



CITY OF BLACK DIAMOND
November 8, 2021 Special Meeting Agenda

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

Zoom link to join meeting:

<https://zoom.us/j/4454477047?pwd=eGxRY3ZEeU14SVM2cGRBcUxCSjdmZz09>

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

Meeting ID: 445 447 7047

Password: Council

Telephone dial in options:

+1 253 215 8782 US (Tacoma)

+1 206 337 9723 US (Seattle)

Meeting ID: 445 447 7047

Password: 426953 (phone in only)

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

WORK SESSION:

1) Discussion and Review of the Annual 2020 Comprehensive Plan Amendments - Ms. Davis

ADJOURNMENT



CITY OF BLACK DIAMOND

Interoffice Memorandum

TO: BLACK DIAMOND CITY COUNCIL
FROM: MONA DAVIS, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: WORK SESSION PACKET FOR ANNUAL 2020 COMPREHENSIVE PLAN AMENDMENTS
DATE: NOVEMBER 2, 2021

I thought it would be helpful to meet and review the 2020 comprehensive plan amendments ahead of bringing this to a formal council meeting by year end.

To refresh everyone's memory and provide some additional background, the City Council adopted a final docket for the 2020 amendments to the Comprehensive Plan under Resolution 20-1371 (attached) on August 6, 2020. The proposed amendments to the comprehensive plan are attached and shown in strike through/underline format with comments in the margin to help identify proposed *new* language or text that would be deleted.

The focus of the 2020 annual amendment was limited to (1) items that were inadvertently deleted during the final formatting of the 2019 Comprehensive Plan update and (2) items that the Puget Sound Regional Council (PSRC) recommended for full certification of the 2019 Comprehensive Plan. The Conditional Certification Report from PSRC is included in the packet materials.

The Planning Commission held several workshops in 2020 with the former director, Barbara Kincaid, to discuss appropriate amendments and took public testimony on December 1, 2020. The written comments received for that public hearing are attached in the packet for your review.

A SEPA appeal was filed on the 2020 comprehensive plan amendment on June 9, 2021; the appeal hearing was held on September 24, 2021. To date, a decision from the hearing examiner has not been received.

I look forward to more discussion on November 8th.

RESOLUTION NO. 20-1371

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON APPROVING THE PLANNING COMMISSION'S RECOMMENDED DOCKET FOR THE 2020 COMPREHENSIVE PLAN AMENDMENTS

WHEREAS, RCW 36.70A, the Growth Management Act (GMA) requires cities and counties to adopt comprehensive land use plans and provides for continuing review and evaluation by the city or county that adopted them; and

WHEREAS, The City of Black Diamond Comprehensive Plan and Chapter 16.10 of the Black Diamond Municipal Code (BDMC) sets the process for the city to amend its comprehensive plan; and

WHEREAS, the amendment process in BDMC 16.10 includes the adoption of a docket following a hearing and recommendation from the Planning Commission; and

WHEREAS, the Planning Commission did hold a duly noticed Public Hearing on the preliminary docket on July 7, 2020 which was continued until July 21, 2020 to receive public testimony and did transmit a recommended docket for approval; and

WHEREAS, the Council did consider the Planning Commission's recommendation during its regular meeting on August 6, 2020;

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

Section 1. The City Council approves the Planning Commission recommendation for the 2020 annual docket as transmitted by the July 31, 2020 memo from the Planning Commission.

Section 2. The City Council hereby directs the Planning Commission and staff to begin working on the substance of the proposed amendments from the approved docket and to develop and transmit findings and conclusions for the proposed revisions to the City's Comprehensive Plan.

Section 3. The City Council's decision to adopt the final docket does not constitute a decision or recommendation that the suggested amendments be adopted.

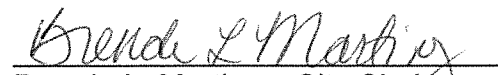
PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 6TH DAY OF AUGUST,
2020.

