary of those comments: "The city should not address road and intersection improvements <i>"incrementally with developments as traffic volumes increase,"</i> as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. The State GMA calls for <u>identifying the long-term scope in advance</u>, then assigning reasonable proportion of those improvements to each development. We remain concerned the verbiage herein is not consistent. Several 2022-2035 intersection projects listed in Table 0-9 (also labeled Table 0-1) are not shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met. Further, although traffic volume predictions, etc. are provided, there is <u>insufficient explanation of the 2035 scenario</u>. Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance listed for each in Table 7-11. We would expect this all to be connected and sufficiently explained in the text, but it isn't. In fact, the text simply states: "...additional arterial roads will be needed...." It must be kept in mind that the information provided in Figure 7-7 is critical to evaluating future traffic impacts and whether or not this Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents. Unfortunately, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7."	This is necessary to meet the requirements of RCW 36.70A.070 (6)(a)(iii)(F): "The transportation element shall include the following subelements: ... Facilities and services needs, including: ... <u>Identification of state and local system needs to meet current and future demands</u>...."	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
• Transportation Concurrence pp. 36-41, under "Concurrence". Add a <i>Flow Chart</i> (not dissimilar to Figure 0-1 "Concurrence Management System" on p. 41) that delineates the interrelationship between the continuing cycle of: Meeting LOS Sids: Traffic Monitoring : Traffic-Impact Analyses : Modifying Development Size/Pace : Traffic Monitoring : TAT provided a large number of technical comments on Concurrence that covered over 9 pages (including the original text and figures)—our comments comprised, in total, ~2 pages, which cannot be repeated here, but it is strongly suggested they be read and considered. Below is a very, very <u>brief</u> summary of those comments: "Herein it is stated (and DKS Associates' transportation experts have stated same in meetings): <i>"The City's strategy to tie concurrence directly to THE major developer within the City should give the City a step ahead of most communities that struggle to keep up with maintaining concurrence requirements."</i> This is true to a point, but it is not a get out of jail free card, as it depends heavily on MPD COA 20's <i>Traffic Monitoring Plan</i>, which has some flaws. The city's Hearing Examiner recognized these flaws and clearly pointed them out in his Recommendations on the MPD Development Agreements, which were <u>not</u> heeded and subsequently rejected by the 2011 City Council. In fact, the city's Hearing Examiner enumerated major concerns with how concurrence was handled in the <u>MPD Application Permit Conditions of Approval</u> and the <u>Development Agreements</u>. These should be addressed here. The MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, not actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The city must recognize the MPD Master Developer will be providing the bare minimum to meet its local direct impacts, so that cumulative long-term growth could be ignored until it is too late to address	City must recognize Concurrence is the mechanism that allows land-use and transportation infrastructure planning to succeed in producing a high quality of life and a strong economic climate. Discussion of concurrence is governed by the requirements of: RCW 36.70A.070 (6)(b): "After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
transportation infrastructure needs in a cost-effective and timely manner."	full payment of all impact fees is due to the county or city."			

Citizens' Technical Action Team
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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
• Level of Service p. A7-2 [note that Appendix 7 has multiple page numbering formats], under "Level of Service and Concurrence": (1) Add a discussion of level of service standards and how they have been and will continue to be regionally coordinated. (2) The following from the 2009 BDCP should be placed back in: <i>"The requirements of Black Diamond's Transportation Concurrence Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as 'highways of statewide significance.' The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test."</i> (3) Please note TAT's detailed comments on what used to be called section 7.5 Actions Needed to Meet Level of Service Standards (see p. 35 of TAT's Appendix 7 comments) regarding WSDOT's comments on the SR-169 roundabouts and mitigation needed for the failing LOS for the 216th Ave/288th St intersection.	1) Discussion of level of service standards is governed by the requirements of RCW 36.70A.070 (6)(a)(iii)(B): "Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;" (2) This statement should be restored. (3) WSDOT's concerns must be thoroughly evaluated.	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
• Inter-Governmental Coordination p. 43, under "Transportation Facilities and LOS Standards Coordination": The discussion herein on such coordination is grossly deficient and simply talks about participating on various transportation boards—which is necessary, but not sufficient. At a minimum, the city needs to sit down with its counterparts in both the cities of Maple Valley and Covington to decide what can be done by all three to minimize traffic impacts of their combined developments. The three cities share several major roads and, thus, share several major problems today and into the future. Also, the three cities need to share information to better understand their respective traffic-demand models and assumptions. Where they dovetail? Where they conflict? How can they be coordinated and, at least, respective results be understood in the same regional context? The City needs to sit down with King County to discuss impacts to its road infrastructure. The City must recognize that it has chosen to far, far exceed its agreed-to Growth Targets. This decision will have a strong negative impact on traffic in much of southeast King County for generations. Taxpayers who do not live in Black Diamond should not be asked to pay—through State Grants, State highway funds, County highway funds, etc.—for the City's decision to permit the two massive MPDs without a full transportation evaluation that was acceptable to the city's Hearing Examiner and Council.	This is required by RCW 36.70A.070(6)(a)(v): "Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions of the transportation systems of adjacent jurisdictions;..."	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

Citizens' Technical Action Team
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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
Transportation Element, Chapter 7				
Modify Policy T-4 Level of Service Standard to add back in the following from the 2009 Comprehensive Plan: "Adopt levels of service that reflect the preference of the community."	This is the intent of the State's Growth Management Act.	The adoption of Levels of Service (LOS) standards must consider many things including the community vision. This specific language was removed because it sets a false expectation that LOS standards can be set based on what the community wants, and it is not as simple as that.	Not recommended for the 2019 preliminary docket.	TAT did not state it was "simple" to set LOS standards, but that such standards should "reflect the preference of the community" that must live with them. The city clearly is ignoring this and removed it from its Comprehensive Plan in this major Update.
Modify Policy T-14 Character of the City to add back in the following from the 2009 Comprehensive Plan: "Discourage widening of SR 169 to a four or five lane facility thus creating a 'thoroughfare' that will tend to divide the City."	This was the first item listed in the 2009 Comprehensive Plan as Policy T-10.	Policy T-1 addresses Roadway Design which includes "establishing a range of transportation standards and criteria to ensure roadways are designed in a manner that fits within the context of the built or natural environment, and consistent with the intended functional classification" as well as ensuring roadway designs are coordinated with King County, Washington State, and Federal Highways to achieve compatible design criteria. The 2009 statement is not particularly useful nor is it necessary when the reality is SR 169 in its current condition already creates a thoroughfare through the City. The City must be proactive in continuing to work with the state to improve SR 169 as the corridor develops. It might seem inconsistent for the Land Use Chapter to promote Community Commercial (CC) uses along the corridor without any intention of improving the roadway to handle the additional traffic. And we know the state has no intention of making SR 169 into a four or five lane facility.	Not recommended for the 2019 preliminary docket.	The City Staff response admits that "the state has no intention of making SR 169 into a four or five lane facility." We completely agree and stated as such in our original comments on the Transportation Appendix. All we recommended here was that the city keep its existing language in this major Comprehensive Plan Update. We fail to understand why it appears afraid to do just that.

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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY-STAFF RESPONSE	CITY-STAFF RECOMMENDATIONS	TAT REBUTTAL
• Modify Policy T-8 Transportation Demand Management to describe: (1) Existing and planned Transportation-Demand Management (TDM) strategies, such as HOV lanes, parking policies, etc.: RCW 36.70A.070(6)(a)(vi), WAC 365-196-430(2)(i) (2) A Commute-Trip Reduction (CTR) Plan to achieve reductions in the proportion of single-occupant vehicle commute trips: RCW 70.94.527. [NOTE: Although the City has a "Commute Trip Reduction" section in Appendix 7 (p. 31), it does not describe a CTR Plan as called for in the RCWs, but simply lists potential elements of a typical CTR Plan.] (3) Add back in the following from the the 2009 Comprehensive Plan: "Develop zoning and land use policies that promote land uses and development that are consistent with the City's goals and visions and which require new development to adequately provide for the transportation needs of that development."	(1) A mandatory element is a description of Transportation-Demand Management strategies, such as HOV lanes, parking policies, etc. as required by RCW 36.70A.070(6)(a)(vi) and WAC 365-196-430(2)(i). (2) A Commute-Trip Reduction Plan and ordinance is required by RCW 70.94.527(1) and an option under RCW 70.94.527(2) depending on whether the 100 person-hour delay threshold is exceeded. (3) The 2009 Comprehensive Plan statement: "zoning and land-use policies" was removed. [Underlying Demand-Management rationale: This is especially important since approval of the MPDs was partially predicated on the assumption of achieving an Internal Capture Rate (ICR) of 18%. Since assumed ICRs have a direct influence on the evaluation of traffic volume, trip distribution, travel times, and queue lengths, they are, possibly, one of the most important assumptions that feed the Traffic-Demand Model (TDM) and subsequent analyses. There is a concern that some Institute of Transportation Engineers (ITE) methods (the Master Developer's Transportation Consultants used these in assessing the MPDs) for ICRs may not be applicable to large MPDs (KCDOT stated this in its testimony during the MPD Public Hearings).]	(1) There are no existing or planned TDM strategies to describe. Given the fact that a TDM program is used to manage traffic impacts from larger employers or institutions, it is not deemed to be a high priority at this time. (2) The CTR Law requires employers to work with employees to reduce the number and length of drive-alone commute trips made to their worksite. The law targets worksite with 100 or more full-time employees who regularly commute during peak hours. Similar to the response regarding TDM strategies, this is not a high priority for the City at this time. (3) This language seems to imply a requirement for "development pays for development" but it is not very clear about intent. The Plan contains many policies throughout the plan; land use, transportation, and capital facilities and utilities in particular that support the concept more succinctly.	Not recommended for the 2019 preliminary docket.	(1) City Staff fails to recognize that the approved MPDs (which, when fully built out, will bring 6,050 homes and 1.15 million sq ft of commercial space to the city), coupled with the Palmer Coking and Coal property it has rezoned per the new Land-Use Map in its major Comprehensive Plan Update (that could bring upon to an additional 2,000 homes), will completely change the city in terms of major traffic, employers, and businesses. To ignore any consideration of Transportation-Demand Management strategies over the next 20 years is clearly technically deficient and must be corrected to meet the mandatory Transportation Element required in the RCWs cited. (2) Regarding a needed Commute-Trip Reduction Plan, please see logic provided above under (1). (3) TAT is simply asking the city to not remove language it had in its existing (2009) Comprehensive Plan. City Staff's response appears to be defensive and not helpful.

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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
Modify Policy T-19 Concurrency: "... The most significant adopted policy of meeting concurrency standards is accomplished by the two major MPD Development Agreements that require the developer to implement any and all of the capacity adding projects in the City's comprehensive plan to maintain the City's level of service standards." by adding, immediately thereafter, the following: "However, it is understood the MPD Development Agreements are exempted from both State and City concurrency laws and all 'concurrency-related' evaluations will be based on the MPD Traffic Monitoring Plans."	The City must recognize all MPD "concurrency-related" evaluations will be based on Traffic Monitoring Plans (TMPs) and should there occur "... a disagreement between the applicant and the City about the timing of construction of a transportation project under the monitoring plan, ..." (ref: MPD Permit Condition of Approval 25), it is not clear how it will be rectified, as only the conduct "pre-phase monitoring" and "mid-phase monitoring" are included and disparities in interpretation of results of same could occur. Plus, modeling need only take into account number of new homes & commercial buildings actually occupied/generating traffic. The City must recognize overall intent of the traffic monitoring should be to satisfy BDMC 18.98.010(1) to provide "needed services and facilities in an orderly, fiscally responsible manner." From the city's Hearing Examiner: "The City must recognize the TMPs set up detailed timing requirements for infrastructure improvements that are not linked to implementing project-level concurrency assessments. Nothing in the TMPs suggests construction of traffic infrastructure will be superseded by the concurrency findings required by the MPD Development Agreements sect. 11.1. Thus, the City must negotiate an amendment to the TMPs to clarify that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan. This will ensure it meets the timing requirements of GMA traffic concurrency adopted in BDMC 18.98.080(A)(4)."	That would not be an accurate statement. Development Agreements (DAs) are authorized in RCW 36.70B.170 where the state legislature finds that DAs the lack of certainty in the approval of a project is not beneficial and therefore a large project, upon government approval, may proceed in accordance with existing policies and regulations. The MPDs were not exempted from concurrency evaluations or the imposition of mitigation fees.	Not recommended for the 2019 preliminary docket.	TAT stands by the City Hearing Examiner's very well researched and thought out words cited under the "TAT ACCOMPANYING COMMENTS" column herein. City Staff fails to recognize that the agreed-to Traffic Monitoring Plans are insufficient to meet Concurrency. A myriad number of experts (from WSDOT, KCDOT, and the City of Maple Valley, as well as many from the Public (including TAT) provided detailed testimonies to this effect during the MPD Public Hearings before both the City Hearing Examiner. The City Hearing Examiner agreed with these arguments!

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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
Modify Policy T-20 Funding Sources to specifically identify stable and predictable funding sources for maintaining and preserving existing transportation facilities and services.	To fulfill PSRC requirements for Comprehensive Plan <i>Transportation Elements</i>. [Underlying rationale: Future Financial Plans to satisfy part of the MPD-needed infrastructure relies heavily on unstable & unpredictable potential Grant monies.]	Is there such a thing as a stable and predictable funding source for transportation facilities? If there are other funding sources to include here that we have missed, please provide them. This policy addresses maintenance and preservation of existing transportation facilities and services- not new infrastructure to support development. Staff is looking into the option to establish a street utility fund. But it is premature to propose this as a strategy at this time.	Not recommended for the 2019 preliminary docket.	City Staff appears to state in writing herein that it plans to ignore this PRSC requirement. We believe City Staff mis-interpreted TAT's proposed Amendment, as we do not expect the City to ignore this as it constitutes one of PSRC conditions required to be met in order for its Comprehensive Plan Update to be certified.
Modify Policy T-21 Alternative Level of Service by eliminating: "❖ Reduce the LOS standard for the system or portions of the system to give the City more time to fund the needed transportation improvements."	This statement, added from what was in the 2009 Comprehensive Plan, says pretty much what State law allows as a last-ditch option on Concurrency, but its citizens desire for their city to not reduce LOS standards to accommodate the Master Developer at the expense of its their quality of life. The City must recognize that under the State's GMA, if the Master Developer cannot meet the city's LOS standards, then it simply has to scale back its plans and plan for fewer homes to be built.	The concern seems to be around LOS standards being lowered to accommodate the Master Planned Developer. However, the DA is a contract between the City and Developer. It places the responsibility on the developer to build the needed improvements. The conditions cannot be changed without opening the contract. T-21 is written (consistent with GMA) to support the City when it is the funder of needed transportation improvements and we want to have the ability to use this flexible tool, if needed.	Not recommended for the 2019 preliminary docket.	The city fails to realize that the GMA allows it to "deny development" if LOS standards are not met. Even though it has signed DAs with the Master Developer, each piece of the MPDs still goes through a permit approval process that entails traffic analyses, etc. In other words, when it comes to setting or meeting LOS standards the city is not required by the GMA to accommodate the Master Developer, but rather the Master Developer is required to accommodate the city!
Modify Policy T-22 Financial Impact Mitigation (fourth bullet): "❖ Requiring developers at the beginning and mid-point of each phase of the MPD project to monitor traffic generation and distribution to determine if traffic impacts of MPD development are occurring as projected." by adding, immediately thereafter, the following: "Ensure improvements are constructed with MPD development in order to bring mitigation projects into service before the Level of Service is degraded below the City's standards."	The City must recognize it has wide discretion when it comes to MPD traffic-demand modeling and analyses leading to needed identified mitigation due to the strength of MPD Permit Condition of Approval 17 and its ten subparagraphs and its multiple sub-subparagraphs.	The MPD DA is vested to past policies and regulations pursuant to RCW 36.70B.170. As written, T-22 is consistent with the DA which already contemplates improvements be developed and placed into service before further degrading LOS standards. Adding proposed language won't change the requirements under the DA.	Not recommended for the 2019 preliminary docket.	The city fails to recognize that it indeed possesses wide discretion when it comes to identifying needed mitigation and timing.

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TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
Modify Policy T-24 Intergovernmental Agency Coordination: "Coordinate planning, construction, and operations of transportation facilities and projects with other governmental agencies." by adding, immediately thereafter, the following: "Develop a plan to avoid new or expanded facilities in rural areas."	This is necessary to fulfill PSRC requirements for Comprehensive Plan Transportation Elements. A plan is necessary to ensure such Rural Area transportation facilities will not require improvements to handle the predicted increased level of traffic.	This seems to be a suggestion for the City to develop an intergovernmental plan with King County for rural areas. The City would not be adding new or expanded facilities in rural areas without permission from King County because that would be outside our jurisdictional boundaries. I'm just not sure what the intent is here. However, PSRC, King County and all the neighboring jurisdictions have the ability to review and proposed changes. The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.	Not recommended for the 2019 preliminary docket.	The city fails to recognize its rapid development will impact many King County roads and simply expects King County to do something about it. The city already has ignored all King County DOT testimony throughout the MPD Public Hearings. The plain intent of GMA is for the city to consider the impacts of its development on the adjacent rural road system, and to work with King County to mitigate those impacts. In fact, what "changes" is the city expecting "PSRC, King County and all the neighboring jurisdictions" to "review"?

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Modify Policy T-25 Multi-modal Coordination: "Coordinate planning and operation of efficient and varied means of transportation for the City of Black Diamond's transportation system." by adding, immediately thereafter, identified needs for SR-169 consistent with the State Multimodal Transportation Plan (RCW 47.06.040).	The City recognizes its unique dependence on SR-169, as well as limitations in providing regular bus service to and from the city. This is needed to fulfill the requirements of RCW 36.70A.070 (b)(a)(iii)(F) "The transportation element shall include the following subelements: ...Facilities and services needs, including: ...Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW."	The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.	Not recommended for the 2019 preliminary docket.	The city is stating herein that it doesn't know what to do to meet the RCW requirements cited in the "TAT ACCOMPANYING COMMENTS" column herein and apparently is awaiting guidance from PSRC and DOC, rather than understanding and facing its own issues.

Citizens' Technical Action Team (TAT)

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020

The Citizens' Technical Action Team (TAT) presents the following Written Testimony to the Planning Commission at its June 9, 2020 meeting for its consideration during the City's **Comprehensive Plan Amendment** process.

The Planning Commission received our extensive *Technical Comments* (as well as our *proposed Docket Amendments*) City's **Comprehensive Plan** last year. Tonight we provide a summary (in no particular order) of the key aspects of those comments—all related to the *Comprehensive Plan's Transportation Element* (*Chapter 7-Transportation* and *Appendix 7—Transportation*).

In addition, we describe how the four Conditions imposed on the City's **Comprehensive Plan Update** by the Puget Sound Regional Council (PSRC) speak to several of our Comments (see **ALL CAPS BOLD** below).

1. Transportation-Demand Modeling (TDM): No information on such modeling has been provided, e.g., What was done? How was it done? What were the results? How were the results used?

2. SR-169: There is a major disconnect in what is assumed and what actually is planned in PSRC's *Regional Transportation Plan (RTP)*—the successor to *Transportation 2040*—adopted in May 2018. The *RTP* (see *Executive Summary*, p. 5) shows only a small portion of SR-169, just through *part* of the City of Maple Valley, as slated for widening by 2040. The Update does not recognize this reality. **PSRC ADDRESSED THIS IN ITS CONDITION 1 (E.G., “SHOULD BE AMENDED TO INDICATE THAT...THE TDM AND PROJECT LIST DO NOT ASSUME A WIDENING OF SR-169”).** Please note in order to meet this PSRC Condition it is not enough to simply “*remove references to WSDOT widening SR-169,*” as stated in the “*2020 *Proposed* Preliminary Comprehensive Plan Docket.*” Rather, all related Traffic-Demand Modeling and subsequent Traffic Analyses must reflect the *removal* of this assumption, which could have major impacts on downstream analyses.

3. Funding Plans and Sources: There are no *Contingency Plans* (required by **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)(C)**) in place should potential Grant monies fall short or simply not materialize. Should probable funding fall short of meeting identified needs, a discussion is required of how additional funds will be raised or how land use assumptions will be reassessed to ensure that LOS standards will be met (**RCW 36.70A.070(6)(a)(iv)(C)** and **WAC 365-196-430(2)(i)(ii)**). Further, because new traffic modeling and analyses are required per the MPD Conditions of Approval (i.e., once the 850-building-permit-issued threshold is reached), we understand predicting what will be needed in future financing plans remains a moving target. The City should recognize this reality, yet makes no mention of it. The Master Developer-Funded Transportation Projects table (now labeled the first “*Table 0-10*”) is not described in the text (nor referenced) and is mostly blank. Such information is necessary to evaluate whether future traffic projects will mitigate MPD impacts and whether or not the *Update* is adequate to

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020
meet the city's Vision and the future needs of its residents. The MPD Development Agreements will expire in 2026—far before full MPD buildout is achieved. This must be recognized and assessed accordingly. We found no discussion of any of this. Finally, Cost Estimates are not provided, but should be, for *all* transportation capacity-adding projects for *both* the short term thorough 2021 and the long term through 2035. In summary, a *specific* financial plan that demonstrates how the transportation improvement program can be funded must be included, but is not.

PSRC ADDRESSED THIS IN ITS CONDITION 3 (E.G., "PROVIDE...CONTINGENCY PLANS TO ADDRESS ANY FUNDING SHORTFALLS"). We support the following language: *"Provide more detailed explanation of contingency plans to address potential funding shortfalls that may occur if the planned MPD improvements are not completed,"* as stated in the *"2020 *Proposed* Preliminary Comprehensive Plan Docket."*

4. Population Estimates: The city's estimate for future population growth is deficient—it assumes ~2.5 people per new residence in the MPDs (e.g., 6,050 residences x 2.5 people per residence = 15,125 people). The current city ratio of 2.7 (2014: 4.361/1,627) reflects a *relatively* older population. However, since the MPDs will undoubtedly *reduce* the average age of the City's population (e.g., more younger families with children), a factor of *at least* 3.0 should be used, which would result in a city population in 2035 at least 17% higher than assumed. Such a population forecast discrepancy can have profound effects on traffic modeling and analyses, yet this is not recognized.

PSRC ADDRESSED THIS IN ITS CONDITION 4 (E.G., "NARROW THE GAP BETWEEN GROWTH TARGETS AND ANTICIPATED GROWTH"). We support the following language: *"Review all Plan Chapters to address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth Strategies and develop goals or policies that would help to better align them,"* as stated in the *"2020 *Proposed* Preliminary Comprehensive Plan Docket."* We consider this the most difficult task to be accomplished, as it impacts many major assumptions and policies in the Comprehensive Plan.

5. Transportation Improvements: The city should not address road and intersection improvements *"incrementally with developments as traffic volumes increase,"* as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. The State GMA calls for identifying the long-term scope in advance, then assigning reasonable proportion of those improvements to each development. We remain concerned the verbiage is not consistent. Several 2022-2035 intersection projects listed in Table 7-9 are not shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met. Further, although traffic volume predictions, etc. are provided, there is insufficient explanation of the 2035 scenario. Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance

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Presented to the Black Diamond Planning Commission, June 9, 2020
listed for each in Table 7-11 (please note: in the approved *Update*, table numbers start with "0" not "7," in addition, there are two tables labeled "Table 0-10;" the Table we refer to above, "Table 7-11," is now the second "Table 0-10."). We would expect this all to be corrected and sufficiently explained in the text, but it is not. In fact, the text simply states: "...additional arterial roads will be needed..." It must be kept in mind the information provided in Figure 7-7 is *critical* to evaluating future traffic impacts and whether or not this *Update* is adequate to meet the city's Vision and the future needs of its residents; unfortunately, at a minimum, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7.

6. Transportation Concurrency: It is stated: "*The City's strategy to tie concurrency directly to THE major developer within the City should give the City a step ahead of most communities that struggle to keep up with maintaining concurrency requirements.*" This is true to a point, but it depends heavily on MPD Condition of Approval 20—Traffic Monitoring Plan, which, according to the city's Hearing Examiner, has several flaws, which were not rectified by the City. One flaw is that the MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, *not* actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The City does not recognize in the *Update* that the MPD Master Developer will be providing the *bare minimum* to meet its local direct impacts, so that *cumulative* long-term growth could be ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner—a *lose-lose* proposition for both the city and the public.

7. Level of Service: SR-169 is a State-designated *Highway of Statewide Significance (HSS)*. The City agreed with TAT's recommendation in an earlier annual *Comprehensive Plan Update* to conduct Concurrency Testing on same. That was removed in the current *Update* and should be re-instated.

PSRC ADDRESSED THIS IN ITS CONDITION 2 (E.G. "ACKNOWLEDGE THIS DESIGNATION AND THE ASSOCIATED LOS"). We support the following language: "Revise text to acknowledge HB3266 designation of SR 169 as a *highway of statewide significance*," as stated in the "2020 *Proposed* Preliminary Comprehensive Plan Docket." However, the Comprehensive Plan should go beyond simply "acknowledg(ing)" this, but also explain the ramifications associated with the "*highway of statewide significance*" designation.

PSRC, in its *conditional* certification of the City's **Comprehensive Plan Update**, has called for four conditions, as indicated above (note: we numbered them 1 through 4 above, although PSRC did not number them, it put them in that order), to be met, all of which (items 2., 3., 4., and 7. above) were detailed in our *Technical Comments* (and/or *proposed Docket Amendments*). We are pleased PSRC recognized these items to be addressed in the City's **Comprehensive Plan**.

In the coming months *modified* and new **Comprehensive Plan** language will be prepared by Staff (and/or a Technical Consultant), vetted internally, and "*finalized*" for

Citizens' Technical Action Team (TAT)

Written Testimony

Presented to the Black Diamond Planning Commission, June 9, 2020
release to you and, then, the City Council. This is where the city develops the "How" to
answer PSRC's "What" needs to be included in the City's **Comprehensive Plan**.

During this process we urge the Planning Commission to ask questions of City Staff
(and any Technical Consultants procured by the City) to first understand what each
PSRC Condition means, e.g., what technical deficiencies did PSRC identify that need to
be addressed and in what specific ways the City can change its **Comprehensive Plan**
to meet same.

Thank you.

Peter Rimbo
primbos@comcast.net
425-432-1332
Leader and Transportation Focal
Citizens' Technical Action Team (TAT)

Carina Thornquist

From: Steven Day <Steven_Day@msn.com>
Sent: Monday, June 15, 2020 9:44 AM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,

Steve Day
Black Diamond Resident

Carina Thornquist

From: Su Pinney <supinney@msn.com>
Sent: Sunday, June 14, 2020 5:28 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 06/15/20. Hold a Public Hearing on All Public Suggestions

Dear Planning Commission,

Please do not ignore the public's comments! As our representative, we expect that you will hold a full public hearing with a draft Preliminary Docket that *includes all* of the public's suggestions for changes to the Comprehensive Plan. After that hearing, please discuss and vote on each of the public's suggested amendments.

Thank you,

*Suzanne Pinney
206-650-5206
21820 SE 296th Street
Black Diamond, WA 98010*

Carina Thornquist

From: Michael England <mjebiker500r@yahoo.com>
Sent: Wednesday, July 1, 2020 7:23 AM
To: Barbara Kincaid
Subject: reverse the 2019 comp plan land use map change

The 2019 map adds far to much traffic. there has been no money allotted for schools,police and fire.
There is no tax analysis for city hall ,parks,police and fire?
The map has far to much development and growth!!!!!!!

Carina Thornquist

From: Mike and Wendy Ward <mike_wen@msn.com>
Sent: Friday, July 3, 2020 12:20 PM
To: Barbara Kincaid; Carina Thornquist
Subject: Reverse the 2019 Comp plan land use map change

Dear Planning Commission,

We are very concerned about traffic and lack of road improvements, specifically on Maple Valley Hwy. Additional lanes are needed in both directions from I-405 to Enumclaw BEFORE any more houses, strip malls and apartments are approved. These additional lanes should have been required BEFORE the Ten Trails & Oak Pointe developments began. Many other main thoroughfares also need additional lanes in both directions to support the current population without even thinking about the hundreds and thousands of new residents who will be moving in. Improvements must include adding additional lanes in both directions on MV Hwy from Renton to Enumclaw, Kent Kangley from Ravensdale to Kent Station, 216th from Ten Trails to Kent Kangley, Witte Road from MV Hwy to 216th. Roundabouts & adding turn lanes are **NOT** helpful improvements, as they do not ease heavy congestion & traffic jams with the volume of cars in our area. These road improvements must be done before any rezoning & changes are made to build more apartments, houses or strip malls.

We are also concerned about the increased tax burden and cost to current residents to pay for the additional schools, libraries, fire & police service, etc. that will be needed to support the new residents. The developers and new residents must be required to pay these fees and the additional taxes to pay for these expanded services that will directly support them.

We fully support the statement below and trust you will listen to the voices of Black Diamond residents and reverse the plan change. Please carefully consider what the infrastructure of Black Diamond can support and the impact on our limited road options leading in and out of our city.

Sincerely,

Wendy and Mike Ward

Reverse the 2019 Comp Plan Land Use Map Change. The 2019 map adds Far Too Much Traffic. There is No Money for Schools (Ten Trails already has us paying for 7 schools). There was No Tax Analysis (impact on city hall, parks, police, fire?). There wasn't even a count of acres changed or potential housing added.

The 2019 Map contains far too much development for Black Diamond.

Use the Comp Plan to reduce development, because we should not be adding more than triple our city's Growth Management Act targets.

Carina Thornquist

From: Ron Zarges <ronvz@comcast.net>
Sent: Monday, July 6, 2020 11:29 AM
To: Barbara Kincaid; Carina Thornquist
Subject: Planning Commision

Reverse the 2019 Comp Plan Land Use Map Change. The 2019 map adds Far Too Much Traffic. There is No Money for Schools (Ten Trails already has us paying for 7 schools). There was No Tax Analysis (impact on city hall, parks, police, fire?). There wasn't even a count of acres changed or potential housing added.

The 2019 Map contains far too much development for Black Diamond.

Use the Comp Plan to reduce development, because we should not be adding more than triple our city's Growth Management Act targets.

Ron Zarges
32803 181st Ave SE
Auburn WA 98092

Carina Thornquist

From: Bill Popp, Sr. <billsr@wmpoppassoc.com>
Sent: Monday, July 6, 2020 5:00 PM
To: Barbara Kincaid; Carina Thornquist
Subject: Planning Commission Public Hearing
Attachments: Memo to Save Black Diamond re June 9 2020 Planning Commision Mtg re Plan Update.docx

Expires: Saturday, January 2, 2021 12:00 AM

Ms. Kincaid
Please include this in the Hearing.

William Popp, P.E.
William Popp Associates
Transportation Planners and Engineers
14400 Bel-Red Rd, Ste 206
Bellevue, WA 98007
425-401-1030
www.wmpoppassoc.com
billsr@wmpoppassoc.com

MEMORANDUM

TO: City of Black Diamond Planning Commission
FROM: Bill Popp, P.E.
DATE: July 6, 2020
SUBJECT: July 6, 2020 Planning Commission Meeting re Comprehensive Plan Update

This memorandum is largely based upon review of the following:

- *City of Black Diamond Comprehensive Plan*, May 2, 2019 with special emphasis on Chapter 7, Transportation Element and its supporting Appendix 7;
- 2035 Peak Hour Traffic Volumes and Roadway Network from Appendix 7;
- *Traffic Monitoring Report, The Villages and Lawson Hills Master Planned Developments Phase 2*, December 2013 by Transpo Group;
- Phase 1A (8-25-2012) and Phase 2 Regional Implementation Schedule (1-28-2014);
- The Villages Development Agreement Exhibit C Conditions of Approval, 2010;
- *The Villages Transportation Technical Report*, December 2009; Parametrix

Background

A major issue that arises from review of the cited documents is there is little or no discussion and analysis of the roadway sections that might be needed between the typically distantly spaced controlled intersections. All of the identified improvements, with only a couple of exceptions, focus on the controlled intersections themselves and deal with possible widening for additional turn lanes and possible additions of signal control or roundabout solutions serving the respective intersections. One of the reasons for this is the controlled intersections (stop signs, signals, roundabouts) are the locations wherein delay to motorists is most conspicuously experienced and which can be readily analyzed with an industry accepted set of analysis tools. Another reason is the traffic volume forecasts on roadways have higher levels of accuracy as the roadway volumes increase and these relate to the non-local access roadways (collector, minor and principle arterials).

Traffic estimates for lower volume roadways and driveways are not typically analyzed, however these roadways do have access to the system and the motorists at those locations can experience LOS deficiencies no differently than at controlled intersections. And those situations where delay forces imprudent vehicular maneuvers, safety problems can result. And that is why there are 3-lane, 5-lane and 7-lane roads between distantly spaced intersections in this region. These two-way center turn lane facilities provide the

motorist with the ability to conduct a two stage maneuver when entering the facility thus reducing the number of acceptable gaps required by roughly one-half.

Findings

Based on review of the 2035 Peak Hour Traffic Volumes and Roadway Network from Appendix 7, the following significant potential traffic issues associated with the current Transportation Element stand out as problems requiring resolution prior to taking any further actions that would result in approval of added development above that assumed in the 2013 Traffic Monitoring Report for the two Villages. The focus here is on the Lake Sawyer Rd and 216th Ave SE Corridor Arterial Widening, although there may be others that warrant review as well.

216th Ave SE

The 2035 Peak Hour Traffic Volumes & Roadway Network Figure 7-7 shows traffic volumes in this corridor that will require substantial roadway widening of the entire arterial, **not just major intersections**. Per Figure 7-7, 216th Ave SE north of SE 288th Street is projected to be carrying some 3100 pm peak hour vehicles. This represents a 4.4 -fold growth in existing traffic – in 2013 it was 695 vehicles!

For perspective SR 169 approaching I-405 was carrying 3100 vph in 2018 and that is in a 7-lane section approaching the Cedar River Park Drive intersection . In an urban setting with cross streets this 3100 demand would require five to seven lanes (2-3 each way + center turn lane) **in order for cross street or driveway traffic to enter the traffic stream at an acceptable LOS -- depending on the side street volume the LOS could easily be F for that entering traffic.**

The extent of improvements cited in the Phase 2 Regional Implementation Schedules only consists of signalization of the SE 288th St intersection and addition of an additional southbound left turn lane and westbound left turn lane. **The magnitude of this corridor demand has not been addressed in the agreement with Maple Valley so at this point the deficiency is a major issue for this upcoming Plan update.**

For the section of 216th Ave SE from SE 288th to Lake Sawyer Road the projected PM PM pk hour volume is 2700. Once again **this volume portends a 5 to 7-lane roadway section; not the minimal improvements identified in the Implementation Schedule.**

Lake Sawyer Road

The 2035 Peak Hour Traffic Volumes & Roadway Network Figure 7-7 shows traffic volumes in this corridor ranging from 1800 to 1950 PM peak vehicles per hour. In an urban setting this would typically require a 5 lane section for adequate driveway and side street access with signals at higher volume side street intersections. **At a minimum a 3-lane section would be required for LOS D or better access on Lake Sawyer Road,**

and that would extend the length of the corridor and include the two proposed signals and channelization.

Carina Thornquist

From: Arick <arick19@comcast.net>
Sent: Monday, July 6, 2020 2:55 PM
To: Carina Thornquist
Cc: Barbara Kincaid
Subject: 2019 comp land use change

Reverse the 2019 Comp Plan Land Use Map Change. The 2019 map adds Far Too Much Traffic. There is No Money for Schools (Ten Trails already has us paying for 7 schools). There was No Tax Analysis (impact on city hall, parks, police, fire?). There wasn't even a count of acres changed or potential housing added.

The 2019 Map contains far too much development for Black Diamond.

Use the Comp Plan to reduce development, because we should not be adding more than triple our city's Growth Management Act targets.

07-07: Please add me to the Public Hearing list.

Carina Thornquist

From: B Stuart <lovethenw4life@gmail.com>
Sent: Monday, July 6, 2020 4:49 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Fwd: PUBLIC COMMENT 07/07/20

One more request Ms. Kincaid. Please include my comment below (previously sent in February and again in June) in the materials for the comp plan hearing. Thank you

Bob

----- Forwarded message -----

From: B Stuart <lovethenw4life@gmail.com>
Date: Mon, Jun 8, 2020 at 12:01 PM
Subject: PUBLIC COMMENT 06/09/20
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>

Hello Ms. Kincaid. I am re-sending this Comp Plan Preliminary Docket recommendation, originally sent Feb 27--before COVID disrupted the Planning Commission cadence.

The recommendations below were for the Comp Plan update in 2020.
These are well-researched updates worthy of consideration as the planning commission meets to begin discussion Tuesday.

Are there any updates from staff regarding this docket suggestion for the Comp Plan?

Thank you,

Bob Stuart

On Fri, Feb 28, 2020 at 7:24 AM Barbara Kincaid <bkincaid@blackdiamondwa.gov> wrote:

>
> Dear Planning Commissioners,
>
> I am forwarding an email received from Mr. Bob Stuart for your consideration.
>
> Sincerely,
>
> Barb
>
>
>
>
> From: B Stuart <lovethenw4life@gmail.com>
> Sent: Thursday, February 27, 2020 10:13 PM
> To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>

› Subject: Fwd: Planning Commission Suggested Docket Recommendation

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›

› Hello Ms. Kincaid. I am forwarding this for you and the planning commission to include as a suggested amendment for the 2020 Comprehensive Plan docket update. If I can provide provide any further information to clarify this proposal please let me know.

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› Bob

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› Dear Planning Commission Member,

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› The Comprehensive Plan update process is at the point where Black Diamond Planning Commission is creating a "Preliminary Docket." The Planning Commission can recommend a change to any part of the Comprehensive Plan. One change that makes sense is to update the Future Land Use Map because of the October 8th public input and the need to further evaluate the impact on public services and traffic. As you know, the Comprehensive Plan Future Land Use Map becomes the Zoning map. Zoning map changes cannot be made that are inconsistent with the Comprehensive Plan Future Land Use Map.

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› At this time, the Planning Commission can consider a "preliminary docket" that makes the Future Land Use Map match existing zoning or existing use. This would be a response to the Hearing on October 8, 2019. Although we remain interested in keeping Black Diamond small, we recognize that some public or staff may be interested in considering an increase in the amount of development. A change to the Comprehensive Plan Future Land Use Map now does not prevent the City from accepting changes to the map again next year after more study. If the Future Land Use Map were updated to match existing land use, the city could more thoroughly evaluate the impact on public services. The land owners or others can still submit a Comp Plan docket change (BDMC 16.10.50) next year for a Land Use Map change.

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› Thank you for your consideration,

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› Bob Stuart

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› Below are “Findings” and a “Preliminary Docket” draft written for the Planning Commission to adopt or modify as you see fit.

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› Comprehensive Plan Docket FINDINGS (“WHEREAS”)

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› 1. At the Planning Commission Comprehensive Plan Docket Public Hearing on October 8, 2019, many comments were made that any zoning change that increases residential or commercial space would negatively impact Black Diamond.

›

› 2. Some comments specifically brought up the requirement to coordinate with Countywide Planning Policies. The King County growth target is 1,900 households by 2031. According to the Comprehensive Plan, Black Diamond will grow much more than this, adding 6,000 households to get to a total of 7,674 households by as soon as 2026. The Commission finds coordination with King County and neighboring jurisdictions should be improved, and Black Diamond should attempt, where practical, to align more closely with King County Targets so that infrastructure is not negatively impacted.

›

› 3. The existing Master Planned Developments adopted by Development Agreements in 2011 include a mix of housing for a range of incomes, including townhouses and apartments currently under construction that are affordable to lower income households. There are homes in Black Diamond such as small or older homes and our existing mobile home communities that also meet our requirements to accommodate lower income brackets. Thus, there is sufficient housing capacity of all income levels.

›

› 4. Commercial space in the Master Planned Developments (MPD) is set to be over 1,100,000 square feet. This exceeds the economic development goals of the city as contemplated in the Economic Development and Land Use chapters of the Comprehensive Plan. Thus, there is sufficient commercial capacity.

›

› 5. Adding more commercial land would likely change the buildout of the MPD’s in a negative way. As adopted, the May 2, 2019 Future Land Use Map would allow for uncoordinated development. Further, the impacts on traffic, public services, city fiscal resources, and infrastructure have not been analyzed sufficiently.

›

› 6. The city is considering, but has not adopted, a general school impact fee as requested by the Enumclaw School District. An increase in residential development prior to a school impact fee could place an unnecessary future tax burden on existing residents to pay for new schools.

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› 7. The Growth Management Act (in 36.70A.040(3)[b]) allows cities to identify natural resource lands in their Comprehensive Plan.

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› 8. The Planning Commission is creating a preliminary docket of amendments for the Comprehensive Plan.

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› Therefore, the Planning Commission recommends the following docket:

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› 1. The Comprehensive Plan Land Use Chapter is updated to add a new Zoning Category of “Mineral and Resource Extraction.”

›

› 2. The Comprehensive Plan Land Use Chapter is updated to add a new Zoning Category of “Forestry.”

›

- › 3. The Comprehensive Plan Land Use Chapter is updated to add the following Policy:
 - ›
 - › Any and all Future Land Use Map and/or zoning changes that increase the residential units allowed or change a property to a “commercial” designation must go through the formal docket application and Land Use Map Amendment process as further defined in the Black Diamond Municipal Code.
 - ›
- › 4. The Comprehensive Plan Land Use Chapter is updated to add the following Policy:
 - ›
 - › The city will develop a Conservation Easement Development Credit Program separate from its existing TDR (Transfer of Development Rights) program. The program will allow property of higher conservation value that does not meet the definition of critical areas to be put into permanent “natural area” conservation in exchange for a zoning change that increases the allowed density of development on other property of lower conservation value.
 - ›
- › 5. The Future Land Use Map is Amended as Follows:
 - ›
 - › a. Parcels 1521069110, 1521069112, 1521069113, 1521069114, 1521069115, 1021069111 are designated as “Mineral and Resource Extraction.”
 - ›
 - › b. Parcel 1021069010 is designated “Low Density Residential” (LDR).
 - ›
 - › c. Parcel 1021069103 and 1021069105 are designated “Low Density Residential” (LDR).
 - ›
 - › d. Parcels 1121069020, 1121069112, 1121069113, 1121069114 are updated to “Forestry.”
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 - › The following was useful to us in researching the Comprehensive Plan update process, and is included for convenient reference by the Planning Commissioners.
 - ›
 - › Black Diamond Municipal Code
 - ›
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 - › 16.10.220 Evaluation Criteria for Proposed Amendments. The Planning Commission shall review the proposed Amendments to the Comprehensive Plan and Development Regulations under the following criteria to develop findings and conclusions to support its recommendation:
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 - ›
 - ›
 - › A. All Amendments. All of the Comprehensive Plan Amendments shall be reviewed under the following criteria:
 - ›
 - › 1. Whether the proposed amendment(s) conform to the Growth Management Act (chapter 36.70A RCW);
 - ›
 - › 2. Whether the proposed amendment(s) are consistent with and implement the City's Comprehensive Plan, including the goals, policies and implementation strategies of the various elements of the Plan;
 - ›

- › 3. Whether circumstances related to the proposed amendment(s) and/or the area in which it is located have substantially changed since the adoption of the City's Comprehensive Plan;
- ›
- › 4. Whether the assumptions upon which the City's Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the City's Comprehensive Plan; and
- ›
- › 5. Whether the proposed amendment(s) reflects current, widely held values of the residents of the City.

Carina Thornquist

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Monday, July 6, 2020 2:21 PM
To: Barbara Kincaid; Carina Thornquist; Mike England; Philip Acosta
Subject: Comments for July 7, 2020 Planning Commission Public Hearing
Attachments: PeopleForReverting to PriorLandUseMap July6scan.pdf

Dear Planning Commission,

Attached are scans of letters from 64 people for the July 7, 2020 Planning Commission Public Hearing, and for any other hearings or meetings on the Comprehensive Plan.

Previously at your October 2019 Public Hearing, William Bryant turned in copies of a similar letter from 50+ other people who opposed action that would lead to a rezone for more dense development.

The thrust of all these comments is this:

Restore the correct Comprehensive Plan Land Use Map that matches our current zoning. After that, the city can publicly study the Land Use Map and Zoning together if some feel that changes are warranted.

Almost all of these people put their name on this letter over a brief time prior to the Covid19 shutdown. Even during the pandemic which distracts from the normal public process, it is clear there is vigorous public support for what we are asking. The vast majority of people do not want to make the problems of growth worse than they are.

Kristen Bryant- 425-247-9619

To the Black Diamond Planning Commission and Council:

Please Deny the proposed Re-zone of any property and restore the previous Comprehensive Plan Future Land Use Map.

Black Diamond is already growing too fast and faces:

- Failure to make growth pay for growth - inadequate developer impact fees
- Higher taxes to pay for new development - schools, fire, roads, city hall, and police services
- Future traffic gridlock
- Future school crowding
- On-going construction traffic problems
- Degrading environment and quality of life.

Name	Address
M Andy Leick	25005 Summit Drive Black Diamond
Angela Raymond	30404 Blaine Ave Bo 110, 98010
John Howells	25002 Frankln Dr, Black Diamond WA 98010
Ed Haurahau	30400 KUMMER AVE BLACK DIAMOND, WA 98010
William Thompson	28916 229TH Place SE
Maken Thompson	28916 229TH PLACE SE
Maken Thompson	28902 229TH PL SE
Janet Upegui	28902 229TH PL SE

To the Black Diamond Planning Commission and Council:

Please Deny the Proposed Re-zone of any property at the 2019 Zoning Public Hearing.

Black Diamond is already growing too fast and faces:

- Failure to make growth pay for growth - inadequate developer impact fees
- Higher taxes to pay for new development - schools, fire, roads, city hall, and police services
- Future traffic gridlock
- Future school crowding
- On-going construction traffic problems
- Degrading environment and quality of life.

Name	Address
Katie Washburn	23846 SE 291 st Street
Conner J Sauve	32522 McKay Ln, Black Diamond WA, 98010
J. J. Schampore	32528 McKay Lane Black Diamond, WA 98010
Josh Schampore	32538 McKay Lane Black Diamond WA 98010
Frank Weisz	32406 McKay Ln
Bob Stuart	32404 McKay Lane
Jeanne Stuart	32404 McKay Lane
AARON MOLLANTI	32306 MCKAY LANE

To the Black Diamond Planning Commission and Council:

Please Deny the proposed Re-zone of any property and restore the previous Comprehensive Plan Future Land Use Map.

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- Degrading environment and quality of life.

Name	Address
Greg Haustra	30401 Kummer Ave
Kim Stone	32516 McKay Ln Black Diamond, WA 98010
Alison Guadalupe	32501 McKay Lane Black Diamond, WA 98010
FRANK RAJAN	" " "
Debbie Fosko	32507 McKay Ln Black Diamond, WA 98010
Joan Gargl	30720 229th Pl SE. Black Diamond, WA 98010
JERRY SMITH	30491 227th Pl SE
Frankie Streeter	30490 227th Pl SE Black Diamond, WA 98010
Clark Mettler	30483 227th Pl SE Black Diamond, WA 98010

To the Black Diamond Planning Commission and City Council:

Please fix the Comprehensive Plan to reduce over-development.
Last year's addition of 155 more acres of dense development to the
Plan's Future Land Use Map benefits only special interests and
was not studied.

Black Diamond is already growing too fast and faces:

- Failure to make developers pay their share
- Higher taxes to pay for new development - schools, fire protection, police services, city hall, and roads
- Future traffic gridlock
- Future school crowding
- Degrading environment and quality of life.

Name	Address
Elizabeth + Don Englebc	30856 228 th Ave. S.E
RON DODGE	31002 228 th Ave SE
RON CARROLL	31112 221 st Ave. SE
See Deeks	25505 Keweenaw Drive
Amanda Hagen	25551 Keweenaw Dr

Carlene Jay Carlene Jay	28814 228 th Ave SE Diamond
MICHAEL JAY Michael Jay	" "
RICHARD A STARR Richard A Starr	28834 228 th Ave SE Black Diamond 98010
DIAN C. STARR Diana C. Starr	" "

To the Black Diamond Planning Commission and City Council:

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- Future school crowding
- Degrading environment and quality of life.

Name	Address
Michelle Sevruck Notasna Shumwood	28901 229th Pl SE Black Diamond 98010
Ryan Twiss	— 11 —
Gar Sevruck	28913 229th Pl SE Black Diamond 98010
Nick Acosta	28864 228th Ave SE Black Diamond WA 98010
Michelle Sevruck	28906 229th Pl SE Black Diamond
Joseph Sevruck	28906 229th Pl SE Black Diamond
McKenna Sevruck	28906 229th Pl SE Black Diamond
Mason Sevruck	28906 229th Pl SE Black Diamond

To the Black Diamond Planning Commission and City Council:

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- Future traffic gridlock
- Future school crowding
- Degrading environment and quality of life.

Name	Address
Faunola Acosta	28864 228TH AVE SE Black Diamond, WA 98010
Toko Feighner	28854 229TH AVE SE Black Diamond WA 98010
Wes Feighner	28854 229TH AVE SE Black Diamond WA 98010
Paula Acosta	28854 229TH AVE SE Black Diamond WA 98010

To the Black Diamond Planning Commission and City Council:

Please fix the Comprehensive Plan to reduce over-development.

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- Higher taxes to pay for new development - schools, fire protection, police services, city hall, and roads
- Future traffic gridlock
- Future school crowding
- Degrading environment and quality of life.

Name	Address
DAVID PIMENTEL	29418 218TH PL SE, BD
Tari Pimentel	29418 218TH PL SE, BL
Mike Fellig	25423 Kanasket Dr Black Diamond WA 98010
Michael Barton	25418 Kanasket Dr Black Diamond WA 98010
JEFF ANDERSON	6212 FENDERS PL 25411 KANASKET DR BLACK DIAMOND WA 98010
ALAN GANGE	30720 228TH PL SE BLACK DIAMOND WA 98010
Robin Brunelle	30840 228AVE SE BLACK DIAMOND WA 98010
JANET MARSALL	30840 228TH AVENUE BLK DIAMOND 98010

To the Black Diamond Planning Commission and City Council:

Please fix the Comprehensive Plan to reduce over-development.
Last year's addition of 155 more acres of dense development to the Plan's Future Land Use Map benefits only special interests and was not studied.

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- Higher taxes to pay for new development - schools, fire protection, police services, city hall, and roads
- Future traffic gridlock
- Future school crowding
- Degrading environment and quality of life.

Name	Address
Anthony Andrusko	29730 225 th PL SE
RUTH WARD	22210 295 th PL SE
Trish Montana	28946 229 th PL SE Black Diamond, WA 98010
Rebecca Nielsen Rebecca Nielsen	28946 229 th PL SE Black Diamond, WA 98010
Belle Wright	25925 22 nd SE Black Diamond
John Tyler	25922 227 th PL SE Black Diamond
Paul Sias	32524 McKay Lane Black Diamond, WA 98010
Alyssa Sias	32524 McKay Ln Blk Diamond, WA 98010
GERALD GILMAN	32512 MCKAY LANE BLACK DIAMOND WA 98010

Carina Thornquist

From: Gretchen Buet <pomme333@msn.com>
Sent: Sunday, July 5, 2020 8:54 PM
To: Barbara Kincaid
Subject: PLEASE NO MORE CONSTRUCTION

Hello,

Please stop. Stop cutting down trees. Stop apartments! Stop any more homes of any sort. More people = more crime and more road rage.

Please no more ruining the country atmosphere of charming Black Diamond. No more traffic jams.

Thank you.

Gretchen Buet

Sent from my iPhone

Carina Thornquist

From: CenturyLink Customer <g.davis001@q.com>
Sent: Thursday, July 2, 2020 11:15 AM
To: Barbara Kincaid; Carina Thornquist
Subject: Public Hearing July 7. Forward to PC and Please Add me to Speaker List

Dear Planning Commissioners,

After the recent Planning Commission meetings, we have important information to bring to your attention. This letter summarizes, then provides detail that was missing from the meetings.

Executive Summary

According to state and local law, the place for Black Diamond to decide whether there should be a change in development amount, density, or land use is in the Comp Plan Future Land Use Map.

Analysis of the impacts of Map changes should also be done at the Comp Plan level, but analysis was not done prior to the change for the 2015-2035 major update that the City approved in May 2019. The Comp Plan update is the best time to address the Map because Planning Commission review and public input are much more limited under the re-zone process. Site-specific zoning changes are quasi-judicial and not subject to public opinion.

So far, the 2020 Comprehensive Plan Update process is not following the City's code or Public Participation Plan. Staff response to public comments should be made in writing. All comments made this year should be included in the formal Hearing record. Regardless of one's personal opinion about land use, we can all agree that adopted processes should be followed.

Information on The Comprehensive Plan Process

At the June Planning Commission meetings, staff recommended that you not act on the public's request to "revert" to the prior (2009-2018) Comp Plan Future Land Use Map, or other public suggestions. There were 18 people who sent letters before the June 9th meeting. There were perhaps 15 more comments sent for the June 15th meeting according to the meeting audio.

The staff recommendation to not act on the public's suggestions is incorrect for the following reasons:

Regarding the Future Land Use Map specifically:

1. The public process and decisions on type of land use type, development amount, and density are designed to be front-loaded in the Comp Plan. Don't take our word for it, this is covered in the WA Department of Commerce Short Course on Local Planning, the Growth Management Act, and City Code. You can't decide later in the zoning process because a developer can vest with a zoning application and then it is too late.
2. Now, during the Comp Plan update* is the time to decide based on all considerations if the Future Land Use Map and other changes are right for Black Diamond. Not later.
3. Moreover, city staff did not provide any written analysis when they proposed the Future Land Use Map change that appeared in August 2018 (and was approved in May 2019). That Map change was original to the August 2018 Hearing, and there was no discussion of that Map by the Planning Commission or the City Council in any of their meetings. There was also no mention of what had

changed in the Future Land Use Map in the Comp Plan text or in any staff report.

4. The current staff recommendation, now that the public is aware of the Map change, is too dismissive. One of the reasons the state passed the Growth Management Act was to get rid of back room deals. However, a back room deal with a couple of land owners is exactly what happened here.

5. There was some talk by staff earlier this year that the Map change was analyzed, so we double checked. But there was no impact analysis in any meeting or in any document. If there is some other document, we would like to know what it is and if the Planning Commission remembers seeing it.

6. The staff also said the Comp Plan withstood a legal challenge. That appeal was not about the Future Land Use Map, so the statement about the challenge is irrelevant. (The appeal was about the missing policies that staff is now recommending be put back into the plan). We who filed the appeal were not even aware of the Land Use Map change by the appeal deadline. This was because the Land Use Map change was not mentioned in the text or public notice, and the SEPA review adopted the 2009 SEPA documents.

(* The 1996 Black Diamond Comprehensive Plan update set in place decisions that expanded the city limits and made Future Land Use Map decisions in conjunction with King County. This led to the Ten Trails / OakPointe development for 6,000 housing units that many people later opposed. The 1996 Comp Plan was the city's last best chance to change that decision. Similarly, your decision now on the 2020 Comp Plan Future Land Use Map will be very hard to change.)

Public Process

7. The staff did not give you or the public a written opinion or analysis. Black Diamond Municipal Code (BDMC) 16.10.140:

"A preliminary docket shall ... consist of the following: ... All amendments suggested during the year by citizens.... ... the planning director shall review the suggested amendments and prepare a report concerning which suggested amendments that the planning director believes should be placed on the final docket for consideration during the annual amendment process. In addition to addressing the need, urgency and appropriateness of each suggested amendment, the staff report shall include, but not be limited to... : 1. The availability of sufficient planning staff to substantively review the suggested amendments and manage the public review process with available staff; and 2. Anticipated planning costs and budget for processing the suggested amendments."

8. To encourage public participation, dozens of letters should not be dismissed by staff with no written analysis.

9. Verbal analysis for substantive comments is never sufficient. It's disrespectful to the public and it is disrespectful to the Planning Commission. The staff's words were inconsistent with the letter and spirit of the Growth Management Act (GMA) because you don't dismiss input from 18 citizens with such minimal review. In this case, the verbal reasons given were also incorrect and evasive.

10. As documented above, public suggestions for the Comp Plan are required by BDMC 16.10.140 to be on the preliminary docket. However, by asking you to vote on what to include in the preliminary docket, staff led the Planning Commission to believe this was not spelled out in code.

11. On June 15, staff indicated public comments received so far were not part of the formal Comp Plan Public Hearing comments. Ms. Kincaid expressed "hope" that people would comment again. It should not be necessary for people to offer their comments at a formal public hearing. Providing them to the Commission ahead of time is sufficient to ensure that they are part of the public record, and this also allows more time for the Commissioners to consider them. To the public, this looks like the staff is avoiding having to deal with public comments by holding them off until the public hearing. This encourages the opposite behavior of what you want. It makes the public feel they should wait until the formal hearing to give all their input, which in turn makes the Commission and staff feel like it is more work to respond because they may need to hold another Hearing if they choose to include some of the public's requested changes.

All the Comp Plan-related public comments received this year should be made part of the formal public hearing record. As a planning commissioner, you can insist that the city's Public Participation Plan be followed.