CITY OF BLACK DIAMOND:

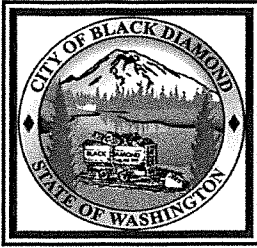


Carol Benson, Mayor

Attest:



Brenda L. Martinez, City Clerk



CITY OF BLACK DIAMOND

Interoffice Memorandum

TO: BLACK DIAMOND CITY COUNCIL

FROM: PAM MCCAIN, CHAIR, CITY OF BLACK DIAMOND PLANNING COMMISSION
BARB KINCAID, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: RECOMMENDATION ON THE 2020 COMPREHENSIVE PLAN DOCKET

DATE: JULY 31, 2020

On behalf of the Planning Commission, I am transmitting our recommended docket for the 2020 Comprehensive Plan amendments for your approval. Please see attachment.

During our discussions and through the public process, we received much input from citizens about the contents of this year's docket. There are many great ideas for making the City's Comprehensive Plan better and we intend to continue working with the community each year to incorporate them to the extent possible.

This year's docket focused strictly on replacing some important text that was lost during the final formatting of our 2019 updated document and fulfilling the Puget Sound Regional Council's (PSRC) requirements for our plan to be fully certified this year. We felt this work to be necessary and urgent and we considered the length of time and capacity of staff to get the work done.

Please let me know if you have any questions.

Sincerely,

ATTEST:


Pam McCain, Chairperson

2020 Planning Commission Recommended Comprehensive Plan Docket

1. Chapter 3, Parks, Recreation, Trails and Open Space

Add the following statement in the Parks, Recreation, Trails and Open Space (PRTS) Element, Chapter 3, Section 3.2 Planning Framework:

- The City of Black Diamond is committed to providing equal access under Title II of the Americans with Disability Act (ADA) for its parks, recreational and trails system.

2. Chapter 4, Natural Environment

Add the following Policy in the Natural Environment (NE) Element, Chapter 4:

- Policy NE-21: Use LID (low impact development) techniques to manage stormwater runoff.

3. Chapter 5, Land Use

- Review Land Use Designations goals, policies and uses for consistency with the Vision statement, guiding principles, and general goals and policies.

4. Chapter 7, Transportation (and appendix 7)

- Revise text to remove references to WSDOT widening SR 169.
- Revise text to acknowledge HB3266 designation of SR 169 as a highway of statewide significance.
- Revise text and map figures, as needed, to accurately reflect 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.
- Adopt updated 6-year Transportation Improvement Plan (TIP) and make changes to text as needed.

5. Chapter 8, Capital Facilities and Utilities (and appendix 6)

- Adopt updated Comprehensive Water Plan and make changes to text as needed
- Adopt updated Comprehensive Sewer Plan and make changes to text as needed.

6. All Plan Chapters

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.

PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION

CITY OF BLACK DIAMOND COMPREHENSIVE PLAN

January 17, 2020



BACKGROUND

The Washington State Growth Management Act calls for coordination between local, regional, and state planning efforts. To advance this coordination, state law requires PSRC to certify that regional transit plans, countywide planning policies, and local comprehensive plans within the central Puget Sound region conform to: (1) established regional guidelines and principles, (2) the adopted long-range regional transportation plan, and (3) transportation planning requirements in the Growth Management Act. Within the central Puget Sound region, the multicounty planning policies in VISION 2040 have been established as the regional guidelines and principles under Revised Code of Washington (RCW) 47.80.026. Certification of local comprehensive plans is also a requirement for jurisdictions and agencies that intend to apply for PSRC funding or proceed with any project submitted into the Regional Transportation Improvement Program, regardless of funding source.

Within the central Puget Sound region, local governments and PSRC have worked together to develop an overall process ([Adopted Policy and Plan Review Process](#), Revised September 2003) for reviewing and certifying local, countywide, regional, and transit agency policies and plans.¹ This process also provides an opportunity to coordinate and share information related to local and regional planning. A set of materials, compiled in a [Plan Review Manual](#), provides details on the review and certification process, background, and framework. The manual also provides guidance and checklists for aligning plans and policies with [VISION 2040](#), [the Regional Transportation Plan](#), and [Growth Management Act](#) requirements.

DISCUSSION

This report summarizes the findings and recommendations regarding the periodic update to the comprehensive plan for the City of Black Diamond, adopted by the city on May 2, 2019. PSRC last certified the City of Black Diamond's comprehensive plan in 2010. PSRC staff reviewed the 2018 major update and coordinated with city staff in the development of this report and the city acknowledges and understands the conditions outlined on pages 2-4.

In King County, cities and the county work cooperatively to establish 20-year housing and employment targets to coordinate growth expectations. The City of Black Diamond expects substantial growth that will exceed its adopted targets for 2035 – 7,674 housing units are anticipated by the city compared to an adopted target of 2,204 housing units, largely due to the potential development of the “Lawson Hills” and “The Villages” Master Planned Developments (MPDs). This inconsistency is due, in part, to a history of land use decisions, including an agreement with King County and property owners that set the urban growth area in the mid-1990s, annexation in 2005, and issuance of the MPD permits in 2010. Growth that substantially exceeds adopted targets has the potential to result in unmitigated traffic impacts on neighboring communities and other potential impacts.

¹ The certification requirement in the Growth Management Act is described in RCW 47.80. The specific requirements for transportation elements in local comprehensive plans are spelled out in RCW 36.70A.070. PSRC's Interlocal Agreement, Section VII, also provides direction for the review of local comprehensive plans and countywide policies (Resolution A-91-01, amended March 1998). The Council's Executive Board last updated its process for Policy and Plan Review in September 2003. The process is also described in VISION 2040, Part IV: Implementation.

While PSRC looks for cities' comprehensive plans to be substantially consistent with their adopted targets, this certification report recommends conditional certification as a means to recognize the unique circumstances of the City of Black Diamond and its ongoing work to address the implications of growth that significantly exceeds the adopted targets.

CERTIFICATION RECOMMENDATION

Based on the review of the City of Black Diamond comprehensive plan, the following action is recommended to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board:

The Puget Sound Regional Council conditionally certifies that the transportation-related provisions in the City of Black Diamond 2018 Comprehensive Plan conform to the Growth Management Act and are consistent with multicounty planning policies and the Regional Transportation Plan.

Conditional status is in place until the city amends the comprehensive plan to ensure consistency with the Regional Transportation Plan in regards to SR-169, and adopts a resolution committing the city to work to narrow the gap between the plan's anticipated housing and employment growth to align with adopted countywide targets, and to manage growth from vested projects. The schedule for addressing the conditions is:

- 1. Council adoption of a work plan that addresses the conditions identified in the certification report by April 30, 2020.**
- 2. Submission of draft comprehensive plan amendments and supporting documents that address the conditions to PSRC for review and comment in advance of adoption.**
- 3. Submission of a draft council resolution committing the city to work to align housing and employment growth with adopted countywide targets to PSRC for review and comment in advance of adoption.**
- 4. Once the conditions are adequately addressed, submission of the adopted amended comprehensive plan, council resolution and supporting documents by December 31, 2020, for review and certification by PSRC.**

Discussion of the conditional requirements is provided in Part 1, below. Additional recommendations for future work are provided in Part 2, which may be considered during the next comprehensive plan update or during other planning efforts and are not required to satisfy the conditional certification. Under each heading, the scope of the certification review, as guided by the [Plan Review Manual](#) and Local Comprehensive Plan Checklist, is listed in high level bullets. Discussion in each topic area highlights exemplary provisions of the plan, as well as issues identified through the certification review where future work on the part of the city is needed to more fully address VISION 2040, [the Regional Transportation Plan](#), and Growth Management Act planning requirements.

Part I: Conformity with Growth Management Act Transportation Planning Requirements

SCOPE OF REVIEW

The Growth Management Act (RCW 36.70A.070(6)) includes several requirements related to transportation elements in local comprehensive plans. These requirements are summarized as follows:

Land use assumptions and forecasts of travel demand that are internally consistent and consistent with growth targets.

Service and facility needs, including inventories of existing facilities, and level-of-service standards and concurrency provisions that address multiple modes of travel, planned land uses and densities, and state highways.

Financing and investments, including a multiyear financing plan and reassessment strategy to address potential funding shortfalls.

Intergovernmental coordination with neighboring cities, counties, and regional and state agencies.

Demand management, including programs to implement the Commute Trip Reduction Act.

Pedestrian and bicycle planning, including project funding and capital investments, education, and safety.

Land uses adjacent to airports, identifying relevant facilities, existing and planned uses, and policies that discourage incompatible uses.