12. As for the public's specific Comp Plan suggestions, it is better to include them on the preliminary docket and make a motion to recommend them forward to Council on the Final Docket. This avoids extra meetings that might encourage rushed decisions. Keep in mind that staff said last year that there were some good public comments but there just wasn't time to do them all, and we are hearing the same thing this year.

Information and missing analysis from the May 2019 Future Land Use Map:

Below is a list of the type of analysis that was missing from the Comprehensive Plan Future Land Use Map passed in May 2019. Because this analysis was lacking, the City can and should revert back to the Future Land Use Map version that served the city since 2009. If staff says analysis is coming later, then why not put the Map back to the 2009-2018 version? Then analysis could truly come first, not after the fact.

Despite the lack of city-generated information, any review of what is allowed by city code will show that the Future Land Use Map of May 2019 included a 155 acre change that would allow 600-900 more houses, up to 70 acres of commercial/retail and hundreds of apartments.

A. The May 2019 Map changes benefit only special interests.

The changes were focused on two land owners. One, Palmer Coking Coal owns 120 of the changed acres. The owner sent a letter to the Community Development Director identifying the rezones he wanted. Then he took her on a private tour of the property. The Community Development Director then put the requested changes into the Land Use Map without ever giving the Planning Commission or Council the land owner's letters (despite BDMC requirements to share such comments and make formal staff recommendations).

The other land owner is Planning Commissioner Weston Butt, who owns 31 acres being considered for rezone. Several members of the public have pointed out this conflict of interest. Mr. Butt should not participate in Comp Plan changes affecting him. His family also owns a small interest in the Palmer Coking Coal property being rezoned.

B. The May 2019 Map will bring over-development.

Our Puget Sound Regional Council (PSRC) and our King County Council make plans for regional growth so that our road and infrastructure dollars can be spent most efficiently, and our natural environment preserved. The Ten Trails development at 6,050 units plus commercial already triples the growth targets for Black Diamond. The PSRC conditioned certification of Black Diamond's Comprehensive Plan only if Black Diamond will, "Avoid increases in development capacity that would significantly surpass adopted targets." (p. 4 of <https://www.psrc.org/sites/default/files/blackdiamond-compplan-2020-certification.pdf>)

The additional development authorized by the Future Land Use Map clearly violates this condition.

C. The May 2019 Map changes were put in the Comprehensive Plan without study.

Under the Growth Management Act and Black Diamond Code Chapter 16, a Comprehensive Plan Future Land Use Map change is not supposed to be done without significant analysis and

study. Under the State Environmental Policy Act, the city must review the potential impacts or effects of the change. However, the mayor did not enforce these legal requirements. The following and more were ignored:

1. No public meeting or document ever identified the school district for each of the rezone areas. The number of new school students or classroom space needed was not estimated.
2. There was no count of potential housing, or review of the affordability of that housing.
3. There was no estimate of the value of the land and the increased millions of dollars given the land owners. The Land Use Map change was never even discussed in any Council meeting. More importantly, the infrastructure costs to taxpayers and residents was not estimated.
4. The traffic was not estimated. Even if some traffic stays in town because of new stores, we can't expect to add 1,000 people and reduce traffic!
5. There was no estimate of tax revenue between the old zoning and the new zoning.
6. There was no environmental review of potential wildlife displacement, watershed, critical areas, etc.
7. There was no notice to the general public that would allow discussion of whether it was in the people's interest to add 155 more acres of dense residential and commercial.
8. The impact on the existing approved Ten Trails MPD was not studied.
9. No response was made to formal comments from Puget Sound Regional Council (PSRC). PSRC said Black Diamond should look for ways to reduce development.
10. The impact on traffic, fire, and emergency medical services was not reviewed with neighboring jurisdictions. King County, Maple Valley, MountainView Fire, and the Enumclaw School District were unaware. Simply having them on the public notice distribution list does not meet the minimum requirement for coordination as required by Countywide Planning Policies.
11. The SEPA (State Environmental Policy Act) review for the 2015-2035 Comp Plan update adopted the 2009 Comp Plan's SEPA documents. More than anything else, that indicated the new Comprehensive Plan did not add any significant new impacts from the 2009 Plan. But given the allowed new uses in the Future Land Use Map change, this was a SEPA error.

We learned about the issues in this letter by attending courses on local planning, reading the state and local laws, attending city meetings, and by asking other cities and professional planners if they change their Comp Plan Future Land Use Map without the above information.

The normal way to make a Future Land Use Map change is for the land owner to bring detailed analysis of traffic, environmental, and other impacts in a formal application to the city (BDMC 16.10). That never happened here. Because Ms. Kincaid is not putting the public's proposal to revert the Future Land Use Map on the preliminary docket, it means she is planning for the taxpayers to pay for zoning analysis to push the rezone forward.

The city already has far too much development with Ten Trails. Black Diamond cannot afford the infrastructure to become a large city, nor does it make sense to try in our foothills location.

The recommendation on the Preliminary Docket is up to the Planning Commission, not staff. Any commissioner can make a motion to change the Comp Plan Future Land Use Map back to the version in the Comp Plan prior to 2018.

Thank you and please contact us if there is anything we can discuss.

Gary Davis, former Black Diamond Planning Commissioner. 206-799-4152
Kristen Bryant. 425-247-9619
William Bryant. 360-886-2790

Carina Thornquist

From: Jay Weeks <jayweeks07@gmail.com>
Sent: Thursday, July 2, 2020 9:43 AM
To: Carina Thornquist; Barbara Kincaid
Subject: 07-07: Please add me to the Public Hearing list

Reverse the 2019 Comp Plan Land Use Map Change. The 2019 map adds Far Too Much Traffic. There is No Money for Schools (Ten Trails already has us paying for 7 schools). There was No Tax Analysis (impact on city hall, parks, police, fire?). There wasn't even a count of acres changed or potential housing added.

The 2019 Map contains far too much development for Black Diamond.
Use the Comp Plan to reduce development, because we should not be adding more than triple our city's Growth Management Act targets.

Best regards,

Concerned Black Diamond citizen
Jay Weeks

Carina Thornquist

From: Kari Hammett-Caster <karihammett@hotmail.com>
Sent: Monday, July 6, 2020 10:59 AM
To: Barbara Kincaid; Barbara Kincaid
Subject: Planning Commission Comment

Please forward this to all planning commissioners

Black Diamond Planning Commission,

I am a voter who recognizes that growth is natural and necessary. I voted in the current council with the belief that they would provide a moderate perspective to oversee the growth of our small town. I also trust you with this very important responsibility.

I am very concerned about the development of 155 additional acres primarily next to Diamond Square. I see conflicts of interest, insufficient plans to deal with the heavily increased traffic, and not enough responsibility on the developer to pay for infrastructure, schools, fire and safety, etc. I am opposed to this growth.

As a tax payer and Black Diamond resident of 12 years who truly loves this community, I am very concerned. I don't want to be the one to lift the heavy financial burden, as this responsibility needs to rest on the shoulders of the developer.

Approving the 2019 Comp Plan Land Use Map will add an additional 600+ units of housing on top of the already approved 6,000 units. This is triple the Growth Management Act targets for the city of Black Diamond. That is very, VERY concerning to me. This is too much growth and traffic. I also want to be sure my husband, kids, and neighbors are all safe on our roads. This incredible increase in development of housing and retail above and beyond original projections is just too much.

Please take the moderate approach to growth that was promised. Please do not be influenced by those who stand to make money from this. Please keep the best interest of citizens and our small town in mind.

Best,
Kari Hammett-Caster
25209 Kanasket Dr.
Black Diamond, WA 98010
206-795-1758

Carina Thornquist

From: Kari Hammett-Caster <karihammett@hotmail.com>
Sent: Monday, July 6, 2020 10:59 AM
To: Barbara Kincaid; Barbara Kincaid
Subject: Planning Commission Comment

Please forward this to all planning commissioners

Black Diamond Planning Commission,

I am a voter who recognizes that growth is natural and necessary. I voted in the current council with the belief that they would provide a moderate perspective to oversee the growth of our small town. I also trust you with this very important responsibility.

I am very concerned about the development of 155 additional acres primarily next to Diamond Square. I see conflicts of interest, insufficient plans to deal with the heavily increased traffic, and not enough responsibility on the developer to pay for infrastructure, schools, fire and safety, etc. I am opposed to this growth.

As a tax payer and Black Diamond resident of 12 years who truly loves this community, I am very concerned. I don't want to be the one to lift the heavy financial burden, as this responsibility needs to rest on the shoulders of the developer.

Approving the 2019 Comp Plan Land Use Map will add an additional 600+ units of housing on top of the already approved 6,000 units. This is triple the Growth Management Act targets for the city of Black Diamond. That is very, VERY concerning to me. This is too much growth and traffic. I also want to be sure my husband, kids, and neighbors are all safe on our roads. This incredible increase in development of housing and retail above and beyond original projections is just too much.

Please take the moderate approach to growth that was promised. Please do not be influenced by those who stand to make money from this. Please keep the best interest of citizens and our small town in mind.

Best,
Kari Hammett-Caster
25209 Kanasket Dr.
Black Diamond, WA 98010
206-795-1758

Carina Thornquist

From: Michael Buet <velo444@msn.com>
Sent: Monday, July 6, 2020 2:22 PM
To: Barbara Kincaid; Carina Thornquist
Subject: PLEASE STOP ALL FURTHER ADDITIONAL DEVELOPMENT

I am very concerned with the rush to OVER develop Black Diamond.

This additional 155 acres and 600-900 more houses with commercial strip malls and hundreds of apartment units destroys the country charm of the entire Black Diamond area.

It brings with it crime and road rage.

I, my family and all of my neighbors are saddened by this unnecessary and damaging out of control growth.

Our ancestors did not want this for Black Diamond. It's not too late to stop it.

Thousands of drivers means traffic gridlock in our small country roads. It means road rage. Driving to the Black Diamond Post Office I am often rudely honked at AND given the finger!!!! This is already not the Black Diamond I know.

It's already getting bad out here.

PLEASE REVERSE the 2019 Comp Plan Land Use May Change. There is no money for SCHOOLS. (Ten Trails already has US PAYING for 7 SEVEN SCHOOLS). There was no TAX ANALYSIS (IMPACT on City Hall, Parks, Police, Fire???) There wasn't even a count of acres changes or potential housing added.

Did you think no one would notice???

The 2019 MAP contains FAR TOO MUCH DEVELOPMENT because you should NOT be ADDING MORE THAN TRIPLE the city's GROWTH MANAGEMENT ACT TARGETS.

Please take your growth to North Bend or elsewhere. Take it away from here.

Your current Ten Trails isn't even finished and is an eye sore driving by on our lovely country roads.

You are bringing "city" to the traditional "country".

07-07: PLEASE ADD ME TO THE PUBLIC HEARING LIST.

STOP THIS NOW before it is too late for our future generations to have some peace and quiet far from major cities after a day of hard work and school.

Sincerely,

Michael Buet
Local Resident

Carina Thornquist

From: pkgarrett69@gmail.com
Sent: Monday, July 6, 2020 12:59 PM
To: Barbara Kincaid; Carina Thornquist
Subject: Black Diamond Rezone Planning Initiative

Reverse the 2019 Comp Plan Land Use Map Change. The 2019 map adds Far Too Much Traffic. There is No Money for Schools (Ten Trails already has us paying for 7 schools). There was No Tax Analysis (impact on city hall, parks, police, fire?). There wasn't even a count of acres changed or potential housing added.

The 2019 Map contains far too much development for Black Diamond.
Use the Comp Plan to reduce development, because we should not be adding more than triple our city's Growth Management Act targets.

Please include me to the Public Hearing list.

Thanks

Pete

29700 226th Ave SE

Black Diamond, Wa. 98010

Sent from Windows Mail

Carina Thornquist

From: B. Smith <wileemom@yahoo.com>
Sent: Friday, July 3, 2020 8:59 AM
To: Carina Thornquist; Barbara Kincaid
Subject: REVERSE the 2019 Comp Land Use Map Change

People live in Black Diamond and the surrounding area because it's a rural community. We've lived here for 25 years because we like the area AS IT WAS. Stop approving these measures that will add high density housing. Ten Trails has already irreparably changed our community. You've removed animal habitat, clogged roads and raised taxes. In this latest fiasco there is NO money for schools, NO acre count and NO TAX ANALYSIS. Claiming "analysis will come later" is just another way to blow people off until "sorry, it's too late!". STOP THIS DEVELOPMENT. YOU ARE RUINING OUR COMMUNITY. TEN TRAILS WAS MORE THAN ENOUGH. 07:07 Please add me to the public hearing list.

Bridget Smith

Carina Thornquist

From: Renee Mix <r.mixdog4@comcast.net>
Sent: Monday, July 6, 2020 3:23 PM
To: Barbara Kincaid; Carina Thornquist; Planning Commission
Subject: PUBLIC COMMENT July 7. PC Hearing on Comp Plan

Dear Planning Commissioners,

Last fall I testified about the rezone, and about the Comprehensive Plan Future Land Use Map. My comments provided detail on the Growth Management Act and King County and Black Diamond Growth Targets.

Black Diamond is set to more than triple its growth targets by the addition of Ten Trails (OakPointe). This growth is too much and too fast for our small town.

City Staff responded that it is not a problem to exceed our Growth Targets. There is a lot more to it than that. For example, the state and county provide some road funding to Black Diamond, and funding for the roads we all use in and out of town. The state and county budgets will not provide more transportation money to Black Diamond just because we choose to exceed our targets.

Further, the Puget Sound Regional Council reviews Comprehensive Plans, and "certifies" them. They told Black Diamond that there is a problem with exceeding Black Diamond's Growth Targets. Black Diamond is designated a "small city" under our regional planning. This is because we have little infrastructure and it is expensive to build more (roads, schools) in our area. We are surrounded on 3 sides by rural area. We are not a "transit hub." Large amounts of the Puget Sound region's growth is to be absorbed by areas with more transit. This saves us all tax money. It also protects our environment.

PSRC told the city that Conditional certification of our Comp Plan depends on the city not taking action to further exceed its Growth Targets. As citizens, my family and I agree with PSRC.

I don't want our small town to be built up like Seattle. We have to work at doing things right to keep our small town character. Having more development in the Future Land Use Map is not right for Black Diamond. Commercial space, apartments, and more houses are planned for Ten Trails. Keeping our gravel pit, forestry, and other light industrial areas is smarter for the long run. It is also consistent with the analysis and text in the Comp Plan.

Please reverse the Future Land Use Map in the Comprehensive Plan to the one that governed from 2009-2018.

Please support all the other citizen-suggested amendments from the comments sent in June. I would like to be added on to the speaker list.

Thank you,
Renee Mix

Carina Thornquist

From: Tom Norling <tnorling@talkingrain.com>
Sent: Monday, July 6, 2020 4:31 PM
To: Barbara Kincaid; Carina Thornquist
Subject: Public Hearing List / Planning Commission Hearing

Dear Black Diamond Planning commission,

I would like to voice my concern over the continued building of the Ten Trail development and the Lack of Traffic improvements that have NOT been enacted in the Black Diamond City. How does one think that the Traffic will not be much worse on the already stressed roads around our community?

Is the plan of the planning commission to allow the builders to continue to build without any new roads? Or is the planning commission

Waiting to make sure the Ten Trail development gets away scott free of improving the roads at all and passing the expense along to the residents of Black Diamond?

We can read the writing on the wall!

How is that good for the Residents of Black Diamond. Higher taxes for US but Ten Trails laughs all the way to the Bank?

Because that is what it seems like...

Please take some ownership...hold the Ten Trails to their contracts. THAT IS YOUR JOB/DUTY!

We were told that a round about was to be put in at 169 and Black Diamond/Ravensdale road,... Now I hear that the plan has changed..

To a double Round about... but WAIT is has changed again to a simple stop sign... So How is that suppose to help... Please explain! Somehow there is always answer....but still **NO Action??**

You cannot expect to bring in 100's of Homes, Condos, Apartments and not expect to be traffic issues! So I am not sure and I think it

Is your responsibility to let the CURRENT residents of Black Diamond to know what is in store for them, since all that is going on at Ten Trails SOMEHOW gets under the public radar.

Black Diamond is no longer the beautiful little city, Just clear cuts with homes stacked on top of one another and more and more stress on the roads

Traffic delays, Traffic Jams, long waits to get onto the road and GOD FORBID you have to take a right or left turn across traffic.

Why would anyone want to pass through Black Diamond? Do we want to be like Issaquah? Bumper to Bumper every morning and every evening? That is the future!

Our little community is not equipped to handle the increased traffic, and as I see it NO action is being done to help solve this issue.

I think the residents of Black Diamond deserve Answers....I think Ten Trails needs to be held accountable.

The residents of Black Diamond deserve Better.

Thank You<

Tom Norling
25422 Kanaskst Dr
Black Diamond, Wa. 98010

Tom Norling
Retail Space Planning Manager

Talking Rain.  +1 425-222-4900

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Carina Thornquist

From: Angela Rossman Fettig <angimal80@hotmail.com>
Sent: Monday, July 6, 2020 3:52 PM
To: Barbara Kincaid; Carina Thornquist
Cc: Angela Rossman Fettig
Subject: Planning Commission comments for July 7, 2020
Attachments: Planning Commission July 7, 2020.docx

Ms. Kincaid,

Please provide the planning commissioners a copy of my attached comments for the meeting on July 7, 2020.

Thank you,

Angela Fettig

July 5, 2020

Black Diamond Planning Commission,

Please file my comments for the July 7, 2020 Planning Commission Hearing.

Tonight I would like to address the changes to the 2019 Comprehensive Plan Map. I ask that the changes in the 2019 Comprehensive Plan Map regarding re-zoning 155 acres to apartments, commercial space and more homes be revoked.

The Master Plan Development Agreement outlines the traffic impact and addressed the importance of making improvements to the State Route 169/Roberts Drive/Ravensdale Road intersection. Improvements to this intersection were to have begun no later than the issuance of the 327th dwelling permit. The City has currently issued over 450 permits and NO improvements have begun. At the June 10, 2020 Preliminary Plat 2E hearing, the City of Black Diamond presented a newly approved Design Schedule for the SR 169 corridor.

This updated schedule does not have work beginning until late 2020. Phase one of the design schedule is intersection re-alignment at the Roberts Drive/SR 169 intersection. It isn't until February 2022 that work will begin on a round-a-bout at Roberts Drive/ SR 169 to improve an already failing intersection. It is unacceptable for residents to wait until, an estimated completion date of, September 2023 to benefit from improvements to this intersection.

As the planning commission, you can revoke the changes in the 2019 Comprehensive Plan Map and avoid putting additional traffic onto SR 169 and the side streets of Black Diamond.

I also believe it is irresponsible to clear property for additional retail business when we are in a time of crisis and current brick & mortar stores are closing. I believe it is irresponsible to destroy the beauty that drew families to Black Diamond only to have empty store fronts.

I would like the record of tonight's meeting to also reflect the conflict of interest in Commissioner Butt's participation as a property owner benefiting from the

changes proposed in the Comprehensive Plan Map. My husband, Michael Fettig, brought this to the Planning Commissions attention at the October 2019 meeting. Commissioner Butt's continued participation in this discussion and vote is a clear violation of Section 7 of Rules and Procedures of City of Black Diamond Planning Commission.

Section 7 reads " No member of the planning commission should participate in any discussion or vote on any matter in which their member has a direction and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote."

I respectfully ask Commissioner Butt to excuse himself tonight's meeting and future meetings in which his personal property involved.

Thank you for hearing my concerns,

Angela Fettig

Carina Thornquist

From: Allison Ostrer <aostrer21@gmail.com>
Sent: Sunday, July 5, 2020 5:46 PM
To: Barbara Kincaid
Cc: Carina Thornquist
Subject: Public comment on rezoning

(Please include these comments for the July 7 Public Hearing, and add me to the speaker list.)

Dear Planning Commission:

My work as a small business owner takes me through South King County and my personal connections bring me to enjoy Black Diamond frequently.

I'm responding to the staff response to comments on my message from October 2019. The summary of comments failed to address my concerns on the Comprehensive Plan Future Land Use Map is topic.

A. Commissioner McCain is a real estate agent likely to profit handsomely from increased real estate development in the area and therefore has a conflict of interest. Ms. McCain failed to disclose her conflict as the agent for a client buying/selling the restaurant on Roberts Dr when she voted to include Bed & Breakfast as an allowed use in zoning for this property.

Commissioner Butt owns land in the proposed re-zoning area and also has a conflict of interest. Both commissioners therefore are unqualified and should immediately resign from the planning commission. At a bare minimum, they should be excluded from voting on these issues since they cannot be neutral.

B. Staff responded to my October comments by saying that citizens can comment later. Justice delayed is justice denied.

C. Staff responded to my October comments by saying there are developer contributions. This does not and will not include any significant contribution for King County Roads or state roads outside of Black Diamond, which will obviously be impacted.

D. Staff wrote in its matrix last fall: "It is not legal for a city or county to deny development because they do not want any growth. One of the goals of the Growth Management Act (GMA) is to protect private property rights (36.70A.020 in the Revised Code of Washington (RCW) lists the goals of the GMA. Tell(ing) everyone else that they cannot develop their land because the City has already approved a large development and wants to see how that works out is not legal."

This response is misleading and incomplete. By this logic, any private property owner in Black Diamond could open a pot shop or Walmart on their front lawn because they have a right to "protect private property rights" and impact on their neighbors be damned.

FURTHER RESPONSE :

The GMA has more than a dozen goals.

- One of the Goals of the GMA is to manage growth to provide infrastructure in a cost-efficient manner.
- Another GMA goal is to take into account the input of the public and wishes of the community.
- Another goal of the GMA is to protect the environment.

Anyone can develop their land *if* it is consistent with their zoning, which must be consistent with the Future Land Use Map (i.e. no Walmart on my front porch).

It is perfectly legal for a city to decide the allowed Land Use in its Comprehensive Plan and Comp Plan Future Land Use Map.

Staff comment that it is not legal to “deny development because they do not want any growth” is misleading in 2 ways:

1. While a city cannot deny a development permit application because it doesn’t like the growth, a city can reduce allowed land uses in its Future Land Use Map. This regulation of land uses is absolutely done in every city and is necessary to planning and managing growth. You can deny a Land Use change in the Future Land Use Map. The reasons of a desire to not have more roads, not have more dense development when Black Diamond is already exceeding its growth target by a huge amount, a desire to keep Light Industrial or forest/mineral users, a desire to wait to see how the Ten Trails and other development already permitted affects our day-to-day life are all completely valid reasons.

2. The city has a huge amount of growth coming from the approved Ten Trails developments. So to say we “don’t want any growth” implies that we think we are talking about some growth vs no growth. In fact, we are talking about growth that triples Black Diamond GMA targets and whether to add on even more.

In Seattle we have gone through the pain of zoning for a lot more growth and invested in transit. Instead of “re-inventing the wheel” and repeating the process in Black Diamond, the massive growth increases expected in King County should be maneuvered to places like Seattle, Bellevue, Kent, and other cities that can accommodate them, rather than starting “from scratch” in places like Black Diamond. Similarly, if anyone who currently lives in Black Diamond wants to have more conveniences like retail, public transit and density, they have a choice to move to these cities. Not everyone wants to live in a big city, not everyone wants to live in small town. Please don't transform Black Diamond into a big city when the majority of the population clearly love their small town home.

Sincerely,
Allison Ostrer
Seattle, WA

Sent from my iPhone

Carina Thornquist

From: B Stuart <lovethenw4life@gmail.com>
Sent: Sunday, July 5, 2020 10:32 AM
To: Barbara Kincaid
Subject: PUBLIC COMMENT 7/7/20

Good morning Ms. Kincaid. Can you please add my comments to the packet for the public hearing on 7/7, and add me to the list of those who will speak.

Thank you,

Bob Stuart
Black Diamond resident

----- Forwarded message -----

From: B Stuart <lovethenw4life@gmail.com>
Date: Thu, Jul 2, 2020 at 1:37 PM
Subject: Upcoming Planning Commission Hearing - Concerns
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>
Cc: Carol Benson <cbenson@blackdiamondwa.gov>, <planningcommission@blackdiamondwa.gov>

Dear Ms. Kincaid,

Black Diamond Municipal Code requires that all public suggestions for the Comprehensive Plan Annual update be part of the Preliminary Docket for the Planning Commission Public Hearing. However, after sending my suggestion in February and then again in June, I see it is not on the docket for the July 7 public hearing as it should be. The relevant code provisions are shown below, which demonstrate that the city is not following its own code in this process.

Other concerns are:

- There were numerous public suggested amendments that need to be included
- The packet could also contain more clarity on where the Preliminary Docket begins (just a single page barely noticeable after numerous pages of minutes)
- The text changes to the Comp Plan need more specific wording so the public, Planning Commission and City Council understand exactly what is suggested to enable meaningful comment/discussion
 - Example of vague statement: "Revise text and map figures, as needed, to accurately reflect the future transportation roadway network and improvements."

My chief concern for you is this: Does the city intend to violate its own code and go forward without holding a public hearing on all suggested amendments from the public (not just "suggested amendments that the planning director believes should be placed on the final docket")?

Respectfully,

Bob Stuart

16.10.130 Submission of applications (who may submit and when).

B.

Who May Suggest Amendments. Any interested person, including citizens, ... may suggest an amendment to the comprehensive plan. ... the planning director shall include the suggested amendment on a docket that is maintained each year for this purpose. The process described in Sections 16.10.160 through 16.10.170 of this chapter shall resolve the question whether such suggested amendments will be considered during the annual review process.

16.10.140 Preliminary docket.

A.

Contents. A preliminary docket shall be maintained by the planning director, which shall consist of the following: ...

2.

All amendments suggested during the year by citizens, the planning commission, city council, staff, departments or other agencies.

B.

Planning Director Responsibilities. After compiling the preliminary docket, the planning director shall review the suggested amendments and prepare a report concerning which suggested amendments that the planning director believes should be placed on the final docket for consideration during the annual amendment process. In addition to addressing the need, urgency and appropriateness of each suggested amendment, the staff report shall include, but not be limited to, a consideration of the following:

1.

The availability of sufficient planning staff to substantively review the suggested amendments and manage the public review process with available staff; and

2.

Anticipated planning costs and budget for processing the suggested amendments.

16.10.160 Planning commission hearing on preliminary docket.

The planning commission shall hold a noticed public hearing to accept public comment regarding the suggested amendments on the preliminary docket. Following the hearing, the planning commission shall prepare a report and recommendation identifying those suggested amendments that it is recommending for consideration by the city council

16.10.170 City council decision—Adoption of final docket.

The city council shall review and consider the planning commission's report and recommended final docket at a regularly scheduled council meeting. The city council may adopt the planning commission's recommended final docket without a public hearing; however, in the event that a majority of the city council decides to add or subtract suggested amendments, it shall first hold a public hearing, noticed as set forth in Section 16.10.070.

Carina Thornquist

From: Deana Ostgard <junebug55@gmail.com>
Sent: Monday, July 6, 2020 5:41 PM
To: Barbara Kincaid; Carina Thornquist
Subject: Another development!?

Dear Planning Commission,

Please Reverse the 2019 Comp Plan Land Use Map Change. The 2019 map adds Far Too Much Traffic. There is No Money for Schools (Ten Trails already has us paying for 7 schools). There was No Tax Analysis (impact on city hall, parks, police, fire?). There wasn't even a count of acres changed or potential housing added.

The 2019 Map contains far too much development for Black Diamond.

Use the Comp Plan to reduce development, because we should not be adding more than triple our city's Growth Management Act targets.

Sincerely,

Deana Ostard

Carina Thornquist

From: Gretchen Buet <pomme333@msn.com>
Sent: Monday, July 6, 2020 3:04 PM
To: Barbara Kincaid; Carina Thornquist
Subject: PLEASE STOP ALL FURTHER ADDITIONAL DEVELOPMENT

I am very concerned with the rush to OVER develop Black Diamond.

This ADDITIONAL 155 acres and 600-900 houses with commercial strip malls and hundreds of apartment units destroys the country charm of the entire Black Diamond area.

Have you lived here ALL YOUR LIFE? NO! WE ARE COUNTRY. YOU ARE CITY.

I, my family and all of my neighbors are SADDENED by this UNNECESSARY and DAMAGING out of control growth.

Our ancestors did not want this for Black Diamond. It's not too late to STOP IT. Stop the CRIME that comes from too many persons living so close together AND ROAD RAGE from all of them driving at the same time on our tiny country roads.

Thousands of drivers all at the same time means traffic nightmares and daily GRIDLOCK in our area NEVER BEFORE EXPERIENCED EVER.

Driving locally now we are all being honked at by impatient drivers AND many of us get tossed the FINGER!!! This is not the Black Diamond we know well.

It is being ruined and you can stop it before it gets worse for us. It's already real bad out there.

PLEASE PLEASE PLEASE REVERSE REVERSE REVERSE the 2019 Comp Plan Land Use Map Change. The 2019 map adds far too much traffic There is no money for SCHOOLS. (Ten Trails already has US P A Y I N G for 7 (SEVEN) SCHOOLS.) There was no TAX ANALYSIS (IMPACT on City Hall, Parks, Police, Fire???). There wasn't even a count of acres changes or potential housing added.

Did you think no one would notice??? Maybe City Folk don't care because all they know is city and traffic and overcrowding-it is normal for THEM.

The 2019 Map contains FAR TOO MUCH DEVELOPMENT because you should NOT be ADDING MORE THAN T R I P L E the city's GROWTH MANAGEMENT ACT TARGETS.

Please take your growth elsewhere. Take your growth where it is wanted. Perhaps North Bend or Carnation. Take it away from here PLEASE.

Your current TEN TRAILS isn't even finished and it is an ENORMOUS EYE SORE for anyone driving by and it has destroyed the views of Mt. Rainier and the local vistas.

07-07: PLEASE ADD ME TO THE PUBLIC HEARING LIST.

PLEASE STOP this further development NOW while it is not too late. PLEASE preserve what's left NOW for our future GENERATIONS to have some PEACE and QUIET and no NEW "CITY LIGHTS" which dim the starry skies. (You don't know about that because you can't enjoy the night skies, dimmed by city lights.)

Please delete my previous letter sent only to bkincaid@blackdiamondwa.gov. I think I made a mistake with the address. (should there be a "dot" between blackdiamond and wa??

Thanks for listening.

Sincerely,

Gretchen Buet
Local Resident

Sent from [Mail](#) for Windows 10

Carina Thornquist

From: Jim Caster <jamesacaster2@gmail.com>
Sent: Monday, July 6, 2020 4:59 PM
To: Barbara Kincaid; Carina Thornquist
Subject: 169 / Ravensdale-Black Diamond Rd Planning Commission

Black Diamond Planning Commission,

I live in the Morgan Creek neighborhood and regularly use the 169/Ravensdale-Black Diamond Rd. interchange. I was thrilled when I saw that the process had begun for putting in a roundabout. Given the ever-increasing traffic, it's important to limit access points to the hwy and ensure that key ones like this are optimized to keep things moving.

I understand that there have been delays and this roundabout will not be complete until 2023. At the same time, it appears that the developers will be allowed to continue their construction pace, increasing our traffic even more without this imperative intersection being ready. According to the Master Plan Development agreement, improvements need to be completed before housing is built, but permits apparently are still being issued well-beyond the trigger of 327 permits.

As my family and I travel this road each day and see an ever-increasing line of traffic trying to make the difficult turns at this intersection, I worry about our safety. I strongly encourage you to not approve the high-density re-zones proposed in the 2019 Comp Plan Map

As you make plans for development, please seriously take into consideration the rate of development and its impact on our roads, our schools, and our rural community's life. I don't understand why we are pushing increased development so much above and beyond what is required of us as a city.

Sincerely,

Jim Caster
25209 Kanasket Dr.
Black Diamond, WA 98010
206-227-7551

Carina Thornquist

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Monday, July 6, 2020 5:13 PM
To: Carina Thornquist; Barbara Kincaid
Subject: Re: Planning Commission Public Hearing 7/7/20 Protocols

Hi,

Could this email include the call and Zoom info? It is awfully hard to find again right before the meeting starts, especially for those that don't do much Zoom stuff. Or, will you try to contact people who don't call in but said they would?

Kristen - 425-247-9619

On Mon, Jul 6, 2020 at 5:03 PM Carina Thornquist <cthornquist@blackdiamondwa.gov> wrote:

Good afternoon,

Attached you will find the Protocols for Remote Legislative Public Hearings.

In compliance with the Governor's Stay Home, Stay Healthy Order City offices remain closed to the public. Staff continues to work and is there to assist you by phone or email during normal business hours.

Regards,

Carina A. Thornquist

Deputy City Clerk

City of Black Diamond

www.ci.blackdiamond.wa.us

Phone: 360.851.4500

Carina Thornquist

From: Kiley Nepper <knepper3124@hotmail.com>
Sent: Monday, July 6, 2020 7:20 AM
To: Barbara Kincaid
Cc: Carina Thornquist
Subject: Re: Please ADD Me to The Hearing List

With such short notice, I will not have the opportunity to speak at this meeting, but it would be appropriate for my comments to be shared.

Thank you,
Kiley Nepper

From: Barbara Kincaid <bkincaid@blackdiamondwa.gov>
Sent: Monday, July 6, 2020 7:00:28 AM
To: Kiley Nepper <knepper3124@hotmail.com>
Cc: Carina Thornquist <cthornquist@blackdiamondwa.gov>
Subject: RE: Please ADD Me to The Hearing List

Good Morning:

Please clarify if you want to be a speaker at the Tuesday, July 7 Black Diamond Planning Commission hearing – or just want your written comments to be part of the record.

Thank you,
Barb

From: Kiley Nepper <knepper3124@hotmail.com>
Sent: Saturday, July 4, 2020 8:29 AM
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>; Carina Thornquist <cthornquist@blackdiamondwa.gov>
Cc: stopblackdiamondrezones@gmail.com
Subject: Please ADD Me to The Hearing List

To Whom It May Concern,

I find it convenient the deadline for comment to the opposition's stance follows a holiday weekend and amongst a rise in pandemic numbers. This is a breach of trust from the council and commission moreover a violation of civilian and land owner rights.

Please see this as formal request to Reverse the 2019 Comp Plan Land Use Map Change. The 2019 map increases the load the roads, which are already struggling to be maintained . An increase of

additional vehicle traffic has yet to be addressed, let alone long term plan for maintenance which will be necessary and costly.

Additionally, there is No Money for Schools. Ten Trails addition of 7 schools has already increased the strain on our community financially.

There has yet to be a Tax Analysis completed to adequately address the need for funding for police, fire, parks, and other impacts associated with City Hall. There simply isn't the funding and our community is already strained financially.

Simply, the 2019 Map contains far too much development for the City of Black Diamond's infrastructure to maintain, as well as far too much for this community support.

Kiley Nepper
Knepper3124@hotmail.com
(253) 686-6640
34901 243rd Ave SE
Auburn, WA 98092

Carina Thornquist

From: olleser <olleser@gmail.com>
Sent: Wednesday, July 1, 2020 9:50 PM
To: Barbara Kincaid
Cc: Carina Thornquist
Subject: Reverse the 2019 Comp Plan Land Use Map Change.

The 2019 map adds Far Too Much Traffic. There is No Money for Schools (Ten Trails already has us paying for 7 schools). There was No Tax Analysis (impact on city hall, parks, police, fire?). There wasn't even a count of acres changed or potential housing added.

The 2019 Map contains far too much development for Black Diamond.
Use the Comp Plan to reduce development, because we should not be adding more than triple our city's Growth Management Act targets.

Please add me to the Public Hearing list

Sent from my T-Mobile 4G LTE Device

Written Testimony

Presented to the Black Diamond Planning Commission, July 7, 2020

July 7, 2020 Public Hearing Document: 2020 Preliminary Comprehensive Plan Docket

Planning Commissioners,

Thank you for the opportunity to testify on the *2020 Preliminary Comprehensive Plan Docket*. We've taken the six items under the *July 7, 2020 Public Hearing Document: 2020 Preliminary Comprehensive Plan Docket* and below provided our comments (shown in red) on items **4. Chapter 7, Transportation (and appendix 7)** and **6. All Plan Chapters**—appears to have been mistakenly numbered as 5. (items and accompanying bullets shown in black).

As always, we are available should you have any questions.

Peter Rimbos

primbos@comcast.net

425-432-1332

Leader and Transportation Focal

Citizens' Technical Action Team (TAT)

4. Chapter 7, Transportation (and appendix 7)

- Revise text to remove references to WSDOT widening SR 169.

The *Comprehensive Plan Update (Update)* must reflect what actually is planned in PSRC's *Regional Transportation Plan (RTP)*—the successor to *Transportation 2040*—adopted in May 2018. The *RTP* (see *Executive Summary*, p. 5) shows only a small portion of SR-169, just through *part* of the City of Maple Valley, as slated for widening by 2040. This is the rationale behind this **PSRC Condition**. To meet this Condition it is not enough to simply “*remove references to WSDOT widening SR-169*,” rather, all related Traffic-Demand Modeling and subsequent Traffic Analyses must reflect the *removal* of this assumption, which could have major impacts on downstream analyses. PSRC is not simply asking for the words to be removed, it is asking for the traffic analyses to be redone to reflect the *correct* assumption that SR-169 is not to be widened.

- Revise text to acknowledge HB3266 designation of SR 169 as a highway of statewide significance.

While we support this item, the *Update* must also include a full explanation of the ramifications associated with the “*highway of statewide significance*” designation.

Written Testimony

Presented to the Black Diamond Planning Commission, July 7, 2020

- Revise text and map figures, as needed, to accurately reflect the future transportation roadway network and improvements.

We support this item, but request the City include any assumptions that support the future transportation roadway network and improvements.

- Provide more detailed explanation of contingency plans to address potential funding shortfalls that may occur if the planned MPD improvements are not completed.

Again, we support this item, but request the City include any assumptions that support its Contingency Plans to address funding shortfalls. For example, if *Project "X"* requires substantial grant monies, which do not materialize, what is the fallback position? Modify Project "X"? Reduce traffic throughput to eliminate the need for Project "X"? Look for contingencies (if any) identified in the language of the MPD Development Agreements that provide such flexibility?

- Adopt updated 6-year Transportation Improvement Plan (TIP) and make changes to text as needed.

We support this item, but it should reflect the Contingency Plans discussed above, since some TIP projects might not be able to be built due to funding shortfalls.

5. All Plan Chapters *[appears to be mis-numbered, should be 6.]*

- Review all Plan Chapters to address inconsistencies between anticipated growth, growth targets, and the PSRC regional Growth Strategies and develop goals or policies that would help to better align them.

We support this item. We consider this the most difficult task to be accomplished, as it impacts many major assumptions and policies throughout the *Update*. For example, what "goals" and "policies" could be developed that greatly narrow the gap between "anticipated growth, growth targets, and the PSRC regional Growth Strategies"? The only way to actually narrow that gap is to reduce the size of the MPDs, which would require re-opening the MPD Development Agreements, which do expire in a few years.

Carina Thornquist

From: Rosemarie Wentz <rosemariewentz@hotmail.com>
Sent: Monday, July 6, 2020 3:17 PM
To: Barbara Kincaid; Planning Commission
Subject: PUBLIC COMMENT 07/07/20. Developer School Impact Fees; Remove Re-Zones

Dear Planning Commission,

The Agenda for your July 7th meeting is to review annual changes to the Comprehensive Plan.

Future Land Use Map

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The current 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town, and road expansion destroys small-town character. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not add zoning that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Furthermore,

- 1) No re-zoning nor development should be considered nor approved until the city has its affairs in order and School Impact Fees are put in place. Any permits issued prior to these fees being in place only adds to the tax burdens of the current residents. The current residents are already suffering from the economic impacts of COVID19, we do not need the additional burden of taxes when the developers should be paying for their impacts to our communities and not the citizens.
- 2) No re-zoning nor development should be considered until the current development of Ten Trails and Lawson Hills has completed at least 75% of the development plan and the impacts to the city, roads, water, schools and sewer systems are studied and addressed to maintain high quality of life for the current residents.
- 3) Planning Commissioner Charles Butt should recuse himself from any and all Planning Commission business which has any impact, positive or negative on any of the many Black Diamond properties he purchased privately, later transferred into his development companies name, or through his business and is currently in the process of clearing and developing. (These are all the properties along the west side of 169 as you head out of town). Mr. Butt's continued involvement in discussion and voting on the proposed plans is clear conflict of interest. His vote does not represent the interests of the citizens of this city but represent his own business interests. I would even go so far to ask that the Mayor remove Mr. Butt as a planning commissioner as he failed to disclose his purchase of multiple properties within city limits with intention to develop them just a few months prior to applying for the Planning Commission position. Where he knew he could influence and maneuver the Planning Commission plans to increase his profit margins. It is common for employees to be let go when the evidence shows that they failed to disclose, when asked on their application about, conflicts of interest.
- 4) The city development department continues to fail the citizens of Black Diamond in protecting their properties and homes. A single developer on 5th Ave continues to violate City Ordinances and Building codes while the city staff ignore

the violations, fail to act and fail to correct and hold the developer accountable. In most recent cases the developer installed retaining walls over the 4ft limit without Engineering, inspections or permitting. This impacts the integrity of the hillside his neighbors' homes sit on. He further snatched real property from his neighbor before finalizing a property line dispute, while the neighbor was out of town over the 4th of July weekend. This is the latest in the string of violations ranging from unpermitted clearing, grading and filling, and multiple significant tree removals over several years. But the greatest offence is the city continues to fail to hold the developer/owner accountable. Other home owners have been fined and made to stop and correct minor violations in comparison. But this owner has a get off free card. The local neighborhood and community have reported these violations multiple times, but the city employees continue to fail to do their job and protect its citizens and follow their own codes and documented recourse to these violations.

These kinds of behaviors only adds to the perceived fact that the city staff and planning commission do not have the citizens best interest in mind when planning for development of this town. They are all trying to make their money and get out, while the citizens suffer with the tax burden, environmental and infrastructure impacts. We have no faith in the city staff or planning commission to ensure any development within the city will be sound, follow building codes or the city municipal codes designed to protect our community.

The citizens of this city want reasonable development with a small town theme. Preserved mature trees and historical homes and landscapes. Homes built in line with a small town, not 5000sq ft McMansions on postage stamp yards. We want our views preserved and protected from unreasonable and out of character for the community development. We want consistent protections and actions/corrections against building code violations and city code violations.

Thank you for your time and consideration,
Rosemarie Wentz
Black Diamond

Carina Thornquist

From: Tyler Weiss <tweiss555@yahoo.com>
Sent: Sunday, July 5, 2020 5:18 PM
To: Barbara Kincaid; Carina Thornquist; Planning Commission
Subject: PUBLIC COMMENT 07/07/20. Public Hearing on Comp Plan

STOP! DO NOT REZONE BLACK DIAMOND. KEEP IT A SMALL TOWN

Sent from Yahoo Mail on Android

Carina Thornquist

From: Michael Fettig <mikeyfett@live.com>
Sent: Monday, July 6, 2020 5:45 PM
To: Barbara Kincaid; Carina Thornquist
Subject: Comments for July 7, 2020 public hearing
Attachments: public comment Oct 8, 2019.docx

Ms. Kinkaid,

Please forward my comments to the Planning Commission for the July 7, 2020 meeting. I am resubmitting my comments from the October 2019 Planning Commission as my concerns are relevant to the agenda items for July 7, 2020.

Michael Fettig

COMMENT FOR BEGINNING OF MEETING REGARDING COMMISSIONER CONFLICT OF INTEREST

Good evening planning commission,

I am asking the Commission to hear the following concern prior to the start of the public hearing.

While thinking about traffic, I looked at the proposed BD zoning map from the Sept 10th planning commission meeting. I noticed the zoning change labeled "#5" directly accesses Hwy 169. I wanted to know more and looked to the city website and the city Permit System.

The city permit system shows a permit application at 31007 3rd Ave, Black Diamond WA, the same place where zoning change #5 located. (parcel 112109008).

This property is currently zoned light industrial; however, I noticed an application was made on 6/10/19 for construction of new commercial/retail use and 132 multi-family residential apartments. The current zoning doesn't match the application. My curiosity grew when I noticed this application wasn't rejected. Why wouldn't the city reject an application that is so clearly out of compliance?

Looking further into this, I found this application was made by Mr. Weston Butt Black Diamond planning commissioner. I can see from the application that this property is owned by Mr. Butt. Further, I understand that Mr. Butt's wife has an ownership interest in some of the other properties being considered for zoning change.

I ask, how can he be objective and take into consideration the concerns of the citizens when he has a clear financial gain from this rezoning proposal? It is evident there is a HUGE conflict of interest with Mr. Butt as planning commissioner and property owner. It is also reason for disqualification under Section 7 of Rules and Procedures of City of Black Diamond Planning Commission.

Section 7 reads " No member of the planning commission should participate in any discussion or vote on any matter in which their member has a direction and substantial personal or financial interest potentially sufficient to create a conflict

between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote." It is my opinion and recommendation that Mr. Butt recuse himself tonight as a member of the Black Diamond planning commission.

Thank you for hearing my concern,

Michael Fettig

Carina Thornquist

From: info@bryantstractorandmower.com
Sent: Monday, July 6, 2020 10:32 AM
To: Barbara Kincaid
Cc: Carina Thornquist
Subject: PUBLIC COMMENT July 7 Comprehensive Plan Docket Suggestion

City of Black Diamond Planning Commission,
Please recommend the specific suggestions highlighted below for adoption into the 2020 Comprehensive Plan update. Per Black Diamond code 16.10.130 and .140 these should be included for your public hearing preliminary docket, but were not.

William Bryant and Karen Bryant

----- Original Message -----

From: info@bryantstractorandmower.com
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>
Date: June 8, 2020 at 2:24 PM
Subject: PUBLIC COMMENT 06/09/20 RE: Comprehensive Plan Docket Suggestion

Hello Ms. Kincaid and Planning Commission,
The suggestions sent March 1 of 2020 (email below) for the Comprehensive Plan should be given to the Planning Commission for consideration and public hearing, per Black Diamond Municipal Code 16.10.130.B. The packet for the June 9 Planning Commission discussion of Comp Plan changes does not contain these suggestions.

It is difficult to follow up on this issue and give comments because the time from Friday evening when the PC Meeting Packet first became available to the Monday 5 PM deadline is too short. This is also short notice for Planning Commissioners to be able to absorb and research the materials for their discussion. The Planning Commission Packets should come out at least a week before the meeting, and should contain all public suggestions for the Comprehensive Plan. Since the Commission meets only once a month and has not met in months, why not have a larger packet ready sooner?

To accompany the suggestions made in the March 1 email below, here is some specific language that could be added to the Comp Plan or amended by the Commission:

Large amounts of natural open space must be included on sites developed for mixed use or intense land use. Clustering is appropriate so that intense land use is balanced with a natural space that feels like "small town" Black Diamond.

LU Policy: Clustering in Commercial Zones. At least 50% of the net develop-able land (excluding sensitive and critical areas) must remain natural as a trade off for Mixed-Use development. At least 50% of the net develop-able land (excluding sensitive and critical areas) must remain natural for Commercial development with a F.A.R. exceeding 1.0 .

Additionally:

Multi-family use in Black Diamond should include a large amount of open space and natural space for families and to maintain small town character.

LU Policy: Commercial Zones used for multi-family development are allowed a maximum of 16 units per acre . Multi-family development must have a minimum of 50% open space of the net developable land (excluding critical and sensitive areas).

On March 2, 2020 at 4:24 PM Barbara Kincaid <bkincaid@blackdiamondwa.gov> wrote:

Thank you for sending these suggestions.

Sincerely,

Barb

From: info@bryantstractorandmower.com <info@bryantstractorandmower.com>
Sent: Sunday, March 1, 2020 9:04 PM
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>
Subject: Comprehensive Plan Docket Suggestion

Hello,

We are sending the following change suggestions for the city's Comprehensive Plan. Thank you.

Comprehensive Plan Updates to Section 5.13 Commercial Goals and Policies

Section 5.13 sets the basis for Community Commercial and Neighborhood Commercial zoning.

Many people think of our existing Commercial areas in Black Diamond when they think of new commercial development. Black Diamond's existing commercial areas contain small stores or restaurants with a small amount of parking, and are not intense land uses.

However, it has recently become clear that the Commercial zoning in Black Diamond allows mixed use with commercial space plus residential up to 10 units per acre. Commercial also allows any number of apartment units so long as retail is included. The

retail can be very intense, with a Floor Area Ratio of 2 to 1 over the acreage of the site. The current Comprehensive Plan Section 5.13 and zoning code allows development that is incompatible with our small town. It can generate more traffic than residents are willing to endure, too much noise, and remove too much green space.

The Comprehensive Plan should be amended to specify that:

Large amounts of natural open space must be included on sites developed for mixed use or intense land use. At least 50% of the net develop-able land (excluding sensitive areas) must remain natural as a trade off for intense land use such that described above. This is an appropriate use of clustering, so that the intense land use is balanced with a natural space that feels like "small town" Black Diamond.

Additionally:

There must be limits on the number of allowed apartment units in commercial zones. There should also be at least 50% open space of the net developable land (excluding sensitive areas) for a site used for apartments.

This is especially important because apartments are homes and residents, especially children, need trees and natural space to live near.

The city should impose restrictions against big box stores and impose limited parking in commercial zoning.

Thank you,

William and Karen Bryant

25100 Roberts Drive

Black Diamond, WA 98010

Carina Thornquist

From: Alan Gangl <argangl52@gmail.com>
Sent: Monday, July 6, 2020 8:23 AM
To: Barbara Kincaid
Subject: City of Black Diamond Planning Commission Public Hearing on Annual Comprehensive Plan comment

To the Black Diamond Planning Commission,

This staff summary of my comments from last fall did not represent the full intent of my comments.

My suggestion was to keep the Light Industrial Zoning on Black Diamond's Future Land Use Map as an excellent way to achieve a jobs and tax balance.

Black Diamond has more than enough residential development. Black Diamond is a small city and should remain that way. Other cities have more transit and infrastructure, and will and should remain King County's more robust job centers.

If we do want a better balance of jobs and housing in Black Diamond, we already have significant housing and significant areas for commercial development. We do not need more of either of these. For a better jobs balance, keep the Light Industrial. Light Industrial is usually a "tax positive" for cities. Mineral or forestry use (the current land uses) are also good industries for Black Diamond.

Some may express concern that "Light Industrial" may not be compatible with neighboring residential areas. This is easily solved by a requirement for buffers of trees if the light industrial use is not suitable next to residential.

Over time, other appropriate businesses may use that Light Industrial zoning. It probably won't be immediate, but time to find a land use that does not require significant population growth is a good thing. When we are experiencing rapid growth, it is hard to keep up. We have roads and intersections scheduled to be under and constant construction. Enumclaw has a lot of school bonds to put to taxpayers and then needs time to build schools.

For apartments and housing growth that does occur, please require at least 50% natural open space (do not count parking as open space). For an outlying city like Black Diamond, housing at all income levels should have the experience of the green space and relaxed feel. Keep it walkable. This means we should not expand roads to more than one lane each way.

Please change the Future Land Use Map to revert to the 2009-2018 version. Do not add over-development. Our goal to keep our small-town character needs to be addressed in a meaningful way.

Thank you,
Alan Gangl
argangl52@gmail.com

Attachments area

Carina Thornquist

From: Erika Morgan <smilemeadow@gmail.com>
Sent: Monday, July 6, 2020 11:26 AM
To: Barbara Kincaid; Carina Thornquist; Brenda Martinez
Cc: Erika Morgan
Subject: July 7. No Rezone: Too Much is Too Much: Please add me to the public hearing list

Hello City Planning Commissioners;

Reverse the 2019 Comp Plan Land Use Map Change that you voted in, in 2019. None of the requisite planning requirements were met, even though the staff will be telling you that the studies have been completed, or will be completed. They will tell you that this preplanning analysis work will follow, and that the Comp Plan Map does not matter at this time, this is just a plan, not an actuality. This is patently false, it "kicks the can" down the road so that the landowners can demand that they have spent money preparing for the development and they now have the right to be able to realize income as a "right of ownership" of the property. This also is a falsehood, ownership of land can never be a guarantee of income realized in any certain time frame. The city must never be boxed in to a demand from any property owner to facilitate their owner's right to show a profit, and any comp plan will be taken by the property owner as a guaranteed promised by the city of realizable financial benefit for them. This zoning change boxes in the city, to allow development that is not needed and for which there is no current or foreseeable future demand considering all the previous development which has been granted and for which there has been not enough demand demonstrated at this time so there are over 25 years of development currently on BD's prospectus.

We are currently in on the doorstep of a very substantial economic downturn from COVID world wide. Our service economy is in the ditch and is unable to sustain itself because the virus demands that we "be sick", "remain isolated", "or loose to contraction of the virus at the rate of nearly 10% of our people". There seems to be ongoing long-term functional effects demanding medical and social remedies for many recovered victims of this virus with only a four month period to collect data from, we just do not know what the situation will be in the future. Our businesses are suffering because the work they do can not be sustained by sick or necessary isolation of infected and infect-able workers. As soon as the COVID subsidies for businesses and individuals stop, the bills will not be paid and the foreclosures will begin for workers whose jobs will not return until someone can pay for those services or products which those businesses provide.

None of these development plans include a realistic commercial element that creates new employment opportunities for the people who will be living in BD in it's future. Back in the day (1980) when the Comp Plan was expanded to include 600 new residential dwellings for BD, there was a commercial plan to "open the John Henry surface mine" to create new jobs that would support the residential development. That never happened because there was no market for the sulfurous coal that is the surface coal in BD. We all know that if there is no well fleshed out and properly researched plan what happens will be inadequate for mitigating the problems encountered, because we have seen this scenario play out both locally and nationally in all the fields of human endeavor.

Taking the bureaucratic approach assures the city staff future work which the citizens or the developer may pay for, but it does not protect the current citizens from the insults of the development or the increased fees and taxes that will be asked from them. I ask you to turn to some very evident budgetary considerations:

Who and/or how are the necessary deficiencies in our fire and emergency medicine going to be resolved when the fire district divorces BD?

When and how is BD going to shift its Police budget so that includes money for the social services that are going to be demanded by the future of whatever policing becomes, currently BD has not even considered these needs in any plan, government or private?

Are there going to be traditional schools in our future? , do the families need to homeschool and have a parent stay home to accomplish this? What supports are those eventualities going to present?

What is the traffic situation going to look like, are we ever going to be able to use public transportation like we did in the past? My nephew was riding a bus to work, but now he has a new baby and a three year old, so it is "unsafe" for him to use the bus, so he gets driven to work daily requiring four trips instead of two.

How is the city bureaucracy going to work if they can never resume to work in an actual worksite, do we need all that office space if they are working from home?

Will our courts continue to be virtual? How is the progress in the courts going to be accessible to all our citizens as the law for a "public" court demands? When are we going to have a public city channel to accommodate these constraints?

Will our public meetings continue forever to be virtual or zoom, is there going to be some facilitation of this, I for instance will never from my home be able to take part in a zoom meeting because the utility infrastructure is not available at my home, and anyway I would not be able to afford the service on my own, how many citizens are in this same boat? Can the city afford to cut off some of its citizens from participating in the self governance that the State Constitution guarantees for each citizen?

Are the IT availabilities able to accommodate school and work at home for our families now, and how is the future going to look for this?

Are there even going to be the commercial mall type businesses in our future, or is all commercial enterprise going to be "mail order and drive through"?

Will the Boeing Commercial Division remain in Renton, in Washington, in existence?

There are so many unknowns, and currently unknowables, this is no time to be setting any commitments down besides what is necessary to cope with the pressing issues of the day, that is COVID and the call for a change in Policing State and Nation wide. Remember the State Government's call to continue with only essential business.

I can see that COVID is putting a "change order" into all the things the city is doing, and might be asked to do, and there is no plan to go by because this is all a different situation for all of us. The city of BD may seem to be remote from many of the social changes that are being asked for across this nation and across this world, but I assure you BD though a small and tangential cog in a greater situation is still part of that situation. If there was reason to put a hold on the new 155 acre change allowing 600-900 more houses, strip malls and hundreds of apartment units, that the community stopped last fall pending a proper analysis, now with our changing circumstances we will be derelict, if we allow this to go forward at this time. As I have indicated we don't even understand what our circumstances will be or what sort of analysis our changed condition is going to bring us.

The city included with the Ten Trails Development way more development than the Regional Plan asked of BD, so there is not enough support from the Regional Comprehensive Plan to supply the services from the region that the development requires as it stands, more sewer capacity, more road and transportation capacity, more and different education capacity, more medical, more post office, more social service, more mental health, more drug interdiction, more humane society, more child protection service, and the list goes on and on. BD on its own can not provide all these things nor should it, but our plan if it is going to protect our citizens properly must have a clear understanding of how these needs will be met before we add more development to our map. The development that BD has committed to also is in an infancy, it increases our

city by factor of 4-5 times the current population, BD needs to figure out how to walk with what is on its plate before we ask for more helpings, and I would observe that BD is in the state of being "overwhelmed by the current development and its needs" right now.

Adding more development at this time and before there is an evaluation of how we come out of COVID 19 and what changes are made to how Americans and particularly our citizens live their lives, and until the economy has had the chance to make in the changes and evolve again into our new reality is both the promise of being adaptable humans or being an extinct species. Any plan we make now with inadequate knowledge precludes foresight. In this time it is irresponsible to BD and to the region to set a Comp Plan so far out into an unknowable future to be adding more residential development to the GMA's targets. Perhaps a better use of the GMA's targets would be to evaluate over the next year where we are, and where BD should consider being, as regards to population and economic development. Before BD set an aspirational (imaginary) plan under the GMA, and then arms any developer with a weapon to lead our city bureaucracy to override the city's citizens' right to self determination" of what our cities future would look like. This is exactly what happened to BD before, and it is exactly why and how our city bureaucracy over came the city's citizens right to self determination. It also demands that money interests come before the interests of the current citizens to plan and shape the future of their community like the State Constitution decries.

We do not know how COVID is going to change how Americans in general and how citizens of BD's lives are going to be changed, we do know that our Governor has promised that we will be doing things differently now for a while and probably we will never go back to the way things were in our past. In light of this and because there is no reason to make permanent decisions just now when we can not have all the relevant facts I ask that you reverse the Comp Plan Map land use changes until we have a time as a society to understand better what our needs are going to be going forward as the only reasonable response to this question.

Comprehensive Plan Suggested Transportation Policies

Walkability Improvements

Black Diamond residents enjoy the ability to walk to and from local destinations such as the Elementary School, post office, bakery, Community Center and local businesses. To maintain small-town character and prioritize the high quality of life those who live here enjoy, it is extremely important to make walking a viable option as the city grows.

To walk, people must feel safe, the walk must be pleasant, and people must have a destination. As the traffic increases on highway 169, safety and enjoyment of the walk are at risk. Increasing numbers of cars or expanding the paved area by adding a lane or removing trees would reduce the enjoyment of the walk. Increased cars also call for an increase in safety. To maintain Black Diamond's historic charm and small-town feel, the existing town center including highway 169 should become a more pedestrian-friendly zone. We should encourage walking trips which will support local businesses as destinations, and connect people to each other within the community.

As an example, our town has the Rainier View retirement community near Lawson St and Highway 169. We also have a Community Center about a mile away that serves lunch and provides other services to senior citizens. As people age, they may prefer be able to walk but not drive, we should ensure our seniors can safely walk to the Community Center.

New Suggested Transportation Policy

T-#. Prioritize pedestrian and bicycle safety over increased motor vehicle capacity on city streets. At the same time, this must not allow new development to avoid providing street capacity increases or improvements needed as a result of new development.

Safety Improvements

Road funds at the state, county, and local level are limited. Safety of Black Diamond residents is one of the most important considerations when prioritizing funding.

Recognizing that the majority of employed residents will continue to commute to work outside the city and therefore roads in and out of town are an important consideration in the Black Diamond Comprehensive Plan. State and County roads leading to Renton, Issaquah, Auburn, and Enumclaw have land slide risks, areas with site distance limitations, pedestrian and bicycle safety problems.

New Suggested Transportation Policy

T-#. For both state and county roads leading to or from Black Diamond, the City supports prioritization of funding for safety improvements above road expansion.

It is also suggested to remove policy ED-4.5, about the Highway 169 corridor, or move policy ED-4.5 to the Transportation Chapter. Policy ED 4.5 is more focused on transportation than Economic Development.

~~Policy ED-4.5: Coordinate with the Washington State Department of Transportation (WSDOT), King County, and adjacent cities to plan for access improvements, intersection improvements, and infrastructure maintenance in the SR 169.~~

Small Town and Careful Planning

To ensure Planning consistent with small-town character, Black Diamond must carefully ensure existing commercial areas and those planned with the Master Planned Developments can thrive without putting too much pressure on limited infrastructure. Given Black Diamond's location on the far eastern edge of the urban growth area, it is unlikely growth to support things like big box stores or large business expansion is appropriate. Black Diamond can maintain a balanced city budget that does not rely on new growth. We need careful planning at a slow pace to ensure we do not trade live-ability for speculative development or tax revenue that may not be offset by the need for increases services.

Removal of policy LU-34 is warranted. Alternately, the word "aggressive" could be removed:

~~Policy LU-34: Create an aggressive economic development strategy, with the cooperation of the City, County, and business and property owners.~~

There are sufficient commercial spaces already developed in Black Diamond or permitted through the MPD's to be extremely cautious about adding more until we see if the existing plans are commercially successful while maintaining quality of life. Therefore, removal of policy LU-42 is also warranted.

~~Policy LU-42: Retain and enhance the existing commercial areas while providing sites large enough to accommodate significant commercial uses.~~

Carina Thornquist

From: Jerel Thomas <jerelthomas75@gmail.com>
Sent: Thursday, July 2, 2020 1:48 PM
To: Barbara Kincaid
Subject: 07-07: Please add me to the Public Hearing List

To Whom It Concerns:

I will be out of town on 7/7/20. However, I would like the following added to the public comments at the meeting scheduled for 7/7/20.

Please reverse the 2019 Comp Plan Land Use Map Change. The 2019 map adds Far Too Much Traffic (and speeding/aggressive driving is already an issue on Roberts Drive). There is No Money for Schools (Ten Trails already has us paying for 7 schools). There was No Tax Analysis (impact on city hall, parks, police, fire?). There wasn't even a count of acres changed or potential housing added.

The 2019 Map contains far too much development for Black Diamond.

Use the Comp Plan to reduce development, because we should not be adding more than triple our city's Growth Management Act targets.

Carina Thornquist

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Monday, July 6, 2020 4:54 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: PUBLIC COMMENT 07/0720: Traffic impacts, Lake Sawyer Road, and Comprehensive Plan
Attachments: BDUGAA-1996 page9 PipelineRoadcredit.pdf

Hello Planning Commissioners,

Some of the info in this comment letter was provided at last year's hearing and your more recent meetings. To encourage and support public input, the Commission is asked to fully discuss all public comments from last year's hearings and at least your more recent meetings.

Lake Sawyer Road Dangers and Traffic Volume Not Addressed

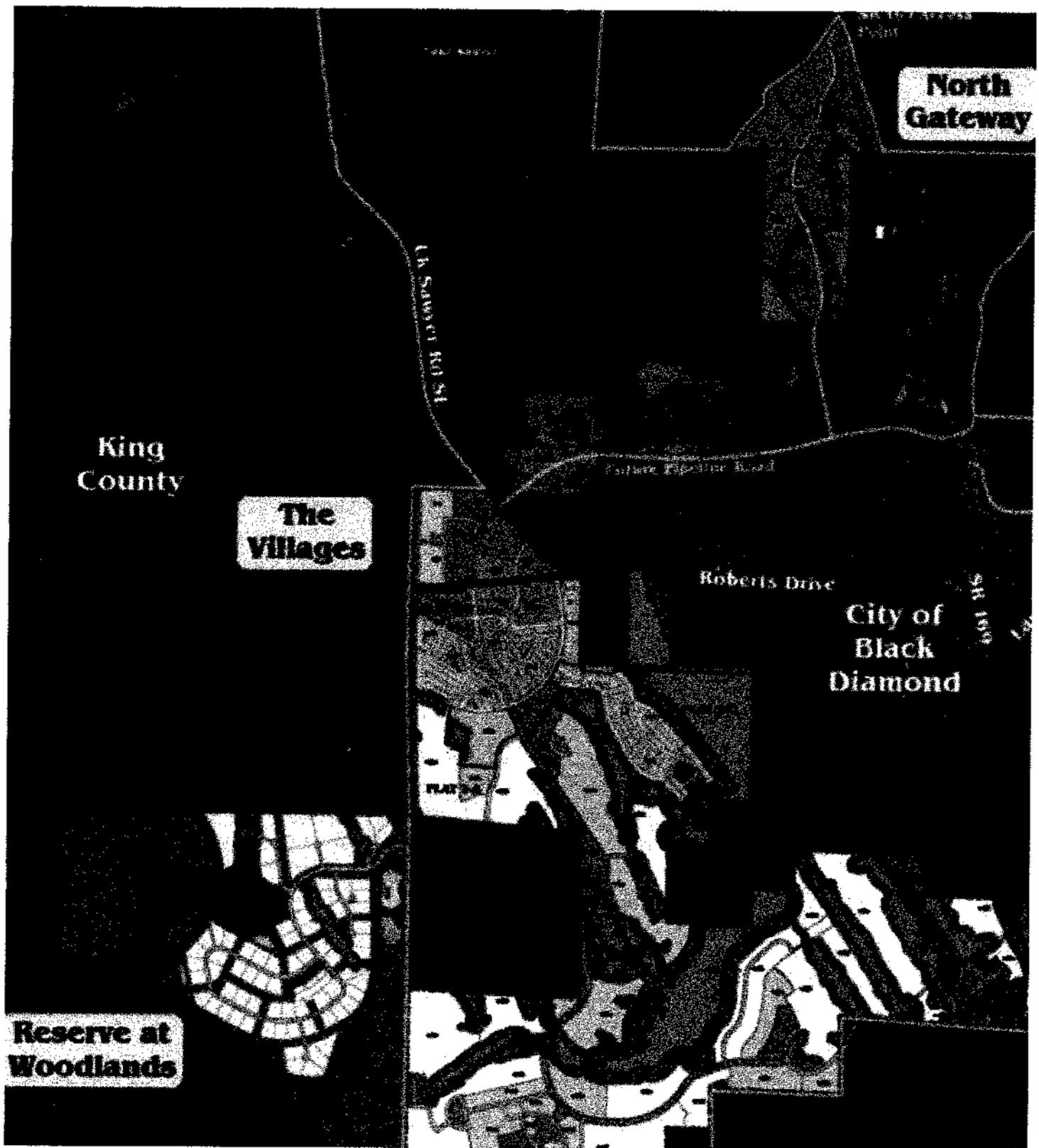
For your June 9 meeting you received a memo from Traffic Engineer William Popp as input to your Comprehensive Planning process. The memo was commissioned by Save Black Diamond after on-going review of traffic reports and plans from 2009 through the latest Ten Trails Preliminary Plats in 2020.

The memo focuses on Lake Sawyer Road and 216th (along the northwest border of Black Diamond). The issue is that the Ten Trails buildout by 2035 sends enough traffic to warrant at least 3 lanes (a center turn lane) on Lake Sawyer Road and 5 lanes north of 292nd (the Lake Sawyer Store). This is based on the number of vehicles that are forecast by your Comp Plan's Land Use assumption in Chapter 2 that full build out of Ten Trails will add 6,000 units by 2035.

Lake Sawyer Road will be too full to turn on to and experience backups at rush hour. However, the city has no plan to expand the road. The city should act to reduce and address the future problem.

Next is the new issue of the hundreds of new dense houses, apartments, and commercial property that could be added with the new allowed MDR8-12 and Commercial on the Future Land Use Map.

These Land Use Map changes are along the Pipeline Road and the North Connector. The map below shows these future roads in yellow.



Pipeline Road is Necessary To Relieve Roberts Drive and 288th Going Back To Past Agreements on the Property
 The Black Diamond Urban Growth Area Agreement (BDUGAA) shows us that Palmer Coking Coal and the City knew the Pipeline Road was necessary when City limits were greatly expanded by hundreds to add what is now Ten Trails. The traffic from Ten Trails will clearly overwhelm Roberts Drive and 288th without the new east-west "Pipeline Road"

The excerpt from the BDUGAA is attached. The Ten Trails (Villages) Development Agreement requires:

"6.4.3 Pipeline Road

The design of Pipeline Road is to extend from Parcel C at the intersection of the Community Connector and Lake Sawyer Rd SE, easterly towards SR-169, intersecting SR-169 in the vicinity of Black Diamond-Ravensdale Rd, ... the preliminary design and alignment of the Pipeline Road shall be completed by the Master Developer and the right of way dedicated to the City prior to the City's approval of a building permit for the 1200th Dwelling Unit of The Villages MPD. The Pipeline Road shall be constructed by the Master Developer and open for traffic prior to the earlier of: (i) City's approval of a building permit for the 1746th Dwelling Unit of The Villages MPD; or (ii) when the Traffic Monitoring Plan (Exhibit "F") shows that construction is necessary to prevent a significantly adverse degradation of Level of Service on Roberts Drive.

The new potential re-zones would add dense development to the "Pipeline Road" area (Palmer Coking Coal parallel to Roberts Drive). which would send Traffic to Lake Sawyer Road. Already-full Lake Sawyer Road and Roberts Drive will become dangerous. People should be able to walk easily on Roberts Drive and it should remain a neighborhood street. The new Pipeline Road is needed by the Ten Trails 1746th Dwelling unit but there are 4500 units planned for Ten Trails.

There is also other development already coming. Recent changes allow everyone in town to add an ADU. Those Accessory Dwelling Units are potentially 1000 more houses (much of which will satisfy the need for lower income housing). As another example, we can see new development going on in the area of the Lake Sawyer store and also on Sr 169. These impacts do not appear to have been analyzed in the Comp Plan.

Given that there is not much time to study this issue this year, it would make sense to find ways to *reduce* potential development where the impacts (such as this traffic) have not been fully analyzed and development agreements are not already in place. That could make it so a whole new traffic analysis does not need to be paid for.

Thank you for your time, and please let me know if I can provide more information.

Kristen Bryant - 425-247-9619

**BLACK DIAMOND
URBAN GROWTH AREA AGREEMENT**

and
King County, Washington
and
City of Black Diamond, Washington
and
Palmer Coking Coal Company
and
Plum Creek Timber Company, Limited Partnership

6.5 **Water, Sewers and Roads.** The parties anticipate relying on a variety of funding sources and mechanisms to finance the planning, engineering and construction of water, sewer and road infrastructure to serve the East, West, South and Lake 12 Annexation Areas. The parties acknowledge that the City's existing infrastructure may not be able to serve future development without modifications to the existing system. The City's existing utility and transportation systems will likely need to be expanded and/or upgraded to serve the Potential Annexation Area and the properties already in the City adjacent to the Potential Annexation Areas that are owned by Palmer or Plum Creek. New, expanded and/or upgraded infrastructure to serve the Potential Annexation Area will be analyzed in the updates of the City's Comprehensive Plan and Water and Sewer Comprehensive Plans. The planning for this infrastructure will proceed on the schedule shown in Section 8.1. The City, with the assistance of the other parties, will seek federal, state, local government (County, City and utility districts) and public/private funding for the infrastructure planning, engineering and construction necessary to implement this Agreement. The parties anticipate that local improvement districts (LIDs) will be formed for these purposes. The City shall have the right, but not the obligation, to use LIDs as a funding mechanism. Where necessary and appropriate, the City agrees to form, or support the formation of, such LIDs. Plum Creek and Palmer agree to participate in such LIDs, and not to protest the formation of said LIDs, to the extent their properties are benefited, on a fair share basis, as provided in state law. Furthermore, Palmer shall convey to the City the necessary right of way for the east-west road ("Pipeline Road"). In such case Palmer shall be entitled to a credit for the fair market value of the conveyed right of way and any existing improvements utilized for the new roadway against any LID assessments on its property resulting from the construction of the Pipeline Road improvements. The value for the right of way, and the improvements, if any, shall be determined using the appraisal mechanism set forth in Sec. 4.2.2 provided, however, acquisition and valuation shall be as if under the threat of condemnation pursuant to state law. If an LID is not used as the funding mechanism, Palmer shall be entitled to a credit against other City charges to the extent authorized by State law.

6.6 **Open space within the Urban Development Areas.** Since the City, County and Plum Creek agree that the development potential of the unconstrained lands in the West and South Annexation areas should be maximized, it is agreed that the provisions made for open space under this Agreement fulfill all open space requirements for development of the Urban Development Areas in the West and South Annexation Areas. Developers and builders may, solely at their own discretion, provide additional open space for design or market reasons so long as they achieve the minimum densities in the residential areas. This section is not intended to be a limitation upon the City's right to exercise its authority to require the provision of parks, playfields, or other civic recreational amenities as part of the development permit process to the extent those requirements are consistent with the City's policies and regulations in place at the time a complete development permit application is submitted. If the UGA Open Space does not include sufficient park and recreation facilities to satisfy development standards, the City may require such park and recreation facilities in the Urban Development Areas.

Carina Thornquist

From: Marilyn Akutsu <marilynakutsu@yahoo.com>
Sent: Monday, July 6, 2020 3:10 PM
To: Barbara Kincaid
Subject: Fw: Reverse the 2019 Comp Plan Land Use Map Change

To whom it may concern,

I am in favor to reverse the 2019 Comp Plan Land Use Map Change. The 2019 map adds too much traffic to the surrounding area on Auburn Black Diamond and Kent Black Diamond roads to get to Black Diamond. We moved out here to get away from traffic and enjoy the natural forests. Ten Trails already has us paying for 7 schools. We are retired seniors with set incomes.

Please reverse the 2019 Comp Plan Land Use Map changes.

Best Regards,
Marilyn Akutsu

Carina Thornquist

From: Philip Acosta <philamatic@comcast.net>
Sent: Monday, July 6, 2020 3:31 PM
To: Barbara Kincaid
Subject: Public Comment 7/7/20

Commissioners

Myself and many other residents have worked tirelessly to see that the direction for our city is headed in such a way as to provide quality of life for ourselves and our loved ones. Many statements have been made and facts presented before you to demonstrate our concern of unprecedented development and its impact without proper advanced infrastructure.

Here tonight your looking at a Comp plan that will allow even more density without an actual physical hearing from your citizens. Is there really such urgency? I think not. I would hope that fortitude is shown here by our commissions and any recommendation to advance this plan would be tabled until we can return to an environment where all the data, facts and statements can be presented in a fair and incite full manner.

Philip N Acosta
Black Diamond

Sent from my iPhone

Carina Thornquist

From: Robert Brooks <hondaboy173@hotmail.com>
Sent: Saturday, July 4, 2020 8:34 AM
To: Barbara Kincaid; Carina Thornquist
Subject: Please ADD Me to The Hearing List

To Whom It May Concern,

I find it convenient the deadline for comment to the opposition's stance follows a holiday weekend and amongst a rise in pandemic numbers. This is a breach of trust from the council and commission moreover a violation of civilian and land owner rights.

Please see this as formal request to Reverse the 2019 Comp Plan Land Use Map Change. The 2019 map increases the load the roads, which are already struggling to be maintained . An increase of additional vehicle traffic has yet to be addressed, let alone long term plan for maintenance which will be necessary and costly.

Additionally, there is No Money for Schools. Ten Trails addition of 7 schools has already increased the strain on our community financially.

There has yet to be a Tax Analysis completed to adequately address the need for funding for police, fire, parks, and other impacts associated with City Hall. There simply isn't the funding and our community is already strained financially.

Simply, the 2019 Map contains far too much development for the City of Black Diamond's infrastructure to maintain, as well as far too much for this community support.

Robert Brooks
hondaboy173@hotmail.com
(253) 720-6942
34901 243rd Ave SE
Auburn, WA 98092

Carina Thornquist

From: M S <mrskstarr@gmail.com>
Sent: Sunday, July 12, 2020 10:05 PM
To: Planning Commission
Subject: Comp Plan Public Hearing

Dear Planning Commission,

"Reverse the 2019 Comp Plan Land Use Map Change."

- Keep our growth limited so that our neighborhoods are not overwhelmed with traffic jams and huge multi-lane highways.
- Black Diamond elementary is full!!!, and a proposal to add hundreds of houses and apartments without funding new schools is wrong.
- Don't ram these rezones through without a public review process that fully complies with State law and Black Diamond's ordinances.

Thank you,

Mary Starr

*Special Note: State law requires cities to meaningfully review comments on their Comprehensive Plans. Black Diamond Code Chapter 16 requires changes to the Comprehensive Plan to reflect the widely held values of the community. This is why **all** comments are so important.*

Carina Thornquist

From: Philip Acosta <philamatic@comcast.net>
Sent: Tuesday, July 14, 2020 1:33 PM
To: Barbara Kincaid
Subject: Public Comment to the Black Diamond Planning Commission and City Council on the Comprehensive Plan 2020 Update

To Barbara Kincaid and members of Planning Commission and City Council

Black Diamond does not control the roads and intersections outside our city limits. Of course, that does not mean citizens and our government can or should ignore the fact that we all use them.

The safety of the human lives of Black Diamond is a primary consideration when we are talking about roads. Like many people, my family and I use the intersection at SE 288th Street and State Highway 169 regularly. This is not in Black Diamond, it is just barely to the north and east of our city limit. There have been several serious collisions at 288th and SR169 over the last year. My granddaughter was injured at this intersection about 10 years ago.

Developer Oakpointe was required to commit to "improving" this intersection prior to building out their full development. This requirement kicks in after approximately 1,000 more units are built in Ten Trails. Sadly, the improvement is needed today as the delays at stop-controlled 288th are already in the "failing" level of service. This a clear example of how Black Diamond's planning and Comprehensive Plan can have requirements for roads that apply to benefit our citizens even outside the city limits. It is also an example of how difficult it is to make these requirements timely solve the problems created from additional traffic.

As Black Diamond grows, we will continue to rely on most of our families having a member who works outside of the city or even must travel through the intersection in question to get to school, such as Tahoma high school.

How much we grow and the type of land-use in our city is our choice. We have more than met our state "growth management act" target for growth. The addition of new dense residential and commercial will cause increased traffic on intersections like the one at 288 which will lead to increased safety problems. The proposed up-zones that exist in the Future Land-Use map of 2019 could make any fix for this and other intersections obsolete before they are even built. Note that washDoT currently has no budget or plan to improve the 288th and SR169 intersection in the next six years.

Please remove the potential zoning changes from the Future Land-Use Map in the Comprehensive Plan until all safety and cost issues are fully addressed.

Respectfully,
Philip N Acosta

Carina Thornquist

From: Bill Popp, Sr. <billsr@wmpoppassoc.com>
Sent: Tuesday, July 14, 2020 2:14 PM
To: Barbara Kincaid; Carina Thornquist
Subject: FW: Black Diamond Comprehensive Plan Amendment Public Hearing 2020

City of Black Diamond:

Below is a scanned copy of my comments given verbally at the July 7 Planning Commission Meeting. Please add this written copy to the Hearing Record.

I am a registered prof engr; started my career with a national pioneering transportation planning; transitioned to PSRC transportation planning division in senior management positions; then went to private sector conducting transportation planning studies for multiple Puget Sound Region jurisdictions including Bellevue, Redmond, Renton, Kent, Pierce County, Snohomish County, as well as other jurisdictions in this state.

I have submitted a memorandum report for the record that is more complete than these brief comments. That memo focuses on roadway sections along Lake Sawyer Road and 216th Ave SE although there may be other roadway sections that warrant review as well.

To summarize, the Roadway plan per Transportation Element of the City's Comp Plan is insufficient to accommodate the latest travel demand forecast as depicted in Figure 7-7 which is entitled "2035 Peak Hour Traffic Volumes & Roadway Network". All the recommended capacity improvements along the existing roadways have a controlled intersection focus – there is no treatment of the roadway sections between these stop sign or signal controlled intersections. At certain levels of major road traffic, side streets and driveways will have great difficulty safely entering the roadway. Those levels of excessive major street traffic are evident on the west side of the City. The Ten Trails Developer Agreement Section 6.2 establishes 600 vph per lane as the threshold for adequate capacity of a single lane and thus a two lane roadway would have 1200 vph as its adequate capacity.

The 2035 volumes shown on Figure 7-7 would require the following road sections between intersections:

216th Ave SE has 3100 vph – same as SR 169 approaching Renton which is a 5 to 7 lane section.

Requires 5 to 7 lane sections for adequate access for side street and driveway traffic. Unresolved problem for City of Maple Valley as well as Black Diamond as the lack of capacity will force traffic over to SR169 through Black Diamond roadways.

Lake Sawyer Rd volumes range from 1800 to 1950. 3-lane section required

1

SE 288th St volumes in 1600 vph range – requires 3-lane section.

Given these issues, it would be contrary to GMA requirements to approve further development in the absence of adequate transportation facilities. The Ten Trails MPD traffic is a major component of these new volumes and thus some caution in approvals at later stages is advised. The volumes derived from this DKS model represent a new chapter in the evolution of the City's Transportation Element of the Comp Plan and thus its relationship to the DA.

Transportation Planners and Engineers
14400 Bel-Red Rd, Ste 206
Bellevue, WA 98007
425-401-1030
www.wmpoppassoc.com
billsr@wmpoppassoc.com

Carina Thornquist

From: John Howells <johnhowells8501@gmail.com>
Sent: Monday, July 13, 2020 9:22 AM
To: Planning Commission
Subject: Stop the Growth

Dear Planning Commission,

"Reverse the 2019 Comp Plan Land Use Map Change."

- Keep our growth limited so that our neighborhoods are not overwhelmed with traffic jams and huge multi-lane highways.
- Black Diamond elementary is full, and a proposal to add hundreds of houses and apartments without funding new schools is wrong.
- Don't ram these rezones through without a public review process that fully complies with State law and Black Diamond's ordinances.

Thank you,

Sent from my iPhone

Carina Thornquist

From: Oleg Sergeev <olleser@gmail.com>
Sent: Monday, July 13, 2020 9:24 AM
To: Barbara Kincaid; Planning Commission
Subject: Comp Plan Public Hearing

Dear Planning Commission,

Reverse the 2019 Comp Plan Land Use Map Change.

- Please keep our growth limited so that our neighborhoods are not overwhelmed with traffic jams and huge multi-lane highways.
- Black Diamond elementary is full, and a proposal to add hundreds of houses and apartments **without developer funding for new schools** is wrong.
- Don't ram these rezones through without a public review process that fully complies with State law and Black Diamond's ordinances.
- Any new rezoning can be done only after we see the full impact of current development. Until then we need to halt any new big developments in Black Diamond

Thank you

--
Oleg Sergeev
32142 Nrecaste Dr
Skype oleg-sergeev
email: Olleser@gmail.com
phone: +12065044555

Carina Thornquist

From: Weston butt <westonbutt@hotmail.com>
Sent: Friday, July 10, 2020 5:08 AM
To: Barbara Kincaid
Subject: Planning commission
Attachments: planning commission.docx

I haven't had the opportunity to talk at any of our meetings and I am the topic of a lot of people's comments. I wrote up a small write up to give some background to myself and the property. Could this be sent out to the commissioners or included in the public comments?

Weston

To planning commission.

I joined the planning commission because I was born and raised in Black Diamond and my kids were born in Black Diamond and I plan on raising them in Black Diamond as well. I wanted to be involved in making sure Ten Trails and our city is developed the way the best way possible. I also want to make sure Ten trails is held accountable to their agreements on traffic, schools and all their other commitments to the city.

I wanted to give some context to the rezoning of the property I am a partner in along highway 169. The property was formerly always zoned commercial along with all the neighboring properties along 169. In the mid 2000's the owners of the property were approached by Nestle water to build a bottled water plant on their property. At that point the city council approved a rezoning to business/Industrial park to accommodate the factory. Nestle started to work on putting in a bottled water plant. There was a large city uproar against this and then the subsequent economic downturn happened, and the project was shelved.

City staff recommended the zoning of the property be changed back to its original zoning. I did not attend and planning commission meetings or city council meetings when the rezoning was talked about and did not lobby for it in any way. I only applied for the planning commission after the comp plan update had been voted on by planning commission. I was unaware that the zoning map and the comp plan map weren't changed at the same time and I had no idea that we would even be discussing anything that pertained to any property I have an ownership stake in.

I will recuse myself on any votes pertaining to my property and I do not want to try to influence anyone one any which way. I just thought I should give everyone some background on myself and the property

Here is the community commercial zoning definition from the comp plan from the previous comp plan.

Community Commercial (CC) Larger, community-scale centers outside of the Town Center are intended to meet the community's growing needs, serve the needs of the surrounding area, and accommodate commercial uses that require larger sites, involve significant areas of outdoor product display or storage, or are oriented to the needs of the motoring public. Community Commercial areas will allow retail, restaurants, motels/inns, professional offices, entertainment and cultural uses, public and semi-public uses. Community Commercial areas may also include land-intensive commercial activities such as automotive sales, lumberyards, and other activities that include outdoor product display and/or storage.

Community Commercial areas should be located along major arterial routes, such as SR 169 to serve the broader community with a wider range of goods and services. Access to the arterial should be limited to combine access points to commercial developments, preferable that being an intersecting public street. Interconnectivity for both vehicles and pedestrians should be provided between sites. Sufficient land within the City should be designated to allow for development of uses that provide significant employment opportunities and potential of sales tax generation.

Carina Thornquist

From: Helen Jacobson <helenannjacobson@yahoo.com>
Sent: Monday, July 13, 2020 11:13 AM
To: Barbara Kincaid
Subject: Please add my comments to public records

Dear Planning Commission,

Please do not include an additional 1000 homes and additional retail space in Black Diamond on top of the already approved 7000 additional homes.

- Please limit growth so that our neighborhoods are not overwhelmed with traffic jams and huge multi-lane highways.
- I am worried about the impact this development is going to have on the additional need for schools, fire and police and a larger city hall. As a retired teacher I can not pay any more in taxes and am going to have to sell my home on Lake Sawyer that I have lived in for 40 years.
- Please don't puyt these rezones through without a public review process that fully complies with State law and Black Diamond's ordinances.

Thank you

Helen Jacobson

30742 229th PI SE

Black Diamond, Washington 98010

Carina Thornquist

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Monday, July 13, 2020 7:27 PM
To: Barbara Kincaid
Subject: Stop the ill advised over development of Black Diamond

Dear Planning Commission,

Below is a copy of the email I sent before your June Planning Commission meeting. Please consider these comments as you update the Comprehensive Plan for 2020.

Additional Comments:

It is good public policy, consistent with state and local law, to discuss all comments that relate to the Comprehensive Plan as you review the Preliminary Docket. Unfortunately, it is my understanding that comments sent early by people like myself are not part of your formal public hearing record for the 2020 Comp Plan update. No one should have to send a comment again to be "officially included." Please ask staff to include all comments in the Hearing record, even if they came to you prior to the formal public hearing notice on the Comprehensive Plan.

Second, even though I sent the comment below about the Comp Plan I have not received notice of Planning Commission meetings or the Public Hearing from the City. Please put yourself in my shoes and think of others who took the time to try to participate in our city's planning. We tried to send comments early so they would be easier to consider. Yet, our voice did not become part of the official Comp Plan Hearing record. I also was not provided an email notice of the official Public Hearing and Public Comment process, so I did not realize that I might need to send the comment again.

Third, please carefully consider again the thousands of dollars per year that taxpayers will be adding to their real estate tax bills to pay for 7 new schools for the on-going OakPointe and other infill development. Adding hundreds more housing units is simply going to result in school taxes that are too expensive for many households in Black Diamond. It's not fair to our school kids either, because schools don't get built overnight. I am not worrying about 1 or even 2 schools. The issue is we are already quadrupling Black Diamond to add 7 schools for Black Diamond and Enumclaw taxpayers to pay for. This is why the Future Land Use Map of the Comp Plan should remove dense residential development. We already have more than enough.

Fourth, please do not assume retail sales tax revenue from new commercial space will make up the gap. This has not worked in any city that I'm aware of. Cities that have undergone growth like Covington also have a higher sales tax rate. Our services are sufficient for our small town, but as we grow, will they suffer? Already we are looking at a tax increase for fire services. As you build more, you need more police, more road money, more public works. We don't want to be a city that paves over our wildlife habitat to bring in a car dealership or big box store. These won't solve our financial problems, and we should not assume they will.

My grandfather, Robert Eaton, lived in Black Diamond for over 50 years. He served as a Black Diamond Planning Commissioner, a Lake Sawyer Volunteer Marine Patrol Officer and one of the founding members of the Historical Society. He was very concerned about the health and longevity of the town. I have lived in Black Diamond since 1991 (over 29 years). I am a life time member of the historical society as well. I am very concerned about the impacts over development of the town I call home will have on the environment and the quality of life for the residents.

Thank you,
Kelley Sauskojus

On Sun, Jun 7, 2020 at 12:40 PM Kelley Sauskojus <kelleysauskojus@outlook.com> wrote:

Dear Planning Commission,

The Agenda for your June 9 meeting is to review annual changes to the Comprehensive Plan, but the June 9 packet excludes the most important changes.

Please update the Comprehensive Plan Preliminary Docket to:

- 1. Amend the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts.**
- 2. Replace the Comprehensive Plan Future Land Use Map with the Map that previously controlled development since 2009. Or amend the map to remove MDR-8 (Medium Density Residential 8 to 12 units per acre) and Commercial and replace it with the current land use.**

The reasons for the above changes are:

Schools and School Capital Costs

The city should adopt maximum Developer School Impact Fees. The City's March 6 notice proposed an "emergency amendment to the City of Black Diamond Comprehensive Plan to adopt Capital Facility Plans for the Auburn, Enumclaw, Kent and Tahoma School Districts." Planning Commission action would allow the Council to adopt these developer fees, but no action has been taken.

Costs of future schools are adding up for residents, meaning our future tax burden per household is thousands of dollars more than it should be. Without these developer school impact fees, growth is not paying for growth and we are being asked to subsidize developers. We are also risking crowded schools for our kids.

Future Land Use Map

Replacing the 2019 Comprehensive Plan Future Land Use Map with the previous version from the 2009 Comp Plan will reduce *traffic congestion*. The 2019 Comp Plan Future Land Use Map has potential re-zoning that would add traffic, but there is no money to expand roads in and out of town. The best way to reduce congestion is to not add more cars in the first place.

This Map change will also protect our environment, preserve small town character, and help us coordinate with neighboring jurisdictions. The Puget Sound Regional Council said in February that Black Diamond should not change zoning in a way that increases future development. We are already zoned and approved for more than four times our growth targets set through the Growth Management Act. Such excess growth in the wrong place translates to expensive infrastructure burdens on the region and on local taxpayers.

Thank you for your time and consideration,
Kelley Sauskojus
Black Diamond

Brenda Martinez

From: Jaime Huffman <jaime.s.huffman@gmail.com>
Sent: Sunday, November 29, 2020 9:26 AM
To: Barbara Kincaid; Planning Commission
Subject: Please keep Black Diamond small

My wife and I moved to Black Diamond this year to get away from the city. I work from home permanently now so I don't have to commute and I can enjoy the small town life I've wanted for years.

We are both concerned about zoning changes that will increase congestion and hurt the small town atmosphere. We moved to get away from the suburban environment and really don't want it to overtake our new home. Please reconsider these zoning changes that will turn Black Diamond into just another suburban commuter town. Thank you.

-Jaime and Sherry Huffman, Black Diamond

Brenda Martinez

From: Kristi Dahlgren <kristidahlgren@icloud.com>
Sent: Monday, November 30, 2020 10:08 AM
To: Barbara Kincaid
Cc: Kristi Dahlgren
Subject: Planning commission

bkincaid@blackdiamondwa.gov, planningcommission@blackdiamondwa.gov

Dear Planning Commission and City Council:

Our Puget Sound Region's housing demand is near large existing transit hubs and job centers; not Black Diamond.

- It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here. This means long commutes, some for families that commute to low wage jobs.
- Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use, Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA).
- When too many people buy housing in distant suburbs like Black Diamond, the state's road budget cannot do enough to fix the traffic congestion; nor can local cities and counties. It is planned failure.
- Being an urban area as defined by the GMA does not mean developers can just "build whatever they want." Their development has a massive impact on our rights as taxpayers, road users, and neighbors.
- Black Diamond is not the same as Seattle - should we build at the same density as Seattle just because we are both within the Urban Growth Boundary??
- Black diamond is facing a shortage in fire and emergency service funding. More growth will exacerbate this.
- School taxes are sky-high in places that have grown quickly in a short time. Black Diamond should correct its failure to make developers pay their share of schools by removing the 50% discount on school fees developers now get. The Comp Plan should recommend full developer impact fees for schools needed for new growth.

Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

Kristi Dahlgren 6330 S Windstream Pl

Sent from my iPhone

Brenda Martinez

From: Kelley Sauskojus <kelleysauskojus@outlook.com>
Sent: Sunday, November 29, 2020 11:28 AM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Public Comment Comp Plan 2020

Dear Planning Commission and City Council:

Our Puget Sound Region's housing demand is near our existing transit hubs and job centers; not Black Diamond.

> It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here. This means longer commutes, some for families that commute to low wage jobs.

> Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use, Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA).

> When too many people buy housing in distant suburbs like Black Diamond, the state road budget cannot do enough to fix the traffic congestion; nor can local cities and counties. It is planned failure.

> Being an urban area as defined by the GMA does not mean developers can just "build whatever they want." Their building has a massive impact on our rights as taxpayers, road users, and neighbors.

> Black Diamond is not the same as Seattle - should we build at the same density as Seattle just because we are both within the Urban Growth Boundary??

There is no train (light rail) or intensive bus services. No chance that people can have transportation options. This means thousands of additional cars/trips per day on the already crowded roads.

> Black Diamond is facing a shortage in fire and emergency service funding and more growth will exacerbate this.

> School taxes are sky-high in places that have grown quickly in a short time. Black Diamond should correct its failure to make developers pay their share of schools by removing the 50% discount on school fees developers now get. The Comp Plan should recommend full developer impact fees for schools needed for new growth.

Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

Black Diamond has been my home for more than 30 years. My grand parents lived in Black Diamond for more than 55 years. My hope is that the future of Black Diamond is one my grandchildren will still be proud of. Not the tragedy of greedy developers that destroy what makes it a great place to live.

Sincerely,
Kelley Sauskojus
Black Diamond WA

Brenda Martinez

From: MELODY MANN <passportt@comcast.net>
Sent: Monday, November 30, 2020 2:32 AM
To: Barbara Kincaid; Planning Commission
Subject: Public Comment Comp Plan 2020 from meody mann

Dear Planning Commission and City Council:

Our Puget Sound Region's housing demand is near our existing transit hubs and job centers; not Black Diamond.

It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here.

This means longer commutes, some for families that commute to low wage jobs.

Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use,

Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA).

When too many people buy housing in distant suburbs like Black Diamond, the state road budget cannot do enough to fix the traffic congestion; nor can local cities and counties. It is planned failure.

Being an urban area as defined by the GMA does not mean developers can just "build whatever they want."

Their building has a massive impact on our rights as taxpayers, road users, and neighbors.

Black Diamond is not the same as Seattle - should we build at the same density as Seattle just because we are both within the Urban Growth Boundary??

Black Diamond is facing a shortage in fire and emergency service funding and more growth will exacerbate this.

School taxes are sky-high in places that have grown quickly in a short time. Black Diamond should correct its failure to make developers pay their share of schools by removing the 50% discount on school fees developers now get.

The Comp Plan should recommend full developer impact fees for schools needed for new growth.

Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

As I have written before the traffic has already been an inconvenience to me as well as the visual appearance of the area, lack of treed set backs, cheap looking construction, etc. I find it quite odd that I was not allowed to extend an asphalt private road about 1 hundred lineal feet due to the impact it would have on water run off but the city is allowing huge impacts to the natural areas and wetlands not to mention wild life displacement current and future.

At times I feel that the people in charge are only thinking of future revenue and not truthfully realizing the end result being a congested ugly place. The town name and historical significance are being completely ignored. Black Diamond will never be a Covington or Maple Valley nor should it try to be.

Sincerely,

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Brenda Martinez

From: W. Coast Duffer <p.vonwalter@gmail.com>
Sent: Sunday, November 29, 2020 1:54 PM
To: Barbara Kincaid; Planning Commission
Subject: Subject: Public Comment Comp Plan 2020

Dear Blk Dmd Planning Commission and City Council,

It just stands to reason that when too many people buy homes in distant suburbs like Black Diamond, the state road budget cannot do nearly enough to fix the congestion. And local cities or counties are typically without surpluses. Rising costs coupled with the extra construction mileage makes it prohibitive. *This is planned failure, essentially if not precisely.*

If it's not clear to everyone yet, it will be very soon: that developers' zealous building in outlying areas has a huge impact on our natural (and formerly protected) rights as taxpayers, drivers, passengers, and neighbors.

Black Diamond is not the same as Seattle. People live in both cities for entirely different reasons. I don't believe it's the stated purpose of any local government or agency to simply delete peoples' reasons.

Our city has been facing a shortage in fire and emergency service funding for ... how long? More growth before that problem is mitigated is pretty absurd.

Do developers in and around Black Diamond warrant 50% discounts on school fees? What is it that makes them an elite class? Or when was it decided equality is obsolete?

Too much housing and traffic is a recipe for disaster *and exodus* (as we have now seen in some states). Adopt citizen-suggested Comp Plan amendments because, as usual, the people have good, bigger and wider view of things. (More heads are better than fewer.)

Sincerely,
Phil VonWalter
3.5+ decade resident (NW Lk Sawyer)

Brenda Martinez

From: Su Pinney <supinney@msn.com>
Sent: Sunday, November 29, 2020 12:03 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Public Comment Comp Plan 2020

Dear Planning Commission and City Council:

Our Puget Sound Region's housing demand is near our existing transit hubs and job centers; not Black Diamond.

- > It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here. This means longer commutes, some for families that commute to low wage jobs.
- > Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use, Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA).
- > When too many people buy housing in distant suburbs like Black Diamond, the state road budget cannot do enough to fix the traffic congestion; nor can local cities and counties. It is planned failure.
- > Being an urban area as defined by the GMA does not mean developers can just "build whatever they want." Their building has a massive impact on our rights as taxpayers, road users, and neighbors.
- > Black Diamond is not the same as Seattle - should we build at the same density as Seattle just because we are both within the Urban Growth Boundary??
- > Black Diamond is facing a shortage in fire and emergency service funding and more growth will exacerbate this.
- > School taxes are sky-high in places that have grown quickly in a short time. Black Diamond should correct its failure to make developers pay their share of schools by removing the 50% discount on school fees developers now get. The Comp Plan should recommend full developer impact fees for schools needed for new growth.

Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

Sincerely,

Suzanne Pinney

Get [Outlook for Android](#)

Brenda Martinez

From: Allison Ostrer <aostrer21@gmail.com>
Sent: Monday, November 30, 2020 6:59 AM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Public Comment Comp Plan 2020

Dear Planning Commission and City Council:

Our Puget Sound Region's housing demand is near our existing transit hubs and job centers; not Black Diamond.

- > It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here. This means longer commutes, some for families that commute to low wage jobs.
- > Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use, Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA).
- > When too many people buy housing in distant suburbs like Black Diamond, the state road budget cannot do enough to fix the traffic congestion; nor can local cities and counties. It is planned failure.
- > Being an urban area as defined by the GMA does not mean developers can just "build whatever they want." Their building has a massive impact on our rights as taxpayers, road users, and neighbors.
- > Black Diamond is not the same as Seattle - should we build at the same density as Seattle just because we are both within the Urban Growth Boundary??
- > Black Diamond is facing a shortage in fire and emergency service funding and more growth will exacerbate this.
- > School taxes are sky-high in places that have grown quickly in a short time. Black Diamond should correct its failure to make developers pay their share of schools by removing the 50% discount on school fees developers now get. The Comp Plan should recommend full developer impact fees for schools needed for new growth.

Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

Sincerely,
Allison Ostrer

Sent from my iPhone

Brenda Martinez

From: B Stuart <lovethenw4life@gmail.com>
Sent: Saturday, November 28, 2020 8:30 AM
To: Barbara Kincaid
Cc: Carina Thornquist; Mona Davis
Subject: Re: Upcoming Planning Commission Hearing - Concerns

Thank you for the response and best wishes for your next adventure. Thank you for the note about open positions. I will consider whether I can fit that in with everything else that is already going on.

On Wed, Nov 25, 2020 at 3:08 PM Barbara Kincaid <bkinaid@blackdiamondwa.gov> wrote:

Dear Mr. Stuart,

Thank you for your input. This email will be provided to the Planning Commissioners. As you know, the final docket for this year's annual amendments was set in August by Resolution #20-1371. We had a lot of public requests to consider and, if you will recall, staff recommended that due to the COVID time crunch and the need to prioritize for PSRC certification of our updated Comp Plan, the docket should be limited to work items for PSRC plan certification. After holding a hearing on the preliminary docket, of which you provided testimony, the PC agreed with the staff recommendation.

Beginning Jan 1, 2021 through March 31, 2021, the City will be accepting applications for the 2021 annual amendments. There is a process for doing this and I would suggest you contact the new Community Development Director, Mona Davis, if you need more information.

On a different, but related note, the City has two vacant Planning Commission positions. Might you consider applying to fill one of them?

Sincerely,

Barb

From: B Stuart <lovethenw4life@gmail.com>
Sent: Tuesday, November 24, 2020 1:38 PM
To: Barbara Kincaid <bkinaid@blackdiamondwa.gov>; Mona Davis <mdavis@blackdiamondwa.gov>
Subject: Re: Upcoming Planning Commission Hearing - Concerns

Ms. Kincaid and Ms. Davis,

I see that we have what may be the final hearing regarding the Comprehensive Plan amendments on 12/1. Per Black Diamond Municipal code Chapter 16, I would like to again request to see the public's suggested amendments in the upcoming meeting packet for this hearing. This would include:

- The collection of Comprehensive Plan amendments suggested by the public (myself included)
- Required staff review and any possible revisions regarding those suggestions from the public, taking into account the strong public support for the publicly suggested changes already expressed this year (and last year).

I am concerned that the City continues to depart from the very clear requirements in the municipal code, with the biggest casualty being the input from the public. This is discouraging frankly. Our city should make it clear that public input is valued, as demonstrated by the thoughtful stewardship of the input and responsiveness to our concerns.

Additional detail

As a member of the public, I submitted a proposed amendment to the Comprehensive Plan in February as part of the annual update process. In June, I received a notice of public hearing regarding this year's Comprehensive Plan amendments. Unfortunately the city did not include my proposed amendment, nor were any proposals or recommendations from members of the public included in the notice and preliminary docket. It is also clear from the most recent Planning Commission meetings that only concerns raised by the Puget Sound Regional Council will be considered for amendments this year. So I am now concerned that the public-proposed amendments will never get a public hearing.

I hope you can appreciate the harm that this situation is causing me and other members of the public. By not including our proposed amendments in the notice of hearing, docket, and staff report you are effectively negating our right to participate in the City's Growth Management planning process, and the Council's legislative process is limited.

The citizens' group known as Save Black Diamond has raised valid issues such as this in the past, and with their history to lean on, and a legal consultation, I again reviewed the code and firmly believe that the process that the City is following does not comply with the Black Diamond Municipal Code. I am concerned that without a proper public hearing the City Council would find it legally problematic to consider and vote for any publicly suggested docket amendments. If they did, any opponent to the amendment could fairly argue that the Council took action on an issue that was not properly noticed.

Further, the State of Washington's Growth Management Act requires early and continuous public involvement in all planning actions. The City may well be in jeopardy of a negative decision by the Growth Management Hearings Board were a citizen or group to file a formal appeal. Such appeals have been made in the past, and I would not like to see the City needing to spend time and tax dollars on any more appeals, especially over avoidable process defects.

As I have done in the past when I have spoken at meetings and written comments, I offer you a positive solution to this apparent problem. I propose that you reissue the public notice to include all of the citizen suggested amendments in a Comprehensive Plan Docket, including mine. Then, I propose that the staff review amendments as required by the City's code. The staff review would ideally include proposing variations on the citizen-suggested amendments to make them more acceptable if needed. In this way, the public-submitted amendments may be fairly considered by the City Council, and an important legal / process defect would be rectified.

I am aware that a new hearing is something the Council may not want to expend the necessary time and costs on before the end of this year; however, the public process is worth the time. I know the Council cares about getting things right. Knowing this legal vulnerability the Council, staff, and Planning Commission can decide that to consider all

the public suggested amendments they must conduct a full public hearing on them.

Thank you for considering my input in this process. I am available to discuss this further with you at your convenience.

Regards,
Bob Stuart

On Thu, Jul 2, 2020 at 1:37 PM B Stuart <lovethenw4life@gmail.com> wrote:

Dear Ms. Kincaid,

Black Diamond Municipal Code requires that all public suggestions for the Comprehensive Plan Annual update be part of the Preliminary Docket for the Planning Commission Public Hearing. However, after sending my suggestion in February and then again in June, I see it is not on the docket for the July 7 public hearing as it should be. The relevant code provisions are shown below, which demonstrate that the city is not following its own code in this process.

Other concerns are:

- There were numerous public suggested amendments that need to be included
- The packet could also contain more clarity on where the Preliminary Docket begins (just a single page barely noticeable after numerous pages of minutes)
- The text changes to the Comp Plan need more specific wording so the public, Planning Commission and City Council understand exactly what is suggested to enable meaningful comment/discussion
 - Example of vague statement: "Revise text and map figures, as needed, to accurately reflect the future transportation roadway network and improvements."

My chief concern for you is this: Does the city intend to violate its own code and go forward without holding a public hearing on all suggested amendments from the public (not just "suggested amendments that the planning director believes should be placed on the final docket")?

Respectfully,

Bob Stuart

16.10.130 Submission of applications (who may submit and when).

B.

Who May Suggest Amendments. Any interested person, including citizens, ... may suggest an amendment to the comprehensive plan. ... the planning director shall include the suggested amendment on a docket that is maintained each year for this purpose. The process described in Sections 16.10.160 through 16.10.170 of this chapter shall resolve the question whether such suggested amendments will be considered during the annual review process.

16.10.140 Preliminary docket.

A.

Contents. A preliminary docket shall be maintained by the planning director, which shall consist of the following: ...

2.

All amendments suggested during the year by citizens, the planning commission, city council, staff, departments or other agencies.

B.

Planning Director Responsibilities. After compiling the preliminary docket, the planning director shall review the suggested amendments and prepare a report concerning which suggested amendments that the planning director believes should be placed on the final docket for consideration during the annual amendment process. In addition to addressing the need, urgency and appropriateness of each suggested amendment, the staff report shall include, but not be limited to, a consideration of the following:

1.

The availability of sufficient planning staff to substantively review the suggested amendments and manage the public review process with available staff; and

2.

Anticipated planning costs and budget for processing the suggested amendments.

16.10.160 Planning commission hearing on preliminary docket.

The planning commission shall hold a noticed public hearing to accept public comment regarding the suggested amendments on the preliminary docket. Following the hearing, the planning commission shall prepare a report and recommendation identifying those suggested amendments that it is recommending for consideration by the city council

16.10.170 City council decision—Adoption of final docket.

The city council shall review and consider the planning commission's report and recommended final docket at a regularly scheduled council meeting. The city council may adopt the planning commission's recommended final docket without a public hearing; however, in the event that a

majority of the city council decides to add or subtract suggested amendments, it shall first hold a public hearing, noticed as set forth in Section 16.10.070.

Brenda Martinez

From: D. Scott Anderson <anderson.dscott@gmail.com>
Sent: Monday, November 30, 2020 9:06 AM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Public Comment Comp Plan 2020

Dear Planning Commission and City Council:

Our Puget Sound Region's housing demand is near our existing transit hubs and job centers; not Black Diamond.

> It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here. This means longer commutes, some for families that commute to low wage jobs.

> Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use, Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA).

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> Black Diamond is facing a shortage in fire and emergency service funding and more growth will exacerbate this.

> School taxes are sky-high in places that have grown quickly in a short time. **Black Diamond should correct its failure to make developers pay their share of schools by removing the 50% discount on school fees developers now get. The Comp Plan should recommend full developer impact fees for schools needed for new growth.**

Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

Sincerely,

Brenda Martinez

From: dawnis m <dawnis2@hotmail.com>
Sent: Sunday, November 29, 2020 9:14 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Public Comment Comp Plan 2020

Dear Planning Commission and City Council:

Our Puget Sound Region's housing demand is near our existing transit hubs and job centers; not Black Diamond. It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here. This means longer commutes, some for families that commute to low wage jobs. Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use, Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA).

When too many people buy housing in distant suburbs like Black Diamond, the state road budget cannot do enough to fix the traffic congestion; nor can local cities and counties. It is planned failure. Being an urban area as defined by the GMA does not mean developers can just "build whatever they want." Their building has a massive impact on our rights as taxpayers, road users, and neighbors.

Black Diamond is not the same as Seattle - should we build at the same density as Seattle just because we are both within the Urban Growth Boundary??

Black Diamond is facing a shortage in fire and emergency service funding and more growth will exacerbate this. School taxes are sky-high in places that have grown quickly in a short time. Black Diamond should correct its failure to make developers pay their share of schools by removing the 50% discount on school fees developers now get. The Comp Plan should recommend full developer impact fees for schools needed for new growth.

Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

Sincerely,
Dawnis Sparks

Brenda Martinez

From: Helen Jacobson <helenannjacobson@yahoo.com>
Sent: Sunday, November 29, 2020 11:26 AM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Public Comment Comp Plan 2020

Dear Planning Commission and City Council: Our Puget Sound Region's housing demand is near our existing transit hubs and job centers; not Black Diamond. > It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here. This means longer commutes, some for families that commute to low wage jobs. > Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use, Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA). > When too many people buy housing in distant suburbs like Black Diamond, the state road budget cannot do enough to fix the traffic congestion; nor can local cities and counties. It is planned failure. > Being an urban area as defined by the GMA does not mean developers can just "build whatever they want." Their building has a massive impact on our rights as taxpayers, road users, and neighbors. > Black Diamond is not the same as Seattle - should we build at the same density as Seattle just because we are both within the Urban Growth Boundary?? > Black Diamond is facing a shortage in fire and emergency service funding and more growth will exacerbate this. > School taxes are sky-high in places that have grown quickly in a short time. Black Diamond should correct its failure to make developers pay their share of schools by removing the 50% discount on school fees developers now get. The Comp Plan should recommend full developer impact fees for schools needed for new growth. Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments. Sincerely,

Brenda Martinez

From: John Howells <johnhowells8501@gmail.com>
Sent: Sunday, November 29, 2020 8:10 PM
To: Barbara Kincaid
Cc: Planning Commission
Subject: Public Comment Comp Plan 2020

Dear Planning Commission and City Council:

Our Puget Sound Region's housing demand is near our existing transit hubs and job centers; not Black Diamond.

> It is not possible for Black Diamond to have enough high paying jobs to employ the people in the thousands of houses already being built here. This means longer commutes, some for families that commute to low wage jobs.

> Our Regional Plan keeps "edge cities" like Black Diamond small and still accommodates all the growth coming to the Seattle area. By attempting to allow more housing and commercial and mixed use, Black Diamond is ignoring the infrastructure, environmental, and neighboring city and county coordination requirements of the Growth Management Act (GMA).

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Please replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and would result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

Sincerely,

Sent from my iPhone

Brenda Martinez

From: Cindy Wheeler <cincity63@comcast.net>
Sent: Monday, November 30, 2020 3:58 PM
To: Planning Commission; Barbara Kincaid
Subject: Public Comment Comp Plan 2020

Planning Commissioners and Director Kincaid-

You are being gathered during a pandemic shut down to evaluate data and have "hearings" and public comment on a "comp plan" that is limping along on a conditional certification because of the failure of staff on the 2015 Comprehensive Plan. That you are also doing it in the holiday season as a 'special meeting' with limited notice is especially telling of your failure to truly make an effort to hear or represent the majority of those you are sworn to serve.

Your actions need to reflect an unbiased commitment to your sworn oath in this position and honor the WA State-required "Black Diamond Public Participation Plan." (on the Comm Dev city web page: http://www.ci.blackdiamond.wa.us/Docs/Notices/2015/APPENDIX%20A%20PPP%20Final%20Public%20Participation%20program_rv031115.pdf) Being led by a staff member who has issued numerous incorrect public notices on environmental actions in her two different terms of employment with the city is certainly an undermining impact on your ability to serve fairly and without conflict. The failures of staff is not excuse enough for you to not take personal responsibility for your actions and service on this 'comprehensive plan.'

Our city is so sloppy with the health and wealth of its people, and deliberately poorly staffed to do any better, that I was the one who emailed Brenda Martinez and your clerk Carina Thornquist when I received public notice of both a city council meeting AND a Planning Commission meeting **AFTER King Co Health had shut down such activities for COVID**. The public meeting notices were subsequently withdrawn.

The city staff, elected officials, and appointed representatives **must** serve at higher standards than such lack of effort reflects.

This city is failing the majority of its residents with continuous decline in service, safety and transparency, all the while increasing the amount of expenses per household to offset their fiscal deficit, a direct result of accepting and acting on unanalyzed plans. With economic impacts hitting home for everyone in America as a result of the pandemic such continued fiscal irresponsibility will not be tolerated or go unchallenged.

Ten Trails resulted in growth that exceeded our growth targets and has created burdens that the city council has failed to hold the developer accountable for. In fact the city has **failed to collect funds that were part of legal agreements** in the approval process for this excessive growth and those deficits all will come due and be forced upon ALL residents. This is stupidity and a betrayal of the city's promise that "Growth will pay for

growth." Taxpayers will not continue to tolerate such fiscal irresponsibility from our elected and appointed officials. The number of accidents and fatalities on 169 all the way down to 288th, have been increasing every year along with the traffic load. Residents who daily face the rising risk on our roads, created by a city stupid enough to say a safety study and traffic study will be fine after 850 houses are occupied!!!, will run out of both patience and respect.

The decisions of this body on the long overdue City of Black Diamond Comprehensive Plan - ***in its currently improperly noticed and under evaluated condition*** - will impact your fellow citizens, their physical/natural environment, their safety, their access to emergency fire and medical service and so much more. It is imperative you be impartial, AND informed.