Air quality is largely an interjurisdictional issue in which each jurisdiction's travel behaviors, measured through vehicle emissions, affect the regional airshed. The Washington Administrative Code (WAC) requires local transportation elements and plans to include "policies and provisions that promote the reduction of criteria pollutants" for mobile sources (WAC 173-420-080). When PSRC reviews plans, it also certifies that the comprehensive plans include air quality policies and provisions, including a commitment to meeting the requirements of applicable federal and state air quality legislation.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The City of Black Diamond's comprehensive plan effectively addresses many of the transportation planning requirements of the Growth Management Act and includes adequate air quality policies and provisions. Highlights include:

- ☑ The plan demonstrates a substantial focus on developing the city into a more walkable and bikeable community. Policy LU-6, for instance, requires new developments to be designed around alternative modes of transportation and Policy PRTO-4, specifically, outlines continued development of a trail system interconnected with the city's historic center and the regional trail system. Planning for greater walking and bicycle access will be one important way to help offset transportation impacts.

DISCUSSION: AREAS FOR FURTHER WORK

The following provides additional discussion regarding the conditional certification the city should address by December 31, 2020, through comprehensive plan amendments and a council resolution:

- ☐ The plan includes information about the potential widening of SR-169 that is inconsistent with the Regional Transportation Plan. The plan should be amended to indicate that a route development plan has not been completed for SR-169, and the transportation demand modeling and project list do not assume a widening of SR-169.
- ☐ In 2006, HB 3266 designated SR 169 as a highway of statewide significance. The plan should be amended to acknowledge this designation and the associated level of service. More information is available at <https://www.psrc.org/level-of-service>, including a map available at https://www.psrc.org/sites/default/files/los_hss_king.pdf.

- 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))
- The city's anticipated growth significantly exceeds its adopted growth targets. The plan acknowledges the inconsistency between the anticipated growth in Black Diamond, the growth targets, and the Regional Growth Strategy and commits the city to work with PSRC, King County, and neighboring jurisdictions to manage growth and mitigate its impacts, including on surrounding communities, rural and resource lands, and the regional transportation system. While the language included in the plan is important, this does not resolve the inconsistency between anticipated growth and the adopted growth targets. As such, the City of Black Diamond should commit through a council resolution to continue to work with regional, county, and local planning agencies to ensure the impacts of the Master Planned Developments are managed appropriately, specifically to:
 - 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.
 - Continue to coordinate with other jurisdictions regarding unanticipated growth levels, and to assess and mitigate traffic impacts from growth.

Part II: Consistency with Regional Plans and Policies

OVERVIEW

This section discusses consistency with the adopted multicounty planning policies (established regional guidelines and principles under RCW 47.80.026) adopted in VISION 2040 and the Regional Transportation Plan. In addition to the multicounty planning policies, VISION 2040 contains a regional growth strategy with a preferred distribution of the region's residential and employment growth, as well as a number of implementation actions for local governments to carry out. Each policy area addressed in VISION 2040 is discussed in turn below.

VISION 2040 Context Statement

VISION 2040 calls for local plans to include a context statement that describes how the comprehensive plan addresses regional policies and provisions adopted in VISION 2040. The plan includes policies emphasizing consistency with VISION 2040.

Environment

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following environmental policy topics:

Stewardship, including addressing the natural environment throughout the plan, decisions based on best-available science, and regional environmental initiatives.

Earth and habitat, including open space protection, restoration and protection of native vegetation, and coordination with adjacent jurisdictions.

Water quality, including actions that maintain hydrologic functions and reduce water pollution in ecosystems, watersheds, shorelines, and estuaries.

Air quality and climate change, addressing federal and state laws, reduction of pollutants, Puget Sound Clean Air Agency policies, and reduction of greenhouse gas emissions and adaptation to climate change.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Black Diamond comprehensive plan addresses the environmental policy topics in VISION 2040 with strong goals and actionable policies. Highlights include:

- ☑ The plan includes policies (Goal NE 10) for restoring native vegetation in and around the city.
- ☑ Goal NE-1 demonstrates a great appreciation for the natural environment and includes policies for developing in environmentally sensitive ways.
- ☑ The plan includes policies (Goal LU 13) for protecting and acquiring open space and establishing a well-maintained network of trails throughout the city. This network of trails also aims to make the city more walkable, bikeable, and climate friendly.
- ☑ The plan includes policies (Policy NE-5) for intergovernmental coordination with adjacent jurisdictions and tribes to protect and enhance a network of natural habitat and wetlands.

DISCUSSION: AREAS FOR FURTHER WORK

To continue to work towards the goals of VISION 2040, the city should consider addressing the following through future planning work:

- Though the plan takes steps to reduce harmful air pollutants (Goal NE 8), VISION 2040 asks cities in the region to offer significant measurable steps to reduce criteria pollutants beyond adopted standards. (MPP-En-17). The city is encouraged to strengthen policies on air pollution.

Development Patterns – Including Regional Growth Strategy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following development patterns policy topics:

Urban areas, including targets for housing and employment growth, compact communities that support transit and walking, and provisions for redevelopment of underused land.

Centers, including planning for one or more central places as locations for compact, mixed-use development, with policies that prioritize funding to centers to advance development.

Unincorporated urban areas, including policies that advance annexation and orderly transition of governance.

Resource lands, including identification of steps to limit development.

Regional design, addressing local provisions that apply the Regional Transportation Plan Physical Design Guidelines, energy efficient building, historic preservation, and enhanced sense of community.

Health and active living, addressing healthy environment, physical activity and well-being, and safety.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses many of the development patterns policies in VISION 2040. Highlights include:

- ☑ The plan demonstrates an appreciation for the preservation of regional historic, visual, and cultural resources. Land use policies such as LU-17 protect views of Mt. Rainier as the city grows and expands.
- ☑ Many aspects of the plan emphasize the importance of physical activity and recreation for the health and well-being of Black Diamond residents. Policies such as LU-5 incorporate opportunities for physical activity and recreation into development proposals.

DISCUSSION: AREAS FOR FURTHER WORK

To continue to work towards the goals of VISION 2040, the city should consider addressing the following through future planning work:

- ☐ VISION 2040 supports the development of centers within jurisdictions, including town centers and activity nodes (MPP-DP-11) and the city is commended for including policies to advance its town center. The city is encouraged to do additional planning for the neighborhood centers identified in the plan.

Housing

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following housing policy topics:

Increased housing production opportunities, including diverse types and styles for all income levels and demographic groups.

Affordable housing needs, including an assessment of existing and future housing needs based on regional and local factors, including household income, demographics, special needs populations, and adequacy of existing housing stocks.

Regional housing objectives in VISION 2040, including promotion of housing diversity and affordability, jobs-housing balance, housing in centers, and flexible standards and innovative techniques.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses the housing provisions contained in VISION 2040. Highlights include:

- ☑ The plan includes policies and goals to promote a variety of affordable housing types and levels within the city. H Goal 1 outlines a series of policies to support the creation of affordable and diverse housing options, such as Policy H-4, which provides for flexible zoning and subdivision regulations.
- ☑ Policies such as Policy H-8 promote the construction of affordable housing in coordination with transportation options to ensure residents of Black Diamond can easily access local services.

DISCUSSION: AREAS FOR FURTHER WORK

To continue to work towards the goals of VISION 2040, the city should consider addressing the following through future planning work:

- RCW 36.70A.070(2) requires comprehensive plans to include an inventory and analysis of existing and projected housing needs and adequate provisions for existing and projected needs of all economic segments of the community. The plan presents a number of relevant data points that describe housing need. The city should consider supplementing this analysis with a comparison of: (1) the need for housing that is affordable to that share of the county's households earning 80% and 50% of AMI, and (2) the share of the existing housing stock in the city that is affordable at these income levels. This information will enable more direct comparisons with other jurisdictions and provide useful guidance for implementation strategies. Additional guidance on the housing element and needs assessment can be found in WAC 365-196-410 and PSRC's Housing Element Guide (http://www.psrc.org/assets/11660/Housing_Element_Guide.pdf).

Economy

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following economic development policy topics:

Include an **economic development element** that addresses: business, people, and places.

Retention and recruitment efforts that support family wage jobs, industry clusters that export goods and services, and small businesses that are locally owned.