The actions you are being asked today imply approval (by inclusion) for the 2019 land use map that over 100 citizens have expressed concern over. Further, city staff has not provided the promised analysis and evaluation for impacts to be identified AND addressed as they stated in October, 2019. I can not imagine any valid reason for no action or follow up on this important action from October, 2019 hearing until March, 2020. Can you answer as to what action was or was not taken or followed up on after your October, 2019 hearing? COVID conditions may be an excuse, but most of the work needed is computer-based technical review and could be done by phone. It should have little bearing as to any valid reason the last 9 months of zero analysis action or effort by staff. **Approval /inclusion of the problem Future Land Use Map is not an acceptable, informed, or reasonable option.**

ANY approval action on the Comp Plan with this staff created Future Land Use Map included, over the objections of taxpaying public, will add massive residential growth and unwelcome, expensive impacts that leave the city in the red, not in economic health. For you to consider approving additional residential growth to add to this traffic burden and active undermining of road safety would be a travesty not supported by any logic or reason. You must refuse to approve more residential growth inside the city to properly adhere and comply with state laws and local city codes that govern environmental, infrastructure, and coordinated planning requirements of the GMA, or be held responsible / liable for your failure to do so.

There has been great pressure by the few who stand to profit by these proposed re-zones. Staff's failure to properly notice and announce those plans as required by code *may* be a reflection of that pressure. Such failure by staff are a huge ***failure to inform and serve the public as is their right guaranteed by the code/law***. Being inside the urban growth boundary does not mean developers can just "build whatever they want." Their building has a massive impact on our rights as taxpayers, road users, and neighbors - and you as a body must take those rights into consideration. So this Land Use Map is at the heart of every comment you got last fall, and throughout the spring and NOW. Staff's answer to this body and the public OVER a year ago was there would be analysis done. NO such analysis has been performed or results published and offered to the paying public. If you move forward on approval of the Comprehensive Plan that is already 6 years overdue with this land use map created by a staff member who says it is unanalyzed and has not been assessed for impacts to traffic, budget/fiscal security, environment, etc etc. and so much more - YOU are playing Russian Roulette and making the taxpayers pay your ante. We require informed and responsible representation and actions by this body.

The people of this community want this body to discuss and evaluate The Future Land Use Map. And they've said so to you all year long. This is documented in the public record. This land use map is part of the Comprehensive Plan. The 2019 map inserted into this Comp Plan for 2015 was created by Barbara Kincaid and as yet is not properly evaluated for impacts to the environment, traffic, schools, fire/emergency service needs and city budgetary impacts. There could be city capital facility expenses for services (aka City Hall, Police

facilities etc) and the City Council of 2015 FAILED to act in a timely fashion to collect the Govt Facilities Mitigation Fee from the master developer - who had agreed to pay this fee in the Development Agreement - \$10 MILLION minimum. That giveaway is now for ALL to pay. This method of doing 'business' must stop.

Hopefully your service seeks to restore balance and protection to the majority of residents in the city. That majority has spoken clearly and repeatedly throughout this overly long and belabored 7+ year process - but most specifically since the Future land use map was inserted by staff without the proper legal notice required of the zoning changes reflected in the objectionable map. Replace the Comprehensive Plan Future Land Use Map with the map that governed until 2018. This will remove the "re-zones" that were not analyzed and will result in too much housing and traffic. Adopt all the citizen-suggested Comp Plan amendments.

Your attention to these comments are appreciated. Please serve us well. America has been pretty clear lately - We are tired of being shorted on truth and service.

Cynthia Wheeler

MEMORANDUM

TO: Kristen Bryant, Save Black Diamond
FROM: William Popp, Sr. P.E.
DATE: November 30, 2020
SUBJECT: Black Diamond Comprehensive Plan revisions

Re the current Comprehensive Plan update I will reflect on some findings from recent review of the recent Black Diamond Mixed Use Project traffic reports as these relate directly to substantial differences in the Comprehensive Plan traffic volumes and identified facility needs and underscore potential city problems with obtaining those future system needs:

1. TENW June 2019 study proposes a roundabout at the pipeline road extension and realignment of Black Diamond-Ravensdale Rd through the mobile home park to the roundabout – this is a creative solution that addresses the existing problem at the Black Diamond-Ravensdale Rd/SR169 intersection. The solution works fine with 2024 volumes as a single lane roundabout but fails with 2035 volumes which require a two lane roundabout and four lane roadways on SR 169 on the north and south legs, per their analysis. Their recommendation for center TWLTL is appropriate. But more fundamentally this link would have a significant impact on the residents abutting the roadway and that would require the environmental process to resolve equitably. And there would be costs for that improved roadway that need to be in the TIP. Nonetheless it is a very effective and potentially much less costly solution than the alternative if major culvert expenses can be avoided. Plain vanilla roundabouts are typically a \$1.5M bite.
2. TENW study talks of building the single lane roundabout first and following with the two lane application when future volumes warrant. What doesn't appear to be recognized is that the curb, gutter, sidewalk, landscaping, street lighting, drainage system and ROW have to be set for the two lane roundabout design when initially constructing the single lane design. I presume the city will take some action re the traffic study recommendations but there is no mention of that in the documents in the record and of course nothing about what I just mentioned. The City would typically rely on the TENW traffic study for the frontage and immediate intersection improvement needs.
3. Per the above the roundabout concept for resolution of the Black Diamond-Ravensdale Rd/Roberts Rd intersection dilemma is apparently

one roundabout at Roberts Rd and one at Pipeline Rd. What has happened with WSDOT comments on this or on the earlier Transpo proposals including the traffic analysis report to WSDOT?

4. The Aug 2020 Parametrix memo report has no mention of rerouting the Black Diamond-Ravensdale Rd through the mobile home park -- is that notion dead? If so it would suggest that a single lane roundabout at Pipeline Rd might work. There is mention of right-in rt-out for the Black Diamond-Ravensdale Rd intersection with SR 169 under the concept wherein Roberts Rd and Pipeline Rd are the only two roundabouts for mitigation. If the Black Diamond-Ravensdale Rd through the mobile home park routing revision is not operative then a substantial amount of N-S traffic using Black Diamond – Ravensdale Rd will be shunted to some very out of direction routings to SR 169 far to the north.
5. The TENW trip generation is okay – I initially thought it allocated way too many trips to internal capture but they followed the ITE mechanics accurately so it is what it is. The Aug 2020 Parametrix memo uses this trip generation but has no reference to the source. Were they directed to not mention the TENW study, but okay to use their trip generation? Using another engineer's work without approval and citation is considered unethical per our engineering Code of Ethics.
6. Traffic volumes –
 - a. TENW did a 2024 analysis of project opening based on 2% growth applied to 2019 counts at the Diamond Square and Mobile Home park intersections. No problems with that.
 - b. Their 2035 analysis per p.16 used "traffic volumes provided by the city". Those volumes are not the same as presented in Fig 7-7 of the Comp Plan which shows 2035 volumes, e.g., on SR 169 north of Black Diamond-Ravensdale Rd the Fig 7-7 pm pk hr vol is **982**; TENW equivalent section volume from their Fig 9 is **1714** with the project. And then there is the Parametrix foundational 2009 Villages Transportation Technical Report that shows build out volumes with all MPD's of **3184** for this section of SR 169. So we have volume estimates ranging from **1000** to **3200** for 2035 for the same roadway section. That disparity needs to be addressed and build out design volumes (time for the promised travel forecast model update) formally established to assure the roadway solutions provide adequate future LOS on these major streets – unless one does not care too much about that for fear of inundating the city with pass through traffic. But one can still have some fun and even perhaps cause them to clean up their act by pointing out these discrepancies.

- c. Parametrix Aug 2020 memo re Traffic and Pro-rata Share Estimates does not show any traffic volume figures although one might painfully extract those from the LOS analyses appendix. Traffic volume figures are basic to studies dealing with traffic impacts, LOS measurements and mitigation solutions. Furthermore, it is difficult to determine what horizon year might be assigned to this work. All-in-all their report is curiously unconventional.
- d. Another example of the disparities in future traffic volumes is present in the Table 5 Estimated Proportionate Share Calculations. The Roberts Drive/ Black Diamond-Ravensdale Rd Roundabouts line in the Aug 2020 memo shows **3812** forecasted pm pk hr trips (presumed to represent entering volume) which is from the Villages Transportation Technical Report's 2025 Cumulative buildout Volumes for both MPD's. The 2035 entering volumes from the Comp Plan Fig 7-7 are **1752** vehicles. – a substantial difference..
- e. If they had chosen to use the Comp Plan volume the project contribution percentage would have doubled. The City needs to settle on the appropriate long range forecast volumes to use for TIP projects and mitigation share computations. This is where that promised midpoint model update would be very useful.
- f. On the same note, SE 288th St/216th Ave SE roundabout shows **2624** entering vehicles whereas the Comp Plan shows **3676** vehicles. The north and east leg components of this latter number has been cited previously by me in my letter to the Planning Commission on July 14, 2020 as indicative of a much wider road section than is currently anticipated for both 216th Ave SE and SE 288th St. If they had used the higher comp plan value their percentage would be much lower but for some unexplained reason they used an undefined lower denominator .
- g. In my opinion the Comp Plan (Figure 7-7) volumes are unreasonable in that they route too much traffic away from SR 169 with a staggering amount of that traffic in the 216th Ave SE corridor – it's the same amount of volume as on SR 169 in Renton where the roadway is 7 lanes wide! Possible explanation for that would be no capacity expansion is assumed for SR169 per the PSRC's recent position, and no North Connector. This statement assumes that the volumes came from a computerized travel demand forecast modeling effort which mathematically accounts for all the system traffic, without error.

As a final note I would point out these two excerpts from the Transportation Technical Appendix of the 2019 Comprehensive Plan:

Monitoring/Analyzing Available Transportation Capacity

The City requires a Traffic Impact Analysis (TIA) for developments that impact the transportation system. A TIA is a specialized study of the impacts a development will have on the surrounding transportation system. It is specifically concerned with the generation, distribution, assignment, and accessibility of traffic to and from the development, and the impact of development traffic on the adjacent roadway

system. The City's guidelines for TIAs are similar to those of other communities in western Washington regarding when a TIA is required for a development and the scope of work needed to effectively analyze the impacts of site generated traffic.

Future Land Use and Transportation Concepts

The City's Development Agreement with the Master Planned Development (MPD) Developer requires updates at the beginning and middles of the three phases of development so as to program the timing of transportation capacity adding projects to come on line as needed.

Black Diamond Comprehensive Plan Update 2020

Comments on the specific Draft updates in the December 1st Meeting Packet

Planning Commission Packet Page 19, or Chapter 5 Land Use, Page 5-6:

- "The designation of any new MPD should be discouraged until full buildout of the two currently under construction and until such time as the City's growth projections are within the range of adopted growth targets consistent with the King County CWPPs and the PSRC regional growth strategy, Vision 2050"

Comment:

According to PSRC, the city must "Avoid increases in development capacity that would significantly surpass adopted targets."

The text change on page 5-6 is not sufficient to address PSRC's comment because it attempts to limit only new MPD's, which is just one type of new development. MPD's are governed by their underlying zoning. Designation of an MPD does not by itself add any development capacity. Whether development is an MPD or not is irrelevant. Development is development.

Packet Page 32, Page 5-19

The Comprehensive Plan should take action to ensure significant increases in population are not added. This can be done most directly through future land use. The Future Land Use Map adopted in 2019 contains significant new areas for residential and commercial development beyond the Future Land Use Map that governed until 2018. This Future Land Use Map can and should be changed now to remove this new development capacity because the Future Land Use Map has not yet been adopted into the Zoning map

Note that the new Neighborhood Commercial space in the 2019 Future Land Use Map allows apartments and "mixed use" so the map increases population. If the land developer is allowed to build it, the city's code Chapter 16 and good planning practice says that city must assume they will. Increases in development capacity from the 2019 FLUM are putting the city further out of line with growth targets. This harms our whole Puget Sound Region, and, of course, fails to meaningfully address the PSRC conditional certification.

The Planning Commission through the Comp Plan can and should also address the need to limit new development by:

- 1) Assessing the excessive residential and commercial potential in the rest of the Future Land Use Map and zoning map.
- 2) Adopting changes that have been suggested to you regarding Commercial uses, such as:
 - a) not allowing apartments and
 - b) requiring more natural space and tree retention in commercial properties, consistent with small-town character.

Packet Page 22, Page 5-9:

LU Goal 6: GOAL: Future annexation of the PAAs will not occur until the City's growth is aligned with countywide growth targets and the regional growth strategy.

Comment: This is a good change, but it is inadequate. It does not do enough to address the need to limit new growth beyond the existing approved development. Specifically, this does nothing to prevent zoning for more development within the existing limits.

Page 5-13:

To that end, the Community Commercial designation is not intended to be a mixed-use area and residential development should not be allowed.

Comment: The words "not intended" and "should" are not strong enough. **Please change "should" to "shall."**

Page 5-14:

Comment: The underline was not included in the draft. I had to go back to the 2019 updated comp plan and read LU Goal 10 to see what changed, which is text to make the policy only apply to "TC and NC".

LU Goal 10: Encourage the concept of mixed-use development in the TC and NC Designations to create diverse and self-sufficient neighborhoods.

Comment: There is not enough limitation on the "mixed use" concept to define how many residents can be added to TC (Town Center) or NC (Neighborhood Commercial). This is a giant loophole that will encourage more population growth far beyond the Growth Targets, rather than limiting such growth.

Packet page 46, Chapter 7, Page 7-14:

Policy T-24 Intergovernmental Agency Coordination Policy: Coordinate planning, and operations of transportation facilities and projects with other governmental agencies. This policy supports and complements the transportation functions of Washington State, King County, neighboring cities, PSRC, Metro Transit, and other entities responsible for transportation facilities and services within the city. Explore establishment of a coalition of cities with the purpose of developing transportation solutions and their associated funding mechanisms to provide for safer and more efficient travel along the SR 169 corridor. Efforts of the coalition could include studying forecast anticipated deficiencies resulting from growth in all affected jurisdictions, identifying solutions, and developing an intergovernmental strategy to pursue state and/or joint grant funding and equitably distribute developer-provided funds to all affected jurisdictions.

Comment: Please remove this text from the above, "~~pursue state and/or joint grant funding and~~". Seeking more transportation grants is a way of making taxpayers subsidize developers in areas that are not regional growth centers. Therefore it should be discouraged.

Please add, "use of mitigation measures such as SEPA and other tools to collect additional funds from new development to pay for projects in all affected jurisdictions". This would encourage the collection of transportation funds when a development approval in one jurisdiction affects the neighboring jurisdictions. (An example is how Maple Valley and Covington are collecting some payment from Ten Trails for its impacts – however such payments are too rare.)

With the above suggestions, the new text would read:

Policy T-24 Intergovernmental Agency Coordination Policy:

...

Explore establishment of a coalition of cities with the purpose of developing transportation solutions and their associated funding mechanisms to provide for safer and more efficient travel along the SR 169 corridor. Efforts of the coalition could include studying forecast anticipated deficiencies resulting from growth in all affected jurisdictions, identifying solutions, use of mitigation measures such as SEPA and other tools to collect additional funds from new development to pay for projects in all affected jurisdictions and developing an intergovernmental strategy to ~~pursue state and/or joint grant funding and~~ equitably distribute developer-provided funds to all affected jurisdictions.

Comment: The city should further amend Policy T-24 to add the following text:

As an additional source of potential funding, the city should submit comments to neighboring jurisdictions for all their public-noticed development projects. Back Diamond should estimate the transportation impact to Black Diamond and request the project to contribute to traffic mitigation through SEPA mitigation fees and any other available fee mechanisms.

The benefit of this last suggestion is it does not assume neighboring cities will participate; it relies on existing available avenues to achieve more coordination.

Packet page 82, Appendix Page A7-36:

Reduce the LOS standard for the non-HSS system or portions of the system to give the City more time to fund the needed transportation improvements.

Comment: **Please remove the above text.** Reducing the LOS standards in Black Diamond will negatively impact residents for the benefit of new development. Developers will simply be allowed to build more and build it more quickly without paying for the transportation LOS improvements.

Packet page 89, Appendix Page A7-43:

City's existing intergovernmental coordination efforts could be further expanded through the establishment of a coalition of cities in both King and Pierce counties focused on developing corridor-wide transportation solutions for SR 169. This group could work in partnership with WSDOT to identify forecast safety and operational deficiencies as well as possible solutions. The products of these efforts could be used to formulate an intergovernmental strategy to pursue joint state and/or grant funding and equitable distribution of developer-provided funds to all affected jurisdictions.

Comment: **Please remove the above text.** This is an example of the city putting its hand out to the rest of the state's taxpayers, asking them to fund Black Diamond's planning problems. This funding would be in direct conflict with the regional planning that all of us taxpayers have already paid for.

Additional Comment:

The future road network figures are included at the end. Where is the new language that emphasizes these maps are conceptual? The addition of such language was discussed at the November Planning Commission meeting.

Additional Comment: Please see the previous comments of Traffic Engineer William Popp from your meetings this year.

Additional Comment: The Planning Commission should consider more carefully the negative pedestrian impacts on widening State Route 169 through Black Diamond. The road is currently "small town" and walk-able. With additional lanes, pedestrians will have more noise and danger, even if they have sidewalks. The benefit of keeping the road small, like a pedestrian-friendly street in Snoqualmie or North Bend should be considered. The assumption about widening SR 169 needs to be fully examined, not just removed while right-of-way is added.

November 30, 2020

VIA EMAIL

City of Black Diamond Planning Commission
c/o Brenda Martinez
24301 Roberts Drive
P.O. Box 599
Black Diamond, WA 98010
Email: bmartinez@blackdiamondwa.gov

Re: Annual Comprehensive Plan Amendments – Public Hearing Comment
Planning Commission Meeting, December 1, 2020

Dear Planning Commissioners:

We represent CCD Black Diamond Partners, LLC (“**Oakpointe**”), the Master Developer for the Ten Trails and Lawson Hills Master Planned Developments (the “**MPDs**”). We write to comment on the 2020 Annual Comprehensive Plan Amendments presented for your consideration at the public hearing on December 1, 2020 (the “**Amendments**”). We understand the primary intent of the Amendments is to correct formatting errors from the 2019 Comprehensive Plan amendment process and to address recommendations from the Puget Sound Regional Council. We suggest the below revisions be incorporated to more appropriately capture this intent, simplify the plan, and to avoid future confusion. We also detail below several procedural concerns that may necessitate postponing advancement of the Amendments, including, a possible failure to complete required review under the State Environmental Policy Act, and inadequate process due to short notice of public hearings, unavailability of documents, and staff turnover.

Revisions to Amendments

In the event the Planning Commission decides to advance the Amendments to City Council, we suggest revisions to the language proposed in the Interoffice Memorandum as shown below with Oakpointe’s new text in underline format and deleted text shown in ~~strike through~~ format, followed by our rationale for the revisions in *italics*.

Comprehensive Plan Amendment Draft, Page 5-6, second complete paragraph:

There are two Master Planned Developments (MPDs) currently under construction in the City of Black Diamond pursuant to approved Development Agreements governing the build-out of the lands within the MPDs and potential expansion parcels identified in the Development Agreements. The build-out of these MPDs, and any expansion parcels, will result in housing units that exceed the Countywide adopted growth targets and the regional growth strategy, as discussed in Chapter 2 of this Plan. Although the build-out of the MPDs, including any build-out on approved expansion parcels, is governed by the Development Agreements and beyond the scope of this policy, in order to align the City's future growth with countywide and regional growth projections, the allowance for any new MPD's must be carefully considered.

Rationale:

We recommend the above revisions to clarify what appears to be the City's intent that although new MPDs must be carefully considered, the above policy does not apply to or impact the build-out of the existing MPDs, as governed by the Development Agreements. Such approved build-out includes the ability to build-out those expansion parcels identified in the Development Agreements. The suggested revisions will help eliminate confusion in the future and avoid a misapplication of the policy to the build-out of the existing MPDs.

Comprehensive Plan Amendment Draft, Page 5-6, fifth bullet:

The parcels are at least 80 ~~contiguous~~ acres in area and in single or unified ownership.

Rationale:

We recommend the above revision because the requirement for parcels to be contiguous is unnecessarily restrictive and conflicts with existing code. Existing code appropriately allows the commercial areas of an MPD to be non-contiguous with the residential portions. This better matches the City's Future Land Use Map and zoning maps.

Comprehensive Plan Amendment Draft, Page 7-11, seventh paragraph:

These volumes contribute to existing transportation deficiencies at intersections on SR 169 in Black Diamond, ~~for which the City is legally obligated to address, however no mechanisms are in place to secure funding for improvements.~~

Rationale:

We disagree with the statement that the City is legally obligated to address transportation deficiencies at intersections on SR 169. Transportation improvements are a shared responsibility with WSDOT, and we therefore recommend the City remove this language that imposes an undue obligation

on the City. We note City Staff later acknowledges WSDOT's authority over SR 169 and proposes language stating, "WSDOT has jurisdiction over SR 169 through the city and establishes the LOS standard for the roadway." See page A7-12. This further supports the above suggested revision.

Comprehensive Plan Amendment Draft, Page 7-13, Policy T-22, second bullet:

~~Requiring developers who are not subject to an approved development agreement or for whom an approved development agreement has expired, to assist in providing additional funding through an adopted program, such as a TIF, transportation facilities, and/or services in proportion to the impacts and needs generated by development;~~

Rationale:

We recommend the suggested revision to provide both Oakpointe and the City needed flexibility to develop alternative methods and obligations for addressing any funding needs of the City. Even in the event the Development Agreements expire, there is no need to restrict the realm of funding solutions as a matter of policy.

Comprehensive Plan Amendment Draft, Page A7-4, fourth paragraph:

~~The city is bisected by SR 169, a north-south highway of statewide significance, providing both regional access from Renton to Enumclaw and cities in northeast Pierce County, and local access. With the limited arterial network in the surrounding area, SR 169 serves as the primary conduit connecting communities to the larger state roadway network, including major facilities such as SR 18 and I-405. As a result, SR 169 is the main roadway for drivers from cities to the south, including Bonney Lake, Buckley, and Enumclaw, to access major job centers to the north, experiencing high traffic volumes during the morning and evening peak periods. These volumes contribute to existing transportation deficiencies at SR 169 intersections in Black Diamond. The City is legally obligated to address these deficiencies in order to maintain the adopted LOS standard for the roadway, however no permanent mechanisms are in place to secure funding from private developments outside the City. This route SR 169 is also known as 3rd Avenue within Black Diamond.~~

Rationale:

Consistent with the above related comment, we disagree with the statement that the City is legally obligated to address transportation deficiencies at intersection on SR 169. We note City Staff later acknowledges WSDOT's authority over SR 169 and proposes language stating, "WSDOT has jurisdiction over SR 169 through the city and establishes the LOS standard for the roadway." See page A7-12. This further supports the above suggested revision.

Comprehensive Plan Amendment Draft, Page A7-34, fifth paragraph:

~~Should (sic) the MPD agreements not be extended once they are scheduled to expire, the TIF would be applied to remaining projects in those developments.~~

Rationale:

Consistent with the above related comment, we recommend the suggested revision to provide both Oakpointe and the City needed flexibility to develop alternative methods and obligations for addressing any funding needs of the City. Even in the event the Development Agreements expire, there is no need to restrict the realm of funding solutions as a matter of policy.

Procedural Concerns

We do not see any statement or documentation demonstrating the Amendments were reviewed as required by the State Environmental Policy Act ("SEPA") and corresponding Black Diamond Municipal Code provisions. See BDMC 16.10.200 (requiring environmental review for Comprehensive Plan amendments). In light of the brief time allotted to provide comment, we requested any documentation related to SEPA from the City Clerk, but we have not been provided such documents as of submission of this letter. If SEPA was not completed, the City may not advance the Amendments and we suggest the Amendments be revisited and correctly processed during the 2021 Comprehensive Plan amendment docket cycle.

We are also concerned by the confusing and inadequate administrative processing of the Amendments. While we greatly appreciate the effort put forward by City Staff, Oakpointe and the remainder of the public have been given extremely short notice of the public hearings and in this case, provided no more than 2 business days (over a holiday weekend) to review a 100-page document and provide comment. This hastened approach to the finish line is further perplexing given Oakpointe's active engagement with the City to address clean-up revisions that were left out and/or created by the 2019 Comprehensive Plan process. Indeed, most, if not all, of these clean-up revisions do not appear in the draft presented to the Planning Commission. Oakpointe will once again try to actively engage in the amendment process next year, but Oakpointe encourages the Planning Commission to consider whether the current Amendments were subject to an adequate process or if they should be tabled and revisited next year. We note that this would also allow for the incoming Director of Community Development to assume an active role as opposed to completing this process in the midst of a staff transition.

We also appreciate the opportunity to engage on these important issues with the City and we will continue to participate and make ourselves available to assist with this effort. Thank you in advance for your time and consideration and we look forward to our continued work together.

Planning Commissioners
November 30, 2020
Page 5

Very truly yours,

Handwritten signatures of Nancy Bainbridge Rogers and Nicole De Leon. The signature on the left is "Nancy B. Rogers" and the signature on the right is "Nicole De Leon".

Nancy Bainbridge Rogers & Nicole De Leon

NED/kgb

Brenda Martinez

From: Peter Rimbo <primbos@comcast.net>
Sent: Thursday, November 26, 2020 9:23 AM
To: Barbara Kincaid
Subject: REVISED COMP PLAN UPD--4 BULLETS INADVERTENTLY OMITTED ON P. 7-14

Barbara,

We are reviewing the 12/1 Planning Commission Public Hearing packet materials which include the revised Comprehensive Plan Update. We intend to submit our comments by Monday, as required.

However, as purely an editorial note, we see on p. 7-14, it appears that four bullets were *inadvertently* left out:

- ❖ Providing for pedestrian and bicycle facilities in the City's road system through provisions in the City's design standards.
- ❖ Plan connections between the local trail system and the Cedar to Green Regional Trail to encourage active transportation modes.
- ❖ Supporting transit speed and reliability improvements such as queue jumps, and transit signal priority and peak period turn restrictions at intersections, bus-only lanes and curb extensions or parking management on key corridors and removal of underused bus stops.
- ❖ Implementation of envisioned transit service improvements identified in King County Metro's long-range plan, METRO CONNECTS, including working with King County Metro to provide critical service supports such as bus layover.

We are not providing comments on these either pro or con at this time, simply pointing out what appears to be an editorial omission.

Have a Happy Thanksgiving!

Peter Rimbo
Leader, Citizens' Technical Action Team (TAT)
primbos@comcast.net

"To know and not to do is not to know."-- Chinese proverb

Please consider our shared environment before printing.

Brenda Martinez

From: primbos@comcast.net
Sent: Tuesday, December 1, 2020 11:56 AM
To: Brenda Martinez
Cc: Barbara Kincaid; Planning Commission
Subject: Re: WRITTEN TESTIMONY--12/1 PC SPEC MTG--PUBLIC HEARING

Importance: High

Brenda,

Good morning (barely!). We know it is past the deadline for Comments for tonight's PC Public Hearing, but we wish to convey the following, which maybe Barbara *already* is considering.

Because of our detailed written comments (and whoever else submitted written comments or will orally at tonight's Public Hearing), we request Staff make appropriate revisions to the draft Comprehensive Plan to address such Public Comments *prior* to the Planning Commission meeting again to make any recommendations to the City Council on how to proceed.

As you can tell, we are unaware of the Planning Commission's upcoming schedule related to the Comprehensive Plan. We would expect Planning Commissioners would want to see appropriate changes based on Public Comment *prior* to voting on any recommendations. If we were members of the Planning Commission, that is what we would want.

Thank you.

P.S.: Who monitors the PC Commission e-mail address we included in our cc's yesterday and above?

Peter Rimbos
Leader, Citizens' Technical Action Team (TAT)
primbos@comcast.net

"To know and not to do is not to know."-- Chinese proverb

Please consider our shared environment before printing.

On Nov 30, 2020, at 4:21 PM, Peter Rimbos <primbos@comcast.net> wrote:

Brenda,

Hello. Attached please find our team's **Written Testimony** for tomorrow's Planning Commission Special Meeting's Public Hearing on *"The 2020 Annual Amendments to the City of Black Diamond Comprehensive Plan."*

<TAT COMMENTS--12-1-20.pdf>

Our January 16, 2020, submittal to the PSRC *Growth Management Policy Board* (GMPB) included in its February 6, 2020, Meeting (See Packet: <https://www.psrc.org/sites/default/files/gmpb2020feb06-agenda.pdf> — pp. 22-39) should be considered as an *addendum* to our attached **Written Testimony**.

Thank you and have a good day.

Peter Rimbo
Leader, Citizens' Technical Action Team (TAT)
primbos@comcast.net

"To know and not to do is not to know."— Chinese proverb

Please consider our shared environment before printing.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

We reviewed the entire revised *Comprehensive Plan Update (Update)*. Herein we provide **COMMENTS** on Chapter 5, **LAND USE** (see p. 2) and **Appendix 7 TRANSPORTATION APPENDIX** (see pp. 3-15). First and immediately below we provide **COMMENTS** on whether the revised *Update* meets or does not meet the four Conditions PSRC imposed on certification.

TAT COMMENTS

PSRC CONDITIONS (ref.: *PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION; City of Black Diamond Comprehensive Plan; January 17, 2020*—quoted text shown in green below)

CONDITION 1 — Widening of SR-169: *"The plan includes information about the potential widening of SR-169 that is inconsistent with the RTP. The plan should be amended to indicate that a route development plan has not been completed for SR-169, and the TDM and project list do not assume a widening of SR-169."*

This PSRC Condition is not met. It is not enough to simply remove references to WSDOT widening SR-169. Rather, all related Traffic-Demand Modeling and subsequent Traffic Analyses must reflect the removal of this assumption, which could have major impacts on downstream traffic analyses. To meet the PSRC Condition the traffic modeling and analyses must be redone using the correct assumptions for SR-169 width and number of lanes, then the needed project list must be revised and costs re-estimated to determine the impacts.

CONDITION 2 — SR-169 as a Highway of Statewide Significance: *"In 2006, HB 3266 designated SR 169 as a HSS. The plan should be amended to acknowledge this designation and the associated LOS."*

This PSRC Condition is met. However, the text also must explain the ramifications associated with the "highway of statewide significance" designation, not that the State sets the Level of Service standard.

CONDITION 3 — Contingency Planning: *"The plan should be amended to provide a more detailed explanation of contingency plans to address any funding shortfalls that may occur if the planned improvements through the Master Planned Developments are not fulfilled. (RCW 36.70A.070(6)(a)(iv)(C))"*

This PSRC Condition is not met. We do not see any detailed explanation of contingency plans to address potential funding shortfalls that may occur if the planned MPD improvements are not completed. The various Tables do not meet the requirements of the cited **RCW TITLE:** *"If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;"*

CONDITION 4 — Growth Targets: *"Coordinate with King County and other jurisdictions during the 2021 target setting process to narrow the gap between growth targets and anticipated growth; Avoid increases in development capacity that would significantly surpass adopted targets; and Continue to coordinate with other jurisdictions regarding unanticipated growth levels; and to assess and mitigate traffic impacts from growth."*

This PSRC Condition is not met. We do not see where inconsistencies between anticipated growth, growth targets, and the PSRC Regional Growth Strategies have been addressed. Nor do we see where goals or policies are identified that would help to better align them. While we understand this the most difficult task to be accomplished, as it impacts many major assumptions and policies in the *Update*, it still must be done to meet the PSRC Condition.

Yes, the City should not approve any more MPDs, large developments, or PAAs. But, it also has a very powerful tool it can legally use with respect to the two approved MPDs—**MPD COA 17** (including supporting **COAs 11-14**). Again, the MPDs, in total, have never been subjected to rigorous traffic analyses using an acceptable Traffic-Demand Model (TDM). In 2011, the original approval was based on the 2009 flawed traffic analyses using 2007 (during a recession!) data. However, once 850 building permits have been issued, the City can complete and validate and thereafter, continually update and exercise, the TDM, as necessary, paid for by the Master Developer. This provides the City with flexibility as to when and how often the TDM should be run and validated to ensure it is generating information that tracks reality. This is a cyclic process in which model results are confirmed (i.e., validated) and the model's attributes/assumptions are adjusted (i.e., calibrated), accordingly, striving towards convergence.

Consequently, all future MPD plats will be subject to this much more rigorous, up-to-date traffic analyses and, given the limitations of the road network and improvements that can be made, such analyses most likely will show suitable infrastructure cannot be provided to support the full 6,050 homes and 1.15M sq ft of commercial space. This would provide the City much more direct flexibility when it comes to the Growth Target issues identified by PSRC.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

Herein we quote Update text both in black and red and underlined; Note there also is pink background shading used in the Update. we provide our COMMENTS in purple enclosed within boxes. In our COMMENTS we quote text (from any source) in green.

Chapter 5. LAND USE

p. 5-6:

5.7 Master Planned Development (MPD) Overlay

"There are two Master Planned Developments (MPDs) currently under construction in the City of Black Diamond. The build-out of these MPDs will result in housing units that exceed the Countywide adopted growth targets and the regional growth strategy, as discussed in Chapter 2 of this Plan. In order to align the City's future growth with countywide and regional growth projections, the allowance for any new MPD's must be carefully considered."

MPD Designation Criteria

- "The designation of any new MPD should be discouraged until full buildout of the two currently under construction and until such time as the City's growth projections are within the range of adopted growth targets consistent with the King County CWPPs and the PSRC regional growth strategy, Vision 2050."

TAT COMMENTS — SPECIFIC

The City cannot meet PSRC's CONDITION 4 — Growth Targets: "...*narrow the gap between growth targets and anticipated growth.*" by simply stating that "the allowance for any new MPDs must be carefully considered." That in no way addresses the current massive gap in the City's Growth Targets and its planned growth from the two existing MPDs alone! Further, at what future date will "the City's growth projections (be) within the range of adopted growth targets"? PSRC's CONDITION 4 — Growth Targets is not satisfied!

p. 5-9:

5.10 Urban Reserve Goals and Policies

- "LU Goal 6: GOAL: Future annexation of the PAAs will not occur until the City's growth is aligned with countywide growth targets and the regional growth strategy."

TAT COMMENTS — SPECIFIC

This new Land-Use Goal also does not address PSRC's CONDITION 4 — Growth Targets: "...*narrow the gap between growth targets and anticipated growth.*" because it looks at future issues of growth, not current issues of growth related to the two massive MPDs.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

Appendix 7 TRANSPORTATION APPENDIX

TAT COMMENTS — GENERAL

The **Appendix 7 TRANSPORTATION APPENDIX** must include and discuss the following items in sufficient detail for the City's Comprehensive Plan Update to meet the State's Growth Management Act (GMA) requirements; however it does not

CONCURRENCY

Clearly, the city's Hearing Examiner does not agree with the statement on p. A7-33: "concurrency was addressed through the review and permitting process for the Master Planned Developments...." This is not true due the flaws in the Traffic Monitoring Plan as detailed by the city's hearing examiner:

"...it is recommended that the [traffic] monitoring plan be amended to make it clear that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan."

The Mitigation Trigger for *intersection improvements* is when the PM peak-hour LOS: (1) no longer meets the adopted LOS or (2), traffic volumes from the new MPD Phase begin to increase delay at an intersection (whose LOS already is below the applicable threshold) that causes an additional impact.

The Mitigation Trigger for *roadway improvements* is when MPD traffic increases delay or impacts LOS at any existing intersection to a point at which the new roadway would be warranted.

Both of these Mitigation Triggers could be subject to question, especially in defining terms like "delay" or "impact." Also, the "trigger" methodology is *reactive*—whereby The Master Developer only is required to build an improvement, if the applicable threshold is triggered—rather than *proactive*. The attendant time lags could be large.

Also, there is an apparent conflict in the language of the Traffic Monitoring Plan:

"The specific construction timing shall be set in each report, based on the results of the required monitoring and modeling. For City of Black Diamond projects, by execution of the Development Agreement, the City commits to prompt permit review, such that the Master Developer's prompt construction of transportation improvements shall commence before the impacted street or intersection falls below the applicable level of service. [DA, Exhibit F—Traffic Monitoring Plan, Para. D—Triggers and Timing for Construction of Transportation Projects, p. 3]"

How, will the Master Developer "promptly" construct needed transportation improvements if such decisions solely are based on monitoring actual traffic conditions? For example, for intersection improvements, as described above, the Mitigation Trigger is when the LOS standard actually is violated. Clearly, the city should revisit this language to ensure improvements are started *before* LOS standards are violated and are *not* dependent on the city's "prompt permit review."

Finally, the TMP is to specify when engineering and design is to begin, not actual construction to mitigate the problem. Such timing of mitigation is critical to the city and its residents and businesses. In general, the city must recognize the MPD Master Developer will be providing the bare minimum to meet its local direct impacts, so that *cumulative* long-term growth is ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner.

FUTURE TRAFFIC VOLUME PREDICTIONS

Figure 7-7 — 2035 Peak Hour Traffic Volumes & Roadway Network, probably the most important figure in the entire document, provides 2035 traffic volume predictions at 10 key intersections. These must be consistent with the road network shown for 2035 in **Figure 7-6 — Transportation Improvements (2022-2035)** and LOS performance listed for each in the **2nd Table 0-10 — Future Intersection Level of Service Summary (2035)** (*should be re-numbered to Table 0-11*). All of this must be sufficiently explained in the text, but it isn't. There is no information provided on what assumptions were used in the analyses. For example, Background Traffic Growth; Internal-Capture Rates; Housing/Job Balance; etc.? When looking at the raw number predictions of turning movements, etc., the accompanying text is completely devoid of any explanations.

MEETING LEVEL OF SERVICE STANDARDS

Several projects listed in **Table 0-8 — Transportation Capacity Adding Projects (2022-2035)** (*should be re-numbered to Table 0-9*) are not shown in **Figure 7-6 — Transportation Improvements (2022-2035)**. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met.

COST ESTIMATES, FUNDING SOURCES

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

Table 0-9 — Transportation Capacity Adding Projects (2022-2035) generally lacks Cost Estimates and there are several concerns regarding "Funding Sources" listed. *Table 0-10 — Master Developer Funded Transportation Projects* still remains mostly empty of pertinent information.

INTERGOVERNMENTAL COORDINATION

The City's intergovernmental coordination efforts mentioned will *not* address the Growth Targets issue and, thus help the City satisfy PSRC's CONDITION 4 — Growth Targets: "...*narrow the gap between growth targets and anticipated growth.*"

INCONSISTENCIES AND ERATTA

Several Tables remain empty. Some Tables are inconsistent with some of the Figures 7-1 through 7-7. Table numbering mistakes remain. There are typos—never corrected even though we identified them in our COMMENTS of 2018 and 2019!

Black Diamond Comprehensive Plan Update

12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

p. A7-4:

Level of Service

Level of Service Standards

"These LOS standards are higher than other cities in the area. For example, the Cities of Maple Valley and Covington have adopted a standard of LOS D. The higher LOS standards adopted within Black Diamond for non-HSS facilities indicate the City's desire to minimize congestion and the willingness to identify and fund future transportation improvements. The higher LOS standards adopted within Black Diamond for non-HSS facilities also will increase the size of intersections and may become an unaffordable standard to maintain. Should the City encounter challenges associated with funding transportation improvements, adoption of lower LOS standards for non-HSS facilities is a permissible option for remaining in compliance with concurrency requirements."

TAT COMMENTS — SPECIFIC

The LOS standards should not be reduced for those intersections required by the MPDs, as they will not become "unaffordable...to maintain," since it is up to the Master Developer to pay for such infrastructure, not the City. Per the MPD Condition of Approval (COA) 10 (our emphases below):

"Over the course of project build out, construct any new roadway alignment or intersection improvement that is:

(a) depicted in the 2025 Transportation Element of the adopted 2009 City Comprehensive Plan and in the City's reasonable discretion is

(i) necessary to maintain the City's then-applicable, adopted levels of service to the extent that project traffic would cause or contribute to any level of service deficiency as determined by the City's adopted level of service standard, or

(ii) to provide access to or circulation within the project;

(b) functionally equivalent to any said alignment or improvement; or

(c) otherwise necessary to maintain the City's then-applicable, adopted levels of service to the extent that project traffic would cause or contribute to any level of service failure as determined by the City's adopted level of service standard,...."

Consequently, the Master Developer must meet, and pay for, whatever LOS standards the city decides to put in place to maintain reasonable traffic patterns for its residents and businesses. COA 17 (which includes ten subparagraphs a. through j.) also deals with this as it pertains to Traffic Impact Analyses and Mitigation.

Why were these two options in the existing 2009 Comprehensive Plan removed?:

"Revise the City's current land use plan to reduce density or intensity of development that will "fit" with the planned transportation system; or

Phase or restrict development to allow more time for the necessary LOS-driven transportation improvements to be completed by the development community and/or responsible agency or jurisdiction(s)."

Further, the text above implies the City has only one option: to fund future transportation improvements to maintain higher LOS standards for non-HSS facilities. However, the State's Growth Management Act (GMA) provides the City another option: deny development. There are other potentially developable lands within the city limits that are separate from the MPDs.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

pp. A7-12 to A7-13:

Current Transportation Plans and Improvements

Planned Roadway Improvements WSDOT & SR169

"SR-169 is a designated Highway of Statewide Significance (HSS) which functions as major rural and suburban route for the metropolitan area. WSDOT has jurisdiction over SR 169 through the city and establishes the LOS standard for the roadway. Concern over congestion and safety issues along the corridor have spurred several studies, one of which was a route development plan that considered widening the highway. However WSDOT did not complete this plan and therefore transportation demand modeling and the state's Regional Transportation Plan (RTP) do not assume widening of SR 169. Even so, the City is taking a proactive approach by seeking additional right of way through dedication upon major development or redevelopment where right of way width along SR-169 is less than 100 feet. The City is also working on access management along SR-169 to plan for necessary transportation improvements that would be funded by new development along the corridor to alleviate congestion and safety issues."

The City has recognized the potential impacts to SR 169 associated with forecast growth and has entered into agreements with major developers to ensure these impacts, as well as some existing deficiencies, are properly mitigated to maintain consistency with concurrency requirements."

TAT COMMENTS — SPECIFIC

Actually, the 2007-2012 SR-169 Route Development Plan was completed, but no actions taken due to funding constraints. The "proactive approach... (in)... seeking additional right of way through dedication upon major development or redevelopment" is a good idea, if that means the developers are providing same *au grati*s. We also support requiring "necessary transportation improvements ... funded by new development along the corridor." However, such new development should be required to only pay its fair share and not fund improvements that are the legal sole responsibility of the MPD Master Developer.

Please note that in May 2018 PSRC adopted its Regional Transportation Plan (RTP)—the successor to Transportation 2040. It serves as the required regional transportation plan under State law and as the Metropolitan Transportation Plan under Federal law. The RTP shows only a small portion of SR-169, just through part of Maple Valley, as slated for widening by 2040 [p. 46, RTP, May 2018]. Consequently the City's Comprehensive Plan Update through 2035 must recognize this reality through 2040, as PSRC has stated in one of its Conditions related to SR-169.

Finally, the red underlined addition conflicts with the MPD DAs, which do not require meeting Concurrency. Rather, MPD traffic volume/throughput management depends heavily on the COA 20 — Traffic Monitoring Plan, with which the city's Hearing Examiner has many issues [Black Diamond Hearing Examiner Development Agreement Recommendations ADDENDUM, B. Recommendation, September 2011, pp. 4-5] (our emphases below):

"As discussed in the Examiner's Response to concerns over the traffic monitoring plans for the DAs, DA Ex F, the traffic monitoring plans set up detailed timing requirements for infrastructure improvements that are not linked to implementing project level concurrency assessments. Nothing in the monitoring plans suggests construction of traffic infrastructure will be superseded by the concurrency findings required by DA 11.1.... "Further, the phasing plan adopted by V COA 3 states that the timing of traffic infrastructure is set by the traffic monitoring plans, with no mention of a superseding concurrency provision such as DA 11.1. Given the difference in specificity between the general requirements of DA 11.1 on the one hand and the detailed timing provisions in the traffic monitoring and phasing plans on the other, DA 11.1 is vulnerable to an interpretation that the timing established in the traffic monitoring plan satisfies the timing requirements of DA 11.1, even though they may not meet the timing requirements of GMA traffic concurrency adopted into the City's comprehensive plan and contemplated by BDMC 19.98.080(A)(4). ...It is recommended that the [traffic] monitoring plan be amended to make it clear that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan."

The City Council did not heed this recommendation to amend the the COA 20 — Traffic Monitoring Plan.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

pp. A7-13 to A7-18, including Table 0-7 (numbered 7-7 in earlier versions):

Current Transportation Plans and Improvements

Planned Roadway Improvements

City of Black Diamond

TAT COMMENTS — SPECIFIC

There is no mention of *Contingency Plans*, as called for by one of PSRC's Conditions. Many of the projects listed in **Table 0-7's** TIP rely, in some part, on Grant monies. Where are the *Contingency Plans* should those monies continue to remain in short supply or, even if grants are won, they are of lesser amounts than requested/needed? PSRC knows this is a requirement of State **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)(C)**:

"if probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;..."

There remains no detailed explanation of *Contingency Plans* to address potential funding shortfalls that may occur if the planned MPD improvements are not completed. This is called for by **PSRC CONDITION 3 — Contingency Planning**: "...provide...contingency plans to address any funding shortfalls."

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

p. A7-19:

Actions Needed to Meet Level of Service Standard

TAT COMMENTS — SPECIFIC

The **typos** we pointed out in 2018 still have not been fixed:

*"The design and permitting of these intersections **is are** already underway. **These intersections are** required to be constructed by the City's Development agreement with the Master Planned Developer in the City."*

Travel Forecasts

Future Land Use and Transportation Concepts

"At the expiration of the Developer Agreement in 10 to 15 years the implementation of transportation capacity projects may shift to a City funded transportation capacity program with traffic impact fees and may vary depending on market forces, availability of utilities and actions taken by the jurisdiction."

TAT COMMENTS — SPECIFIC

We remain concerned with the above statement. Why would the "implementation of transportation capacity projects" be shifted to the city? All the Master Developer obligations still are legally enforceable obligations (per the original MPD overall permit), which don't simply disappear. In fact, has the city (along with its attorneys) actually planned for the scenario when the DAs expire. The city does not want to find itself in a position where the Master Developer claims it is not obligated to complete agreed-to projects.

The city also should keep in mind that required transportation mitigation could change as the result of the new Traffic-Demand Model, which will be constructed through a cyclic process in which model results are confirmed (i.e., validated) and the model's attributes and/or assumptions are adjusted (i.e., calibrated), accordingly, striving towards convergence, coupled with subsequent Traffic-Impact Analyses performed per the overall permit Conditions of Approval, particularly COA 17. Further, COA 17d. calls for "...project impacts and compliance with mitigations and conditions to date..." This provides the city with needed flexibility to evaluate planned traffic mitigation adequacy.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

p. A7-24:

Actions Needed to Meet Level of Service Standard Transportation Improvement Recommendations Roadway Conditions - 2035

TAT COMMENTS — SPECIFIC

We consider *Figure 7-7 — 2035 Peak Hour Traffic Volumes & Roadway Network* probably the most important figure in the entire document, because it provides 2035 traffic volume predictions at 10 key intersections and must be consistent with the road network shown for 2035 in *Figure 7-6 — Transportation Improvements (2022-2035)* and LOS performance listed for each in the 2nd *Table 0-10 — Future Intersection Level of Service Summary (2035)* *(which should be re-numbered to Table 0-11)*. We would expect this all to be sufficiently explained in the text here, but it isn't. There is no information provided on what assumptions were used in the analyses. For example, Background Traffic Growth; Internal-Capture Rates; Housing/Job Balance; etc.?

The information provided in Figure 7-7 is critical to evaluating future traffic impacts and whether or not this Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents. We are concerned the text above states the city "expects that additional arterial roads will be needed in the planning area." What "additional arterial roads" are needed and when? Who will pay for them?

At a minimum, we have several concerns here:

- (1) The predicted traffic volumes southbound through **Intersections 1 and 3** (west of Lk Sawyer) in the PM peak hour are large, yet the former is labeled as unsignalized. Yes, it currently is unsignalized, but in 2035? Further, a two-lane road can comfortably handle ~1000 vehicles/hr (both ways combined), and LOS degrades badly above 1500 vehicles/hr.
- (2) The predictions show more vehicles (primarily commuting back to the MPDs) traveling south on Lk Sawyer Rd (1,022 through **intersection 3** vs. 355 today from Figure 7-1), then are predicted southbound on SR-169 (480 [397+79+4] through **intersection 6** vs. 589 [562+27+0] today from Figure 7-1). This indicates that Lk Sawyer Rd is predicted to handle the vast majority of the new traffic by 2035. Such traffic-pattern behavior is surprising in 2035 after MPD buildout, especially given that Lk Sawyer Rd will remain a narrow, winding route with at least three very busy intersections.
- (3) The traffic volumes predicted southbound on SR-169 (480 [397+79+4] through **intersection 6**—are less than the 589 [562+27+0] experienced today without the MPDs (see Figure 7-1).
- (4) Why do the predictions show such a large volume of traffic (769 [574+178+10]) traveling westbound from the Lawson Connector to **intersection 7**?
- (5) There are large increases shown in northbound traffic from the Lawson area at **intersection 7** that isn't matched with traffic growth to/from SR-169 south on the SE Loop Connector at **intersection 10**.
- (6) The predicted traffic volumes on Morgan Road / Jones Lake Road (between **intersections 5 and 10**—the forecast two-way total is 416 [226+25+155+10] vs. existing 71 [23+45+3] at the latter and more than double 875 [402+10+457+6] vs. existing 179 [43+121+15] that at the former) are hugely increased, but no improvements are shown. Such volumes, although not a road capacity problem *per se*, should not be acceptable to the city without any improvements, because of potential urban design / pedestrian safety issues, and no provisions for left-turn activity. Many urban streets with this level of volume have three-lane cross sections and/or "traffic calming" features. Note that LOS standards appear mainly concerned with traffic flow, not pedestrian safety or urban design compatibility, so the lack of shoulders, sidewalks, turn lanes, etc., is not sufficiently addressed, but could be, if the LOS definitions are changed herein to address such safety/quality-of-life issues.

None of this is explored, nor explained, in the accompanying text.

**Black Diamond Comprehensive Plan Update
12/1/20 Planning Commission Public Hearing Draft**

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

p. A7-24:

**Actions Needed to Meet Level of Service Standard
Transportation Improvement Recommendations
2022 to 2035 Recommendations**

TAT COMMENTS — SPECIFIC

Several intersection projects listed in *Table 0-8 — Transportation Capacity Adding Projects (2022-2035)* (which should be re-numbered to Table 0-9) are not shown as transportation improvements in *Figure 7-6 — Transportation Improvements (2022-2035)*.

Because of these discrepancies, it is not clear that these projects are sufficient to ensure the city's LOS standards are met.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

pp. A7-25-26:

Actions Needed to Meet Level of Service Standard Transportation Improvement Recommendations 2022 to 2035 Recommendations

TAT COMMENTS — SPECIFIC

Table 0-9 — Transportation Capacity Adding Projects (2022-2035) generally lacks Cost Estimates. Further, we have several concerns regarding "Funding Sources":

- Six projects list the MPD Developer—five of which lack Cost Estimates.
- Eleven projects list "Future Developers"—seven of which lack Cost Estimates.
- Six projects list no Funding Sources.
- Eight projects list the City and Grant monies as Funding Sources.

Why are not all twenty-three projects listed the responsibility for the MPD Developer? Is the problem because the 13-yr period goes beyond the expiration date of the MPD Development Agreements? If so, how will these projects be paid for and who will pay for them? Reference sources for the information also should be shown.

It cannot be overemphasized: This is what PSRC wants to see as *part* of its "Contingency Plans" condition.

pp. A7-27-28:

TAT COMMENTS — SPECIFIC

Table 0-10. Master Developer Funded Transportation Projects still remains mostly empty of pertinent information.

pp. A7-25-26:

Actions Needed to Meet Level of Service Standard Transportation Improvement Recommendations Level of Service-2035

TAT COMMENTS — SPECIFIC

The above attributes 2035 LOS failure of the 216th Ave SE / SE Covington-Sawyer Rd intersection and the 216th Ave / SE 288th St intersection to "traffic volume growth ... primarily from regional growth outside Black Diamond." In 2015, Table 7-2 showed these two intersections performing at LOS B and D in 2015, respectively. But for 2035 the statement cited above does not make sense, as a majority of AM commute traffic through these intersections would be northbound from the City and for the PM commute southbound to the City due to the impacts of the MPDs. The 216th Ave SE corridor requires a multilane solution, not small fixes.

Further, it should be noted that more than eight years ago the 216th Ave SE/SE Covington Rd intersection was flagged as a major problem. The Traffic Impact Study (TIS) for The Villages MPD--Phase 1A computed estimated Queue Lengths at seventeen different intersections. For this intersection certain legs were flagged as follows: "95th percentile volume exceeds capacity, queue may be longer" and Queue lengths of "252 ft northbound" and "507 ft southbound-through" were shown. [Ref.: Memorandum, TV MPD--PP1A--Response to Comments, Attachment 5--Queueing Summary and Worksheets, SYNCHRO 7 Reports, The Transpo Group, June 28, 2012]

Finally, if SR-169, the transportation infrastructure backbone for southeast King County, is not addressed, in any meaningful way, much of what is planned herein will be insufficient to meet the city's growing needs.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

p. A7-34:

Funding Strategy

Costs

Funding Sources

"A number of financial strategies are available to the City to finance the transportation improvements identified in the comprehensive transportation plan. Table 0-11 lists these strategies, their availability, and recommendations for the City to consider when implementing the improvement program. Historically, the City has relied on Real Estate Excise tax, grants and contributions from land developers to construct roadway improvements. In addition to those previously pursued, Black Diamond will be eligible to seek funds from larger grant sources once the population exceeds 5,000, as there are sources available only to cities of that size. The grant programs available to large cities are generally greater in overall size and the typical awards for funded projects are bigger than those for small cities. This expands the City's opportunities to secure significant funding for large infrastructure projects. This is anticipated by 2021 and will be confirmed by the 2020 United States Census."

TAT COMMENTS — SPECIFIC

The red underlined addition does not constitute a Contingency Plan should funds not materialize. The City appears to be relying on difficult to secure grant monies, instead of requiring all developers to pay their fair share, especially the Master Developer of the two MPDs.

(Note: Table 0-11 in the text refers to a table labeled Table 0-1, please fix the numbering to be consistent.)

p. A7-34:

Funding Strategy

Costs

Strategies

"We would recommend that the City explore a mechanism for a set mitigation/impact fee per PM peak hour trip for infill development, such as a Transportation Impact Fee (TIF). A pay and go proportionate share program for infill development would reduce the administrative burden, reduce the high cost of individual studies, and provide more efficiency and certainty to the development community. Should the MPD agreements not be extended once they are scheduled to expire, the TIF would be applied to remaining projects in those developments."

TAT COMMENTS — SPECIFIC

This TIF only addresses "in-fill" development, not the two MPDs which will overwhelm the city's transportation infrastructure. It appears the city's strategy is to wait out the MPD Development Agreements until their expiration date in late 2026. That is not a Contingency Plan. Rather, the city should recognize that it also has the responsibility to create, validate, verify, and exercise the new Traffic-Demand Model (paid for by the Master developer) per MPD Permit Conditions of Approval 11-14 and 17, that will be used to inform all Traffic-Impact Analyses and, thus, all needed transportation infrastructure for which the Master Developer should pay. It cannot be overemphasized that the MPDs have yet to be subjected to technically sound and accurate Traffic-Demand Modeling used to inform Traffic-Impact Analyses, as enumerated in painstaking detail by the city's Hearing Examiner's MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations. This Comprehensive Plan Update should clearly state and show schematically, the interrelationship between the continuing cycle of: Meeting LOS Standards : Traffic Monitoring : Traffic Analyses : Altering Development Patterns and Volumes : Traffic Monitoring : ...

(Note: Typo in the word "sould" in the last sentence.)

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

p. A7-36:

Plan Administration

Concurrency

Legislative Requirement

" Reduce the LOS standard for the non-HSS system or portions of the system to give the City more time to fund the needed transportation improvements."*

TAT COMMENTS — SPECIFIC

The red underlined addition is *not* an acceptable solution. Moving the "goal posts" does not benefit the city's residents, it only benefits the Master Developer in that it does not require it to pay its fair share and on time. Transportation improvements to meet development needs must be in place and are the responsibility of the developer. Simply relaxing standards in the hopes that monies will materialize does *not* constitute a strategy and, thus, should not be part of Contingency Plans. In fact, **WAC 365-196-840 — Concurrency (6)(a)(ii)(b)** states such an option only be considered: *"if the proposed development is consistent with the land use element..."*

p. A7-39:

Table 0-2. Transportation Improvement Project – Cost Estimates *(which is identified as Table 0-12 in the text on p. A7-36)*

Note: The 2016-2021 TIP. With the installation of the capacity adding projects as identified in Table 0-12 facilities meet the LOS standards based on existing, 6-, and 20-year forecasts. The potential funding plan identifies possible sources for improvements identified in the comprehensive transportation plan.

TAT COMMENTS — SPECIFIC

At least for the MPDs, the city must recognize it cannot, with confidence, make the statement shown in the second sentence above. The reasons, as detailed earlier under **Funding Strategy**, are that the MPDs have yet to be subjected to technically sound and accurate Traffic-Demand Modeling used to inform Traffic-Impact Analyses, as enumerated in painstaking detail by the city's Hearing Examiner's MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations, which was *partially* satisfied by **MPD COA 17a**.

Consequently, the city has no reasonable assurance, at this time, that "(w)ith the installation of the capacity adding projects as identified in Table 0-12 facilities meet the LOS standards based on existing, 6-, and 20-year forecasts." The city does not know that such "capacity adding projects" will be sufficient to meet the needs, since the needs are not really known to any degree of accuracy.

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CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

p. A7-40:

Plan Administration

Concurrency

Analyzing External Influences on Concurrency Management System

"The City's LOS standards will also be used to evaluate impacts to the transportation system created by development outside the City. The City's annual TIP development process will evaluate if concurrency standards have been exceeded and identify the improvements needed to maintain the City's standards. The City should seek appropriate funding sources to mitigate through traffic impacts."

TAT COMMENTS — SPECIFIC

Yes the City should evaluate external impacts. However, internal impacts will grow exponentially as the MPDs are built out. Consequently, the City must ensure its transportation infrastructure is adequate. To do this no MPD implementing project should be approved unless: Concurrency requirements are met. Such Concurrency testing should supersede any conflicting timing in the MPD Traffic Monitoring Plan, because, RCW-mandated Concurrency takes precedence—the State's Growth Management Act (GMA) requires the City ensure each implementing project satisfies concurrency. So, at each stage, mitigation projects should be funded and included in the 6-yr Transportation Improvement Plan (TIP), so that LOS requirements are met per RCW-mandated timing requirements and the MPD Traffic Monitoring Plan must address and incorporate same.

Unfortunately, as noted by the City's Hearing Examiner: *"nothing in the monitoring plan requires concurrency review for implementing projects. Nothing requires that the City deny any implementing project applications that fail to meet concurrency."* [HE DA Recommendations, September 2011, p. 83] The City's Hearing Examiner also stated: *"the traffic monitoring plans set up detailed timing requirements for infrastructure improvements that are not linked to implementing project level concurrency assessments."* [HE DA Recommendations ADDENDUM, B. Recommendation, September 2011, pp. 4-5]

Since the MPD Development Agreements don't specify what specific steps will be taken to implement additional mitigation should future traffic modeling, analyses, and monitoring show planned mitigation is inadequate (this is extremely likely given the vast increase in traffic volumes since the 2009-era Traffic-Demand Model (TDM) using 2007 or earlier-era data), how will the City handle same at Plat approval? (Note: Once 850 building permits have been issued, the City can complete and validate and thereafter, continually update and exercise, the TDM, as necessary, paid for by the Master Developer—see MPD COA 17a).

We recommend the City consult its attorneys as to applicability to the MPDs and consider revising its Concurrency Ordinance to conduct Transportation Concurrency testing for each implementing project (in conjunction with review of Traffic Monitoring results) to better align the timing of needed traffic mitigation. This might be the *only* way the City can ensure adequate and timely transportation infrastructure.

Black Diamond Comprehensive Plan Update 12/1/20 Planning Commission Public Hearing Draft

CITIZENS' TECHNICAL ACTION TEAM (TAT) COMMENTS

pp. A7-42 to A7-43:

Transportation Plan

Transportation Facilities and LOS Standards Coordination

"The City's existing intergovernmental coordination efforts could be further expanded through the establishment of a coalition of cities in both King and Pierce counties focused on developing corridor-wide transportation solutions for SR 169. This group could work in partnership with WSDOT to identify forecast safety and operational deficiencies as well as possible solutions. The products of these efforts could be used to formulate an intergovernmental strategy to pursue joint state and/or grant funding and equitable distribution of developer-provided funds to all affected jurisdictions."

TAT COMMENTS — SPECIFIC

Thank you for adding the red underline above to satisfy concerns expressed in our multiple earlier Written Comments that the City and this Comprehensive Plan Update was not meeting the requirements of **RCW 36.70A.0740(6)(a)(v)**:

"Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;...."

That said, the City still has yet to come to grips with our and PSRC's concern, as expressed in its **CONDITION 4 — Growth Targets**: "...*narrow the gap between growth targets and anticipated growth.*" As the City knows, this is a massive gap (~5,000 to ~30,000)! We see nothing in this revised Comprehensive Plan that addresses this PSRC Condition.

We expect it will be very difficult for the City to, in good faith, work with the Cities of Covington and Maple Valley, since the City has chosen to far, far exceed its agreed-to Growth Targets, which will have a strong negative impact on traffic in much of southeast King County for decades to come.

Taxpayers who outside of the City of Black Diamond should not be asked to pay—through State Grants, State highway funds, County highway funds, etc.—for Black Diamond's decision to permit the two MPDs without a full transportation evaluation that was acceptable to the city's Hearing Examiner.

Citizens' Technical Action Team

January 16, 2020

To: Members of the Growth Management Policy Board

Subject: Comments—City of Black Diamond's Comprehensive Plan Update (2015-2035)

Introduction

Thank you for allowing us to address the PSRC Growth Management Policy Board (GMPB). We are a Citizens' Technical Action Team (TAT) comprised of local (either live in or near the City of Black Diamond) technical people—Chief and Principal Engineers, Research Scientists, and Development Managers (former Boeing, State Department of Ecology, etc.). We research facts and data and develop comments based thereon.

We write to you today with regards to the City of Black Diamond's recently adopted *Comprehensive Plan 2015-2035 Update (Update)*. For the past 10 years we have conducted detailed analyses and provided both oral and written comments to the City regarding the massive growth associated with its two Master-Planned Developments (MPDs). Since April 2014, when the City embarked on a major update to its Comprehensive Plan, we have reviewed and commented on various drafts of same including the City's final draft this past April (2019). The City Council gave its final approval to the *Update* in May 2019.

We believe, and our research shows, the City's May 2019-adopted *Update* contains deep flaws and omissions and, thus, does not meet several State RCW requirements, nor long-term responsibilities to citizens—which we summarize herein. For the past ~18 months we have maintained contact with and provided our detailed comments and concerns to PSRC's Director of Growth Management Planning Paul Inghram and PSRC's Director of Transportation Planning Kelly McGourty.

The City, besides undergoing a ~5-yr-long process to conduct its *Update*, chose in the fall of 2019 to use its Annual Docket Amendment process to modify that May 2019 *Update*. That is why we rescinded our original August 26, 2019, letter to you on the subject and have continued to try to engage the City in fixing its *Update*. Unfortunately, all our attempts to garner any changes whatsoever failed. Finally, on January 2, 2020, we corresponded with City Community Development Director, Barbara Kincaid, inquiring about the process going forward in terms of PSRC certification and was told the City is: "*working with PSRC to conditionally certify this version of the plan with the intent to work PSRC conditions into our proposed 2020 docket.*"

This is not the normal Comprehensive Plan update process with which we are familiar. Why would the city adopt a major Comprehensive Plan Update, then immediately state it is modifying it. While we certainly are happy the City, at least, plans to consider PSRC concerns, we are perturbed it has and continues to ignore all Public Comment. Our concerns are not few, not petty, and certainly do not constitute a complaint. As you will see herein, they are detailed, technically based, pertinent, and refer to RCWs that must be met.

Herein we provide a top-level summary of our most critical concerns—just on the *Transportation Element* of the Plan. The City, as well as Mr. Inghram and Ms. McGourty, have received our detailed comments which comprise over 100 pp.

PSRC Policy and Plan Review Process

We have studied PSRC's Plan Review Process. We concentrated on PSRC's *Type 1: Review of Local Comprehensive Plans, Including Certification of Transportation Elements*. We believe our thorough review of the City's *Update* is consistent with PSRC's process, which calls for certification of transportation-related provisions in local comprehensive plans based on, in part:

1. Conformity with the Growth Management Act (GMA) based on: "(1) consistency with the land use element, (2) identification of facilities and service needs, (3) discussion of financing for

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transportation facilities and services, (4) description of intergovernmental coordination efforts, and (5) development of transportation demand management strategies" (RCW 36.70A.070). Herein we detail some of the gross deficiencies in the City's Update.

2. Consistency with the Regional Transportation Plan (RTP) determined through a comparison of the transportation-related provisions with the policies and provisions in the adopted RTP. This includes: Consistency with Established Regional Guidelines and Principles. Per RCW 47.80.026 these guidelines address, in part: "... circulation systems, access to regional systems, effective and efficient highway systems, the ability of transportation facilities and programs to retain existing and attract new jobs and private investment and to accommodate growth in demand, transportation demand management, joint and mixed use developments, present and future railroad right-of-way corridor utilization, and intermodal connections." Herein we detail inconsistencies in the City's Update with these guidelines.

Specific Concerns with Transportation Element

In August 2018 we provided our detailed comments to both Mr. Inghram and Ms. McGourty. Below is a brief summary of our detailed comments on **Appendix 7 — Transportation** (the most voluminous and, clearly, most critical part of the Update). Our highlighting delineates those items we believe the Update must, but does not, address:

1. Traffic Modeling: SYNCHRO normally is used to evaluate macro-level performance (e.g., time delays) and can be used to design intersections to serve a given level of demand at the level of design and operations, but it does not forecast the demand itself (a fundamental input, which is an assumption given to SYNCHRO to test and usually comes from a traffic-demand model). No information (What was done? How was it done? What were the results? How were the results used?, etc.) on such modeling has been provided.
2. SR-169: There is a major disconnect in what is assumed and what actually is planned in PSRC's *Regional Transportation Plan (RTP)*—the successor to *Transportation 2040*—adopted in May 2018. The RTP (see *Executive Summary*, p. 5) shows only a small portion of SR-169, just through part of the City of Maple Valley, as slated for widening by 2040. The Update does not recognize this reality. Not only must SR-169 (the backbone of the city's transportation system) be included in a projection of state and local system needs to meet current and future demand (RCW 36.70A.070(6)(a)(iii)(F) and WAC 365-196-430(2)(f)), but so must King County arterials beyond the city limits, such as Issaquah-Hobart-Ravensdale-Black Diamond Rd and Auburn-Black Diamond Rd—all of which will be stretched far beyond their capacities due to the MPDs. The Update does not recognize this reality.
3. Funding Plans and Sources: There are see no Contingency Plans (required by RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)(C)) in place should potential Grant monies fall short or simply not materialize. Should probable funding fall short of meeting identified needs, a discussion is required of how additional funds will be raised or how land use assumptions will be reassessed to ensure that LOS standards will be met (RCW 36.70A.070(6)(a)(iv)(C) and WAC 365-196-430(2)(i)(ii)). Although maintaining existing and new transportation facilities is discussed in Chapter 7—Transportation (e.g., Policy T-5), the means to finance same also must be identified. This is especially important for the city as it will have many, many more transportation facilities (e.g., lane-miles, intersections, sidewalks, etc.) to maintain in the coming years. Further, because new traffic modeling and analyses are required per the MPD Conditions of Approval (i.e., once a 850-building-permit-issued threshold is reached), we understand predicting what will be needed in future financing plans remains a moving target. The City should recognize this reality, yet makes no mention of it. The Master Developer-Funded Transportation Projects table (now labeled the first "Table 0-10") is not described in the text (nor referenced) and is mostly blank. Such information is necessary to evaluate whether future traffic

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projects will mitigate MPD impacts and whether or not the *Update* is adequate to meet the city's Vision and the future needs of its residents. The MPD Development Agreements will expire in 2026—far before full MPD buildout is achieved. This must be recognized and assessed accordingly. We found no discussion of any of this. Finally, Cost Estimates are not provided, but should be, for *all* transportation capacity-adding projects for *both* the short term through 2021 and the long term through 2035. In summary, a *specific* financial plan that demonstrates how the transportation improvement program can be funded must be included, but is not.

4. Population Estimates: The city's estimate for future population growth is deficient—it assumes ~2.5 people per new residence in the MPDs (e.g., 6,050 residences x 2.5 people per residence = 15,125 people). The current city ratio of 2.7 (2014: 4,361/1,627) reflects a *relatively* older population. However, since the MPDs will undoubtedly *reduce* the average age of the City's population (e.g., more younger families with children), a factor of *at least* 3.0 should be used, which would result in a city population in 2035 at least 17% higher than assumed. Such a population forecast discrepancy can have profound effects on traffic modeling and analyses, yet this is not recognized. Further, the City's "Travel Forecasts" (Appendix 7—Transportation, p. 18) for both 2014 and 2035 are based only on the MPDs, not any infill development discussed in Chapter 5—Land Use. This clearly can be seen in its 2014 "household" projection of 1,627 compared to the 2035 "household" projection of 7,674—an increase of 6,047, which is almost identical to the projected 6,050 MPD households! Consequently, all other expected development—based on land capacity and in-the-pipeline rezoning applications and related impacts on future transportation infrastructure needs—is completely ignored.
5. Transportation Improvements: The city should not address road and intersection improvements "incrementally with developments as traffic volumes increase," as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. The State GMA calls for identifying the long-term scope in advance, then assigning reasonable proportion of those improvements to each development. We remain concerned the verbiage is not consistent. Several 2022-2035 intersection projects listed in Table 7-9 are not shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met. Further, although traffic volume predictions, etc. are provided, there is insufficient explanation of the 2035 scenario. Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance listed for each in Table 7-11 (please note: in the approved *Update*, table numbers start with "0" not "7," in addition, there are two tables labeled "Table 0-10;" the Table we refer to above, "Table 7-11," is now the second "Table 0-10."). We would expect this all to be connected and sufficiently explained in the text, but it is not. In fact, the text simply states: "...additional arterial roads will be needed..." It must be kept in mind the information provided in Figure 7-7 is *critical* to evaluating future traffic impacts and whether or not this *Update* is adequate to meet the city's Vision and the future needs of its residents; unfortunately, at a minimum, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7.
6. Housing / Job Imbalance: This could continue to plague the city for years to come and get progressively worse as the MPDs are built out, especially if much of the commercial space that is planned does not materialize due to market forces and/or primarily results in low-paying retail and related jobs. Those jobs most likely will not allow families to afford to purchase homes in the MPDs. Consequently, many new MPD residents will be commuting *from* the City, while many in-city jobs will be filled by those commuting *into* the city. This will directly exacerbate traffic woes and must be properly evaluated in all traffic-demand modeling—there is no discussion on this. Further, the City's two MPDs will be totally car-dependent, the exact opposite of the PSRC RTP's call for "building transit communities."
7. Transportation Concurrency: It is stated (and DKS Associates' transportation experts have stated same in meetings): "The City's strategy to tie concurrency directly to THE major

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developer within the City should give the City a step ahead of most communities that struggle to keep up with maintaining concurrency requirements. "This is true to a point, but it is not a 'get out of jail free card,' as it depends heavily on MPD Condition of Approval 20—Traffic Monitoring Plan, which has several flaws. The city's Hearing Examiner recognized these flaws and clearly pointed them out in his Recommendations on the MPD Development Agreements, which were not heeded and subsequently rejected by the 2011 City Council. In fact, the city's Hearing Examiner enumerated major concerns with how concurrency was handled in the MPD Application Permit Conditions of Approval and the Development Agreements. These Concurrency concerns are not addressed and should be. The MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, *not* actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The city must recognize, but does not indicate so in its *Update*, that the MPD Master Developer will be providing the *bare minimum* to meet its local direct impacts, so that *cumulative* long-term growth could be ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner—a *lose-lose* proposition for both the city and the public.

8. Level of Service: The Update states, based on the traffic analysis information it has so far: "With the installation of the capacity adding projects as identified in Table 7-13 facilities meet the LOS standards based on existing, 6-, and 20-year forecasts." However, it cannot be overemphasized that the MPDs have yet to be subjected to technically sound and accurate Traffic-Demand Modeling used to inform Traffic-Impact Analyses, as enumerated in painstaking detail by the city's Hearing Examiner's MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations. Consequently, the City has no reasonable assurance, at this time, that "capacity adding projects" will, in any way, be sufficient to meet the needs identified, since the true needs are not really known to any degree of accuracy.
9. Transportation-Demand Management: The Transportation Element must also describe existing and planned Transportation-Demand Management (TDM) strategies, such as HOV lanes, parking policies, etc. (RCW 36.70A.070(6)(a)(vi), WAC 365-196-430(2)(i)). There is no Commute-Trip Reduction (CTR) Plan to achieve reductions in the proportion of single-occupant vehicle commute trips per RCW 70.94.527. This is especially important since approval of the MPDs was partially predicated on the assumption of achieving an Internal Capture Rate (ICR) of 18% (suspect at the time and still suspect). Since ICRs have a direct influence on the evaluation of traffic volume, trip distribution, travel times, and queue lengths, they are, possibly, one of the most important assumptions that feed the TDM and subsequent analyses. There is a concern that some Institute of Transportation Engineers (ITE) methods (the Master Developer's Transportation Consultants used these in assessing the MPDs) for ICRs may not be applicable to large MPDs (KCDOT [now King County's Department of Local Services, Road Services Division] testified to this during the MPD Public Hearings, but were ignored).
10. Inter-Governmental Coordination: This is required by RCW 36.70A.0740(6)(a)(v): "Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;" The discussion on such coordination is grossly deficient and simply talks about participating on various transportation boards—which is necessary, but clearly not sufficient. At a bare minimum, the City needs to discuss with both the cities of Maple Valley and Covington what can be done by all three to minimize traffic impacts of their combined developments. The three cities share several major roads and, thus, share several major problems today and into the future. Further, the City and its transportation consultants should sit down with their counterparts from the cities of Maple Valley and Covington to better understand their traffic-demand models and assumptions—where do they dovetail, where do they conflict. Further, the City needs to sit down with King County to discuss impacts to its road infrastructure. None of this is discussed.

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PSRC's Comments

Finally, we were very surprised when the city, in its May-approved Update, also ignored PSRC's November 19, 2018, comments on the city's draft, which included: "...anticipated growth significantly exceeds the adopted targets;" the need for "...contingency plans to address any funding shortfalls that may occur if the planned improvements through the MPDs are not fulfilled;" and inconsistencies with "the Regional Transportation Plan." **Every point PSRC made in its comments should have been addressed then, but were not.**

Annual Docket Amendment Process

In the Fall of 2019 we informed PSRC the City would be conducting an "update" to its already submitted May 2019 *Comprehensive Plan Update* using its 2019 Docket Amendment process. Unfortunately, after beginning that process—one in which we heavily participated, the City decided it was running out of time before the end of the year and chose to roll all 2019 Docket Amendments into its 2020 Docket process. Consequently, the City has made relatively minor changes to its May 2019 Comprehensive Plan submission—none of which include any of the detailed concerns we describe herein.

We still fail to understand why the City, after having gone through a 5-yr-long process (April 2014 to May 2019—those are *not* typos) to "complete" its Comprehensive Plan Update, chose to use its Annual Docket Amendment process to make a few changes to the May 2019 City Council-adopted Update. Using this annual process to "complete" its Update—that had already been approved by the City Council—is unusual to say the least. It also denigrates the so-called "public participation process" in which so many citizens submitted comments, only to be ignored.

The only transportation-related "amendment" offered by Staff has to do with SR-169—apparently trying to address one of PSRC's comments (also one of our comments on which we are happy PSRC agreed). The City states in its proposed "amendment" that "The analysis in this plan does not assume widening of SR-169 at this time" and then presents as "remedies" to: "seek additional Right-of-Way (ROW)" and "work on access management." We do not believe this is a realistic plan to the city's ever-burgeoning SR-169 congestion problems. Regarding ROW, it could take a very long time to acquire all the ROW needed for a continuous corridor through the city, since such ROW only could be acquired when there is an active development proposal. While many cities and counties have used this type of practice to accumulate ROW on a slow incremental basis, it rarely gets the whole job done until decades have elapsed. Of course, this doesn't even begin to address ROW along the SR-169 corridor north of the city.

We have met with City Staff multiple times, but none of the Update's many deficiencies have been fixed. We proposed Docket Amendments meant to fix many of the glaring omissions of the Update's *Transportation Element* to ensure the city meets **RCW 36.70A. 070(6): Comprehensive plans—Mandatory elements. (Transportation Element).**

Attached please find a *Matrix* that shows: each of our proposed *Transportation Element* Docket Amendments submitted to the City, City Staff's Response, and our Rebuttal [please note: we have chosen not to submit our Rebuttal to the City, as we expect it would be fruitless]. Amazingly, the city's entire Response to our Docket Amendments on its *Transportation Element*—Appendix consists of: "Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC." (this simply is repeated in the 3rd column on pp. 1-6 of the attached *Matrix*). Clearly, the City conducted a Public Participation and Engagement Process in name only (see next section) and, for all intents and purposes, admitted it in writing!

This also is in consonance with what we learned when we met with City Staff on September 26, 2019, and asked at the start of the meeting: "Why was the Update's *Transportation Element* (Chapter 7 & Appendix 7) completely unchanged since the summer of 2018?" (that date is not a typo). It was explained to us that, since the City had Transportation Consultant DKS Associates under contract, it was relying completely on it for transportation matters. However, when we asked if Public Comments, including our very detailed transportation-related comments, had been provided to DKS, we were told "No, because it was not in DKS' statement of work." We asked if our comments had even been read by

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anyone, we were told "Staff looked at them and briefly verbally summarized them to DKS, but no changes were made." We remain very skeptical of the process employed, as not a single sentence, word, etc. was changed in the *Transportation Element*—not even the typos, page numbering, and figure/table mis-numbering, etc. that we had painstakingly pointed out alongside our detailed comments.

Public Participation Process

Although we provided the City detailed comments on all elements of its *Update*, including: *Parks, Recreation, Trails, and Open Space; Natural Environment; and Land-Use*, our most in-depth comments dealt with its *Transportation Element* (i.e., Chapter 7 and Appendix 7, especially the latter), which, clearly, is its most important element with the greatest impacts on the city and communities throughout southeast King County. Unfortunately, the City ignored all our *Transportation Element* comments when it approved its *Update* in May—we cannot fathom why except, possibly, for expediency, as no explanation was given.

It appears the City simply went through the motions of a "public participation process". This certainly is a concern. However, all we care about is that the City meets its obligations to itself, its residents, nearby cities, and surrounding unincorporated areas. Unfortunately, we believe the City is *not* doing so—to the detriment of citizens.

Conclusion

We request the GMPB weigh all these concerns as it considers the City of Black Diamond's *Comprehensive Plan 2015-2035 Update*. We would hope the GMPB determines the City's *Update* is unacceptable, since it does not meet the minimum requirements all other jurisdictions strive to and do attain, and that it requires the City to make significant changes.

Thank you for your time and careful consideration of our research and detailed reviews.

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Leader and Transportation Focal
Technical Action Team

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Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2019 Docket

Attachment: C - Matrix of Responses from Citizens Technical Action Team, dated November 30, 2019

TAT PROPOSED AMENDMENTS	TAT ACCOMPANYING COMMENTS	CITY STAFF RESPONSE	CITY STAFF RECOMMENDATIONS	TAT REBUTTAL
Transportation Element, Appendix 7				
• Travel Forecasts p. 18, 1st para. under "Travel Forecasts": The 2nd bullet shows "land-use projections" for "year 2035" that do not even fully take into account the planned 6,050 homes in the MPDs, let alone any other development over the 19-yr period covered. Those "land-use projections" for "year 2035" are not consistent with the City's agreed-to Growth Targets, nor either PSRC's Regional Transportation Plan (2018) or PSRC's VISION 2050 (now being finalized). Regarding the statement about "existing traffic-demand models" the City must take care in recognizing that the TDM used to support approval of the MPDs was completely rejected by the City's Hearing Examiner and creation of a new one to evaluate the impacts of the MPDs on the City's and region's traffic patterns and volumes was put off by the City Council until 850 building permits have been issued. Consequently, the City can have no confidence or reasonable assurance with any travel forecasts based on the discredited TDM, as enumerated in painstaking detail by the city's Hearing Examiner's MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations.	This is necessary to meet the requirements of RCW 36.70A.070(6)(a)(iii)(E); "Travel forecasts should be based on adopted regional growth strategies, the regional transportation plan, and comprehensive plans within the region to ensure consistency."	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	As with the TAT's exhaustive comments provided to the city (which appeared to be not even technically reviewed by the City or its "reputable transportation consultants"), TAT's proposed Docket Amendments again have been not technically reviewed by the city as evidenced by the City Staff's response: "The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed." This constitutes a non-response, which is intellectually vacuous and professionally insulting. Then, the City Staff recommends that ANY input received from the Public on "the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC." This is not a realistic Public Participation Plan. The City cannot state it has held many public meetings/ accepted numerous Public comments and then state it has not, and will not, even consider those Public comments—and admit same in writing as it has done! TAT provides herein six top-level issues extracted from many more in its exhaustive comments on the Transportation Appendix (all provided to the city in 2018). These issues require attention to meet RCW mandates as cited in the "TAT ACCOMPANYING COMMENTS" column herein.

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• Funding Sources p. 35, Table O-2, under "Funding Strategy": There are no cost numbers shown, only issues and potential mechanisms that might be available to solve them. Thus, the table does not constitute a realistic assessment of the cost risks to the city and its taxpayers. Under the "Transportation Benefit District" item there is nothing in the Comments column. Yet, under the Realistic Acceptance column it states: "In-place but could be raised." On what basis would this be contemplated (all five "potential use of funds" are identified, i.e., footnotes 1 thru 5), especially when nearly all impacts to the City's transportation infrastructure are the result of the MPD buildout? Under the "State and Federal Grants" item in the Comments column it states: "Once the City has their comprehensive plan approved they will also be eligible for more grants including Federal." However, since the city's Comprehensive Plan Update reflects a gross exceedance of its agreed-to Growth Targets the PSRC could decide not to certify or certify with strong conditions related to funding sources. In earlier versions there was a heading here called "Developer Contributions." We can understand why some of it was removed, but the subheading called "Disadvantages" stated some very key aspects the City should be cognizant of and consider going forward and should be put back, in some condensed form, into this Comprehensive Plan Update. Disadvantages: The primary disadvantage is that developer improvements are focused on fixing the "immediate problem" and can result in solutions that may not be desired by the City. As mentioned earlier this "piece-meal" approach can often result in some unforeseen off-site impacts that may cause more traffic congestion or result in improvements that will need to be torn-out in the future to accommodate future improvements. If an intersection already operates below the standard, developers are only required to pay their "fair share" of the cost of an improvement—often requiring the City to fund a portion of the improvement. Further issues can arise over how to deal with developments which are approved after the original developer has completed a major improvement (side-cutter's agreements).	This is necessary to meet the requirements of RCW 36.70A. 070(6)(a)(iv)(A): "An analysis of funding capability to judge needs against probable funding resources," and by RCW 36.70A. 070(6)(a)(iv)(C): "if probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met."	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

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• Transportation Improvements pp. 19-32, under "Transportation Improvement Recommendations". TAT provided a large number of technical comments on transportation improvements that covered over 22 pp (including the original text and figures)—our comments comprised, in total, ~7 pp. Below is a very, very brief summary of those comments: "The city should not address road and intersection improvements 'incrementally with developments as traffic volumes increase,' as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. The State GMA calls for identifying the long-term scope in advance, then assigning reasonable proportion of those improvements to each development. We remain concerned the verbiage herein is not consistent. Several 2022-2035 intersection projects listed in Table 0-9 (also labeled Table 0-1) are not shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city's LOS standards are met. Further, although traffic volume predictions, etc. are provided, there is insufficient explanation of the 2035 scenario. Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance listed for each in Table 7-11. We would expect this all to be connected and sufficiently explained in the text, but it isn't. In fact, the text simply states: "... additional arterial roads will be needed...." It must be kept in mind that the information provided in Figure 7-7 is critical to evaluating future traffic impacts and whether or not this Comprehensive Plan Update is adequate to meet the city's Vision and the future needs of its residents. Unfortunately, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7."	This is necessary to meet the requirements of RCW 36.70A.070 (6)(a)(iii)(F): "The transportation element shall include the following subelements: ... Facilities and services needs, including: ... Identification of state and local system needs to meet current and future demands...."	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

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• Transportation Concurrency pp. 36-41, under "Concurrency": Add a Flow Chart (not dissimilar to Figure 0-1 "Concurrency Management System" on p. 41) that delineates the interrelationship between the continuing cycle of: Meeting LOS Stds; Traffic Monitoring ; Traffic-Impact Analyses ; Modifying Development Size/Pace ; Traffic Monitoring ; ... TAT provided a large number of technical comments on Concurrency that covered over 9 pages (including the original text and figures)— our comments comprised, in total, ~2 pages, which cannot be repeated here, but it is strongly suggested they be read and considered. Below is a very, very brief summary of those comments: "Herein it is stated (and DKS Associates' transportation experts have stated same in meetings): 'The City's strategy to tie concurrency directly to <i>THE</i> major developer within the City should give the City a step ahead of most communities that struggle to keep up with maintaining concurrency requirements.' This is true to a point, but it is not a get out of jail free card, as it depends heavily on MPD COA 20's Traffic Monitoring Plan, which has some flaws. The city's Hearing Examiner recognized these flaws and clearly pointed them out in his Recommendations on the MPD Development Agreements, which were not heeded and subsequently rescinded by the 2011 City Council. In fact, the city's Hearing Examiner enumerated major concerns with how concurrency was handled in the MPD Application Permit Conditions of Approval and the Development Agreements. These should be addressed here. The MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, not actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The city must recognize the MPD Master Developer will be providing the bare minimum to meet its local direct impacts, so that cumulative long-term growth could be ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner."	City must recognize Concurrency is the mechanism that allows land- use and transportation infrastructure planning to succeed in producing a high quality of life and a strong economic climate. Discussion of concurrency is governed by the requirements of: RCW 36.70A.070 (6)(b): "After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation services, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city."	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

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• Level of Service p. A7-2 [note that Appendix 7 has multiple page numbering formats], under "Level of Service and Concurrency"; (1) Add a discussion of level of service standards and how they have been and will continue to be regionally coordinated. (2) The following from the 2009 BDCP should be placed back in: "The requirements of Black Diamond's Transportation Concurrency Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as 'highways of statewide significance.' The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test." (3) Please note TAT's detailed comments on what used to be called section 7.5 Actions Needed to Meet Level of Service Standards (see p. 35 of TAT's Appendix 7 comments) regarding WSDOT's comments on the SR-169 roundabouts and mitigation needed for the failing LOS for the 216th Ave/288th St intersection.	1) Discussion of level of service standards is governed by the requirements of <i>RCW 36.70A.070 (6)(a)(iii)(B)</i>: "Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated." (2) This statement should be restored. (3) WSDOT's concerns must be thoroughly evaluated.	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

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• Inter-Governmental Coordination p. 43, under "Transportation Facilities and LOS Standards Coordination": The discussion herein on such coordination is grossly deficient and simply talks about participating on various transportation boards—which is necessary, but not sufficient. At a minimum, the city needs to sit down with its counterparts in both the cities of Maple Valley and Covington to decide what can be done by all three to minimize traffic impacts of their combined developments. The three cities share several major roads and, thus, share several major problems today and into the future. Also, the three cities need to share information to better understand their respective traffic-demand models and assumptions: Where they dovetail? Where they conflict? How can they be coordinated and, at least, respective results be understood in the same regional context? The City needs to sit down with King County to discuss impacts to its road infrastructure. The City must recognize that it has chosen to far, far exceed its agreed-to Growth Targets. This decision will have a strong negative impact on traffic in much of southeast King County for generations. Taxpayers who do not live in Black Diamond should not be asked to pay—through State Grants, State highway funds, County highway funds, etc.—for the City's decision to permit the two massive MPDs without a full transportation evaluation that was acceptable to the city's Hearing Examiner and Council.	This is required by RCW 36.70A, 0740(6)(a)(v): "Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions; ..."	City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment. The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed.	Input received on the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC.	[SEE ABOVE]

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Transportation Element, Chapter 7				
Modify Policy T-4 Level of Service Standard to add back in the following from the 2009 Comprehensive Plan: "Adopt levels of service that reflect the preference of the community."	This is the intent of the State's Growth Management Act.	The adoption of Levels of Service (LOS) standards must consider many things including the community vision. This specific language was removed because it sets a false expectation that LOS standards can be set based on what the community wants, and it is not as simple as that.	Not recommended for the 2019 preliminary docket.	TAT did not state it was "simple" to set LOS standards, but that such standards should "reflect the preference of the community" that must live with them. The city clearly is ignoring this and removed it from its Comprehensive Plan in this major Update.
Modify Policy T-14 Character of the City to add back in the following from the 2009 Comprehensive Plan: "Discourage widening of SR 169 to a four or five lane facility thus creating a 'thoroughfare' that will tend to divide the City."	This was the first item listed in the 2009 Comprehensive Plan as Policy T-10.	Policy T-1 addresses Roadway Design which includes "establishing a range of transportation standards and criteria to ensure roadways are designed in a manner that fits within the context of the built or natural environment, and consistent with the intended functional classification" as well as ensuring roadway designs are coordinated with King County, Washington State, and Federal Highways to achieve compatible design criteria. The 2009 statement is not particularly useful nor is it necessary when the reality is SR 169 in its current condition already creates a thoroughfare through the City. The City must be proactive in continuing to work with the state to improve SR 169 as the corridor develops. It might seem inconsistent for the Land Use Chapter to promote Community Commercial (CC) uses along the corridor without any intention of improving the roadway to handle the additional traffic. And we know the state has no intention of making SR 169 into a four or five lane facility.	Not recommended for the 2019 preliminary docket.	The City Staff response admits that "the state has no intention of making SR 169 into a four or five lane facility." We completely agree and stated as such in our original comments on the Transportation Appendix. All we recommended here was that the city keep its existing language in this major Comprehensive Plan Update. We fail to understand why it appears afraid to do just that.

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• Modify Policy T-8 Transportation Demand Management to describe: (1) Existing and planned Transportation-Demand Management (TDM) strategies, such as HOV lanes, parking policies, etc.; RCW 36.70A.070(6)(a)(vi), WAC 365-196-430(2)(i) (2) A Commute-Trip Reduction (CTR) Plan to achieve reductions in the proportion of single-occupant vehicle commute trips: RCW 70.94.527. NOTE: Although the City has a "Commute Trip Reduction" section in Appendix 7 (p. 31), it does not describe a CTR Plan as called for in the RCWs, but simply lists potential elements of a typical CTR Plan.] (3) Add back in the following from the 2009 Comprehensive Plan: "Develop zoning and land use policies that promote land uses and development that are consistent with the City's goals and visions and which require new development to adequately provide for the transportation needs of that development."	(1) A mandatory element is a description of Transportation-Demand Management strategies, such as HOV lanes, parking policies, etc., as required by RCW 36.70A.070(6)(a)(vi) and WAC 365-196-430(2)(i). (2) A Commute-Trip Reduction Plan and ordinance is required by RCW 70.94.527(1) and an option under RCW 70.94.527(2) depending on whether the 100 person-hour delay threshold is exceeded. (3) The 2009 Comprehensive Plan statement: "zoning and land-use policies" was removed. [Underlying Demand-Management rationale: This is especially important since approval of the MPDs was partially predicated on the assumption of achieving an Internal Capture Rate (ICR) of 18%. Since assumed ICRs have a direct influence on the evaluation of traffic volume, trip distribution, travel times, and queue lengths, they are, possibly, one of the most important assumptions that feed the Traffic-Demand Model (TDM) and subsequent analyses. There is a concern that some Institute of Transportation Engineers (ITE) methods (the Master Developer's Transportation Consultants used these in assessing the MPDs) for ICRs may not be applicable to large MPDs (KDOT stated this in its testimony during the MPD Public Hearings).]	(1) There are no existing or planned TDM strategies to describe. Given the fact that a TDM program is used to manage traffic impacts from larger employers or institutions, it is not deemed to be a high priority at this time. (2) The CTR Law requires employers to work with employees to reduce the number and length of drive-alone commute trips made to their worksite. The law targets worksite with 100 or more full-time employees who regularly commute during peak hours. Similar to the response regarding TDM strategies, this is not a high priority for the City at this time. (3) This language seems to imply a requirement for "development pays for development" but it is not very clear about intent. The Plan contains many policies throughout the plan; land use, transportation, and capital facilities and utilities in particular that support the concept more succinctly.	Not recommended for the 2019 preliminary docket.	(1) City Staff fails to recognize that the approved MPDs (which, when fully built out, will bring 6,050 homes and 1.15 million sq ft of commercial space to the city), coupled with the Palmer Coking and Coal property it has rezoned per the new Land-Use Map in its major Comprehensive Plan Update (that could bring upon to an additional 2,000 homes), will completely change the city in terms of major traffic, employers, and businesses. To ignore any consideration of TDM strategies over the next 20 years is clearly deficient and must be corrected to meet the mandatory element required in the RCWs cited. (2) Regarding a needed Commute-Trip Reduction Plan, please see logic provided above under (1). (3) TAT is simply asking the city to not remove language it had in its existing (2009) Comprehensive Plan. City Staff's response appears to be defensive and not helpful.

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Modify Policy T-19 Concurrency. "... The most significant adopted policy of meeting concurrency standards is accomplished by the two major MPD Development Agreements that require the developer to implement any and all of the capacity adding projects in the City's comprehensive plan to maintain the City's level of service standards." by adding, immediately thereafter, the following: "However, it is understood the MPD Development Agreements are exempted from both State and City concurrency laws and all 'concurrency-related' evaluations will be based on the MPD Traffic Monitoring Plans."	The City must recognize all MPD "concurrency-related" evaluations will be based on Traffic Monitoring Plans (TMPs) and should there occur "...a disagreement between the applicant and the City about the timing of construction of a transportation project under the monitoring plan..." (ref.: MPD Permit Condition of Approval 25), it is not clear how it will be rectified, as only the conduct "pre-phase monitoring" and "mid-phase monitoring" are included and disparities in interpretation of results of same could occur. Plus, modeling need only take into account number of new homes & commercial buildings actually occupied/generating traffic. The City must recognize overall intent of the traffic monitoring should be to satisfy BDMC 18.98.010(1) to provide "needed services and facilities in an orderly, fiscally responsible manner." From the city's Hearing Examiner: "The City must recognize the TMPs set up detailed timing requirements for infrastructure improvements that are not linked to implementing project-level concurrency assessments. Nothing in the TMPs suggests construction of traffic infrastructure will be superseded by the concurrency findings required by the MPD Development Agreements sect. 11.1. Thus, the City must negotiate an amendment to the TMPs to clarify that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan. This way ensure it meets the timing requirements of GMA traffic concurrency adopted in BDMC 18.98.060(A)(4)."	That would not be an accurate statement. Development Agreements (DAs) are authorized in RCW 36.703.170 where the state legislature finds that DAs the lack of certainty in the approval of a project is not beneficial and therefore a large project, upon government approval, may proceed in accordance with existing policies and regulations. The MPDs were not exempted from concurrency evaluations or the imposition of mitigation fees.	Not recommended for the 2019 preliminary docket.	TAT stands by the City Hearing Examiner's very well researched and thought out words cited under the "TAT ACCOMPANYING COMMENTS" column herein. City Staff fails to recognize that the agreed-to Traffic Monitoring Plans (TMPs) are insufficient to meet Concurrency. A myriad number of experts (from WSDOT, KDOT, and the City of Maple Valley, as well as many from the Public (including TAT) provided detailed testimonials to this effect during the MPD Public Hearings before both the City Hearing Examiner and City Council. The City Hearing Examiner agreed!

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Modify Policy T-20 Funding Sources to specifically identify stable and predictable funding sources for maintaining and preserving existing transportation facilities and services.	To fulfill PSRC requirements for Comprehensive Plan Transportation Elements. [Underlying rationale: Future Financial Plans to satisfy part of the MPD-needed infrastructure relies heavily on unstable & unpredictable potential Grant monies.]	Is there such a thing as a stable and predictable funding source for transportation facilities? If there are other funding sources to include here that we have missed, please provide them. This policy addresses maintenance and preservation of existing transportation facilities and services- not new infrastructure to support development. Staff is looking into the option to establish a street utility fund. But it is premature to propose this as a strategy at this time.	Not recommended for the 2019 preliminary docket.	The City appears to state in writing herein that it plans to ignore this PRSC requirement.
Modify Policy T-21 Alternative Level of Service by eliminating: "Reduce the LOS standard for the system or portions of the system to give the City more time to fund the needed transportation improvements."	This statement, added from what was in the 2009 Comprehensive Plan, says pretty much what State law allows as a last-ditch option on Concurrency, but its citizens desire for their city to not reduce LOS standards to accommodate the Master Developer at the expense of its their quality of life. The City must recognize that under the State's GMA, if the Master Developer cannot meet the city's LOS standards, then it simply has to scale back its plans and plan for fewer homes to be built.	The concern seems to be around LOS standards being lowered to accommodate the Master Planned Developer. However, the DA is a contract between the City and Developer. It places the responsibility on the developer to build the needed improvements. The conditions cannot be changed without opening the contract. T-21 is written (consistent with GMA) to support the City when it is the funder of needed transportation improvements and we want to have the ability to use this flexible tool, if needed.	Not recommended for the 2019 preliminary docket.	The city fails to realize that the GMA allows it to "deny development" if LOS standards are not met. Even though it has signed DAs with the Master Developer, each piece of the MPDs still goes through a permit approval process that entails traffic analyses, etc. In other words, when it comes to setting or meeting LOS standards the city is <u>not</u> required by the GMA to accommodate the Master Developer, but rather the Master Developer is required to accommodate the city!
Modify Policy T-22 Financial Impact Mitigation (fourth bullet): "Requiring developers at the beginning and mid-point of each phase of the MPD project to monitor traffic generation and distribution to determine if traffic impacts of MPD development are occurring as projected." "Ensure improvements are constructed with MPD development in order to bring mitigation projects into service before the Level of Service is degraded below the City's standards."	The City must recognize it has wide discretion when it comes to MPD traffic-demand modeling and analyses leading to needed identified mitigation due to the strength of MPD Permit Condition of Approval 17 and its ten subparagraphs and its multiple sub-subparagraphs.	The MPD DA is vested to past policies and regulations pursuant to RCW 36.70B.170. As written, T-22 is consistent with the DA which already contemplates improvements be developed and placed into service before further degrading LOS standards. Adding proposed language won't change the requirements under the DA.	Not recommended for the 2019 preliminary docket.	The city fails to recognize that it indeed possesses wide discretion when it comes to identifying needed mitigation and timing.

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Modify Policy T-24 Intergovernmental Agency Coordination: "Coordinate planning, construction, and operations of transportation facilities and projects with other governmental agencies," by adding, immediately thereafter, the following: "Develop a plan to avoid new or expanded facilities in rural areas."	This is necessary to fulfill PSRC requirements for Comprehensive Plan Transportation Elements. A plan is necessary to ensure such Rural Area transportation facilities will not require improvements to handle the predicted increased level of traffic.	This seems to be a suggestion for the City to develop an intergovernmental plan with King County for rural areas. The City would not be adding new or expanded facilities in rural areas without permission from King County because that would be outside our jurisdictional boundaries. I'm just not sure what the intent is here. However, PSRC, King County and all the neighboring jurisdictions have the ability to review and proposed changes. The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.	Not recommended for the 2019 preliminary docket.	The city fails to recognize its rapid development will impact many King County roads and simply expects King County to do something about it. The city already has ignored all King County DOT testimony throughout the MPD Public Hearings. The plain intent of GMA is for the city to consider the impacts of its development on the adjacent rural road system, and to work with King County to mitigate those impacts. In fact, what "changes" is the city expecting? PSRC, King County and all the neighboring jurisdictions" to "review"?

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Modify Policy T-25 Multi-modal Coordination: "Coordinate planning and operation of efficient and varied means of transportation for the City of Black Diamond's transportation system." by adding, immediately thereafter, identified needs for SR-169 consistent with the State Multimodal Transportation Plan (RCW 47.06.040).	The City recognizes its unique dependence on SR-169, as well as limitations in providing regular bus service to and from the city. This is needed to fulfill the requirements of: RCW 36.70A.070 (6)(a)(iii)(F) "The transportation element shall include the following subelements:....Facilities and services needs, including:.... Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW."	The City has submitted Comp Plan to Washington State Dept of Commerce and Puget Sound Regional Council (PSRC) for comment.	Not recommended for the 2019 preliminary docket.	The city is stating herein that it doesn't know what to do to meet the RCW requirements cited in the "TAT ACCOMPANYING COMMENTS" column herein and apparently is awaiting guidance from PSRC and DOC, rather than understanding and facing its own issues.

Brenda Martinez

From: Barbara Kincaid
Sent: Wednesday, December 2, 2020 2:52 PM
To: Brenda Martinez
Cc: Mona Davis
Subject: Fw: Black Diamond

Sorry about the delay - This was not on your list of public commentators. I'm going through everything and cross referencing with your list, so there may be more forwards.

From: Stephanie Kirchner <stephanie.kirchner@yahoo.com>
Sent: Tuesday, December 1, 2020 9:31 AM
To: Barbara Kincaid <bkincard@blackdiamondwa.gov>
Subject: Black Diamond

Dear planning commission in city council, my family and I recently moved to Black Diamond from Maple Valley. one of the reasons we decided to make that move is because of how crowded Maple Valley is. Just within the past couple years traffic, congestion, and lack of emergency services have become extremely apparent in Maple valley. If we keep building up small cities to make them like larger ones, what will set us out from the rest of those cities? Seattle is a crap hole, beautiful city horribly run down and extremely overpopulated. the whole appeal to a city like black diamond is the fact that it's nothing like the city. If we keep continuing down the road we are we will be the next Maple valley, the next Federal Way. It needs to stop somewhere. Apartment buildings and large subdivisions are not necessary here. Let's keep black diamond small. Not just because it's the right thing to do, but because that's how we all like it and that's why we moved here. Not to mention the more we build the more miserable we will all be here. We are called The evergreen State for a reason, let's keep it that way by not expanding every development we can.

Thank you for your time and consideration, Stephanie Kirchner

Sent from Yahoo Mail on Android

Ian Williams

From: Philip Acosta <philamatic@comcast.net>
Sent: Tuesday, September 7, 2021 6:52 AM
To: Mona Davis
Cc: Brenda Martinez
Subject: Comments to be presented to Public Hearing on Sept 7th

Please Consider

Founding and long time members of our community are now paying the price for development with out infrastructure. Not one project has been initiated or completed in North Black Diamond to improve driving or pedestrian safety conditions since the massive Ten Trails project was started 10 years ago yet as the major east west corridor we have been forced to put up with a majority of newly created industrial and residential congestion specifically the 288th corridor where you'll find no traffic control other than two stop signs at either end of this major thoroughfare.

Citizens have not asked for comp plan or zoning changes to be put in place and no advancement of planned or improved infrastructure from existing agreements has been offered by those wishing to make these changes.

Consider that any density changes made to proposed comp plan will only exasperate strains already put on our rapidly growing community. I highly recommend that these proposed land changes be returned to the current use or the 2018 land use map that was in place prior to additional density being added.

Best Regards

Philip N Acosta
Black Diamond

Ian Williams

From: cnsolutions1@netscape.net
Sent: Monday, September 6, 2021 9:15 AM
To: Mona Davis
Subject: Comprehensive Plan Hearing

We want to register our strong opposition to the increased density in the Comprehensive Plan Use Map, including the proposed Land Use / Zoning changes to more dense development of up to 155 acres.

We are very concerned about the lack of roads, traffic, congestion, over-development, tax increases, poor planning, and the burden of planned developments on the citizens of this city. No one in my community perceives any of the existing development or potential additional developments as a good thing for any part of this community. We strongly oppose.

Jeff and Cheri Merrill

-----Original Message-----

From: Stop BlackDiamondRezones <stopblackdiamondrezones@gmail.com>

To:

Sent: Sun, Sep 5, 2021 10:21 pm

Subject: Fwd: Fix Proposed New Over-Development. YOUR Voice by September 7 at 6 pm.

The City of Black Diamond is considering a huge increase in development. You can [email comments](#) now, and the Public Hearing is Tuesday, September 7 at 6 PM.

Black Diamond is already quadrupling in size; adding more than double our share of growth in our Puget Sound Regional Plan. **This means the state and county will not provide enough funds for roads and services to our area.** Developers are also not being charged enough fees to provide needed infrastructure.

Yet proposed Land Use / Zoning changes could allow even more dense development, up to 155 acres. The good news is: the Hearing on Tuesday, Sep 7 is because of public comments against this poorly planned growth.

The bad news is: Black Diamond has not done the technical analysis that would normally be required under state and local laws of these land use rezones.

For example, some city officials hope that increasing commercial land-use will increase city tax revenue. Normally a developer must bring a fiscal study to the city showing expected revenue, public service needs, etc. The city would have their own finance expert review the study. That has not been done.

As another example, normally a full traffic study would be required, but again no adequate traffic study has been done.

The list goes on, but it is important to know that Comprehensive Plans are very different from permit decisions (including the 2011 decision that created the massive Ten Trails development), The Comp Plan is the earliest point in the planning, when a land use change is optional for the City Council. Local officials must take public sentiment - YOUR input - into account (BDMC 16.10.220).

It's time to stand up for your rights. Your rights include not being stuck, unable to drive out of your street or driveway because the city allowed too much development. Stronger environmental protections. Your rights include a full analysis of all public impacts before developers get land use and zoning increases.

Now is the time to reject the increased density in the Comprehensive Plan Land Use Map. Return the land to "current use" or the 2018 Map before additional density was added. These land use changes can be worth millions of dollars to developers, so make them provide the necessary information and protection for the public.

The city should focus first on raising street design standards, traffic and pedestrian safety standards. Do not let development degrade existing homes with pass-through traffic.

Please email the city today: <mailto:mdavis@blackdiamondwa.gov> Subject: Comprehensive Plan Hearing

Personalizing your letter is great too. You can share this information with neighbors who are concerned. You can read more on the website www.stopblackdiamondezones.org.

And we'll hear you at the public hearing on zoom or by phone at 6 PM on Tuesday, September 7.

Phone or zoom Tuesday, September 7th, 2021 at 6 PM.

Telephone: (253) 215-8782 Meeting ID 425 415 7187# Password 941820#

or online: https://zoom.us Meeting ID 425 415 7187 Password: PC

Ian Williams

From: Greg Meeks <gmeeks32010@comcast.net>
Sent: Monday, September 6, 2021 2:34 PM
To: Mona Davis
Subject: Comprehensive Plan Land Use Hearing Comments

To whom it concerns besides me:

Black Diamond is already quadrupling in size; adding more than double our share of growth in our Puget Sound Regional Plan. This means the state and county will not provide enough funds for roads and services to our area. Developers are also not being charged enough fees to provide needed infrastructure. Are we not thinking ahead?

*The City should change the land in the Comprehensive Plan Land Use Map to "current use." Then require developers seeking a land use change to provide a fiscal study showing expected revenue and public service needs, and a full traffic study.

*Make sure our taxes will not increase to subsidize development.

*Do not allow development until the Comprehensive Plan ensures we won't be stuck unable to drive out of our streets or driveways

**Now is the time to reject the increased density in the Comprehensive Plan Land Use Map.

**Require a full analysis of all public impacts before developers are given land use and zoning increases.

These land use changes can be worth millions of dollars to developers, so make them provide the necessary information and protection for the public. Oh that is horseshit like they care....

The city should focus first on raising street design standards, traffic and pedestrian safety standards. Do not let development degrade existing homes with pass-through traffic. You folks are not taking care of the infrastructure for this growth!!!!

Thank you,
Greg Meeks

Sent from [Mail](#) for Windows

Ian Williams

From: Account Security <tedschultz74@hotmail.com>
Sent: Monday, September 6, 2021 10:29 AM
To: Mona Davis
Subject: Comprehensive Plan Land Use Hearing Comments

Black Diamond is already quadrupling in size; adding more than double our share of growth in our Puget Sound Regional Plan. This means the state and county will not provide enough funds for roads and services to our area. Developers are also not being charged enough fees to provide needed infrastructure.

The City should change the land in the Comprehensive Plan Land Use Map to "current use." Then require developers seeking a land use change to provide a fiscal study showing expected revenue and public service needs, and a full traffic study.

Make sure our taxes will not increase to subsidize development.

Do not allow development until the Comprehensive Plan ensures we won't be stuck unable to drive out of our streets or driveways

Now is the time to reject the increased density in the Comprehensive Plan Land Use Map.

Require a full analysis of all public impacts before developers are given land use and zoning increases.

These land use changes can be worth millions of dollars to developers, so make them provide the necessary information and protection for the public.

The city should focus first on raising street design standards, traffic and pedestrian safety standards. Do not let development degrade existing homes with pass-through traffic.

Thank you,

Ted Schultz
425 961-2378

Ian Williams

From: Helen Jacobson <helenannjacobson@yahoo.com>
Sent: Tuesday, September 7, 2021 8:16 AM
To: Mona Davis
Subject: Comprehensive Plan Land Use Hearing Comments

Please reject any changes to the comprehensive plan. The information below is my concerns. I tried for 20 minutes to turn left in Black Diamond on highway 169. It was not possible. The roads can not support the new development, let alone additional developments added to the comprehensive plan!

My income, as a retired teacher, can not support the increase in taxes caused by the population increase! More development means more people, which means additional need for services. That means increased taxes.

I am worried about the environment and the impact additional development is going to have on Lake Sawyer.

Black Diamond is already quadrupling in size; adding more than double our share of growth in our Puget Sound Regional Plan. This means the state and county will not provide enough funds for roads and services to our area. Developers are also not being charged enough fees to provide needed infrastructure.

The City should change the land in the Comprehensive Plan Land Use Map to "current use." Then require developers seeking a land use change to provide a fiscal study showing expected revenue and public service needs, and a full traffic study.

Make sure our taxes will not increase to subsidize development.

Do not allow development until the Comprehensive Plan ensures we won't be stuck unable to drive out of our streets or driveways

Now is the time to reject the increased density in the Comprehensive Plan Land Use Map.

Require a full analysis of all public impacts before developers are given land use and zoning increases.

These land use changes can be worth millions of dollars to developers, so make them provide the necessary information and protection for the public.

The city should focus first on raising street design standards, traffic and pedestrian safety standards. Do not let development degrade existing homes with pass-through traffic.

Thank you,

Sent from my iPhone

Ian Williams

From: Lori <lori.law777@gmail.com>
Sent: Tuesday, September 7, 2021 6:52 PM
To: Mona Davis
Subject: Comprehensive Plan Land Use Hearing in Comments

Black diamond can't keep up with existing residents and their storm water infrastructure. We've been paying storm water fees for years, yet we have no storm water system, the rainwater runs down our road and floods our property and our street.

Black Diamond is already quadrupling in size; adding more than double our share of growth in our Puget Sound Regional Plan. This means the state and county will not provide enough funds for roads and services to our area. Developers are also not being charged enough fees to provide needed infrastructure.

The City should change the land in the Comprehensive Plan Land Use Map to "current use." Then require developers seeking a land use change to provide a fiscal study showing expected revenue and public service needs, and a full traffic study.

Make sure our taxes will not increase to subsidize development.

Do not allow development until the Comprehensive Plan ensures we won't be stuck unable to drive out of our streets or driveways

Now is the time to reject the increased density in the Comprehensive Plan Land Use Map.

Require a full analysis of all public impacts before developers are given land use and zoning increases.

These land use changes can be worth millions of dollars to developers, so make them provide the necessary information and protection for the public.

The city should focus first on raising street design standards, traffic and pedestrian safety standards. Do not let development degrade existing homes with pass-through traffic.

Thank you,

Lori

Ian Williams

From: sheilagayda@gmail.com
Sent: Tuesday, September 7, 2021 1:17 PM
To: Mona Davis
Subject: Development of Black Diamond

To whom it may concern. The increase of housing in Black Diamond has already had a HUGE impact on the traffic, the environment, and the wildlife. Any further development will destroy what little is left of our area. Soon I won't even be able to pull out on the main road because of traffic. I believe the water table has been affected, and I know the wildlife has been decimated. We need an environmental impact research statement completed. We also need the roads widened and some lights put in. What once was a peaceful beautiful area is turning into a little Seattle without the roads. Crime will go up even more and the police won't be able to cope. Schools are another problem. Don't get me started there.

Sincerely your neighbor, Sheila Gayda
Sent from my T-Mobile 4G LTE device

Ian Williams

From: Tom Norling <tomnorling@yahoo.com>
Sent: Tuesday, September 7, 2021 12:31 PM
To: Mona Davis
Subject: Fw: 9 7 21 Black Diamond Planning Commission.docx
Attachments: 9 7 21 Black Diamond Planning Commission.docx

-Subject: 9 7 21 Black Diamond Planning Commission.docx

Black Diamond Planning Commission:

Mdavis@blackdiamondwa.gov

It has come to my attention that the Ten Trails development has not been living up to its commitment With the City of Black Diamond and that the City of Black Diamond is NOT holding the Ten Trails development accountable for their commitments and contracts.

How does that benefit the current residents of Black Diamond? Including the NEW residents in Ten Trails?

Both were told one thing (or Multiple Things) would be happening... but once again we all were let down By trusting our elected officials that we though would be in the best interest of the residents of our Beautiful City, and once again YOU have failed us. By putting the Big Corporation (Ten Trails) ahead of Us! It just seems that you just don't care... its looks that way also!!

What does that mean to us?

- Big roundabouts on a very lightly travelled road, meanwhile Highway 169 traffic continues to build to an UNMANAGABLE level.
- **Heavy Heavy traffic** at all intersections into Highway 169 causing 20-30 car backups on Ravensdale Road, It's really stupid to have to wait 15 minutes at a **STOP SIGN** to get to the post office from the Morgan Creek development... **its 1 mile!!**
- How many traffic accidents are going to happen it order to make things change?
- How many MORE people are going to go out of there way to avoid Black Diamond due to traffic?
- How many more people are going to be promised one thing only to have the planning commission go back on their word?
- How many more times does this type of behavior need to be repeated OVER and OVER and OVER? Keep Ten Trails to their contract before more land is cleared more home are built more people move here That is the rules YOU put in place...
- All we hear about is Open Spaces/ Green Spaces... Only to see More and More acres of trees that have been cut and TOTALLY cleared for the developments to come. SAD!

We all understand growth is inevitable, but lets not do it like Issaquah (Bumper to Bumper traffic every morning and every evening), or Bellevue/Redmond (Standstill Traffic on all streets).

Maybe this time you can listen to the residents of Black Diamond, Manage Ten Trails to their SIGNED contracts and agreements, Limited the amount of Growth, be open and transparent with the information.

My input here is because I love this community and am very sad to see the decline in our once small quaint town to nothing more of a traffic Jammed city!

Sincerely, Thomas Norling

Ian Williams

From: nextvictory7@gmail.com
Sent: Tuesday, September 7, 2021 6:22 PM
To: Mona Davis
Subject: FW: H. Knies' Comments to the Proposed Change to the Comprehensive Plan
Attachments: Document1.docx

Mona,

Sending again.

Henry

From: nextvictory7@gmail.com <nextvictory7@gmail.com>
Sent: Tuesday, September 7, 2021 5:58 PM
To: 'mdavis@blackdiamond.wa.gov' <mdavis@blackdiamond.wa.gov>
Subject: FW: H. Knies' Comments to the Proposed Change to the Comprehensive Plan

Please see my comments related to the proposed subject.

Henry
M (206) 851-3090

Comments Submitted by Henry J. Knies, a decade long resident of Black Diamond

I. Based on information and belief, the proposed Amendments to the Comprehensive Plan do not meet the requirements for “Amendments to Comprehensive Growth Plans” or “Site Specific Amendment to the Comprehensive Plan”

- A. **General Law:** As rulemaking and quasi-judicial actions, Comprehensive Plan Amendments must have reasonable grounds and consider all relevant circumstances. If they do not, they are “arbitrary and capricious”, meaning that they represent a misuse use of the power vested in the municipal agency, in this case, the Planning Commission.
- B. **Before Enactment, Changes to the Comprehensive Plan must satisfy 7 specific requirements with Substantial Basis and Consideration of All Relevant Circumstances**

Black Diamond Municipal Code Section 16.10.220 - Evaluation criteria for proposed amendments to the Comprehensive Plan, states as follows:

- A. All Amendments. All of the comprehensive plan amendments shall be reviewed under the following criteria:
 - 1. Whether the proposed amendment(s) conform to the Growth Management Act (Chapter 36.70A RCW);
 - 2. Whether the proposed amendment(s) are consistent with and implement the city's comprehensive plan, including the goals, policies and implementation strategies of the various elements of the plan;
 - 3. Whether circumstances related to the proposed amendment(s) and/or the area in which it is located have substantially changed since the adoption of the city's comprehensive plan;
 - 4. Whether the assumptions upon which the city's comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the city's comprehensive plan; and
 - 5. Whether the proposed amendment(s) reflects current, widely held values of the residents of the city.

Where are the written bases of the Planning Commission that each of these 5 requirements has been satisfied?

- C. **Before Enactment of Site Specific Amendments to the Comprehensive Plan, the Planning Commission Must Satisfy Each of the Following with Substantial Basis and Consideration of All Relevant Circumstances**

Black Diamond Municipal Code Section 16.10.220 (B) requires as follows:

- B. Amendments for Site-Specific Proposals. In addition to the above, any proposal for a site-specific development or amendment shall be reviewed under the following criteria:
 - 1. Whether the proposed site-specific amendment(s) meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services (e.g., police, fire and emergency medical services, parks, fire flow and general governmental services);

2. Any proposed site-specific amendment(s) will not result in probable significant adverse impacts to the city's transportation network, capital facilities, utilities, parks and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;
3. In the case of a site-specific amendment(s) to the comprehensive plan's land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including, but not limited to, the following: (i) access; (ii) provision of utilities; and (iii) compatibility with existing and planned surrounding land uses;
4. The proposed site-specific amendment(s) will not create pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the city as a whole;
5. The proposed site specific amendment(s) does not materially affect the land use and population growth projections that are the bases of the comprehensive plan;
6. If within an incorporated urban growth area (UGA), the proposed site-specific amendment(s) does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA;
7. The proposed amendment(s) is consistent with any applicable county-wide policies for the city and any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws.

(Ord. No. 1044, § 4, 12-18-14)

Where are the written bases of the Planning Commission that each of these 7 requirements has been satisfied?

II. Has Black Diamond Municipal Government Required that Developers Comply with All Conditions of Prior Rezones (Upzones)?

- A. The Conditions of Prior Rezones were determined as being in the public interest. Any waiver or relaxation of these conditions is contrary to the public interest and is "arbitrary and capricious", and is, therefore, a violation of law.
- B. If any of these conditions has not been fulfilled, then it would be arbitrary and capricious for the Planning Commission to approve additional upzone amendments to the Comprehensive Plan, and thereby exacerbate their failure to act in the public interest

I will be approaching the Planning Commission and the relevant Black Diamond for release of the information related to Argument Sections (I) and (II) above.

Ian Williams

From: Stephanie Kirchner <stephanie.kirchner@yahoo.com>
Sent: Tuesday, September 7, 2021 10:36 AM
To: Mona Davis
Subject: Fw: Sept 7th Comprehensive plan hearing

To whom it may concern, my name is Stephanie Kirchner I am originally from Anchorage Alaska. Since moving to Washington a decade ago I have lived in several cities including Federal Way, Kent, Renton, Lakeland Hills and now Black Diamond. I want to voice my concern because I see changes happening around my current town that I saw happening in the other communities and that to me is concerning. As we saw with Maple Valley that small town went from a beautiful wooded community, to a cement jungle and flooded with Starbucks, cvs pharmacies, Walgreens and other non-local businesses. I would hate to see Black Diamond or Enumclaw go in that same non-appealing direction as it would lose its small town vibe and safe feel. My family and I love Black Diamond and we have chosen to stay another year here and hope to one day buy a home here. We need to keep this area as untouched as possible not only for our community but for the wildlife and natural ecosystems as well.

Thank you for your time, I hope this makes some sort of difference.

-Stephanie Kirchner

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Stephanie Kirchner" <stephanie.kirchner@yahoo.com>
To: "mdavis@Blackdiamondwa.gov" <mdavis@Blackdiamondwa.gov>
Sent: Tue, Sep 7, 2021 at 10:33 AM
Subject: Fw: Sept 7th Comprehensive plan hearing

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Stephanie Kirchner" <stephanie.kirchner@yahoo.com>
To: "saveblackdiamond@gmail.com" <saveblackdiamond@gmail.com>
Sent: Tue, Sep 7, 2021 at 9:25 AM
Subject: Sept 7th Comprehensive plan hearing

[Sent from Yahoo Mail on Android](#)

Ian Williams

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Tuesday, September 7, 2021 2:00 PM
To: Mona Davis; Gary Davis; kristenbry@gmail.com; karen@bryantstractorandmower.com
Cc: ross@tilghmangroup.com
Subject: Fwd: Additional Development Not in Traffic Model — Preliminary Notes
Attachments: Ex41 2035 PM LOS - 09-02-21.PDF; Ex42 2035 BD Congested Speed.pdf

Additional comments for tonight's Comp Plan public Hearing Sep 7 on the future Land use Map.
In addition to the traffic planner's email below, note that we as a group instructed him to use extremely conservative trip estimates for trips starting and ending outside Black Diamond (pass through).
Thank you.

> ----- Forwarded message -----

> From: Ross Tilghman <ross@tilghmangroup.com>

> Date: Tue, 7 Sep 2021 09:42:42 -1000

> Subject: Additional Development Not in Traffic Model — Preliminary

> Notes

> Cc: Robert Shull <rshull@transportmodeler.com>

>

> The review of Black Diamond's 2035 traffic model that Bob Shull and I

> did does not account for all known developments in the city. That

> occurs because the land use information in the model has not been

> updated since approximately 2018 and numerous new land use

> developments have been built, permitted or planned over the last three

> years. We were able to add some of the largest new projects including

> the Black Diamond South retail project on SR-169 and up to 200

> residential units in TAZ 15 and 45. But the model does not include

> all known or possible developments such as an additional 300 housing

> units in those same TAZs, a self-storage facility on SR-169, a senior

> housing project at 292nd/216th, and a new site for Provident Electric

> on SR-169, or account for likely changes in area traffic due to

> diversions around Maple Valley.

>

> In short, the model we utilized is a conservative forecast of future

> traffic volumes and operations since it does not fully account for all

> known and likely developments by 2035.

>

> Ross

> Ross Tilghman

> Tilghman Group

>

>

> Sent from my iPhone

>

>

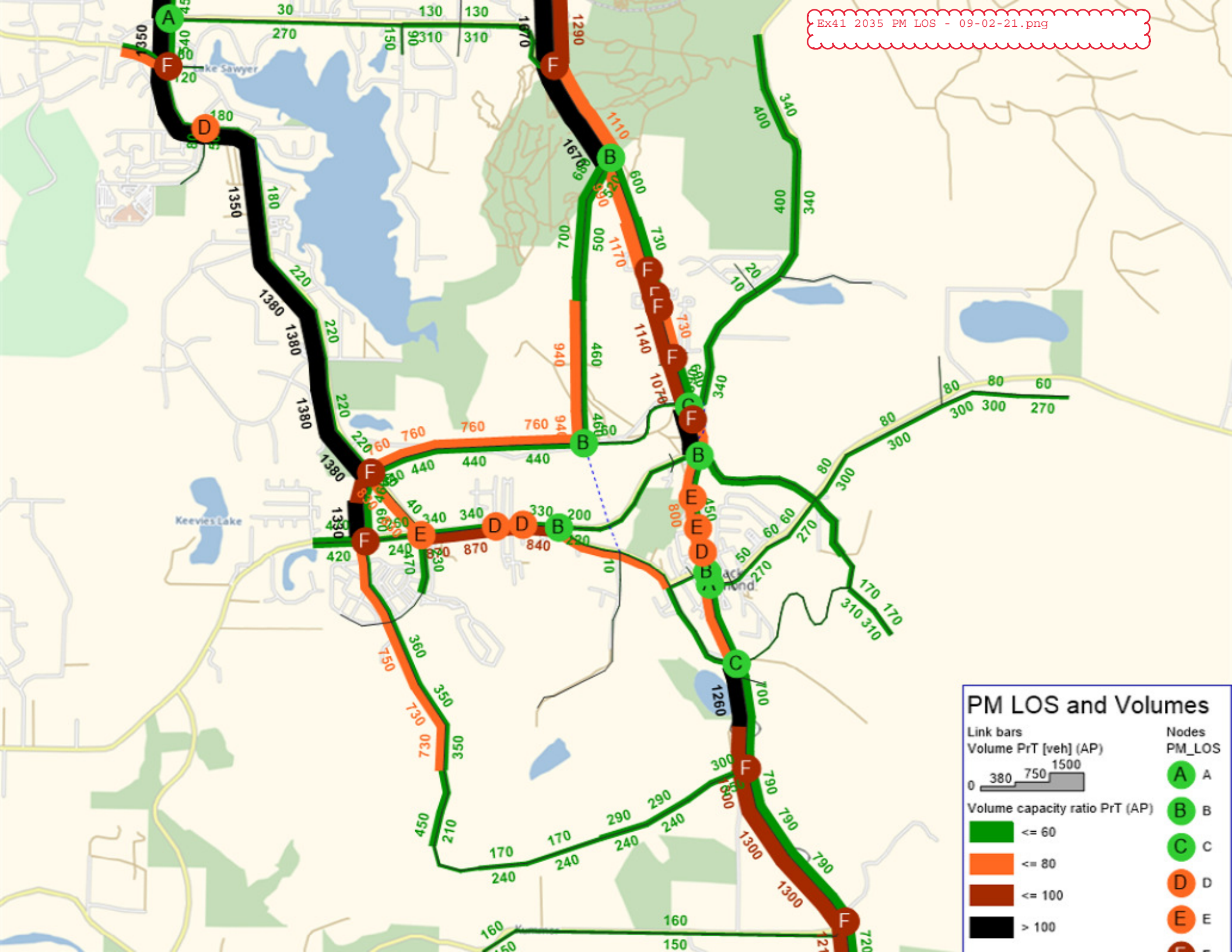
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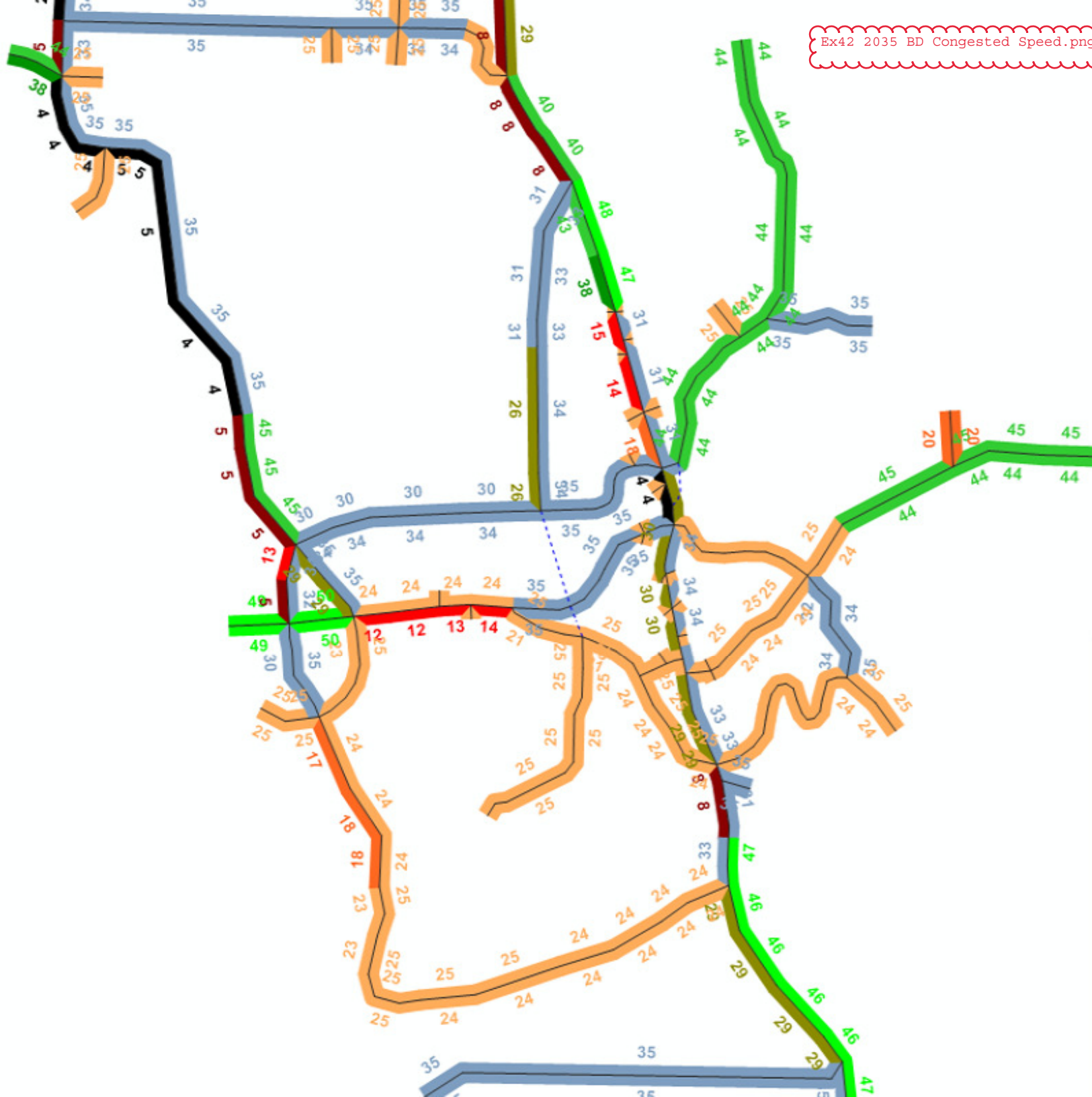
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>

> Kristen - 425-247-9619





2035 Speeds

Link bars
vCur-PrTSys (C)



Ian Williams

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Wednesday, September 8, 2021 6:45 PM
To: Mona Davis; Joey Portmann; pammccain@johnlscott.com; nuklldragr@aol.com; 1johnolson@gmail.com; ricco451@comcast.net; stevesharon2@comcast.net; fwheat@gmail.com
Cc: karen@bryantstractorandmower.com; kristenbry@gmail.com; Gary Davis
Subject: Hearing Comments Future Land Use Map - minutes Oct 2019
Attachments: PC Packet 11_12_19pg57-58 TATpublic commentOct8.pdf; PC Packet 11_12_19pg59-64 66 68 70-72 74-76 public commentOct8.pdf; PC Packet 11_12_19pg174-192public commentOct8.pdf; PC Packet 11_12_19pg20-56 public commentOct8.pdf; TAT-Prop'd BDCP 2019 Dkt Amnd'ts--Non-Transp Elem's.pdf; TAT-Proposed BDCP 2019 Docket Amendments.pdf; oral testimony--pc comp plan upd hrg.pdf

Dear Planning Commissioners and Ms. Davis and Mr. Portmann,

Attached are comments on the Future Land Use Map. They are provided for the commissioners' convenience and for public comment for your next meeting on September 21.

These comments are on the city website, but they are attached here in shorter segments and with blank pages removed. Also, Peter Rimbo had provided us a copy of the TAT comments, so his 'original' files are attached because they are easier to read than the scanned copies.

These comments were from the October 8, 2019 meeting; the first time the Future Land Use Map change details were given a public hearing. Mr. Portmann probably went through this packet for his review. The same info as attached is at this link:

http://oldblackdiamondwebsite.com/Depts/CommDev/2019_planning_comm.html

(Note: November 19, 2019 Packet is the source of the attachments; it seems the minutes from Oct 8 did not get updated with the public comment.)

This information is provided partly in response to the discussion at the last meeting about what was the subject of past "public outcry." Bill Bryant stated that it was not apartments, but excess development. Our emails sent yesterday already provided other past public comments from 2020 that relate to this subject.

Thank you,
William Bryant
Kristen Bryant

2019 Preliminary Docket Amendments—Planning Commission Public Hearing Citizens' Technical Action Team — Oral Testimony

My name is Peter Rimbos. I live in rural King County at 19711 241st Ave SE. I lead the **Citizens' Technical Action Team** and serve as its Transportation Focal. We have worked with the city on the **2015 Comprehensive Plan Update** since the April 2, 2014, Kick-Off Meeting held in the old Elementary School gym. During that meeting we held extensive discussions with then Update subcontractor BergerABAM, the Mayor and City Council members, and Andy and Seth. We've also attended Workshops and spoken with DKS Associates.

For the past 5 1/2 years we have been immersed in all aspects of the Update. We have conducted in-depth research of most of the Update's State-required *Elements* including the *Natural Environment Element* and the *Parks and Open Space Element*—both of which Dr. Bortleson will be discussing tonight and the *Transportation Element*, which I will be discussing.

As you know, in most cases, each State-required *Element* is comprised of the corresponding *Chapter* and *Appendix*. The *Chapters* enumerate city Goals and Policies and the *Appendices* include State-required data, plans, schedules, financing, etc.

In 2018 we reviewed the city's proposed *Transportation Element* according to the requirements of **RCW 36.70A.070(6)(a)**, which calls for consistency with the land use element and inclusion of several subelements. Our 103 pp of detailed comments on the *Transportation Element*—clearly the key part of the entire Update—addressed each subelement requirement and whether or not the city has met them to a sufficient degree. These, as included in the Department of Commerce checklist, along with the applicable State **RCW 36.70A.070** subparagraph designations, are: Transportation Inventory [(iii)(A)], Levels of Service [(iii)(B)], Concurrency [(iii)(D)], Long-Term Forecasting [(iii)(E)], Future Needs [(iii)(F)], Long-Term Funding Plan [(iv)], Intergovernmental Coordination [(v)], and Traffic-Demand Management [(vi)].

For the entire *Transportation Element*—both *Chapter* and *Appendix*—we found NO changes from the April 2018 draft through the Planning Commission's August 2018 hearing and review and the May 2019 Council's approval! All Public Comments were ignored including our extensive research and comments—including ignoring all the typos, mis-spellings, inconsistent and duplicative figure and table numbering's schemes and the page numbering. For all intents and purposes the City, in its execution of the State-required Public Participation Plan, ignored all Public comments related to the all-important *Transportation Element*.

Fortunately, the City is now in the *2019 Docket Amendment Process*—the reason for this Public Hearing—and now has the opportunity to address these comments. We are taking this opportunity—at the recommendation of Community Director Barbara Kincaid—to offer our proposed Amendments to the Update. I will be discussing our proposed Amendments to the Update's *Transportation Element's Chapter 7—Transportation* and *Appendix 7—Transportation*.

2019 Preliminary Docket Amendments—Planning Commission Public Hearing Citizens' Technical Action Team — Oral Testimony

For *Chapter 7—Transportation* we offer nine proposed Amendments:

- (1) **Policy T-4 Level of Service Standard:** Restore the statement: *“Adopt levels of service that reflect the preference of the community,”* which was inadvertently deleted from the 2009 Comprehensive Plan.
- (2) **Policy T-14 Character of the City:** Restore the statement: *“Discourage widening of SR 169 to a four or five lane facility thus creating a ‘thoroughfare’ that will tend to divide the City,”* which was inadvertently deleted from the 2009 Comprehensive Plan. This was the first item listed in the *old Policy T-10*, which is now morphed into **Policy T-14**.
- (3) **Policy T-8 Transportation Demand Management:** Restore the statement: *“Develop zoning and land use policies that promote land uses and development that are consistent with the City’s goals and visions and which require new development to adequately provide for the transportation needs of that development,”* which was inadvertently deleted from the 2009 Comprehensive Plan. In addition, the policy also must describe State-required Transportation-Demand Management Strategies and a A Commute-Trip Reduction Plan.
- (4) thru (9) regarding our proposed Amendments to **Policies T-19 Concurrency, T-20 Funding Sources, T-21 Alternative Level of Service, T-22 Financial Impact Mitigation, T-24 Intergovernmental Agency Coordination, and T-25 Multi-modal Coordination** are too complex to discuss here.

For *Appendix 7—Transportation* we offer six proposed Amendments: **Travel Forecasts; Funding Sources; Transportation Improvements; Transportation Concurrency; Level of Service; and Intergovernmental Agency Coordination**. These are far too complex to discuss here. In our **Written Testimony**, already provided to you, we provide all the details, rationale, and applicable RCW requirement to be fulfilled.

Because transportation issues are often complex and involve a good deal of analyses, we expect it will take you some time to fully digest our detailed comments. We are prepared to answer any of your questions. As such, we recommend you reserve judgement on the 2019 Preliminary Docket Amendments at this time and not take any action until your November meeting.

In closing, please recognize the Comprehensive Plan reflects the Public’s view of their city and what they want for it. As such, we highly recommend you take the time to review the details. Please understand it is important to the city and to its residents to get this right.

Thank you.

City of Black Diamond
Planning Commission Meeting – October 8, 2019

(A) **Public Hearing # 2 –**
Proposed Zoning Map Amendments
Sign-up Sheet

Printed Name	Printed Address
1. GIL BORTLESSEN	23831 SE GREEN VALLEY RD AUBURN, WA 98092
2. Gary Davis	PDB 223 Black Diamond, WA 98010
3. SUSAN HARVEY	susandharvey@hotmail.com RAVENSDALE
4. Fred Mauerman	32518 McKay Lane Black Diamond
5. Melissa Earl - Left	21830 284th AVE SE Maple Valley 30741 3rd AVE Suite 133
6. Chris Farber - Left	21621 SE 253rd Pl Maple Valley, WA
7. Renee Mix	32515 McKay Lane Black Diamond, WA 98010
8. ROBIN BUXTON	19825 SE 296th ST COVINGTON-WA 98042
9. Bob Stuart - Left	32404 McKay Lane B.D. 98010
10. Melody MANN	31605 230 pl SE Black Diamond
11. Kristen Bryant	
12. ALAN GARDNER - Left	

13. Mike Heller ^{chose not to speak}	24113 SE GREEN VALLEY RD
14. Eleusina Conces	32514 Newcastle Dr Black Diamond
15. Oleg Sergeev - Left	32412 Newcastle Dr
16. Bonnie England	Black Diamond
17. Bill Bryant	Black Diamond
18. Cindy Cermann	BLACK DIAMOND
19. Rose Wentz	Black Diamond
20. Michael England - Left	Black Diamond
21. Mikos Kathleen	Black Diamond
22. DIANE RAUSCHENBERG ENUMCLAW	
23.	
24.	
25.	
26.	
27.	

Add →

Continuation
sign up
list

23) All: son Oster

24) Dan Palmer

City of Black Diamond
Planning Commission Meeting – October 8, 2019
ⓑ Public Hearing # 1 –
Preliminary Docket for 2019
Comprehensive Plan Amendments
Sign-up Sheet

Printed Name	Printed Address
1. PETER RIMBOS	
2. GIL BORTLSON	23831 SE GREEN VALLEY AUBURN, WA 98002
3. Michael England	
4. Michael FeHig	25423 KANASKET DR
5. Tom Norling	25422 Kanasket Dr
6. Melody MANN	31005 230 Pl SE
7. Kristen Bryant	
8. ALAN GANGL	30702 229th Pl SE Auburn Wa.
9. MIKE HELLER	24113 SE GREEN VALLEY RD,
10. Allison Oster	PO Box 47131 Seattle Wa.
11. Peter Rimbos	19711 24 th Ave SE, M Valley

12.	RoseWentz	Black Diamond
13.		
14.		
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Information on the Growth Management Act

Source: Washington Municipal Resources Services Center

Overview

The Growth Management Act (GMA) is a series of state statutes, first adopted in 1990, that requires fast-growing cities and counties to develop a comprehensive plan to manage their population growth. It is primarily codified under Chapter 36.70A RCW, although it has been amended and added to in several other parts of the RCW.

Under RCW 36.70A.020, the GMA establishes a series of 13 goals that should act as the basis of all comprehensive plans. The legislature added the goals and policies of the Shoreline Management Act as the fourteenth GMA goal (RCW 36.70A.480). The shoreline goals may be found at RCW 90.58.020.

GMA Goals (RCW 36.70A.020)

- Concentrated urban growth
- Sprawl reduction
- Regional transportation
- Affordable housing
- Economic development
- Property rights
- Permit processing
- Natural resource industries
- Open space and recreation
- Environmental protection
- Early and continuous public participation
- Public facilities and services
- Historic preservation
- Shoreline management (RCW 36.70A.480)

The GMA lays out the following mandatory and optional comprehensive elements:

Mandatory Comp Plan Elements (RCW 36.70A.070)

- Land Use
- Housing
- Capital Facilities Plan
- Utilities
- Rural Development (counties only)
- Transportation
- Economic Development
- Parks and Recreation

- Ports (mandatory for cities with annual maritime port revenues exceeding \$60 million, RCW 36.70A.085)

Optional Comp Plan Elements (RCW 36.70A.080)

- Conservation
- Solar Energy
- Recreation
- Subarea Plans (neighborhoods, rural villages, urban growth areas, tribal areas, etc.)
- Ports (optional for cities with annual maritime port revenues of \$20 million to \$60 million, RCW 36.70A.085)

While all of these elements are important, the land use element sets the direction of future growth in a community and is usually depicted as a future land use map. The future land use map, which is policy-oriented, is then implemented in large part by the official zoning map, a regulatory tool.

... Comprehensive plans also **must be coordinated with adjacent and overlapping jurisdictions** and must be updated every 8 years, with optional annual updates.

Urban Growth Areas and Accommodating Future Growth

Under the GMA, the state Office of Financial Management (OFM) develops population projections for the state and each county. **Each "fully planning" county is then mandated to determine, in consultation with cities, where that growth should be directed to occur.** Once these growth projections are adopted, then the county and cities are to use them in their comprehensive planning processes and make sure that their plans can accommodate the projected level of growth (RCW 36.70A.115).

King County County-Wide Planning Policies.

Growth Targets

DP-11 GMPC shall allocate residential and employment growth to each city and unincorporated urban area in the county. This allocation is predicated on:

- Accommodating the most recent 20-year population projection from the state Office of Financial Management and the most recent 20-year regional employment forecast from the Puget Sound Regional Council;
- Planning for a pattern of growth that is consistent with the Regional Growth Strategy including focused growth within cities with countywide designated centers and within other larger cities, limited development in the Rural Area, and protection of designated Resource Lands;
- Efficiently using existing zoned and future planned development capacity as well as the capacity of existing and planned infrastructure, including sewer and water systems;

- Promoting a land use pattern that can be served by a connected network of public transportation services and facilities and pedestrian and bicycle infrastructure and amenities;
- Improving the jobs/housing balance within the region and the county;
- Promoting sufficient opportunities for housing and employment development throughout the Urban Growth Area;
- Allocating growth to individual Potential Annexation Areas within the urban unincorporated area proportionate to its share of unincorporated capacity for housing and employment growth.

DP-12 GMPC shall:

- Update housing and employment targets periodically to provide jurisdictions with up-to-date growth allocations to be incorporated in state-mandated comprehensive plan updates;
- Adopt housing and employment growth targets in the Countywide Planning Policies pursuant to the procedure described in policy G-1; and
- Adjust targets administratively upon annexation of unincorporated Potential Annexation Areas by cities. Growth targets for the 2006-2031 planning period are shown in table DP-1.

DP-13 All jurisdictions shall plan to accommodate housing and employment targets. This includes:

- Adopting comprehensive plans and zoning regulations that provide capacity for residential, commercial, and industrial uses that is sufficient to meet 20-year growth needs and is consistent with the desired growth pattern described in VISION 2040;
- Coordinating water, sewer, transportation and other infrastructure plans and investments among agencies, including special purpose districts; and
- Transferring and accommodating unincorporated area housing and employment targets as annexations occur.

King County Growth Targets:

Table DP-1: King County Jurisdiction Growth Targets 2006-2031					
		Net New Units 2006-2031		Net New Jobs 2006-2031	
		Housing Target	Potential Annexation Area Housing Target	Employment Target	Potential Annexation Area Emp Target
Metropolitan Cities					
	Bellevue	17,000	290	53,000	
	Seattle	86,000		146,700	
Metropolitan Cities Subtotal		103,000		199,700	
Core Cities	Auburn	9,620		19,350	
	Bothell	3,000	810	4,800	200
	Burien	4,440		4,960	
	Federal Way	8,100	2,390	12,300	290
	Kent	9,270	90	13,280	210
	Kirkland	8,570		20,850	
	Redmond	10,200	640	23,000	
	Renton	14,835	3,895	29,000	470
	SeaTac	5,800		25,300	
Tukwila	4,800	50	15,500	2,050	
Core Cities Subtotal		78,638		168,340	
Larger Cities	Des Moines	3,000		5,000	
	Issaquah	5,750	290	20,000	
	Kenmore	3,500		3,000	
	Maple Valley	1,800	1,060	2,000	
	Mercer Island	2,000		1,000	
	Sammamish	4,000	350	1,800	
	Shoreline	5,000		5,000	
	Woodinville	3,000		5,000	
Larger Cities Subtotal		28,050		42,800	
Small Cities	Algona	190		210	
	Beaux Arts	3		3	
	Black Diamond	1,900		1,050	
	Carnation	330		370	
	Clyde Hill	10		0	
	Covington	1,470		1,320	
	Duvall	1,140		840	
	Enumclaw	1,425		735	
	Hunts Point	1		0	
	Lake Forest Park	475		210	
	Medina	19		0	
	Milton	50	90	160	
	Newcastle	1,200		735	
	Normandy Park	120		65	
	North Bend	665		1,050	
	Pacific	285	135	370	
	Skykomish	10		0	
	Snoqualmie	1,615		1,050	
Yarrow Point	14		0		
Small Cities Subtotal		10,922		8,168	
Urban Unincorp	Potential Annexation Areas	10,090		3,220	
	North Highline	820		2,170	
	Bear Creek UPD	910		3,580	
	Unclaimed Urban Uninc.	650		90	
Urban Incorporated Subtotal		12,470		9,060	
Urban Growth Area Total		233,077		428,068	

From Washington State Department of Commerce Urban Growth Area Guidebook

<https://deptofcommerce.app.box.com/s/pnkar5j81ghxrgfdgr3ofa7pmw5v37da>

Who Pays for Urban Services (Page 43)

... Since revenue sources change from year to year, jurisdictions are faced with a complex challenge to align revenue sources with needed capital facilities and to assign costs equitably to both new development and to the larger community. Many of the broad based taxes, such as property and sales taxes, are assessed to the entire community and everyone pays. **However, when broad based revenues are used to pay for the cost of urban services for new development, questions of equity and benefits arise that need to be resolved** in a public discussion of planning for UGAs.

“Fiscal impact analysis appears to be gaining recognition as an important tool for evaluating local land use and development policy decisions. A greater use of this analysis tool by local governments in Washington would shed light on how urban growth is impacting communities in the state. To achieve a real understanding of growth’s fiscal impacts, the substantial capital cost of the infrastructure growth requires, must be included in any analysis.”²⁰

... Understanding the fiscal impacts of urban growth and applying the cost of urban services to existing or new urban growth areas is essential in order to have fiscal balance in our cities and counties.

“Integrating finance with land use planning requires some caution. I’ve heard it said that there are two significant pitfalls to incorporating finance into the GMA planning process. The first pitfall is to involve the finance director in the planning process since the pessimism and cautiousness of the typical finance director will tend to dampen and constrain the “dreaming” about the future essential to a good visioning process. The second pitfall is to not involve the finance director because the plan may then become fiscally unrealistic and difficult to implement. When considering the role of financial planning in comprehensive planning, one always needs to remember that it is a question of how to balance “thinking creatively” about the future while simultaneously being concerned about how to pay for that future.”²¹

The risk in not analyzing the costs of urban services and aligning these costs to a compatible land use plan is a deepening budget hole – where new growth will always be needed to pay the debt service on old growth. This is not a sustainable pattern of development that will generate the funding to provide for new urban services, let alone pay the long term obligation for replacing large urban infrastructure systems once their current life cycle ends.

Cities and Counties are required to coordinate on Growth Planning. **The County has already bent over backwards to accommodate growth in Black Diamond.** Far beyond what makes sense for our roads and schools. King County set Black Diamond’s a growth target to more than double Black Diamond in the next twenty years. King County has been asked to come way too far and Black Diamond is still not coordinating. This re-zone makse it worse.

5.14 Public Land Goals and Policies

The Public designation identifies properties under public ownership, whether by the City or other governmental entities that are either currently used or intended for uses such as public utilities, parks, libraries, community centers, or elementary schools. This includes the City's watershed, which is located approximately 1.5 miles southeast of the City limits and is otherwise surrounded by unincorporated King County. Lands falling within the Public category should be those intended to remain within public ownership and management for long periods.

❖ **LU Goal 11:** Ensure compatibility between land providing necessary services to the community and surrounding land uses.

- **Policy LU-50:** Public uses should respect the neighborhood and district context in which they are proposed by adherence to the City's design guidelines and zoning code.
- **Policy LU-51:** Public buildings and spaces should be designed to be compatible with Black Diamond's unique architectural heritage and qualities.
- **Policy LU-52:** Public buildings and spaces should fulfill their role as gathering areas and community resources.

5.15 Regional Coordination Goals and Policies

The City recognizes that coordination with neighboring cities, counties, and tribal government is a requirement for sustainable growth and prosperity. The GMA mandates regional coordination and Black Diamond shares planning and growth management responsibilities with King County and the Puget Sound Regional Council (PSRC). In addition to the regional coordination of comprehensive plan policies and allocation of population and employment growth targets, the GMA requires that city and county development regulations identify a process to review the siting of "essential public facilities". These are large scale land uses that provide regional benefits and include airports, state educational facilities, state or regional transportation facilities, state and local correction facilities, solid waste handling facilities, and inpatient facilities (e.g. substance abuse, mental health, group home, and secure community transition facilities).

❖ **LU Goal 12:** Coordinate land use and development actions with government agencies, adjacent jurisdictions, and tribes as appropriate.

- **Policy LU-53:** Use the countywide planning policies and PSRC Vision 2040 as a basis for regional coordination and land use decisions.



ID #: PLN17-0082

Type: COMPREHENSIVE PLAN AMENDMENT

Status: WITHDRAWN

Total Fees: \$0.00

Balance Due: \$0.00

Primary Contact: Valasara, LLC

Location: 31109 3RD AVE, BLACK DIAMOND

Parcel:

Work Description: Application to Comp Plan, Industrial to Commercial

Applied: 11/21/2017

Issued:

Expires:

Final:

Information as of 10/7/2019 4:34:33 PM

OWNER Valasara, LLC

APPLICANT Weston Butt

Y

N

31109 3RD AVE, BLACK DIAMOND

BL1085	BL-TECHNOLOGY COST RECOVERY FEE	\$45.00	(\$45.00)	\$0.00
BL1085	BL-TECHNOLOGY COST RECOVERY FEE	(\$45.00)	\$45.00	\$0.00
PL1008	PL-COMP PLAN AMMENDMENT APP FEE	\$2,734.00	(\$2,734.00)	\$0.00
PL1008	PL-COMP PLAN AMMENDMENT APP FEE	(\$2,734.00)	\$2,734.00	\$0.00

TOTAL FEES: \$0.00

BALANCE DUE: \$0.00

☒	1010	Planning Review
☒	1050	Public Works Review
☒	1190	Permit Tech Review
☒	1210	Economic Development Review

Status: **WITHDRAWN**Permit Type: **Comprehensive Plan Amendment**Project Name: **WB Map Ammendment**

Zone:

Description:

Application to Comp Plan, Industrial to Commercial

Outstanding Items at Time of submittal:

Verifying if Environmental Checklist is needed, to be confirmed by Planning

MDRT?

Lots: **0**Required Deposit: **\$0.00**PermitType: **Comprehensive Plan Amendment**Status: **WITHDRAWN*******Hearing Information*****Date of Application: **11/21/2017**

Approval Date:

Complete Application Due:

Completeness Letter:

Notice of Application:

Date Recorded:

Recording #:

SEPA Required?

Hearing Date:

Hearing Decisions:

Date of Decision:

Appeal Deadline:

**PLANNING PERMIT****ID #: PLN19-0005**

Type:	PRE APPLICATION	Applied:	01/09/2019
Status:	APPLIED	Issued:	
Total Fees:	\$312.00	Expires:	
Balance Due:	\$0.00	Final:	
Primary Contact:	PK Properties		
Location:	31007 3RD AVE, BLACK DIAMOND		
Parcel:	1121069008		
Work Description:	Mixed use development project located at 31109 3rd Ave		

Information as of 10/8/2019 12:54:02 PM

ASSOCIATED PEOPLE

TYPE	NAME	PRIMARY CONTACT
APPLICANT	PK Properties - Weston Butt	Y
OWNER	LLC VALASARA	N

ASSOCIATED ADDRESSES

ADDRESS
31007 3RD AVE, BLACK DIAMOND

ASSOCIATED PARCELS

PARCEL NUMBER	PRIMARY PARCEL?	TAX PARCEL INFORMATION
1121069008	Y	Tax Parcel Info

ASSOCIATED ITEMS

ASSOCIATED ITEM	APPLICATION DATE	TYPE	STATUS	SUB TYPE
FIR19-0004	04/29/2019	FIRE PERMIT	ISSUED	Miscellaneous
HIS08-0046	01/09/2019	HISTORICAL PERMITS	FINAL	MEC - BLD
PLN18-0021	01/09/2019	PLANNING PERMIT	PRE-APP DONE	PRE APPLICATION
PLN19-0032	04/18/2019	PLANNING PERMIT	APPLIED	TEMPORARY USE PERMIT
PLN19-0039	05/08/2019	PLANNING PERMIT	CANCELLED	TEMPORARY USE PERMIT
PLN19-0057	06/10/2019	PLANNING PERMIT	APPLIED	BINDING SITE PLAN
PLN19-0058	06/10/2019	PLANNING PERMIT	APPLIED	SEPA - CHECKLIST W/ PLN PERMIT

FEES

FEE ID	FEE DESCRIPTION	AMOUNT	PAID	BALANCE DUE
BL1085	BL-TECHNOLOGY COST RECOVERY FEE	\$45.00	(\$45.00)	\$0.00
PL1056	PL-PRE-APPLICATION MTG.	\$267.00	(\$267.00)	\$0.00

TOTAL FEES: \$312.00

BALANCE DUE: \$0.00

REVIEWS

STATUS	REV ID	DESCRIPTION
☒	1050	Public Works Review
	1060	Fire Review
	1070	Police Review
☒	1190	Permit Tech Review
	1200	Administration Review
	1210	Economic Development Review

GENERAL INFORMATION

Permit Type: **Pre Application**Status: **APPLIED**Project Name: **Black Diamond Crossing**Zone: **B/IP**

Description:

Mixed use development project located at 31109 3rd Ave

Outstanding Items at Time of submittal:

☐ MDRT?Lots: **1**Required Deposit: **\$0.00**


[HOME](#) [SIGN IN](#) [REGISTER](#)


PLANNING PERMIT

ID #: PLN19-0057

Type:	BINDING SITE PLAN	Applied:	06/10/2019
Status:	APPLIED	Issued:	
Total Fees:	\$2,963.00	Expires:	
Balance Due:	\$0.00	Final:	
Primary Contact:	Weston Butt		
Location:	31007 3RD AVE, BLACK DIAMOND		
Parcel:	1121069008		

Work Description: Construction of new commercial/retail use strip mall along the west side of 3rd Avenue (SR169) and multi-family residential apartments in the southwest portion of the site. Along with building construction the project will also include clearing and grading, paved parking, landscaping, stormwater facility, water and sanitary sewer extensions, roadway improvements and franchise utility improvements.

Information as of 10/8/2019 1:00:02 PM

ASSOCIATED PEOPLE

TYPE	NAME	PRIMARY CONTACT
OWNER	Weston Butt	Y
APPLICANT	Weston Butt	N

ASSOCIATED ADDRESSES

ADDRESS
31007 3RD AVE, BLACK DIAMOND

ASSOCIATED PARCELS

PARCEL NUMBER	PRIMARY PARCEL?	TAX PARCEL INFORMATION
1121069008	Y	Tax Parcel Info

ASSOCIATED ITEMS

ASSOCIATED ITEM	APPLICATION DATE	TYPE	STATUS	SUB TYPE
FIR19-0004	06/10/2019	FIRE PERMIT	ISSUED	Miscellaneous
HIS08-0046	06/10/2019	HISTORICAL PERMITS	FINAL	MEC - BLD
PLN18-0021	06/10/2019	PLANNING PERMIT	PRE-APP DONE	PRE APPLICATION
PLN19-0005	06/10/2019	PLANNING PERMIT	APPLIED	PRE APPLICATION
PLN19-0032	06/10/2019	PLANNING PERMIT	APPLIED	TEMPORARY USE PERMIT
PLN19-0039	06/10/2019	PLANNING PERMIT	CANCELLED	TEMPORARY USE PERMIT
PLN19-0058	06/10/2019	PLANNING PERMIT	APPLIED	SEPA - CHECKLIST W/ PLN PERMIT
PUB19-0113	06/10/2019	PUBLIC WORKS PERMIT	APPLIED	Civil Plan
PUB19-0114	06/10/2019	PUBLIC WORKS PERMIT	APPLIED	Clearing & Grading
PUB19-0125	09/16/2019	PUBLIC WORKS PERMIT	APPLIED	Miscellaneous/Utility

FEES

FEE ID	FEE DESCRIPTION	AMOUNT	PAID	BALANCE DUE
BL1085	BL-TECHNOLOGY COST RECOVERY FEE	\$45.00	(\$45.00)	\$0.00
PL1006	PL-BINDING SITE PLAN	\$2,918.00	(\$2,918.00)	\$0.00

TOTAL FEES: \$2,963.00

BALANCE DUE: \$0.00

REVIEWS

STATUS	REV ID	DESCRIPTION
	1010	Planning Review
	1050	Public Works Review
	1060	Fire Review
	1070	Police Review
	1190	Permit Tech Review
	1200	Administration Review

GENERAL INFORMATION

Permit Type: **Binding Site Plan**Status: **APPLIED**Project Name: **Butt Binding Site Plan**Zone: **B/IP**

Description:

Construction of new commercial/retail use strip mall along the west side of 3rd Avenue (SR169) and multi-family residential apartments in the southwest portion of the site. Along with building construction the project will also include clearing and grading, paved parking, landscaping, stormwater facility, water and sanitary sewer extensions, roadway improvements and franchise utility improvements.

Outstanding Items at Time of submittal:

Sensitive Area ID form

☐ MDR? Lots: **0**

RULES AND PROCEDURES OF THE CITY OF BLACK DIAMOND PLANNING COMMISSION

The following Rules and Procedures are adopted by the City of Black Diamond Planning Commission to facilitate the performance of its duties and functions as empowered in Chapter 2.24, Black Diamond Municipal Code.

Section 1. Meetings

- A. Regular meetings. The Planning Commission meets regularly on the first Tuesday evening following a regularly scheduled City Council meeting, commencing at 7:00 p.m. in the City Council Chambers. Regular City Council meetings are held on the first and third Thursday of each month.
- B. Special meetings. The Planning Commission shall meet for special meetings at the call of the Chair or by majority vote of the Commission. A minimum of 24 hours notice shall be provided to each Commission member and the public for special meetings.
- C. Cancellation. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be canceled at the notice of the Chair or Secretary provided at least 24 hours in advance. A majority vote of the Commission may also result in cancellation of a meeting.
- D. Open Meeting Requirements and Notification. The open meeting requirements of State law (RCW 42.30) shall apply to all Planning Commission meetings. Notification procedures shall follow the requirements of applicable sections of Black Diamond Municipal Code or standard City practice as established by the City Clerk.

Special meetings shall be noticed by: a) delivering written notice personally by mail, fax or by electronic mail at least 24 hours in advance to Planning Commission members; b) delivering written notice personally by mail, fax or electronic mail at least 24 hours in advance to the official City newspaper and also to each media publication and individual which has filed a written request with the City to be notified of Planning Commission meetings and c) posting the notice on the City's website.

- E. Record. All public hearing procedures shall be recorded. This record will normally be an audio recording by means of electronic equipment. Recording of work/study sessions is not required.
- F. Minutes. The Community Development Department staff will prepare written minutes of all meetings that includes pertinent information, motions, decisions made, and actions and votes taken.

Section 3. Secretary

The Community Development Director or his/her appointee, shall act as the Secretary of the Planning Commission and shall keep and retain a record of all meetings of the Commission and its committees.

Section 4. Quorum

A simple majority of the appointed members shall constitute a quorum for the transaction of business. A quorum must be in attendance in order to conduct a meeting, to transact any business or to render a recommendation. Every motion of the Planning Commission requires approval of a majority of the Planning Commission members present to pass.

Section 5. Absence of Members

In the event of a member being absent for three (3) consecutive regular meetings, or being absent from 25% of the regular meetings during any calendar year, without being excused by the Chair, the Commission may request the Mayor to ask for his or her resignation. To be excused from a meeting, members must inform the Chair or Secretary in advance of a scheduled meeting or by the end of the next business day following the meeting.

Section 6. Vacancies

Should any vacancy occur among the membership of the Planning Commission by reason of death, resignation, disability, or otherwise, the Secretary shall immediately notify the City Clerk and request the Mayor to appoint a replacement at the earliest possible time.

Section 7. Disqualification

No member of the Planning Commission should participate in any discussion or vote on any matter in which the member has a direct and substantial personal or financial interest potentially sufficient to create a conflict between the interest in serving the public good and the other interest. The other interest may be private gain, financial or personal, and it may benefit the member, a relative, a friend, or employer. The member should publicly indicate the potential conflict of interest and leave the meeting room until the matter is disposed. The minutes shall show that the member left the room and abstained on any vote.

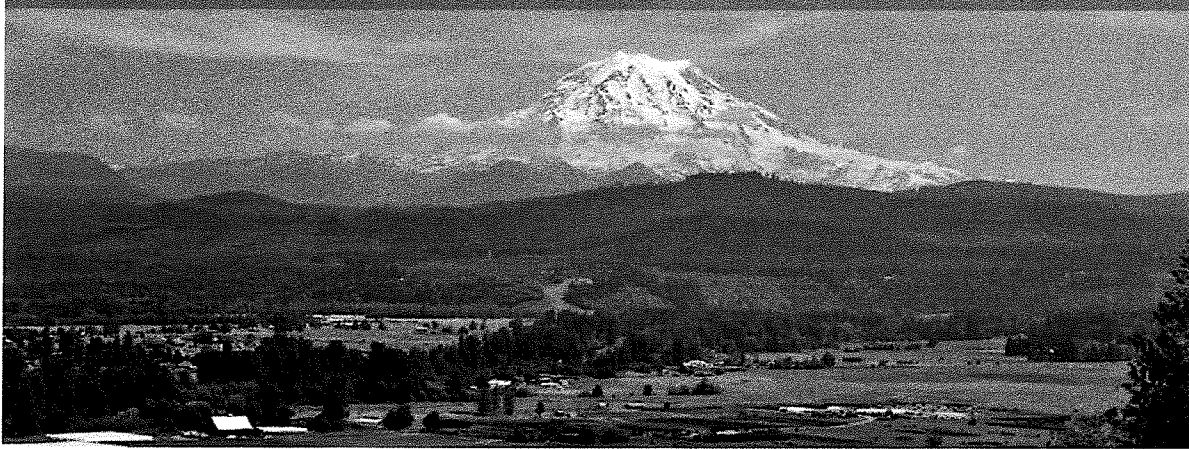
Section 8. Conduct of meetings

- A. General. The Chair has broad authority over all matters regarding the conduct of meetings. He/she shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Commission, while permitting the orderly and timely completion of Planning Commission business.

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A Vision for 2040



Our vision for the future advances the ideals of our people, our prosperity, and our planet. As we work toward achieving the region's vision, we must protect the environment, support and create vibrant, livable, and healthy communities, offer economic opportunities for all, provide safe and efficient mobility, and use our resources wisely and efficiently. Land use, economic, and transportation decisions will be integrated in a manner that supports a healthy environment, addresses global climate change, achieves social equity, and is attentive to the needs of future generations.

Regional Goals

The following overarching goals provide the framework for each of the six major policy sections of VISION 2040 that appear in Part III.

Environment. The region will care for the natural environment by protecting and restoring natural systems, conserving habitat, improving water quality, reducing greenhouse gas emissions and air pollutants, and addressing potential climate change impacts. The region acknowledges that the health of all residents is connected to the health of the environment. Planning at all levels should consider the impacts of land use, development patterns, and transportation on the ecosystem.

Development Patterns. The region will focus growth within already urbanized areas to create walkable, compact, and transit-oriented communities that maintain unique local character. Centers will continue to be a focus of development. Rural and natural resource lands will continue to be permanent and vital parts of the region.

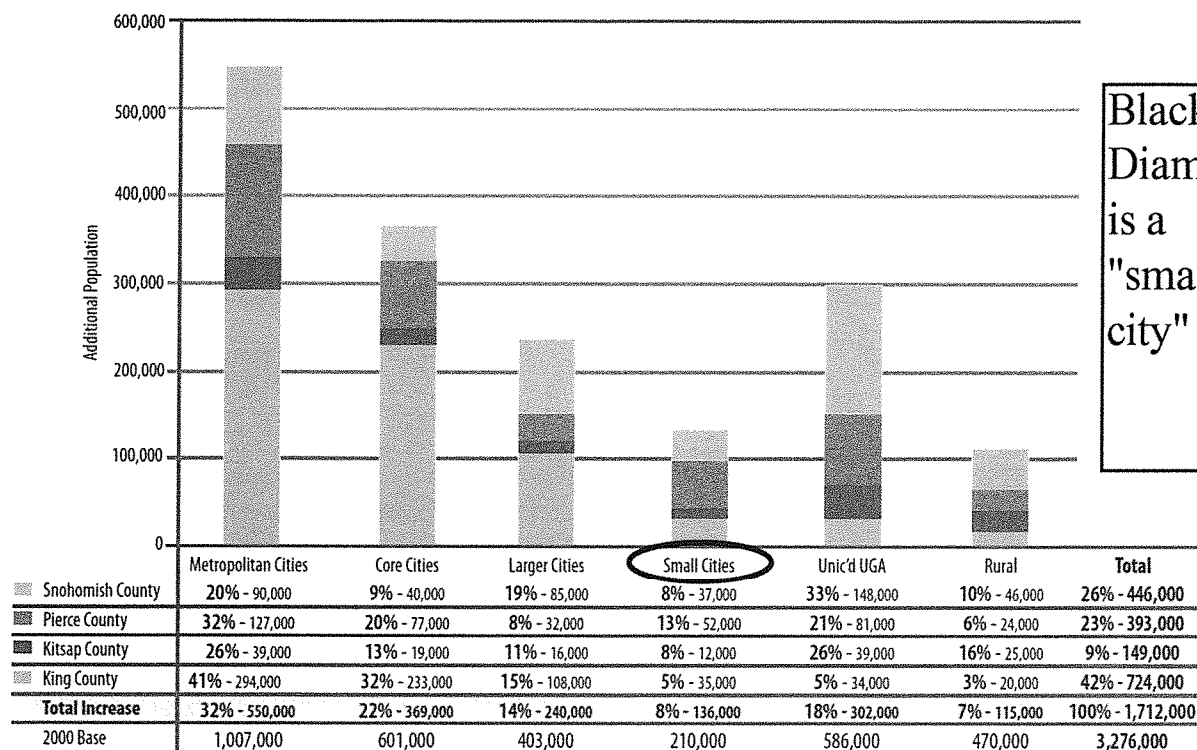
Housing. The region will preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices to every resident. The region will continue to promote fair and equal access to housing for all people.

Economy. The region will have a prospering and sustainable regional economy by supporting businesses and job creation, investing in all people, sustaining environmental quality, and creating great central places, diverse communities, and high quality of life.

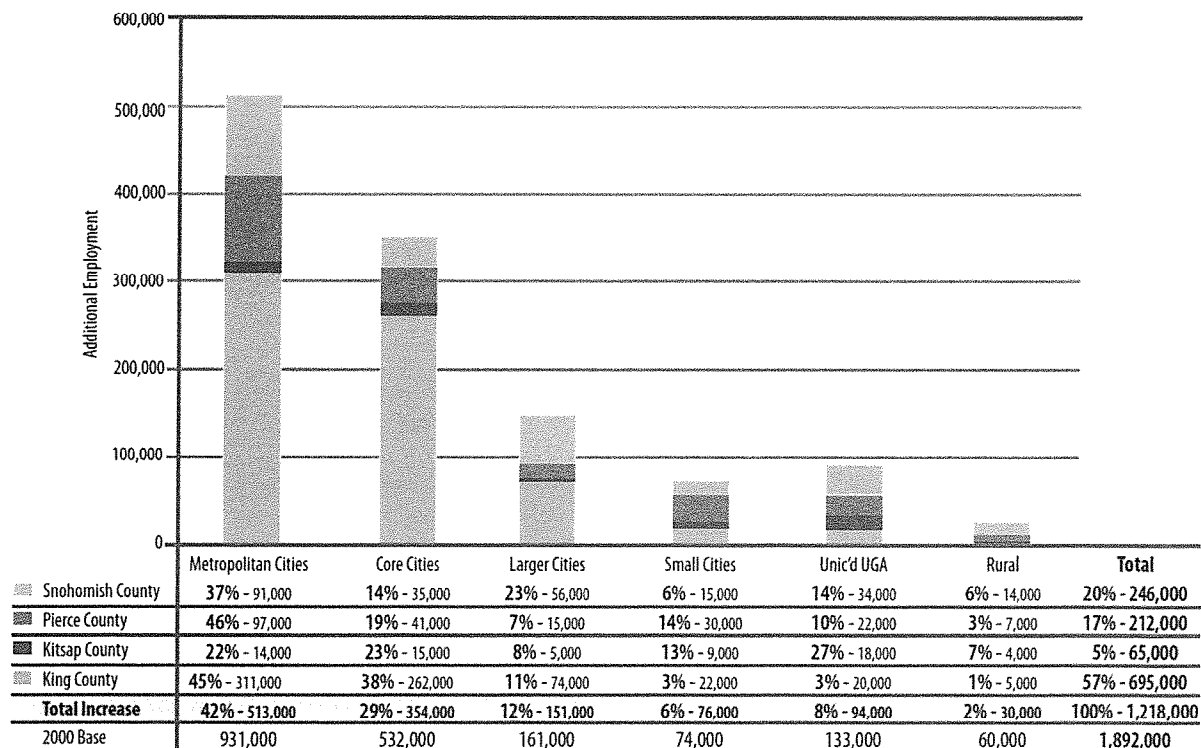
Transportation. The region will have a safe, cleaner, integrated, sustainable, and highly efficient multimodal transportation system that supports the regional growth strategy, promotes economic and environmental vitality, and contributes to better public health.

Public Services. The region will support development with adequate public facilities and services in a coordinated, efficient, and cost-effective manner that supports local and regional growth planning objectives.

Population Growth by Regional Geography and County, 2000–2040



Employment Growth by Regional Geography and County, 2000–2040

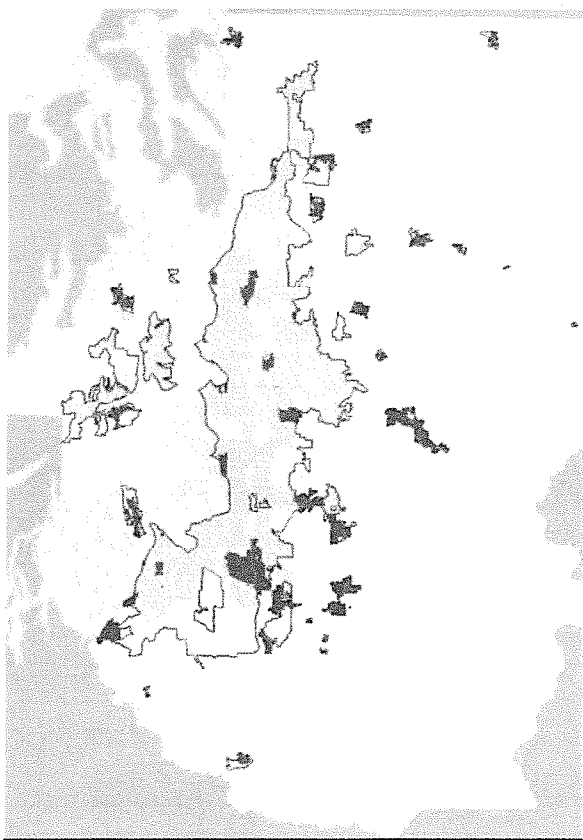


Small Cities. The region's 46 smaller cities and towns (see sidebar on the following page) are expected to remain relatively small for the long term. Their locally designated city or town centers provide local job, service, cultural, and housing areas for their communities. These central places should be identified in local comprehensive plans, and become priority areas for future investments and growth at the local level. The *Regional Growth Strategy* envisions a moderate role for most of these cities in accommodating growth.

The *Regional Growth Strategy* calls for 46 Small Cities to accommodate 8 percent of the region's population growth and 6 percent of its employment growth by the year 2040, which is similar to their current role in accommodating growth.

This compares to current adopted targets for the year 2025, which call for approximately 10 percent of regional population growth and 9 percent of regional employment growth to occur in Small Cities.

Small Cities (46 cities, 136 square miles): See sidebar on page 24 for a list of Small Cities.



City of Sumner

Small Cities are located throughout the region and represent nearly two-thirds of the region's incorporated jurisdictions. Small Cities in Pierce County are expected to accommodate the highest share of regional Small City population growth.

MEMBERSHIP

Counties

King County
Kitsap County
Pierce County
Snohomish County



Cities and Tribes

Algona	Granite Falls	Port Orchard
Arlington	Hunts Point	Poulsbo
Auburn	Issaquah	Puyallup
Bainbridge Island	Kenmore	Redmond
Beaux Arts Village	Kent	Renton
Bellevue	Kirkland	Ruston
Black Diamond	Lake Forest Park	Sammamish
Bonney Lake	Lake Stevens	SeaTac
Bothell	Lakewood	Seattle
Bremerton	Lynnwood	Shoreline
Buckley	Maple Valley	Skykomish
Burien	Marysville	Snohomish
Clyde Hill	Medina	Snoqualmie
Covington	Mercer Island	Stanwood
DuPont	Mill Creek	Steilacoom
Duvall	Milton	Sultan
Eatonville	Monroe	Sumner
Edgewood	Mountlake Terrace	The Suquamish Tribe
Edmonds	Mukilteo	Tacoma
Enumclaw	Muckleshoot Indian Tribal Council	Tukwila
Everett	Newcastle	University Place
Federal Way	North Bend	Woodinville
Fife	Orting	Woodway
Fircrest	Pacific	Yarrow Point

Statutory Members

Port of Bremerton
Port of Everett
Port of Seattle
Port of Tacoma
Washington State Department of Transportation
Washington Transportation Commission

Associate Members

Port of Edmonds
Evans School of Public Affairs, University of Washington
Island County
Snoqualmie Tribe
Thurston Regional Planning Council
The Tulalip Tribes

Transit Agencies

Community Transit
Everett Transportation Service
Kitsap Transit
METRO (Metropolitan King County)
Pierce Transit
Sound Transit



Black Diamond Planning Commission
Public Hearing
October 8, 2019

There is a problem with this up-zone that the Commission needs to be aware of:
The Comprehensive Plan's "Future Land Use Map" Changes.

I am part of the group that looked at the Comprehensive Plan passed earlier this year. I commented in 2018. Dozens of comments were made by the public.

But one comment was listened to more than the others. A comment was sent in by Palmer Coking Coal in 2015. That letter asked for the land that you see on this zoning change proposal to be re-zoned.

The 2015 Palmer Coking Coal letter also points out that they were "very involved" in the 1996 Comprehensive Plan. That 1996 plan is the one that brought us the large amount of development we are already facing. Palmer Coking Coal made a lot of money from that deal.

This time around, for the 2019 Comprehensive Plan, it seems like the only public comment that changed anything might have been the one from Palmer Coking Coal in 2015.

This didn't seem right to me.

Then I learned that there are requirements for how the city reviews public comments. The City's Public Participation Plan, Ordinance 14-1044, requires the "record" of comments to **"be compiled and made available to decision makers."** It also requires **"relevant comments or testimony should be addressed through the findings-of-fact portion of the decision maker's written decision or recommendation."**

There was never any "finding of fact" or documentation that the city used the 2015 letter or other Palmer Coking Coal letters when changing the Comprehensive Plan. But those changes showed up in the Comprehensive Plan. They showed up in the item called the "Future Land Use Map." Then they showed up in this new zoning map proposal.

It is not right that the city didn't tell us what they did with our comments. They didn't tell us what they did with anyone's comments. But, we have a law that requires that the Planning Commission and City Council be provided a document of how comments were used.

If this law were followed, we would know how decisions are being made and why. But after reading the 2015 letter from Palmer Coking Coal, I now understand who the city has listened to.

I hope tonight you'll listen to the rest of us. We can't afford the future problems this "up-zone" would bring.

Re-Zoning Concerns

Here in Black Diamond we are already set up to get 4 times as much growth as we can handle. The city gave approval to Ten Trails, or OakPointe, for over 6,000 units of housing AND over 1 million square feet of Commercial.

It doesn't make sense to make any zoning change at this time. Not with all this other construction coming. We need to see how it really turns out.

The City is being told by the property owner who wants the zoning change that this will be good for us. We want a small, quiet town. But the developer who wants to build this makes it sound like their zoning change is a good idea. That's his job. Common sense tells us this is not a good idea.

The roads can't handle it. The plan for the already-approved Ten Trails development is that they need 7 schools. The money to build those has to come from tax payers. To add a new up-zone for this additional land means there would be 600 houses plus apartments. That means even more schools will be needed.

If you can't prove and document a real need for this "up-zone," then please deny it.

Thank you.

A handwritten signature in cursive script that reads "Bill Bryant". The signature is written in dark ink and is positioned below the "Thank you." text.

From City of Black Diamond Growth Management Act Public Participation Program Handbook. Adopted by Ordinance 14-1044. Page 9:

6. Consideration of and Response to Public Comments

The City will consider relevant public comments and public testimony in the decision-making process. Various methods for informing and involving the public, providing public notice of proposals, and soliciting public opinion or comments have been established above. Many of those represent the initial steps for bringing public comments into the decision-making process. Other guidelines set the stage for decision-makers to consider those comments. (For example, tape recording meetings or hearings and soliciting written comments allow decision-makers the opportunity to review and consider relevant information in detail before a decision is actually made.)

Additional steps will be taken so that comments and recommendations from the public are reviewed by the decision-makers for relevancy. Those would include the following:

- Time should be reserved subsequent to the close of a hearing or comment deadline and prior to an actual decision so that the decision maker(s) can adequately review all relevant material or comments. Reconvening a hearing for the purpose of addressing comments is an option that the decision maker(s) may use on a case-by-case basis;
- Substantive comments pertaining to studies, analyses, or reports, along with necessary responses, should be included in the published document itself (such as occurs in the SEPA process of developing a Draft Environmental Impact Statement (EIS) and then a Final EIS with comments and responses);
- The record (such as tape recordings, written comments or testimony, documents, summaries, etc.) will be compiled and maintained by the City. That record will be made available to the decision maker(s) for their consideration and review prior to a decision. Relevant comments or testimony should be addressed through the findings-of-fact portion of the decision maker's written decision or recommendation.



PALMER COKING COAL CO. LLP

31407 Highway 169 • P.O. Box 10 • Black Diamond, Washington 98010
360-886-2841 • 425-432-4700 • Fax 425-432-3883 • www.palmercc.com

May 7, 2015

Stan May, Contract Planner
City of Black Diamond
P.O. Box 599 / 24301 Roberts Drive
Black Diamond, WA 98010

206-267-2425
360-886-5700 x 5730

COMMUNITY DEVELOP.

MAY 07 2015

RECEIVED

Re: 2015 Comprehensive Plan Update – Proposed Modifications to the Land Use and Zoning Maps

Dear Mr. May:

Thank you for this opportunity to comment upon the 2015 Comprehensive Plan Update. This year provides for the periodic review of this plan, which was first adopted by the City in August 1996. First, I'd like to say that our company was very involved in the multi-year process that eventually led to the adoption of the 1996 COBD Comprehensive Plan. That plan with minor changes has served the city over the past twenty years. However, we believe there are several necessary refinements to that 1996 plan to improve certain outmoded concepts adopted over two decades ago.

We do not pretend to have a monopoly on good ideas. If there are better ideas for planning future growth in the areas we've highlighted, we would be certainly interested in discussing them. I have attached a color copy of a Zoning Map and numbered five referenced areas (1 – 5) where I believe a different proposed zone would make better sense. Under each of the numbered areas, I've provide a brief description of the area. Then there is a discussion of the existing zone and a rationale for how our proposals might provide better compatibility with the development of the surrounding areas. Each alternative is numbered corresponding to the described area (i.e. Areas 1, 2, 3, 4, and 5). The map I used is slightly out of date, but its sole purpose is to help visually locate the five areas in question.

Area 1: *Located in the east half of Section 10-21-6, just east of Lake Sawyer Park.*

This 30+/- acre node of existing R-4 zoning is surrounded by Business Park / Light Industrial zoning to the east and south and the Lake Sawyer Park to the west. It is a small island of lower density residential zoned property in a zoned area (Business Park / Light Industrial) that is generally not conducive to this type of residential use. This particular node of residential zoning doesn't seem to make sense. I suspect that if it weren't for deference to the 1996 Plan, few urban planners would propose mixing lower density

residential surrounded by Business Park / Light Industrial. We just don't think that the Single Family Residential (R-4) zone works in this particular area.

Alternative Zoning – Area 1: We suggest a couple of different alternatives. One would be a residential zone which is more compatible with Business Park / Light Industrial such as Medium Density Residential (MDR-8). A second alternative would be to rezone this node to something more compatible with the Business Park zone, such as Community Commercial (CC). This could in turn allow development of residence inns or some other kind of group housing more appropriate to serving the needs of the surrounding business park

Area 2: *Located in the north half of the southwest quarter of Section 10-21-6, around an area commonly known as Oak Lake or Lake Marjorie.*

This 20 acre, rectangular-shaped properties of proposed Single Family Residential (R-4) zoning is surrounded by Business Park / Light Industrial to the east and south, the Lake Sawyer Park to the north, and unincorporated King County to the west. For many of the same reasons detailed for Area 1 above, we simply do not think that an isolated island of lower density residential zoned property works for this particular property.

Alternative Zone – Area 2: This is a unique site and we think that it is more suited for either office buildings; or perhaps Community Commercial (CC) for something along the lines of a residence inn, retirement housing; or perhaps MDR-8 for some other type of multi-family such as condominiums or townhouses. We think that by its very nature, Single Family Residential (R-4) zoning would be too consumptive of land for this rather small site. An office building or some form of group housing (residence inn, retirement center, or multi-family) would likely have a smaller footprint and enable a larger number of people to enjoy the significant amenities provided by these properties.

Area 3: *Located in the north half of the northwest quarter of Section 15-21-6, east of and adjacent to the Lake Sawyer Road.*

This 25 acre, triangular-shaped five parcel property of existing Business Park / Light Industrial property is adjacent to a huge swath of Business Park / Light Industrial property to the north and medium density residential to the east. We believe this property's attributes would be better served by a zone classification that makes best use of its strengths and its strategic location at the intersection of two major roads, and a future East-West arterial as anticipated in the Comprehensive Plans' transportation chapter.

Alternative Zoning – Area 3: We believe this site is a natural for Neighborhood Center (NC). A Neighborhood Center zone with its focus on larger commercial buildings serving retail markets and varied retail opportunities demands a large site with flat topography and easy access to arterial roads. Plenty of road frontage is also a definite plus for businesses wanting to locate in a Neighborhood Center. This property has all of the attributes (flat topography, easy access, significant road frontage) which would make it successful as a Neighborhood Center. In additions there is a surplus of undeveloped,

yet existing Business Park / Light Industrial zoned properties to the north, so as to make this of “more of the same” zoning seemingly superfluous.

Area 4: *Located in the south half of the southeast quarter of Section 10-21-6, south of the Tacoma Pipeline route and east of Rock Creek.*

This 25 acre, narrow, rectangular-shaped properties of proposed Business Park and Light Industrial zoning is located adjacent to and due north of R-6 and MDR-8 residential areas in Morganville. The proposed East-West arterial road, which generally follows the route of the Tacoma Pipeline (as anticipated in the 1996 Comprehensive Plan and built in 2002) makes a better dividing line between Business Park / Light Industrial zoning to the north and residential zoning to the south. The current proposed dividing line is simply the line between Section 10 and Section 15. We believe that a significant land form, such as an East-West connecting arterial, would make a better dividing line between residential and business zoning, than something as insignificant as a section line.

Alternative Zoning – Area 4: Given residential zoning to the south, we would suggest that the property south of the proposed East-West connecting arterial be zoned R-6 residential to the west and MDR-8 to the east. We believe that community compatibility will be enhanced through using significant land forms, such as a connecting arterial, as divisions between different zoning uses, in this case residential and business. The use of a section line as a division does not seem as responsive to the built environment. We believe the flow from residential to business areas promotes a better transition if a significant land form is used. We think moving the zone transition line 500 feet to the north and recognizing the connecting arterial road as a dividing line, makes more sense than a line between two sections of property. We also think that the two residential zone classifications from the south should be carried forth into this parcel to the north for residential continuity.

Area 5: *Located in the south half of the southeast quarter of Section 11-21-6 and a small portion of the south half of the southwest quarter of Section 12-21-6.*

This 20+ acre property of proposed R-4 zoning is located south of an old abandoned railroad bed, historically known as the Bruce branch. The only problem with using this remnant artifact as a dividing line is that it no longer exists and hasn't been on the ground for more than 25 years. While it's an interesting historic footnote, the former rail line no longer has any relevance to designing a city in the 21st century. We would suggest that a more important dividing line in this area would be the new Tacoma Pipeline route which has been planned as the location of a new arterial road connecting SR 169 with Lawson Street. The area both north and south of the former rail line is now the site of a large earthen stockpile used in connection with nearby mining. When the stockpile is reconfigured there will be no difference between the Medium Density Residential (MDR-8) properties to north or the proposed R-4 property to the south. We believe that the new Tacoma Pipeline route combined with the proposed SR 169 to Lawson Street arterial road will be a defining zoning division line in the future. The former rail line is simply a historic artifact on a map. In actual land form and use it has no relevance.

Alternative Zoning – Area 5: We believe the entire site located north of the Tacoma Pipeline route and north of the future SR 169 to Lawson Street connecting arterial should be zoned Medium Density Residential (MDR-8). Two properties (both north and south of the former rail line) share similar topography, ownership, and prospects. We think that the new arterial paralleling the Tacoma Pipeline route will be a defining community characteristic which is an ideal departure point for zoning transitions. The former rail line, which was abandoned nearly 80 years ago and erased as a land feature more than 25 years ago, is no longer anything but a historic footnote on old maps. The former rail line is not a tax parcel, or an existing land use, or even a land form and thus provides no rationale basis for zoning divisions. The new Tacoma Pipeline and future arterial route is the dividing line for tomorrow's developments.

Thank you for this opportunity to provide comments on the proposed updates to the Zoning Map component of the Comprehensive Plan. Given our intimate knowledge of the areas that we own, our company's plans, and our long-time involvement in the previous iterations of the several Comprehensive Plans, we would be more than happy to meet with you to provide further explanations of our rationale for proposed alternatives. Please give me a call at 425-432-4700 or e-mail at palmercokingcoal@aol.com. If you an interest in touring the areas where we've provided alternate idea, I would be happy to oblige.

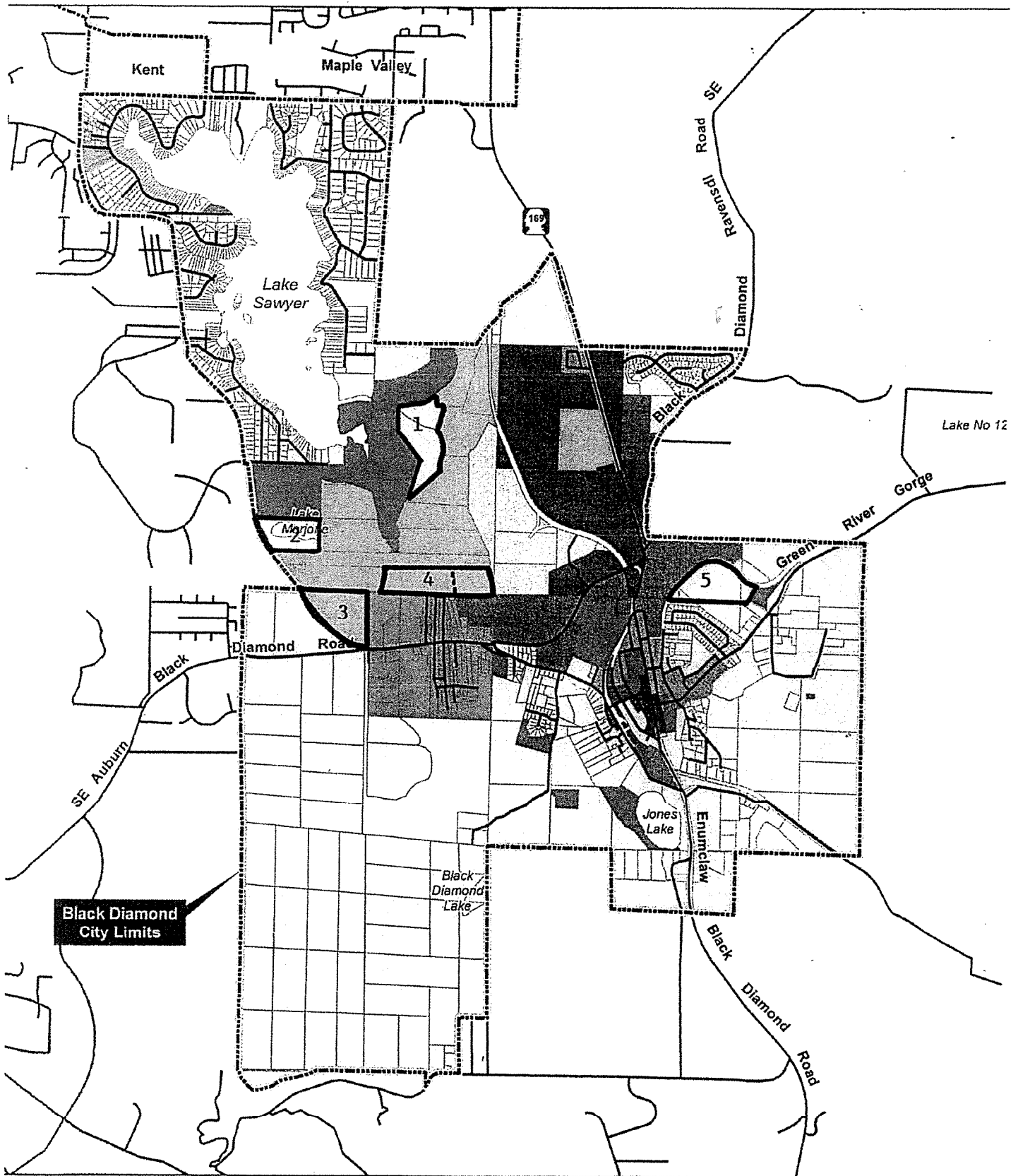
Very Truly Yours,



William Kombol, Manager
Palmer Coking Coal Company, LLP

Enclosure: Zoning Map with Areas 1 through 5 highlighted and numbered

PROPOSALS FOR AREAS 1 - 5



The Villages Master Planned Development Development Agreement

Private streets shall provide at least the minimum fire access required by the then applicable City building code. Private street geometry and design specifics will be reviewed and approved by the Designated Official with each Implementing Project.

6.4 STREET CONNECTIVITY

6.4.1 On-Site Connections

- A. The street layout for a proposed Implementing Project shall include connections to all street stub-outs provided by abutting Development as shown on Figure 6.3 within The Villages MPD. Connections to existing road stubs within King County are not required, unless they are necessary to provide fire access. As required by Condition of Approval

No. 28 of the MPD Permit Approval, no Implementing Projects located east of MPD Site Plan Development Parcel V48 shall be approved prior to completion of the South Connector roadway to its intersection with SR-169 provided single point of access standards are met or alternative secondary access is provided. (Note: No connection to Green Valley Road is proposed.)

6.4.2 Off-Site Connections

The Villages MPD shall stub streets to the boundaries of abutting off-site property as generally shown on the Bike Route and Future Connection Plan (Figure 6.3). The connection points on the Bike Route and Future Connection Plan are approximate. The actual design and location of connection points will be determined at the preliminary implementing plat or final engineering stage of Implementing Projects by the Master Developer and Designated Official using a collaborative process.

6.4.3 Pipeline Road

The design of Pipeline Road is to extend from Parcel C at the intersection of the Community Connector and Lake Sawyer Rd SE, easterly towards SR-169, intersecting SR-169 in the vicinity of Black Diamond-Ravensdale Rd, or where the future improved intersection of SR-169 and

Black Diamond-Ravensdale Road lies, as determined by the City. Pursuant to Condition of Approval No. 31 of the MPD Permit Approval, the preliminary design and alignment of the Pipeline Road shall be completed by the Master Developer and the right of way dedicated to the City prior to the City's approval of a building permit for the 1200th Dwelling Unit of The

Villages MPD. The Pipeline Road shall be constructed by the Master Developer and open for

The Villages Master Planned Development
Development Agreement

traffic prior to the earlier of: (i) City's approval of a building permit for the 1746th Dwelling Unit of The Villages MPD; or (ii) when the Traffic Monitoring Plan (Exhibit "F") shows that construction is necessary to prevent a significantly adverse degradation of Level of Service on Roberts Drive. The Master Developer is required to monitor and, if triggered by the Traffic Monitoring Plan (Exhibit "F"), improve the following intersections along Roberts Drive per Table 11-5-1: (i) Roberts Drive/Morgan Street; (ii) SR 169/Roberts Drive; and (iii) Lake Sawyer Road SE/Roberts Drive. For purposes of this Section 6.4.3, "significantly adverse degradation of Level of Service" shall mean that the Master Developer is unable to make further improvements to these three identified intersections to meet adopted LOS (as defined in the City of Black Diamond's Comprehensive Plan, 2009, or other jurisdiction's standard applicable to the MPD Permit Approval) without widening Roberts Drive to provide an additional eastbound travel lane and/or westbound travel lane.

6.5 OWNERSHIP AND MAINTENANCE

A. Ownership and Maintenance.

Pursuant to Condition of Approval No. 22 of the MPD Permit Approval, all street right-of-way will be dedicated to, owned and maintained by the City except for private streets which include alleys, autocourts serving less than 20 Dwelling Units and Main Street. Maintenance of landscape tracts and planting strips associated with streets within the MPD will be provided by the Homeowners' Association or subset thereof pursuant to the provisions of Subsection 5.5.7 of this Agreement. Provided, however, requirements of this Subsection may be superseded by Subsection 13.6 of this Agreement.

B. Maintenance of Private Street(s).

Master Developer agrees to maintain all private streets, alleys and autocourts serving 20 units or less as constructed in accordance with each approved Implementing Project, for a period of three years from final plat recording or other Implementing Approval. Unless otherwise agreed upon by the City and the Master Developer (or applicable Homeowners' Association), the Master Developer's street maintenance obligation, as set forth herein, shall automatically renew for an additional two year period, and continue every two years thereafter. The Master Developer, in its sole discretion, may elect to transfer the private street maintenance obligation to a Homeowners' Association or other acceptable entity following its initial three year obligation. The Master Developer's failure to adequately maintain private streets in accordance

BLACK DIAMOND URBAN GROWTH AREA AGREEMENT

among

King County, Washington

and

City of Black Diamond, Washington

and

Palmer Coking Coal Company

and

Plum Creek Timber Company, Limited Partnership

6.4.2 Surface and Ground Water. The City shall adopt either the King County Surface Water Design Manual or Department of Ecology Stormwater Management Manual or standards substantially consistent either of the above.

6.5 Water, Sewers and Roads. The parties anticipate relying on a variety of funding sources and mechanisms to finance the planning, engineering and construction of water, sewer and road infrastructure to serve the East, West, South and Lake 12 Annexation Areas. The parties acknowledge that the City's existing infrastructure may not be able to serve future development without modifications to the existing system. The City's existing utility and transportation systems will likely need to be expanded and/or upgraded to serve the Potential Annexation Area and the properties already in the City adjacent to the Potential Annexation Areas that are owned by Palmer or Plum Creek. New, expanded and/or upgraded infrastructure to serve the Potential Annexation Area will be analyzed in the updates of the City's Comprehensive Plan and Water and Sewer Comprehensive Plans. The planning for this infrastructure will proceed on the schedule shown in Section 8.1. The City, with the assistance of the other parties, will seek federal, state, local government (County, City and utility districts) and public/private funding for the infrastructure planning, engineering and construction necessary to implement this Agreement. The parties anticipate that local improvement districts (LIDs) will be formed for these purposes. The City shall have the right, but not the obligation, to use LIDs as a funding mechanism. Where necessary and appropriate, the City agrees to form, or support the formation of, such LIDs. Plum Creek and Palmer agree to participate in such LIDs, and not to protest the formation of said LIDs, to the extent their properties are benefited, on a fair share basis, as provided in state law. Furthermore, Palmer shall convey to the City the necessary right of way for the east-west road ("Pipeline Road"). In such case Palmer shall be entitled to a credit for the fair market value of the conveyed right of way and any existing improvements utilized for the new roadway against any LID assessments on its property resulting from the construction of the Pipeline Road improvements. The value for the right of way, and the improvements, if any, shall be determined using the appraisal mechanism set forth in Sec. 4.2.2 provided, however, acquisition and valuation shall be as if under the threat of condemnation pursuant to state law. If an LID is not used as the funding mechanism, Palmer shall be entitled to a credit against other City charges to the extent authorized by State law.

6.6 Open Space within the Urban Development Areas. Since the City, County and Plum Creek agree that the development potential of the unconstrained lands in the West and South Annexation areas should be maximized, it is agreed that the provisions made for open space under this Agreement fulfill all open space requirements for development of the Urban Development Areas in the West and South Annexation Areas. Developers and builders may, solely at their own discretion, provide additional open space for design or market reasons so long as they achieve the minimum densities in the residential areas. This section is not intended to be a limitation upon the City's right to exercise its authority to require the provision of parks, playfields, or other active recreational amenities as part of the development permit process to the extent those requirements are consistent with the City's policies and regulations in place at the time a complete development permit application is submitted. If the UGA Open Space does not include sufficient park and recreation facilities to satisfy development standards, the City may require such park and recreation facilities in the Urban Development Areas.

ZONING CALCULATION OF ACREAGE AND UNITS (from Volunteer and Citizen review of Parcels on Zoning Change)

change # in PC
packet

change # in PC packet	Parcel	Sq feet	Acres per sq ft	Owner	Change	Total Houses		
						Totals	At density*	At max density
						155.23813		
1	1021069010	898,728	43560	20.6319559 PCC	R4 to MDR8			
2	1521069110	228,304	5.24113866 PCC	B/IP to MDR8				
2	1521069112	218,708	5.02084481 PCC	B/IP to MDR8				
2	1521069113	219,137	5.0306933 PCC	B/IP to MDR8				
2	1521069114	218,804	5.02304867 PCC	B/IP to MDR8				
2	1521069115	223,921	5.14051882 PCC	B/IP to MDR8				
3	1021069111	1,217,937	27.9599862 PCC	B/IP to MDR8		8		12
						74.048186	592	889
	unknown in King Co Parcel Viewerbut well over 10 acres							
4	1021069103			12 PCC	From R4 to NC			
4	1021069105			18 PCC PK Properties (Planning Commissioner Wes Butt), see http://ci.blackdiamond. wa.us/Docs/Notices/20	From R4 to NC			
5	1121069008	1,363,863	31.3099862	R4 to NC. Actually B/IP to CC		61.309986	8	490
6	1121069020	201,682	4.62998163 PCC	6 is R4 to NC				
6	1121069112	237,402	5.45 PCC	6 is R4 to NC				
6	1121069113	216,493	4.96999541 PCC	6 is R4 to NC				
6	1121069114	210,394	4.82998163 PCC	6 is R4 to NC				
						19.879959	7	139
						155.23813	1222	1518
					TOTAL	0		
						LOW UNITS	MAX UNIT	

**2019 Preliminary Docket Amendments—Planning Commission Public Hearing
Citizens' Technical Action Team — Oral Testimony**

My name is Peter Rimbos. I live in rural King County at 19711 241st Ave SE. I lead the **Citizens' Technical Action Team** and serve as its Transportation Focal. We have worked with the city on the **2015 Comprehensive Plan Update** since the April 2, 2014, Kick-Off Meeting held in the old Elementary School gym. During that meeting we held extensive discussions with then Update subcontractor BergerABAM, the Mayor and City Council members, and Andy and Seth. We've also attended Workshops and spoken with DKS Associates.

For the past 5 1/2 years we have been immersed in all aspects of the Update. We have conducted in-depth research of most of the Update's State-required *Elements* including the *Natural Environment Element* and the *Parks and Open Space Element*—both of which Dr. Bortleson will be discussing tonight and the *Transportation Element*, which I will be discussing.

As you know, in most cases, each State-required *Element* is comprised of the corresponding *Chapter* and *Appendix*. The *Chapters* enumerate city Goals and Policies and the *Appendices* include State-required data, plans, schedules, financing, etc.

In 2018 we reviewed the city's proposed *Transportation Element* according to the requirements of **RCW 36.70A.070(6)(a)**, which calls for consistency with the land use element and inclusion of several subelements. Our 103 pp of detailed comments on the *Transportation Element*—clearly the key part of the entire Update—addressed each subelement requirement and whether or not the city has met them to a sufficient degree. These, as included in the Department of Commerce checklist, along with the applicable State **RCW 36.70A.070** subparagraph designations, are: Transportation Inventory [(iii)(A)], Levels of Service [(iii)(B)], Concurrency [(iii)(D)], Long-Term Forecasting [(iii)(E)], Future Needs [(iii)(F)], Long-Term Funding Plan [(iv)], Intergovernmental Coordination [(v)], and Traffic-Demand Management [(vi)].

For the entire *Transportation Element*—both *Chapter* and *Appendix*—we found NO changes from the April 2018 draft through the Planning Commission's August 2018 hearing and review and the May 2019 Council's approval! All Public Comments were ignored including our extensive research and comments—including ignoring all the typos, mis-spellings, inconsistent and duplicative figure and table numbering's schemes and the page numbering. For all intents and purposes the City, in its execution of the State-required Public Participation Plan, ignored all Public comments related to the all-important *Transportation Element*.

Fortunately, the City is now in the *2019 Docket Amendment Process*—the reason for this Public Hearing—and now has the opportunity to address these comments. We are taking this opportunity—at the recommendation of Community Director Barbara Kincaid—to offer our proposed Amendments to the Update. I will be discussing our proposed Amendments to the Update's *Transportation Element's Chapter 7—Transportation* and *Appendix 7—Transportation*.

**2019 Preliminary Docket Amendments—Planning Commission Public Hearing
Citizens' Technical Action Team — Oral Testimony**

For Chapter 7—Transportation we offer nine proposed Amendments:

(1) **Policy T-4 Level of Service Standard:** Restore the statement: *“Adopt levels of service that reflect the preference of the community,”* which was inadvertently deleted from the 2009 Comprehensive Plan.

(2) **Policy T-14 Character of the City:** Restore the statement: *“Discourage widening of SR 169 to a four or five lane facility thus creating a ‘thoroughfare’ that will tend to divide the City,”* which was inadvertently deleted from the 2009 Comprehensive Plan. This was the first item listed in the *old Policy T-10*, which is now morphed into **Policy T-14**.

(3) **Policy T-8 Transportation Demand Management:** Restore the statement: *“Develop zoning and land use policies that promote land uses and development that are consistent with the City’s goals and visions and which require new development to adequately provide for the transportation needs of that development,”* which was inadvertently deleted from the 2009 Comprehensive Plan. In addition, the policy also must describe State-required Transportation-Demand Management Strategies and a A Commute-Trip Reduction Plan.

(4) thru (9) regarding our proposed Amendments to **Policies T-19 Concurrency, T-20 Funding Sources, T-21 Alternative Level of Service, T-22 Financial Impact Mitigation, T-24 Intergovernmental Agency Coordination, and T-25 Multi-modal Coordination** are too complex to discuss here.

For Appendix 7—Transportation we offer six proposed Amendments: **Travel Forecasts; Funding Sources; Transportation Improvements; Transportation Concurrency; Level of Service; and Intergovernmental Agency Coordination**. These are far too complex to discuss here. In our **Written Testimony**, already provided to you, we provide all the details, rationale, and applicable RCW requirement to be fulfilled.

Because transportation issues are often complex and involve a good deal of analyses, we expect it will take you some time to fully digest our detailed comments. We are prepared to answer any of your questions. As such, we recommend you reserve judgement on the 2019 Preliminary Docket Amendments at this time and not take any action until your November meeting.

In closing, please recognize the Comprehensive Plan reflects the Public’s view of their city and what they want for it. As such, we highly recommend you take the time to review the details. Please understand it is important to the city and to its residents to get this right.

Thank you.

Regarding 2019 Planning Commission Public Hearing 10/8/2019

- Conflict of Interest – Weston Butt
 - Weston Butt owns PK Properties LLC
 - Purchased Parcel #1121069008 on 7/10/2018 under PK Properties LLC
 - Weston Butt applied for Planning Position #3 on 8/8/18
 - Weston Butt did not disclose potential conflict of interest in owning undeveloped property zoned Industrial/Business Park within the Urban Growth Area of the City of Black Diamond.
 - PLN 19-0072: SEPA Checklist submitted to the City of Black Diamond and DNR for Class 4 Tree Harvest states a proposed plan to build a strip mall and 132 multi-family apartment complex and a map showing plans to split the property from 1 lot into 8 different lots. Thus opening up for even more development above and beyond the strip mall and 132 unit apartment complex.
 - Per the “Rules and Procedures of the City of Black Diamond Planning Commission” document Section 7 – Disqualification states:
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 - 4 City Staffing positions were budgeted for in 2019 and are currently unfilled.
 - Accounting Clerk/Utility Billing Specialist
 - Code Compliance Officer/Building Inspector
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 - Given the on-going Oak Pointe development I feel the City Staff is over loaded with development applications and permits and these staffing positions should be filled and trained prior to opening up rezoning for any more development applications.
 - For Example: The checking of Building Applications has missed simple yet critical issues. On Parcel #1421069195 and #1421069194 a misapplication of a 7ft Side Yard setback approved when the setback should have been a 10ft Flanking Street setback.
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building in. The current and future citizens will shoulder the burden in Taxes and traffic grid lock and potential subpar education for our children.

- Oak Pointe Development only ~10% complete
 - Our City does not know the full impact of the current approved and ongoing development of Oak Pointe, Lawson Hills and the Villages development as they are still under way and not yet 10% complete.
 - Up-zoning plans should be put on hold until the current Master Planned Developments are at least 50-70% complete before adding any more impact to the current community of Black Diamond and its citizens.

I am not opposed to development or growth but the proposed rezoning is too soon given the current state of the City of Black Diamond and small percentage of completed Master Planned Development currently in progress. I would like to see this proposal put on the back burner for a few more years until the City Staff positions are filled and trained, the current development and impacts on the community are addressed with 50-70% of the MPD completed and the Traffic and School Impact Fees are in place.

Thank you for your consideration of these issues,

Rosemarie Wentz

25724 Pacific St, Black Diamond WA 98010



CITY OF BLACK DIAMOND

Commission Application

Mailing Address: PO Box 599

Physical Address: 24301 Roberts Drive

Black Diamond, WA 98010

Phone: 360.886.5700 - Fax: 360.886.2592

Name: Charles Weston Butt

Address: 29732

Home Phone:

Business Phone: 11

Email address:

How long at Residence: 29 years Best time to contact: anytime

Commission desired:

1.) planning position #2

2.)

Reason you are interested in serving: I've lived in the city most of my life and I want to be involved in shaping it for the future

Previous community activities: LSCC volunteer. (Lake Sawyer Community Club) easter egg hunt, volleyball tournament, fireworks ect.

Applicable education, occupational, and specialized experience: I do construction in a lot of cities and see how they operate. I've worked in a lot of developed cities and I notice good and bad planning ideas. Commissions make recommendations regarding monetary expenditures and/or benefits to certain areas of the Community.

1.) Can you foresee possible conflicts of interest with any of your current employment or civic positions:

unlikely but possible with my construction work

2.) When making these recommendations do you feel you could be impartial and base your decision on the overall need and benefit of the Community: yes

Are there any days or evenings you are unavailable to meet? No

Signature: Charles Weston Butt

Date: 8/8/18

Please return completed form and any additional information to:
City of Black Diamond - Attn: City Clerk, 24301 Roberts Drive., PO Box 599, Black Diamond, WA 98010
For more information please call (360) 886-5700

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SEPA Checklist - RN A-0072

PK Properties c/o Weston Butt

The current zoning is CC- Community Commercial.

f. What is the current comprehensive plan designation of the site?

The current comprehensive plan designation is CC- Community Commercial and is within the Gateway Overlay District.

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.
4 Class 4 wetland are identified on the western portions of the site. See attached Wetland and Fish and Habitat Assessment Report and Vegetation Management Plan prepared by Soundview Consultants.

i. Approximately how many people would reside or work in the completed project?

The logging operations by itself will not have anyone working or living in the completed project. The proposed development will house approximately 250 people and about 260 people will reside in the proposed multi-family development.

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

NONE

L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed harvest will comply with City of Black Diamond Municipal Code and design standards including Gateway Overlay District.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

There are no farm or forest use properties of long-term commercial significance on or near the site to our knowledge.

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

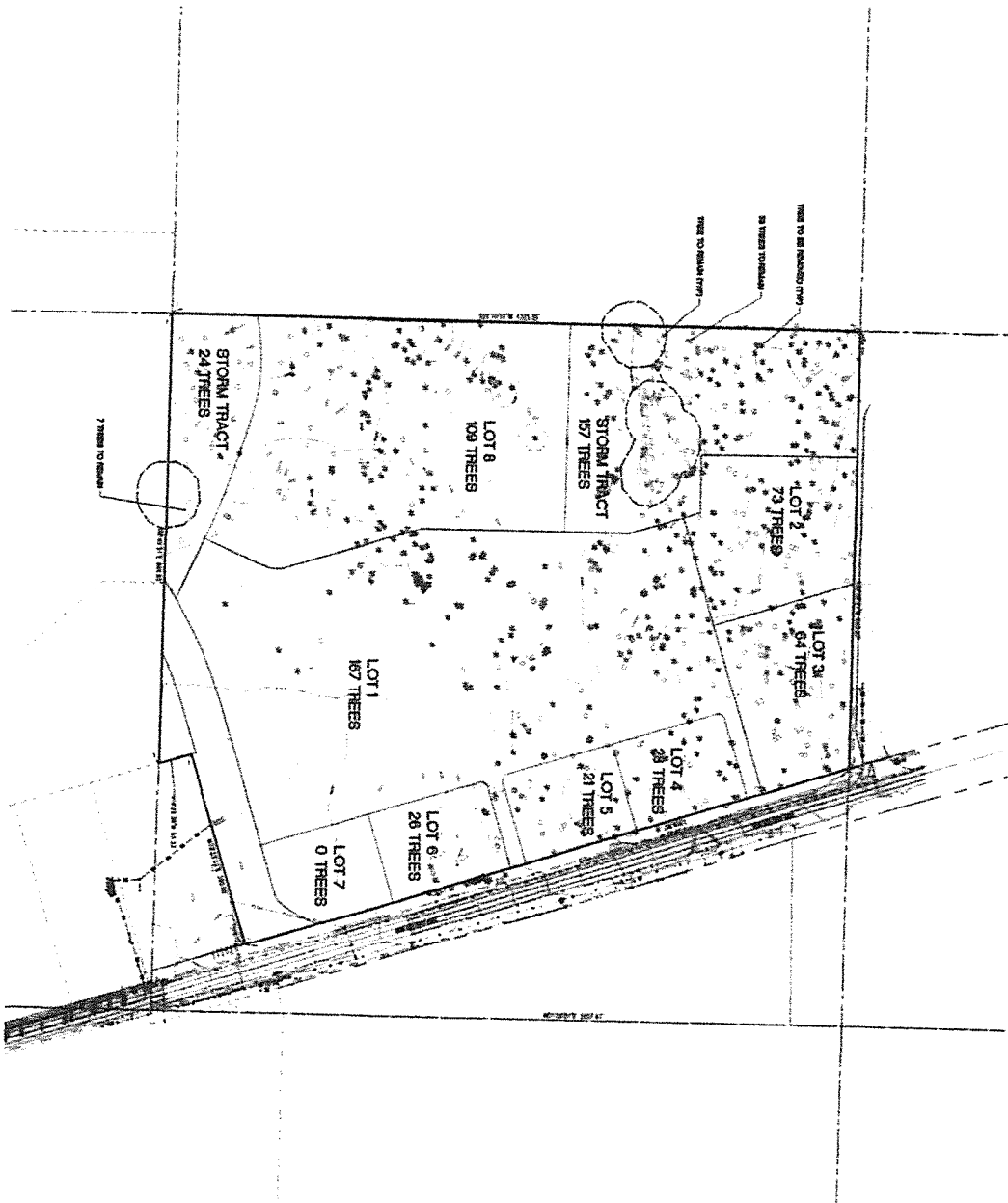
The logging and timber harvest project will not create any housing units. The long term development will create approximately 132 housing units.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.



FOR
BLACK DIAMOND MIXED USE
PTN OF THE SE1/4 OF THE NW1/4 OF SEC. 11, 21 N., RGE 6 EAST, W. M.
CITY OF BLACK DIAMOND, KING COUNTY, STATE OF WASHINGTON

TREE EXHIBIT *FP4 2421335*



BERGHAUSEN ENGINEERS, INC.
18215 72nd Avenue South
Kant, WA 98032
425.251.6222
berghausen.com

Job Number: 20338
Sheet: 1 of 1
Title: TREE EXHIBIT
For: HELIX DESIGN GROUP
6021 12TH ST E, SUITE 201
TACOMA, WA 98424
C/O BRUCE MCKEAN

Designed: JED
Drawn: JED
Checked: JED
Approved: JED
Date: 2/22/19
Scale: Horizontal
1"=100'
Vertical
1"=10'

Title: TREE EXHIBIT
FOR
BLACK DIAMOND MIXED USE

October 6, 2019

Dear Neighbors, Friends and Planning Commission Members

It has been brought to my attention that several zoning changes are being considered that will increase the density of additional developments that are in the planning stages in our City beyond the current major undertaking of Ten Trails.

As a resident of Black Diamond in the NE Lake Sawyer area I along with many in our immediate vicinity who access our homes via 288th either by SH169 or 216th Ave SE would stand opposed to any further development or up-zoning until significant infrastructure improvements have taken place. As planning commission members safety and quality of life must certainly be a factor in your decisions.

With the current Ten Trails development in addition to growth in King County, Covington and Maple Valley, traffic impact on the intersection at SH169 and 288th Ave SE is such that multiple accidents have occurred mostly I feel because of the difficulty trying to access SH169 north bound from east bound 288th..lots of stress put on drivers waiting in the line of cars that mount up from behind. In addition visibility is limited on thru traffic when another vehicle is turning off SR169 onto WB 288th. Understanding that this intersection is not entirely Black Diamond's responsibility it would be prudent to meet with WSDOT, Maple Valley and King County and put some options on the board such as flashing caution lights and signs indicating caution needed. After all, the safety of our citizens is at stake here.

In addition, it appears the up-zone would place more residential housing on or near the North Connector that would impact the flow of the much needed relief valve for Roberts Drive and 288th. We have an opportunity here to consider the impacts on the safety and quality of life on our residents before what appears to be a frontal assault to maximize the profits for the developers and land owners. Please consider the current residents and our sensitively too over development.

Best Regards

Philip Acosta

Black Diamond resident

Barbara Kincaid

From: Cindy Wheeler <cincity63@comcast.net>
Sent: Friday, September 27, 2019 4:29 PM
To: Planning Commission
Cc: Barbara Kincaid; Bill Wheeler
Subject: Comments for the Public Hearing of Oct 8, 2019

The city of Black Diamond was promised to stay as a small city that would be 'Rural by Design.' It was under auspices and promises such as these that the residents of Lake Sawyer voted to annex into the city.

Growth has been 'managed' very poorly out here and in fact is being financed mainly by levies on school districts, possible levy lid lifts for fire and emergency medical service, and the city still needs to figure out a way to recoup or reclaim the Govt Mitigation Services Fee they failed to collect after four years to do so and a firm commitment for a minimum of \$1,800 per house at Ten Trails. I'm sure they will pass that cost to all as well.

The roads have been inadequately addressed to achieve proper traffic mitigation. The City's Hearing Examiner put a legal condition of approval on the next phase the required certain traffic improvements be funded in the next 6 years, because the city has failed to identify or secure those funds. (Please know that within weeks of this decision the Mayor moved to remove the Hearing Examiner from service to this city, terminating his contract which is no legally or properly within the scope of her authority. Neither is the hiring of a 'new' Hearing Examiner that she also arranged. Each of those contract duties are properly performed by the city council as the people's representative and done so in procedures in front of and known to the public.)

I have lived in this city for more than 26 years. My mother in her 80's has lived here more than 30 years. 216th will be unbearably impacted should the PCC property be zoned residential and allowed to rise to a density of 8 units per acre. That in no way meets the 'Rural by Design' principles and promises.

This up zoning should not be allowed. It is an unfair impact to the existing residents and an unfair boon to the property owners who have owned it for decades at the expense of the taxpayers.

Just say NO.

Your attention to this is appreciated.

Please acknowledge receipt of these comments. I look forward to the redline version incorporating public input, especially since the citizens have been asking for such professional editing standards and transparency since the 2013 Citizen Advisory Shoreline Mgmt Plan Group.

Cynthia Wheeler

Barbara Kincaid

From: Bill Mcdermand <bmcder3674@aol.com>
Sent: Sunday, October 6, 2019 4:57 PM
To: Barbara Kincaid
Subject: Zoning and Traffic ??

Specific map location of proposed zoning ?
Is the Rainier View Sr. Park in jeopardy ?
Traffic , speeding vehicles & Metro buses
are practically un-manageable between Baker
and SR 169 on 1st Ave .

Regards,
Mary Ann & Bill McDermmand
Rainier View Sr. Park # 30

Bill Mcdermand
bmcder3674@aol.com

Barbara Kincaid

From: Barbara Kincaid
Sent: Monday, October 7, 2019 8:16 AM
To: Bill Mcdermand
Subject: RE: Zoning and Traffic ??

Hello Mr. Mcdermand,

I would like to better understand the email you sent regarding zoning, traffic and Rainier Park. Would you be available for a phone call? If so, please let me know when would be a good time and a number for me to call you.

Thank you,
Barb Kincaid

From: Bill Mcdermand <bmcder3674@aol.com>
Sent: Sunday, October 6, 2019 4:57 PM
To: Barbara Kincaid <bkincaid@blackdiamondwa.gov>
Subject: Zoning and Traffic ??

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are practically un-manageable between Baker
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Regards,
Mary Ann & Bill McDermant
Rainier View Sr. Park # 30

Bill Mcdermand
bmcder3674@aol.com

Barbara Kincaid

From: Allison Ostrer <aostrer21@gmail.com>
Sent: Monday, October 7, 2019 8:21 PM
To: Barbara Kincaid
Subject: NO to the upzone

Dear Ms. Kincaid and City of Black Diamond,

Please note I'm writing to voice my opposition to the upzone proposal for what amounts to 1000 additional units of development - houses, apartments, and commercial - in Black Diamond.

A big concern of mine is traffic. Black Diamond is close to certain areas where I regularly drive for my small business. Already I've seen an uptick in traffic since the start of Ten Trails development. With yet another 1000 houses, traffic will get even worse, and the city has shown no real plans on how to accommodate the huge increase in traffic.

Another is the further destruction of the town and surrounding environment. The new development is already clearly a blight on a once beautiful town. Forests have been cut down and replaced with flat, sterile dirt fields and cheap, ugly new houses. Upzoning for another 1000 units simply means less beauty and more ugliness. Even where the existing land has been cleared, the development proposed would be so dense that most of it would not have any trees.

Finally, I question the overall structure of the deals being made. Palmer Coking once ran the coal mines that gave Black Diamond its name. When they stopped mining, they decided to sell their land holdings for development. The Washington Department of Ecology has already run at least TWO toxic cleanup projects on Palmer Coking sites (CS IDs 8660 and 4615). Instead of reimbursing taxpayers for thousands of dollars we spent to clean up their mess, Palmer is instead making even more profit by selling more land.

Please respond so I know you received my message.

Sincerely,
Allison Ostrer

Sent from my iPhone

Barbara Kincaid

From: megan brocx <mbrocx@comcast.net>
Sent: Monday, October 7, 2019 3:46 PM
To: Barbara Kincaid
Subject: Fwd: letter to Planning Commission

----- Original Message -----

From: megan brocx <mbrocx@comcast.net>
To: bkincaid@blackdiamondwa.gov
Cc: Mbrocx@comcast.net
Date: October 7, 2019 at 8:21 AM
Subject: letter to Planning Commission

To the Planning Commission,

Please Do Not approve Palmer Coking Coal's proposal to up zone some of their property.

Oak Point is already planning to put in 6000 new homes without the infrastructure financed to support it. The proposal to put in 1000 more homes is ridiculous. I do not think the Mayor, city council or city staff realize the impact all this development will have on our city and or most likely do not care.

Instead of raising our taxes and hoping for grants that are unlikely, charge the developers full impact fees to

cover the additional costs of public services.

I have been walking around Black Diamond Neighborhoods talking to people about the development for at least 3 years. The majority of them, like me, have moved to Black Diamond for the PEACE AND QUIET, CLOSENESS TO NATURE, LIGHT TRAFFIC AND, DO NOT MIND GOING TO MAPLE VALLEY OR COVINGTON FOR SHOPPING. We Do Not Want All This Development.

Like me, they are very annoyed by the increase in traffic on 169 and 288th, especially when going to and from work. We need that land to be used for a good road to handle the increase in traffic now and in the future.

Since there has been clear cutting and construction near my house, I have seen more deer cross 169. There is a bear that comes in my neighborhood every trash day and knocks over trash cans.

The attitude of the Mayor, city council and city staff is, there is plenty of forest left for the animals. I AM APPALLED. With the construction also going on in Maple Valley, Covington, Ravensdale and Enumclaw, I do not think so.

I think we have a Mayor and city council that does not care about what the majority of people in Black Diamond want. THIS MASS DEVELOPMENT WAS FORCED ON US.

Please consider the majority of people who want Peace and Quiet, To Be Close to Nature, a Small Town, Light Traffic and Do Not Mind Driving to Maple Valley or Covington For Shopping, when making your decisions.

Sincerely,

Megan Brocx

Barbara Kincaid

From: Shane <shane_kelly@comcast.net>
Sent: Monday, October 7, 2019 10:06 PM
To: Barbara Kincaid
Subject: Black Diamond Zoning Changes

Dear Ms Kincaid,

I'm opposed to the proposal to upzone Black Diamond for another 1000 houses.

I've lived at 22506 SE 321st St for nearly 15 years. I moved to the Black Diamond area because it was a small community without these sort of large developments.

I live in 101 Pines, a small development just outside of city limits, that grew slowly starting around 1970. Already with the new Ten Trails development I've experienced an increase in traffic, and a decrease in quality of life because of how the town is being altered. We do not have big city type transit available, and the roads leading in and out of Black Diamond cannot handle the traffic that Ten Trails will already bring, much less an additional 1000 homes. Please do not approve the further expansion and zoning proposal.

Sincerely,

Shane Kelly

Sent from my iPhone

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25724 Pacific St, Black Diamond WA 98010



CITY OF BLACK DIAMOND

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Phone: 360.886.5700 - Fax: 360.886.2592

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SEPA Checklist - RN A-0072

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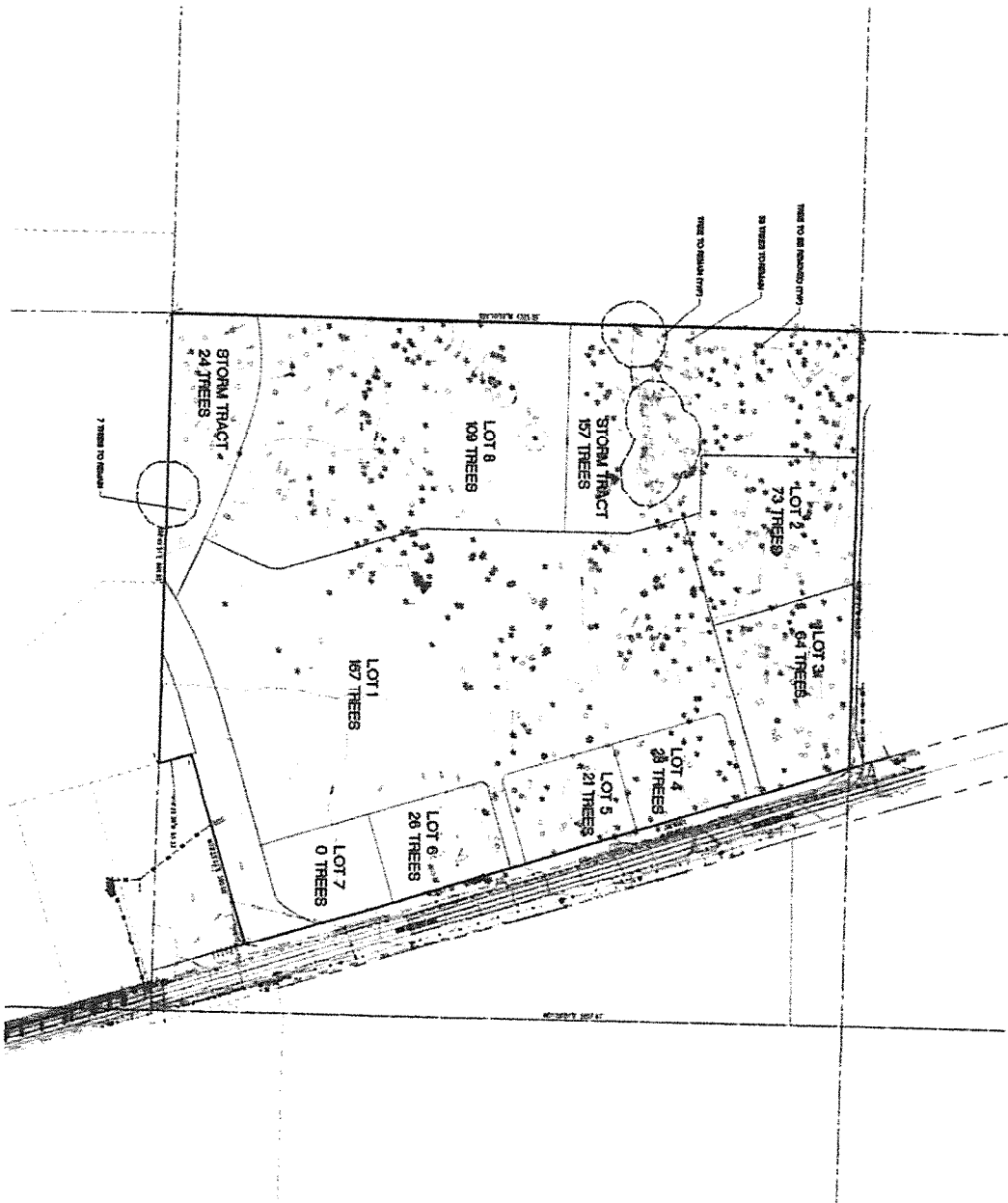
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TREE EXHIBIT *FP4 2421335*



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18215 72nd Avenue South
Kant, WA 98032
425.251.6222
berghausen.com

Job Number: 20338
Sheet: 1 of 1
Title: TREE EXHIBIT
For: HELIX DESIGN GROUP
6021 12TH ST E, SUITE 201
TACOMA, WA 98424
C/O BRUCE MCKEAN

Designed: JED
Drawn: JED
Checked: JED
Approved: JED
Date: 2/22/19
Scale: Horizontal
1"=100'
Vertical
1"=100'

File: 20338.dwg
Date: 2/22/19
Title: TREE EXHIBIT
For: BLACK DIAMOND MIXED USE

To the Black Diamond Planning Commission and Council:

Please Deny the Proposed Re-zone of any property at the 2019 Zoning Public Hearing.

Black Diamond is already growing too fast and faces:

- Failure to make growth pay for growth - inadequate developer impact fees
- Higher taxes to pay for new development - schools, fire, roads, city hall, and police services
- Future traffic gridlock
- Future school crowding
- On-going construction traffic problems
- Degrading environment and quality of life.

Name	Address
Renata McCulloch	32406 3rd Ave
Lailanie Richmond	32408 4th Ave
Gordon Steller	22969 se 28th
Kenedi Meyering	22829 SE 28th St

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- Degrading environment and quality of life.

Name	Address
Janeen Burns	32427 Union Dr. Black Diamond
RAZ	32503 Union Dr. Black Diamond 98010
Denise Stine	32405 Union Dr. 98010
Steph Paris	32512 UNION DR Black Diamond

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Name	Address
Clara Anderson	30455-227 th PL SE
Helw Jacoben	30742 229th PL SE
Mike England England	30851 229 th Ave SE
Jessica McGhee	30831 229th Ave SE
Karla Esparza	25306 Kanasket Dr 98010

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Name	Address
Robert Brocx	25317 Cumberland Pl Black Diamond WA 98010
Paula Ford	30502 Cumberland Drive Black Diamond, WA 98010
MEGAN BROCX	25317 CUMBERLAND PL BLACK DIAMOND WA 98010

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Name	Address
RODGER CLOW	22047 S.E. 288 TH ST. Black Dia WA. 980
Alexi Waterhouse	21715 288 TH ST Black Diamond WA 980
ART SHERVHEILL	21618 SE 290 th ST Black Diamond WA 980
Potly Crothy	21612 SE 290 th Black 78016 Diamond
Becky Miller	21608 SE 290 th ST Black Diamond

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Name	Address
ERIC SHIRUP	25001 SUMMIT DR BLACK DIAMOND, WA 98010
Sara Lange	30405 Blaine Ave Black Diamond, WA
Nathan Ritzke	30403 Blaine ave Black Diamond Wa

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Name	Address
Deanna Kitzke	30403 Blaine Ave Black Diamond, WA 98010
Karl Raymond	30404 Blaine Ave Black Diamond WA 98010
angela Raymond	30404 Blaine Ave Black Diamond WA 98010

Diamond Planning Commission and Council:

the Proposed Re-zone of any property at the 2019 Hearing.

It is already growing too fast and faces:

make growth pay for growth - inadequate impact fees

taxes to pay for new development - schools, fire, city hall, and police services

traffic gridlock

school crowding

construction traffic problems

environment and quality of life.

	Address	Phone/ Email
Paris	32512 Union Dr Black Diamond, wa. 98010	360-886-1206

Diamond Planning Commission and Council:

the Proposed Re-zone of any property at the 2019 Hearing.

It is already growing too fast and faces:

make growth pay for growth - inadequate impact fees

res to pay for new development - schools, fire, hall, and police services

traffic gridlock

school crowding

construction traffic problems

environment and quality of life.

Address	Phone/ Email
England 30851 229 th Ave. SE	253-632-9824
Hingale 3080 30831 229 th Ave SE	(206) 854-1167

- Higher taxes to pay for new development - schools, fire, roads, city hall, and police services
- Future traffic gridlock
- Future school crowding
- On-going construction traffic problems
- Degrading environment and quality of life.

Name	Address
Stacy Jones	25123 Roberts Dr #316
Paul Collins	25314 Cumberland Place
Kevin Ziyanya	25123 Roberts Dr #418
David Ann	25123 Roberts Dr #506
Aselin Rappaport	25123 Roberts Dr #521

Unit 155420 25123 Roberts Dr #380

Day 16638

106448

Renton wa 98058

- Higher taxes to pay for new development - schools, fire, roads, city hall, and police services
- Future traffic gridlock
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Name	Address
Casey Robbins	25123 Roberts Dr. #201 Black Diamond, WA 98010
Anne Linderman	25123 Roberts Dr Unit 202 Black Diamond, WA 98010
Aaron Linden	↓
Cohen Zeh	25123 Roberts Dr #103 Bl. Diamond, WA 98010
Nancy Beard	25123 Roberts Dr. #304 Black Diamond, WA

- Failure to make growth pay for growth - inadequate developer impact fees
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Name	Address
Bill & Karen Bryant	25100 Roberts Drive, Diamond
Stacy Fice	32121 Union Dr Diamond
Leah	32116 Union Dr Diamond
Chris Castleman	25123 Roberts Dr #216
Eric Martenson	25123 Roberts Dr #213
Stacy Silver	25123 Roberts Dr Unit 311

- ensure to make growth pay for growth - inadequate developer impact fees
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Name	Address
Shawn Chinn 25123 203rd Dr #302 Burke, WA 98010	
Erika Morgan	33624 Abnund Ave BD

COMMENTS ON BLACK DIAMOND COMPREHENSIVE PLAN BEFORE PLANNING COMMISSION

**Dr. Gil Bortleson, 23831 SE Green Valley Road, Auburn, WA 98092
Environmental Focal, Citizens' Technical Action Team
October 8, 2019**

General.

Establish a central planning theme for City. The past comprehensive plan emphasized “*Rural-by-Design*” as a planning theme as well as Yarrow Bay promotional materials . The present plan has deleted any mention of this planning theme that was previously fostered by City officials and citizens. Some urban planners believe theme-based cities are more livable, sustainable, and inclusive. Theme-based cities provide a direction for planning policies.

Add policies that would incorporate the use of urban separators. King County Countywide policies call for cities to implement urban separators or open- space buffers around Urban Growth Area boundaries. Urban separators should be designed in a way to vary in width depending on the presence of adjoining sensitive areas and wildlife corridors. Show urban separators on a map.

Add a new chapter to Plan entitled “Wildlife” reflecting the interest of hundreds of citizens who spoke at the MPD hearing and often expressed the importance of wildlife in their testimony.

Note: *After the Comprehensive Plan is finalized suggest having one hardcopy available in the Black Diamond library.*

Chap. 3. Parks, Recreation, Trails, and Open Space.

Suggest adding the potential parks, trails, and open space shown in the 2009 Comprehensive Plan (*Figure 2-3. Black Diamond primary and secondary open space*) to the current comprehensive plan. Some named trails include pipeline trail, Mud Lake trail, Ginder Creek trail, and Morganville-Lake Sawyer trail. Some named parks include Mud Lake Park, Roberts Drive Park, and Morgan Street Park.

Place a map in the main body of the comprehensive plan showing all current and proposed parks, trails, recreation areas, and open spaces. Subdivide active from passive open space. The map could be similar in concept to that of the 2009 comprehensive plan.

Chap. 4. Natural Environment.

Policy NE-12. Add working with wildlife experts to identify and map wildlife corridors.

Policy NE-14. Add endorsing and following guidelines of King County noxious weed management.

Add a new policy to support the continued long- term monitoring of Lake Sawyer for phosphorus concentrations through the County's Lake Stewardship program.

Add policies to provide incentives to use less water and development of recycled water.

Add policy to review Sensitive Area Ordinance periodically.

Note: New policy was added to comprehensive plan addressing adherence to Tree Preservation Ordinance per TAT suggestion.

Chap. 5. Land Use.

Add a policy to promote use of greenbelts and median roadway strips for aesthetic and stormwater-control value. (see MPD overlay)

Add a policy indicating the need to reserve land in advance for future active parks.

Add a policy that an urban reserve designation shall not occur unless 50 percent of the lands within can be identified as open space.

Add a land-use policy to define the limited uses for passive open space.

Add a new goal to provide for a greenbelt gateway on HY 169 on the north side of town.

Add policies promoting landscaping and setback features for new businesses located along HY 169 gateway to the city.

Add land- use policy encouraging landowners to retain forest stands.

Note: The new electrical company is a good example of providing wide setbacks, side parking, and attractive landscape features along gateway.

Add a policy to encourage rear-building parking for commercial and retail buildings.

Add a policy to provide wide urban-separators between schools and rural neighbors.

Add a policy for all urban-serving facilities to remain in the Urban Growth Area boundaries.

Add a policy to encourage storm-water ponds to be used as perimeter walking paths.

Add a policy encouraging inclusion of clustering of small neighborhood housing.

Add a policy to require in-building parking for apartment-style buildings.

Note: The two illustrations showing open space areas as a land-use category don't agree (at end of Land-Use chapter). Specifically, the open space areas depicted in "Open Space Protection Agreement" and "Future Land Use" don't agree in same spatial coverage.

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
Transportation Element, Chapter 7	
Modify Policy T-4 Level of Service Standard to add back in the following from the 2009 Comprehensive Plan: <i>"Adopt levels of service that reflect the preference of the community."</i>	This statement was inadvertently deleted.
Modify Policy T-14 Character of the City to add back in the following from the 2009 Comprehensive Plan: <i>"Discourage widening of SR 169 to a four or five lane facility thus creating a 'thoroughfare' that will tend to divide the City."</i> [this was the first item listed in the old Policy T-10, which is now Policy T-14]	This statement was inadvertently deleted.
- Modify Policy T-8 Transportation Demand Management to describe: (1) Existing and planned <i>Transportation-Demand Management (TDM) strategies</i>, such as HOV lanes, parking policies, etc.: RCW 36.70A.070(6)(a)(vi), WAC 365-196-430(2)(i) (2) A <i>Commute-Trip Reduction (CTR) Plan</i> to achieve reductions in the proportion of single-occupant vehicle commute trips: RCW 70.94.527. [NOTE: Although the City has a <i>"Commute Trip Reduction"</i> section in Appendix 7 (p. 31), it does not describe a CTR Plan as called for in the RCWs, but simply lists potential elements of a typical CTR Plan.] (3) Add back in the following from the the 2009 Comprehensive Plan: <i>"Develop zoning and land use policies that promote land uses and development that are consistent with the City's goals and visions and which require new development to adequately provide for the transportation needs of that development."</i>	(1) A mandatory element is a description of Transportation-Demand Management strategies, such as HOV lanes, parking policies, etc. as required by RCW 36.70A.070(6)(a)(vi) and WAC 365-196-430(2)(i). (2) A Commute-Trip Reduction Plan and ordinance is required by RCW 70.94.527(1) and an option under RCW 70.94.527(2) depending on whether the 100 person-hour delay threshold is exceeded. (3) The statement <i>"zoning and land-use policies"</i> was inadvertently deleted. [Underlying demand-management rationale: This is especially important since approval of the MPDs was partially predicated on the assumption of achieving an Internal Capture Rate (ICR) of 18%. Since assumed ICRs have a <i>direct</i> influence on the evaluation of traffic volume, trip distribution, travel times, and queue lengths, they are, possibly, one of the most important assumptions that feed the Traffic-Demand Model (TDM) and subsequent analyses. There is a concern that some Institute of Transportation Engineers (ITE) methods (the Master Developer's Transportation Consultants used these in assessing the MPDs) for ICRs may <i>not</i> be applicable to large MPDs (KCDOT stated this in its testimony during the MPD Public Hearings).]

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
• Modify Policy T-19 Concurrency: "... The most significant adopted policy of meeting concurrency standards is accomplished by the two major MPD Development Agreements that require the developer to implement any and all of the capacity adding projects in the City's comprehensive plan to maintain the City's level of service standards." by adding, immediately thereafter, the following: <u>"However, it is understood the MPD Development Agreements are exempted from both State and City concurrency laws and all 'concurrency-related' evaluations will be based on the MPD Traffic Monitoring Plans."</u>	The City recognizes all MPD "concurrency-related" evaluations will be based on Traffic Monitoring Plans and should there occur "...a disagreement between the applicant and the City about the timing of construction of a transportation project under the monitoring plan, ..." (ref.: MPD Permit Condition of Approval 25), it is not clear how it will be rectified, as only the conduct "pre-phase monitoring" and "mid-phase monitoring" are included <u>and</u> disparities in interpretation of results of same could occur. Plus, modeling need only take into account the number of new homes and commercial buildings that are actually <i>occupied</i> and generating traffic. The City recognizes the overall intent of the traffic monitoring should be to satisfy BDMC 18.98.010(1) to provide "needed services and facilities in an orderly, fiscally responsible manner." Further, the City recognizes the traffic monitoring plans set up detailed timing requirements for infrastructure improvements that are <u>not</u> linked to implementing project-level concurrency assessments. Nothing in the Traffic Monitoring Plans suggests construction of traffic infrastructure will be superseded by the concurrency findings required by the MPD Development Agreements section 11.1. Consequently, the City intends to negotiate an amendment to the Traffic Monitoring Plans to clarify that GMA traffic concurrency review shall <i>supersede</i> any conflicting <i>timing</i> identified in the monitoring plan. The City recognizes this will ensure it meets the timing requirements of GMA traffic concurrency adopted in BDMC 19.98.080(A)(4).
• Modify Policy T-20 Funding Sources to specifically identify stable and predictable funding sources for maintaining and preserving existing transportation facilities and services.	To fulfill PSRC requirements for Comprehensive Plan <i>Transportation Elements</i>. [<u>Underlying rationale</u>: Future Financial Plans to satisfy part of the MPD-needed infrastructure relies heavily on unstable and unpredictable potential Grant monies.]

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
• Modify Policy T-21 Alternative Level of Service by eliminating: “❖ <i>Reduce the LOS standard for the system or portions of the system to give the City more time to fund the needed transportation improvements.</i>”	This statement was inadvertently added. It states pretty much what State law allows as a last-ditch option on Concurrency, but its citizens desire for their city to <u>not</u> reduce LOS standards to accommodate the Master Developer at the expense of its their quality of life. The City recognizes that under the State’s GMA, if the Master Developer cannot meet the city’s LOS standards, then it simply has to scale back its plans and plan for fewer homes to be built.
• Modify Policy T-22 Financial Impact Mitigation (fourth bullet): “❖ <i>Requiring developers at the beginning and mid-point of each phase of the MPD project to monitor traffic generation and distribution to determine if traffic impacts of MPD development are occurring as projected.</i>” by adding, immediately thereafter, the following: “<i>Ensure improvements are constructed with MPD development in order to bring mitigation projects into service before the Level of Service is degraded below the City's standards.</i>”	The City recognizes that it has wide discretion when it comes to MPD traffic-demand modeling and analyses leading to needed identified mitigation due to the strength of MPD Permit Condition of Approval 17 and its ten subparagraphs and its multiple sub-subparagraphs.
• Modify Policy T-24 Intergovernmental Agency Coordination: “<i>Coordinate planning, construction, and operations of transportation facilities and projects with other governmental agencies.</i>” by adding, immediately thereafter, the following: “<i>Develop a plan to avoid new or expanded facilities in rural areas.</i>”	To fulfill PSRC requirements for Comprehensive Plan <i>Transportation Elements</i>. A plan is necessary to ensure such rural area facilities will not require improvements to handle the predicted increased level of traffic.
• Modify Policy T-25 Multi-modal Coordination: “<i>Coordinate planning and operation of efficient and varied means of transportation for the City of Black Diamond’s transportation system.</i>” by adding, immediately thereafter, identified needs for SR-169 consistent with the State Multimodal Transportation Plan (RCW 47.06.040).	The City recognizes its unique dependence on SR-169, as well as limitations in providing regular bus service to and from the city. To fulfill the requirements of: RCW 36.70A.070 (6)(a)(iii)(F) “<i>The transportation element shall include the following subelements:…Facilities and services needs, including:…Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;</i>”

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
Transportation Element, Appendix 7 • Travel Forecasts p. 18, 1st para, under <i>“Travel Forecasts”</i>: — The 2nd bullet shows <i>“land-use projections”</i> for <i>“year 2035”</i> that do not even fully take into account the planned 6,050 homes in the MPDs, let alone any <i>other</i> development over the 19-yr period covered. —Those <i>“land-use projections”</i> for <i>“year 2035”</i> are <u>not</u> consistent with the City’s agreed-to Growth Targets, nor either PSRC’s Regional transpiration Plan (20189) or PSRC’s VISION 2050 (now being finalized). —Regarding the statement about <i>“existing traffic-demand models”</i> the City must take care in recognizing that the TDM used to support approval of the MPDs was completely rejected by the City’s Hearing Examiner and creation of a new one to evaluate the impacts of the MPDs on the City’s and region’s traffic patterns and volumes was put off by the City Council until 850 building permits have been issued. Consequently, the City can have no confidence or reasonable assurance with any travel forecasts based on the discredited TDM, as enumerated in painstaking detail by the city’s Hearing Examiner’s MPD Environmental Impact Statement Hearing <i>Decision</i> and MPD Application Hearing <i>Recommendations</i>.	Discussion of travel forecasts are governed by RCW 36.70A.070(6)(a)(iii)(E): <i>“Travel forecasts should be based on adopted regional growth strategies, the regional transportation plan, and comprehensive plans within the region to ensure consistency.”</i>

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
• Funding Sources p. 35, <i>Table 0-2</i>, under “Funding Strategy”: —There are no cost numbers shown, only issues and potential mechanisms that <i>might</i> be available to solve them. Thus, the table does not constitute a realistic assessment of the cost risks to the city and its taxpayers. —Under the <i>“Transportation Benefit District”</i> item there is nothing in the Comments column. Yet, under the Realistic Acceptance column it states: <i>“In-place but could be raised.”</i> On what basis would this be contemplated (all five <i>“potential use of funds”</i> are identified, i.e., footnotes 1 thru 5), especially when nearly all impacts to the City’s transportation infrastructure are the result of the MPD buildout? —Under the <i>“State and Federal Grants”</i> item in the Comments column it states: <i>“Once the City has their comprehensive plan approved they will also be eligible for more grants including Federal.”</i> However, since the city’s Comprehensive Plan Update reflects a gross exceedance of its agreed-to Growth Targets the PSRC could decide not to certify or certify with strong conditions related to funding sources. —In earlier versions there was a heading here called <i>“Developer Contributions,”</i> We can understand why some of it was removed, but the subheading called “Disadvantages” stated some very key aspects the City should be cognizant of and consider going forward and should be put back, in some condensed form, into this Comprehensive Plan Update: <i>“Disadvantages: The primary disadvantage is that developer improvements are focused on fixing the “immediate problem” and can result in solutions that may not be desired by the City. As mentioned earlier this “piece-meal” approach can often result in some unforeseen off-site impacts that may cause more traffic congestion or result in improvements that will need to be torn-out in the future to accommodate future improvements. If an intersection already operates below the standard, developers are only required to pay their “fair share” of the cost of an improvement—often requiring the City to fund a portion of the improvement. Further issues can arise over how to deal with developments which are approved after the original developer has completed a major improvement (late-comer’s agreements).”</i>	Discussion of funding sources is governed by RCW 36.70A.070(6)(a)(iv)(A): <i>“An analysis of funding capability to judge needs against probable funding resources;”</i> and by RCW 36.70A.070(6)(a)(iv)(C): <i>“If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;”</i>

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
• Transportation Improvements pp. 19-32, under “Transportation Improvement Recommendations”: ——TAT provided a large number of technical comments on transportation improvements that covered over 22 pages (including the original text and figures)—our comments comprised, in total, ~7 pages, which cannot be repeated here, but it is strongly suggested they be read and considered (<i>including identification of major typos and footnotes</i>). Below is a very, very brief summary of those comments: “The city should not address road and intersection improvements <i>“incrementally with developments as traffic volumes increase,”</i> as this frequently leads to undersized improvements, which will require retrofitting in an already-developed area. <u>The State GMA calls for identifying the long-term scope in advance, then assigning reasonable proportion of those improvements to each development.</u> We remain concerned the verbiage herein is not consistent. Several 2022-2035 intersection projects listed in Table 0-9 (also labeled Table 0-1) are <u>not</u> shown as transportation improvements in Figure 7-6. Because of these discrepancies, it is not clear these projects are sufficient to ensure the city’s LOS standards are met. Further, although traffic volume predictions, etc. are provided, <u>there is insufficient explanation of the 2035 scenario.</u> Figure 7-7 shows such predictions at 10 key intersections. These must be consistent with the road network shown in Figure 7-6 and LOS performance listed for each in Table 7-11. We would expect this all to be connected and sufficiently explained in the text, but it isn’t. In fact, the text simply states: “... <i>additional arterial roads will be needed....</i>” It must be kept in mind that the information provided in Figure 7-7 is <i>critical</i> to evaluating future traffic impacts and whether or not this Comprehensive Plan Update is adequate to meet the city’s Vision and the future needs of its residents. Unfortunately, we have many concerns with the traffic volumes predicted at several key intersections in Figure 7-7.”	Discussion of transportation improvements is governed by the requirements of: RCW 36.70A.070 (6)(a)(iii)(F): <i>“The transportation element shall include the following subelements:... Facilities and services needs, including:... <u>Identification of state and local system needs to meet current and future demands....</u>”</i>

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
• Transportation Concurrency pp. 36-41, under “Concurrency”: — — Add a <i>Flow Chart</i> (not dissimilar to Figure 0-1 “<i>Concurrency Management System</i>” on p. 41) that delineates the interrelationship between the continuing cycle of: Meeting LOS Standards: Traffic Monitoring : Traffic-Impact Analyses : Modifying Development Size/Pace : Traffic Monitoring : — — TAT provided a large number of technical comments on Concurrency that covered over 9 pages (including the original text and figures)—our comments comprised, in total, ~2 pages, which cannot be repeated here, but it is strongly suggested they be read and considered. Below is a very, very brief summary of those comments: “Herein it is stated (and DKS Associates’ transportation experts have stated same in meetings): <i>“The City’s strategy to tie concurrency directly to THE major developer within the City should give the City a step ahead of most communities that struggle to keep up with maintaining concurrency requirements.”</i> <u>This is true to a point</u>, but it is not a <i>get out of jail free card</i>, as it depends heavily on MPD Condition of Approval 20’s <i>Traffic Monitoring Plan</i>, which has some flaws. The city’s Hearing Examiner recognized these flaws and clearly pointed them out in his Recommendations on the MPD Development Agreements, which were <u>not</u> heeded and subsequently <u>rejected</u> by the 2011 City Council. In fact, <u>the city’s Hearing Examiner enumerated major concerns with how concurrency was handled in the MPD Application Permit Conditions of Approval and the Development Agreements</u>. These should be addressed here. The MPD Traffic Monitoring Plan is to specify when engineering and design is to begin, <i>not</i> actual construction to mitigate the problem. Such timing of mitigation is a critical path for the city and its residents and businesses. The city must recognize the MPD Master Developer will be providing the bare minimum to meet its local direct impacts, so that <i>cumulative</i> long-term growth could be ignored until it is too late to address transportation infrastructure needs in a cost-effective and timely manner.”	The City recognizes that GMA Concurrency is the mechanism that allows land-use and transportation infrastructure planning to succeed in producing a high quality of life and a strong economic climate. Discussion of concurrency is governed by the requirements of: RCW 36.70A.070 (6)(b): <i>“After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), “concurrent with the development” means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.”</i>

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
• Level of Service p. A7-2 [note that Appendix 7 has multiple page numbering formats], under “Level of Service and Concurrency”: (1) Add a discussion of level of service standards and how they have been and will continue to be regionally coordinated. (2) The following from the 2009 BDCP should be placed back in: <i>“The requirements of Black Diamond’s Transportation Concurrency Management program may apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as ‘highways of statewide significance.’ The portions of certain highways of statewide significance that do not have limited access and function like city arterials may be included in the Black Diamond concurrency test.”</i> (3) Please note TAT’s detailed comments on what used to be called section 7.5 Actions Needed to Meet Level of Service Standards (see p. 35 of TAT’s <i>Appendix 7</i> comments) regarding WSDOT’s comments on the SR-169 roundabouts and mitigation needed for the failing LOS for the 216th Ave/288th St intersection.	(1) Discussion of level of service standards is governed by the requirements of: RCW 36.70A.070 (6)(a)(iii)(B): <i>“Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;”</i> (2) This statement was inadvertently deleted.

Citizens' Technical Action Team
Proposed Amendments for the 2019 Docket

PROPOSED AMENDMENTS	COMMENTS
• Inter-Governmental Coordination p. 43, under “Transportation Facilities and LOS Standards Coordination”: The discussion herein on such coordination is grossly deficient and simply talks about participating on various transportation boards—<i>which is necessary, but not sufficient.</i> At a minimum, the city needs to sit down with its counterparts in both the cities of Maple Valley and Covington to decide what can be done by all three to minimize traffic impacts of their combined developments. The three cities share several major roads and, thus, share several major problems today and into the future. Also, the three cities need to share information to better understand their respective traffic-demand models and assumptions: Where do they dovetail? Where do they conflict? How can they be coordinated and, at least, their respective results be understood in the same regional context? The City needs to sit down with King County to discuss impacts to its road infrastructure. The City must recognize that it has chosen to far, far exceed its agreed-to Growth Targets. This decision will have a strong negative impact on traffic in much of southeast King County for generations. Taxpayers who do not live in Black Diamond should not be asked to pay—through State Grants, State highway funds, County highway funds, etc.—for the City’s decision to permit the two massive MPDs without a full transportation evaluation that was acceptable to the city’s Hearing Examiner and Council.	This is required by RCW 36.70A.0740(6)(a)(v): <i>“Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;...”</i>)

Ian Williams

From: John Nelson <jnelsonpdx54@gmail.com>
Sent: Sunday, September 5, 2021 7:59 PM
To: saveblackdiamond@gmail.com
Cc: Mona Davis
Subject: Power to the People flyer

Like nearly everyone else, I am concerned about the potential for traffic overwhelming our infrastructure as development occurs. I also believe our current city council and staff are acting in good faith to balance the coming growth. Could more be done? Could they be making a mistake? Of course. None of us are perfect or know the future. But absurd, over-the-top insults to the integrity of these people as found in the Power to the People flyer will not help.

Why is it so hard to believe that people who disagree with you are not people of ill intent? Even if the Power to the People writers convince me they are correct about how to proceed in Black Diamond, they will not now have my support. I will not support people who cannot respect those who disagree with them. If you want my support, then present your evidence in a balanced, fact-based manner without the insulting hyperbole.

Sent from my iPad

Ian Williams

From: doug richardson <corporateconsultants1@hotmail.com>
Sent: Wednesday, September 8, 2021 8:55 PM
To: Mona Davis; Mona Davis; saveblackdiamond@gmail.com
Subject: Power to the People

FYI,
I am a Black Diamond resident and am very against the runaway development and resulting loss of quality of life. I would very much have attended the public meeting but only received your flier a few hours before the meeting time.
If you are going to hope to accomplish anything you need to be a lot better organized than that.

Ian Williams

From: ron raum <rpraum@hotmail.com>
Sent: Tuesday, September 7, 2021 9:11 AM
To: Mona Davis
Subject: Public meeting

Discussions regarding the irresponsible over development of our area is well overdue however, I cannot be a part of a ZOOM meeting, they are truly unproductive nonsense.

We honestly couldn't meet at any public park, maybe with an open mic... now that's a community meeting.

Sent from my iPad

Ian Williams

From: Friends BlackDiamond <friendsofblackdiamond@comcast.net>
Sent: Tuesday, September 7, 2021 1:26 PM
To: Mona Davis
Cc: Gary Davis; karen@bryantstractorandmower.com; kristenbry@gmail.com
Subject: Re: Comments for 9/7/21 Comp Plan Hearing part B.
Attachments: 2021-09-07 CompPlanLandUsePublicHearing-5.pdf; 2021-09-07 CompPlanLandUsePublicHearing-4.pdf

files 4 and 5.

On 09/07/2021 1:23 PM Friends BlackDiamond <friendsofblackdiamond@comcast.net> wrote:

The attached comments are from individuals in the scanned paper documents they filled out.

Due to large file size, they are being sent in multiple emails.

To the City of Black Diamond.

Public Hearing Comments September 2021.

Regarding the Comprehensive Plan Future Land Use Map and/or Zoning Changes

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Additional development is not a solution, it will make the problem worse.

Analysis is needed – at the Comprehensive Plan phase - to understand the effects on our schools, roads, air quality, EMS, fire, police, natural areas, and parks.

Do not wait for permit or zoning review because the city's legal options are very limited then. If the city code does not require a developer address an issue, what happens?

Please reject any change for increased density at this time. The 2018 Future Land Use Map be put back because this gives the People the power to fix problems before development is locked in. Any developer can then apply for changes following the proper process .

Name

Efrain Estrada

Address

27540 265th Ct SE Ravenna WA 98051

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Name

Danuk Knight

Address

19408 SE 322nd ST Kent WA 98042

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Name

Mike Deaton

Address

29725 224 Ave SE

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Name

Melissa Cunningham

Address

20125 SE 258th PL

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Name

JOHN ANDERSON

Address

29510 207th Ave SE

To the City of Black Diamond.

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Name Shelby Palmer

Address 32400 2nd ave Black D.

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216th as well as 169 cannot take the traffic. something has to be stopped and you have to sit on the streets to observe how this affects the people that live here.

Name

RICHARD & Esther Robinson

Address

21609 SE 273rd Place Maple Valley

*Lo email

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*We moved out here for peace + quiet
After Ten Trails was built. NO MORE!!*

Name

Kathleen M Hanzeli

Address

31735 - 224th Pl SE

To the City of Black Diamond.

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Name

Robert Golden

Address

25125 Favro Street Black Diamond

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Name Lorrie Henry
Address 27756 215th Pl SE Maple Valley

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Name Nathan Fox

Address 32912 SE Cotton Wood St

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Name

Yvonne Lawrence

Address

22417 SE 287th PL Maple Valley

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Name

Tony Lusiole

Address

38114 Barumclaw Franklin RD SE

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Name

George McGibbon Ram McGibbon

Address

30650 224th Ave SE

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Name DONNA KNAPP

Address 21319 SE 277ST MAPLE VALLEY

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Name Debbie Schmidt

Address 25230 Park Street

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Name Jackie GADDIS

Address 22944 SE 288TH ST MAPLE VALLEY, WA 98038

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Name Michael Guddis

Address 288th St, Maple Valley

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Name

Kim Highbarger

Address

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Name

Terry Goucheur

Address

2806 Auburn Way N

Ian Williams

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Sent: Tuesday, September 7, 2021 1:29 PM
To: Mona Davis
Cc: Gary Davis; karen@bryantstractorandmower.com; kristenbry@gmail.com
Subject: Re: Comments for 9/7/21 Comp Plan Hearing part C
Attachments: 2021-09-07 CompPlanLandUsePublicHearing-6.pdf; 2021-09-07 CompPlanLandUsePublicHearing-7.pdf

Files 6 and 7.

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Name

Tina Clark

Address

23436 SE 28th ST, Maple Valley

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Name

Kurt Walls

Address

Email

kwalls3202@comcast.net

Phone

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Name PAULINE WHEELER
Address 38206 272nd AVE SE
Email ~~the~~ winter737@gmail.com
Phone _____

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Name

NIK JENSEN

Address

24020 SE 279th ST Maple Valley

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I understand growth is valuable for many reasons. My request is to do 'PLANNED' Growth, not just allowing things to randomly be allowed in without having it fit into a plan for sustainable growth. Thanks!

Name Anita Knight

Address 19408 SE 322nd St Kent WA 98042

To the City of Black Diamond.

Public Hearing Comments September 2021.

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I'm a long-time resident of Ravensdale (since 1979). Everything that is proposed for this area/corridor will directly affect my life style + living conditions.

Name

Debbie Hutchinson

Address

26018 SE Kent Kangley Rd Ravensdale

To the City of Black Diamond.

Public Hearing Comments September 2021.

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PLEASE REVIEW Past
- COMMENTS on this subject -
IN CONSIDERATION of or CONCERNS
That have been and are still NOT BEEN
HEARD

Name Lily Comer

Address 30468 - 227P1SE

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Name

Caren VanValky

Address

32807 Hyde Ave B.D.

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Public Hearing Comments September 2021.

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Black Diamond is already quadrupling in size, adding more than double our share of growth in our Puget Sound Regional Plan. This means the state and county will not fund roads and services for our area.

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Please reject any change for increased density at this time. The 2018 Future Land Use Map be put back because this gives the People the power to fix problems before development is locked in. Any developer can then apply for changes following the proper process .

Name

Craig Essick

Address

22825 SE 307th PL

To the City of Black Diamond.

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Name Nicole Reising
Address 25267 SE 356th St

To the City of Black Diamond. Comprehensive Plan Comments September 2021.

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AND

Do not keep the poorly planned increased development in the 2019 Comprehensive Plan Future Land Use Map. Revert them to "current use."

Prior to any Land Use Change for Increased Density, Require Developers to Provide:

- A fully updated Transportation Analysis
- A full financial, tax & public services, and market review
- Restoration of the trees clear cut without development approval

Stop ignoring our laws that require developers to submit additional reports and application fees (city code 16.10.050).

Before even thinking about more development, Black Diamond City Council Must Update our Code to Require:

1. Improved street design standards for existing roads, so pass-through traffic does not degrade quality of life
2. Pedestrian crossings, trails, and walking safety improvements
3. Wildlife corridors
4. Fixes to address noise, light, glare, and small-town character
5. Developer fees to support parks
6. Increased developer traffic fees
7. More developer funds for schools

Name

HEARY J. KRIES

Address

29058 22ND PLACE SE BLACK DIAMOND
WA

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Name

Dawn Stump

Address

28404 228th AVE SE Maple Valley WA

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Our Schools are crowded enough!

Name Scott Quinn

Address 25267 SE 356th St

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Name

Sierah Karopaski

Address

22804 SB 512th St B.D., WA 98010

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Name

Hunter Stamp

Address

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Name

Courtney Eckstrom

Address

19810 224th AVE SE Black diamond WA

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Name

Tom WALKER

Address

32500 McKay Ln

To the City of Black Diamond.

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Name

Jamie Johansen

Address

28428 Kent Blk. Dr RD Kent WA 98042

To the City of Black Diamond.

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In the Kent Lake Community
By Kent Lake High School
& Lake Sawyer Grocery

Name

Anna Santamaria

Address

21664 SE 297th Terrace Kent WA

To the City of Black Diamond.

Public Hearing Comments September 2021.

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Name

Patricia Parker

Address

26547 221st Pl SE. Maple Valley

To the City of Black Diamond.

Public Hearing Comments September 2021.

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dislike the changes to the natural areas and traffic is insane.

Name Chen Wicklund

Address 29404 11th Ave SE

Ian Williams

From: Kristen Bryant <kristenbry@gmail.com>
Sent: Tuesday, September 7, 2021 12:43 PM
To: Mona Davis; Carina Thornquist
Cc: Planning Commission; Joey Portmann; Karen Bryant
Subject: Re: PUBLIC COMMENT 09/07/2021: Traffic impacts, Lake Sawyer Road, and Comprehensive Plan

Hello Planning Commissioners,

The following comments are for your hearing tonight. Roberts Drive residents and neighborhoods will be harmed by additional development along the long-planned "Pipeline Road" bypass. The same is true for residents on 288th. The City residents will also be harmed by the change in land cost the public will partly pay because of the rezone of Pipeline Road. Changing the zoning of pipeline road without a full market analysis and an analysis of the commitment to keep Roberts Drive a lower traffic neighborhood street are both violations of the public trust. Please put the Future Land Use Map back to B/IP or to the current use which is 'mineral' or 'forestry' so that details can be studied for the public interest.

Kristen Bryant
and on behalf of William Bryant 25100 Roberts Drive, Black Diamond 98010

On Mon, Jul 6, 2020 at 4:54 PM Kristen Bryant <kristenbry@gmail.com> wrote:

Hello Planning Commissioners,

Some of the info in this comment letter was provided at last year's hearing and your more recent meetings. To encourage and support public input, the Commission is asked to fully discuss all public comments from last year's hearings and at least your more recent meetings.

Lake Sawyer Road Dangers and Traffic Volume Not Addressed

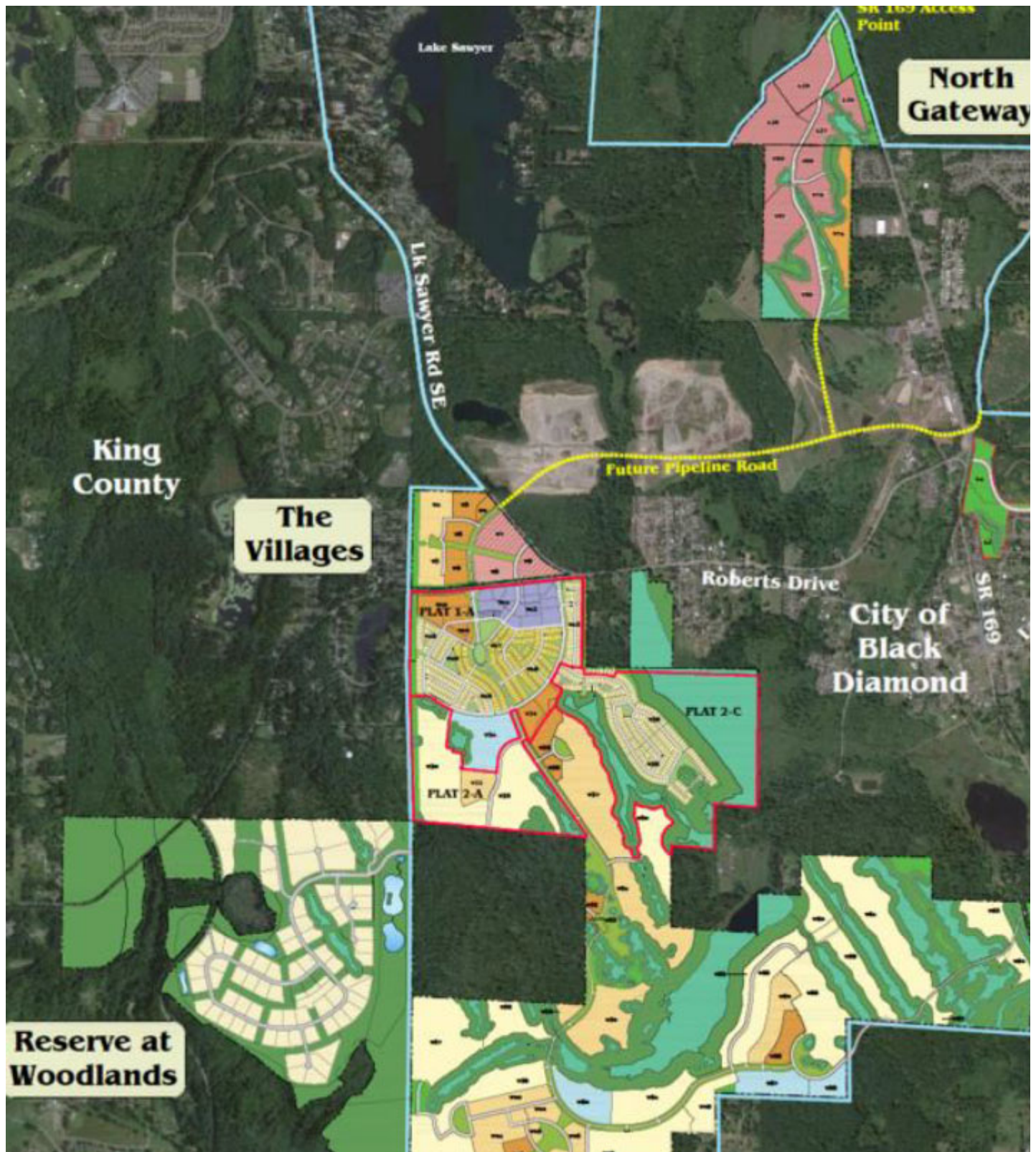
For your June 9 meeting you received a memo from Traffic Engineer William Popp as input to your Comprehensive Planning process. The memo was commissioned by Save Black Diamond after on-going review of traffic reports and plans from 2009 through the latest Ten Trails Preliminary Plats in 2020.

The memo focuses on Lake Sawyer Road and 216th (along the northwest border of Black Diamond). The issue is that the Ten Trails buildout by 2035 sends enough traffic to warrant at least 3 lanes (a center turn lane) on Lake Sawyer Road and 5 lanes north of 292nd (the Lake Sawyer Store). This is based on the number of vehicles that are forecast by your Comp Plan's Land Use assumption in Chapter 2 that full build out of Ten Trails will add 6,000 units by 2035.

Lake Sawyer Road will be too full to turn on to and experience backups at rush hour. However, the city has no plan to expand the road. The city should act to reduce and address the future problem.

Next is the new issue of the hundreds of new dense houses, apartments, and commercial property that could be added with the new allowed MDR8-12 and Commercial on the Future Land Use Map.

These Land Use Map changes are along the Pipeline Road and the North Connector. The map below shows these future roads in yellow.



Pipeline Road is Necessary To Relieve Roberts Drive and 288th Going Back To Past Agreements on the Property

The Black Diamond Urban Growth Area Agreement (BDUGAA) shows us that Palmer Coking Coal and the City knew the Pipeline Road was necessary when City limits were greatly expanded by hundreds to add what is now Ten Trails. The traffic from Ten Trails will clearly overwhelm Roberts Drive and 288th without the new east-west "Pipeline Road"

The excerpt from the BDUGAA is attached. The Ten Trails (Villages) Development Agreement requires:

"6.4.3 Pipeline Road

The design of Pipeline Road is to extend from Parcel C at the intersection of the Community Connector and Lake Sawyer Rd SE, easterly towards SR-169, intersecting SR-169 in the vicinity of Black Diamond-Ravensdale Rd, ... the preliminary design and alignment of the Pipeline Road shall be completed by the Master Developer and the right of way dedicated to the City prior to the City's approval of a building permit for the 1200th Dwelling Unit of The Villages MPD. **The Pipeline Road shall be constructed** by the Master Developer and open for traffic **prior to the earlier of: (i) City's approval of a building permit for the 1746th Dwelling Unit** of The Villages MPD; or (ii) when the Traffic Monitoring Plan (Exhibit "F") shows that construction is necessary to prevent a significantly adverse degradation of Level of Service on Roberts Drive.

The new potential re-zones would add dense development to the "Pipeline Road" area (Palmer Coking Coal parallel to Roberts Drive). which would send Traffic to Lake Sawyer Road. Already-full Lake Sawyer Road and Roberts Drive will become dangerous. People should be able to walk easily on Roberts Drive and it should remain a neighborhood street. The new Pipeline Road is needed by the Ten Trails 1746th Dwelling unit but there are 4500 units planned for Ten Trails.

There is also other development already coming. Recent changes allow everyone in town to add an ADU. Those Accessory Dwelling Units are potentially 1000 more houses (much of which will satisfy the need for lower income housing). As another example, we can see new development going on in the area of the Lake Sawyer store and also on Sr 169. These impacts do not appear to have been analyzed in the Comp Plan.

Given that there is not much time to study this issue this year, it would make sense to find ways to *reduce* potential development where the impacts (such as this traffic) have not been fully analyzed and development agreements are not already in place. That could make it so a whole new traffic analysis does not need to be paid for.

Thank you for your time, and please let me know if I can provide more information.

[Kristen Bryant - 425-247-9619](mailto:kristen.bryant@cityoflakewood.com)

Ian Williams

From: Berning Sandwiches <dazedafs@gmail.com>
Sent: Monday, September 6, 2021 6:02 PM
To: Mona Davis; SaveBlackDiamond@gmail.com
Subject: Save Black Diamond

My name is Tyler MacDonald and I am writng to urge the Black Diamond city council to OPPOSE the proposed land use for further development of homes and retail spaces. I have lived in the Black Diamond area for 20 years and watched as our once rural community has transformed into one sprawling housing development after another. The woods and trees which I fell in love with have dwindled and with the new Ten Trails development going in the Traffic is forecast to get out of control. Our roads are not equipped to handle the traffic which Ten Trails will produce, let alone further development. Once again I urge Black Diamond city council to OPPOSE the new development plans.

Ian Williams

From: Kevin Heaney <kheaney10cam@gmail.com>
Sent: Tuesday, September 7, 2021 10:11 AM
To: Mona Davis
Subject: Save Black Diamond

Moving here in April 2012, Black Diamond was a small community as we knew it then. It has since been growing way too fast. We live on the SE 216th corridor to what is now the roundabout at Ten Trails. The traffic back in 2012 was light and we could sit out on our backyard patio which faces that road and carry on conversations at normal levels, but now we are almost shouting to hear one another. Traffic has increased at least 10 fold, with more trucking than before, supporting the overbuilding of Ten Trails and more. According to your stats the traffic flow will be up to a 1 hour commute during congested times. Unacceptable.

When we moved here, the citizens were fighting the city trying to block the building of the Ten Trails development and were successful for a while until the "new" elected officials took over. Since when does a "planner" have the right to make decisions for the citizens concerning rezoning and permitting land use to developers without the vote of the citizens?

This Official Public Hearing is in a zoom format. Are they afraid that the citizens would be unruly in a normal town hall meeting face to face with the citizens of Black Diamond council.

I am so concerned about the environmental impact and the deforestation of the lands, the animals in the forests being run out of their homes. All the new taxes and levies for new schools and infrastructure. Tax assessments for land and housing. It is like these new councilmembers are trying to turn Black Diamond into the concrete, asphalt and neon of a Mini Bellevue. I just want my voice to be heard this time around.

Thanks for letting me rant about the future of Black Diamond.

Ian Williams

From: Cindy Wheeler <cincity63@comcast.net>
Sent: Tuesday, September 7, 2021 12:36 PM
To: Mona Davis; Planning Commission
Subject: Sept 7th Comprehensive Plan Hearing

The Planning Commission must inject some responsible action for the protection of citizens and public safety by refusing to approve more residential growth, which not only has this town upside down financially, but also is not feasible or safe on the two lane road system that serves the entire town.

It is telling and intentional that the Environmental Impact Study for the "Master Planned" (nor hardly!) Developments did not include a safety analysis of the increased traffic and the meager mitigations that to date have not been fully or timely enforce.

The City and the Master Developer 'joined' together in defense of a citizen appeal and explained that while the Environmental Impact Studies were NOT fully complete they should NOT be deemed 'inadequate' as the intention of both the city and the developer was to continue environmental studies and analysis 'throughout the building cycle.'

Such ongoing analysis and evaluation of impacts answered by reasonable mitigations has NOT occurred. That too is intentional.

Barbara Kincaid had to be pressured to ask for actual analysis of the impact of the rezone request fro the industrial strip mine. The Planning Commission failed to follow up or require progress on that promise for over a year. That isn't public service and it does not tell your taxpayers that no matter which part of this city they live in that safety is a primary concern an issue! For heaven's sake - The City has been allowing large signs to be erected in such a way as to compromise visibility and safety at one of the biggest intersections in town and despite public alarm took days to make any adjustment. This is not responsible governance.

The same traffic engineer who did a \$25K study for the citizen appeal of the EIS in 2010 has now done another traffic study - once again commissioned and paid for by citizens The Planning Commission and City Council must educate themselves on facts and truth, not the input or actions of staff.

Barb Kincaid failed to provide proper public notice for the proposed zoning change of the sand/gravel pit mine. Kincaid also refused to provide actual number of proposed residences should that zoning be granted. That is asinine and an intentional attempt to keep impacts on ongoing actions unknown to both taxpayers and decision makers who are supposed to represent them. The state of WA has requirements for public participation and the city's continual failure to fulfill those does not make it okay or legal in any way. This is not responsible governance nor good public service.

We can not continue to approve residential growth that overloads our infrastructure - most of what is needed / mandated by these actions is not in place nor able to pay for itself. The motto of the City of Black Diamond is "Growth will Pay for Growth." For over a decade the elected officials, the city staff and the Planning Commission have not taken appropriate and informed action to make that motto have ANY meaning. The City Council has failed to collect fees that were contractually agreed upon the Development Agreement. Fiscal analysis of this project and the city's future is as rare as traffic studies or traffic improvements being performed, even when both promised and required. This is not responsible governance and is especially egregious when it results in tax burden and other expenses for the majority of the city residents and taxpayers.

The re-zone of an industrial site to residential is not appropriate nor is it welcome.

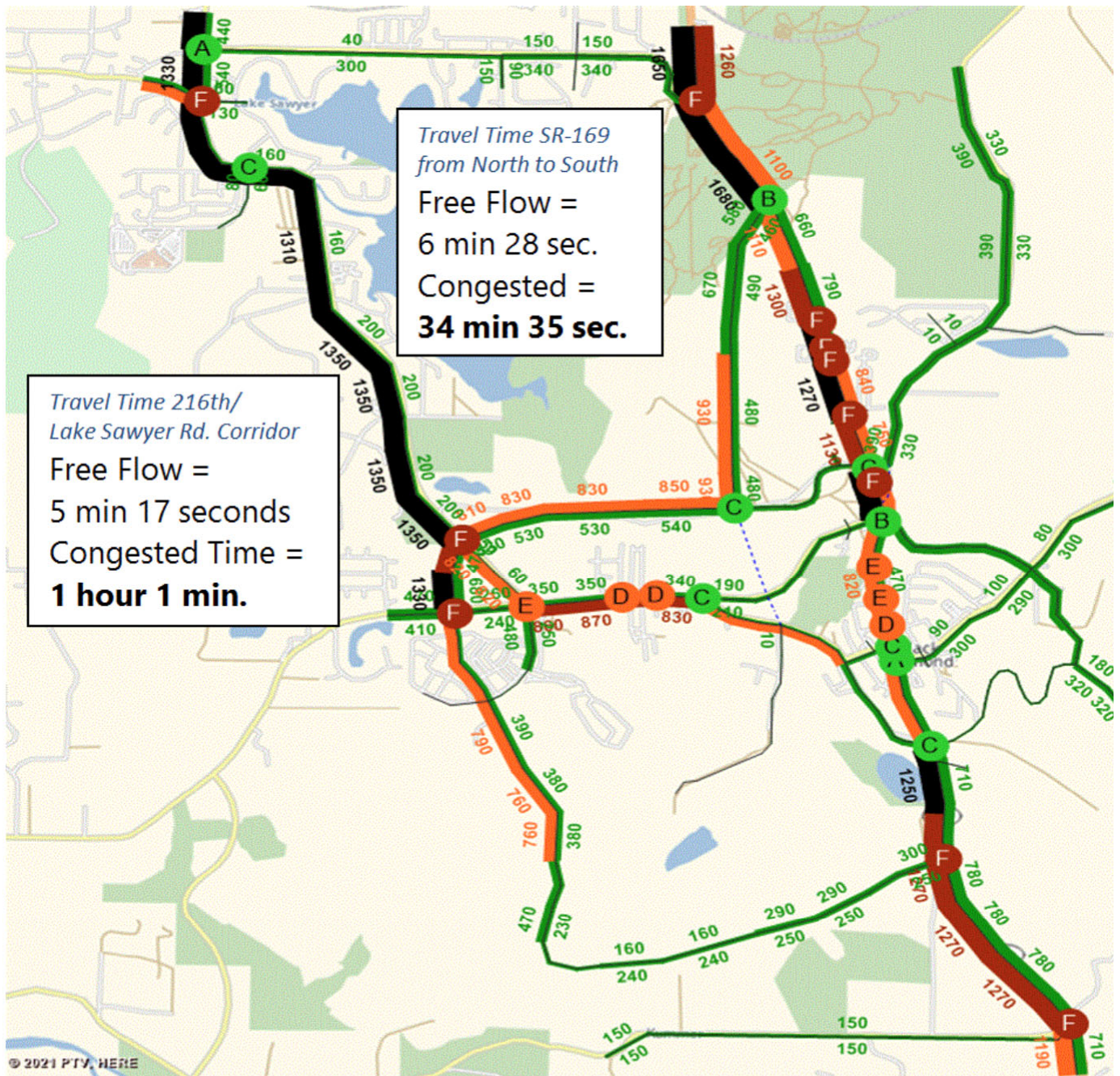
What the citizens WANT is safe streets for both car and pedestrian bike traffic. What we have is no sidewalks, no street lights and over-burdened roads with the city recording speeds of near 100 mph on both 288th and Lawson Hills. There were THREE head on collisions at 288th and 169 in a 2 week period in Oct, 2019 before shut down. They are a direct and expected outcome from the slap dash, uninformed way actions are moved forward for approval without analysis or public input. Again a failure that is neither good governance nor public service.

The financial gain of a few is not an acceptable reason to reduce public safety to the many, while burdening them with special taxes, levies and 'charity contributions' to address municipal needs such as roads and parks.

William and Cynthia Wheeler

** Director Davis please provide confirmation of receipt of comments and status of distribution to the Planning Commissioners in advance of tonights public hearing. Your attention to this is appreciated. A reminder to check your electronic address book as your last email confirmation was never received.

The map below uses conservative traffic volume forecasts. 2035 traffic is gridlocked even if all planned. Large development proposals along our future east-west bypass road and on SR169 a



Map Source: Sep 3, 2021. Robert M. Shull, PE, Transportation Engineer. Eco Resource Manager
 "Develop and apply state-of-the-practice multi-modal transportation forecast and simulation mode responsive to budgetary, data, and scope requirements for cities, MPOs, and states."

Ian Williams

From: Kristi Dahlgren <kristidahlgren@icloud.com>
Sent: Tuesday, September 7, 2021 6:04 PM
To: Mona Davis
Cc: saveblackdiamond@gmail.com
Subject: Sept 7th Comprehensive Plan Hearing

To the City of Black Diamond:

Put the Light Industrial, Forest, Mineral and Low Density Residential land uses back into our Comprehensive Plan Future Land Use Map as it was in 2018. Otherwise we will have far more development than our public services and roads can handle. Our city will be too crowded and our taxes will increase too much.

We need to have common sense growth planning, protecting nature, equity and tax savings in our local and state wide community.

BD Residents

Michael & Kristi Dahlgren

32502 McKay Lane

Black Diamond, WA. 98010

Ian Williams

From: Angela Rossman Fettig <angimal80@hotmail.com>
Sent: Tuesday, September 7, 2021 8:33 AM
To: Mona Davis; Carina Thornquist
Subject: September 7, 2021 Public Hearing
Attachments: Sept. 7, 2021.docx

Ms. Davis & Ms. Thornquist,

Please accept my attached comments for tonight's public hearing on Reconsideration of 2019 Future Land Use Map.

I would also like to be on the speaker list for the public hearing on Reconsideration of 2019 Future Land Use Map.

Thank you,
Angela Fettig
angimal80@hotmail.com
25423 Kanasket Drive, Black Diamond WA 98010

September 7, 2021

City of Black Diamond Planning Commission,

The Future Land Use Map should be reverted to the 2009 version. Then, developers must analyze the impacts if they want a comprehensive plan future land use map change.

Needed analysis includes:

- Housing and housing type analysis, and how the goal of having a mix of housing for all income levels will be affected.
- Analysis of the impact on school capacity of additional residential development.
- The impact on the city's police and emergency services.
- The economic impact of the loss of "Light Industrial" zoning (which typically generates more tax revenue and jobs than residential development).
- The impact on neighboring cities and King County.
- The impact on parks and wildlife.
- The impact on roads and traffic.

If you look at the Comprehensive Plan to see how the analysis would show up, the Transportation Appendix is a good example. It includes Black Diamond's two approved Ten Trails Master Planned Developments (MPD's). However, it *does not include* road or traffic analysis of changing other areas of the city to a future higher impact land use.

Black Diamond already has zoning and land use approvals to accommodate far more growth than Black Diamond's regional share per the King County Growth Targets and Growth Management Act. Expanding roads to and from Black Diamond would not only burden taxpayers, it would destroy our small-town feel and encourage more long-distance commuting.

Please make a motion to adopt the above reasoning and the specific change below into the Comprehensive Plan in the 2021 Annual Amendment Process:

Therefore, the City of Black Diamond Comprehensive Plan is Amended As Follows:

The Future Land Use Map in the Black Diamond Comprehensive Plan is replaced with the following map: Figure 5-1 on page 5-25 (page 109) of <https://www.blackdiamondwa.gov> (the 2009 Comprehensive Plan as amended in 2012).

It is unfortunate that the record must be corrected like this, however, to assume that the map changes the community is worried about were properly analyzed would be to move ahead based on false information.

Thank you,

Angela Fetting