Equitable benefits and impacts, including provisions and programs that promote economic vitality in distressed areas or areas with disadvantaged populations.

Adequate housing growth in centers through collaboration with the private sector and provision of infrastructure.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The city's comprehensive plan effectively addresses many of the economic provisions of VISION 2040.

Highlights include:

- ☑ The plan promotes the creation of local businesses. Policy ED-1.2 encourages the city to take an active role working with businesses to identify and promote possible sites for local employment opportunities.
- ☑ The plan creatively addresses the creation of new businesses of all scales, from providing guidelines for home-based businesses (ED-1.3) to enabling and encouraging light industrial businesses such as commercial kitchens and small-scale manufacturers (ED-1.4).

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on the economy.

Transportation

SCOPE OF REVIEW

VISION 2040 and the Regional Transportation Plan call for local comprehensive plans to address the following transportation policy topics:

Maintenance, management, and safety, including clean transportation with reductions in pollution and greenhouse gas emissions, environmental factors, health and safety, stable and predictable funding sources, system and demand management strategies, and security and emergency response.

Support for the Regional Growth Strategy, including system improvements that align with planned growth, prioritized investments that support compact development in centers, joint- and mixed-use development, complete streets and improvements to promote biking and walking, and context-sensitive design.

Improved transportation options and mobility, including alternatives to driving alone, facilities and services for special needs transportation, avoidance of new or expanded facilities in rural areas, and financing methods.

Linking land use and transportation, including integrating Regional Transportation Plan physical design guidelines in planning for centers and transit station areas, and land development tools that promote transportation alternatives.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Black Diamond comprehensive plan addresses the major transportation emphases in VISION 2040 and the Regional Transportation Plan, including maintenance, management, and safety; support for the Regional Growth Strategy; and providing greater options and mobility. Highlights include:

- ☑ LU Goal 10 outlines policies to encourage mixed-use development and create self-sufficient neighborhoods such as policy LU-46, which outlines the Town Center as multi-purpose and pedestrian oriented.
- ☑ The pedestrian and bicycle components of the plan outline a safe, full network of trails and paths throughout the city while promoting health and recreation. Policy T-10 in the plan promotes cleaner travel choices by creating infrastructure and safety measures for bicyclists, pedestrians, and transit riders.

DISCUSSION: AREAS FOR FURTHER WORK

To continue to work towards the goals of VISION 2040, the city should consider addressing the following through future planning work:

- ☐ The Growth Management Act requires level-of-service standards for all locally owned arterials and transit routes, and the multicounty planning policies call for other modes, such as biking and walking, to be addressed as well (RCW 36.70A.070(6)(a)(iii)(B)). PSRC commends the city for including policies that are supportive of walking, biking and transit and encourages Black Diamond to continue developing policies, standards, and regulatory approaches that incorporate multiple travel modes. The plan should include level-of-service standards that address multiple modes of transportation. This analysis will help with the evaluation of needs when comparing the inventories to the standards, as well as respond to the MPPs on multimodal concurrency. The Washington State Department of Commerce's Transportation Element Guidebook has information on how to set level-of-service standards and identify system needs (pages 143-150 and 183-189) (<http://www.commerce.wa.gov/Documents/GMS-Transportation-2012.pdf>).

Public Services

SCOPE OF REVIEW

VISION 2040 calls for local comprehensive plans to address the following public services policy topics:

Promote more efficient use of existing services, such as waste management, energy, and water supply, through conservation – including demand management programs and strategies.

Promote renewable energy and alternative energy sources.

Plan for long-term water needs, including conservation, reclamation and reuse.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The Black Diamond comprehensive plan update contains policies that address the public services provisions of VISION 2040. Highlights include:

- ☑ The plan outlines multiple policies and strategies to conserve water and meet long term water needs. Policy U-10, for instance, encourages high volume, non-potable water users such as parks and schools to reuse and reclaim water.

DISCUSSION: AREAS FOR FURTHER WORK

The certification review did not identify any major areas for improvement of the plan to better align with regional guidelines and principles on public services.

COMMENTS AND GUIDANCE

PSRC staff thanks the city for working through the plan review and certification process. PSRC is available to provide assistance for future plan updates. Additional planning resources can also be found at <https://www.psrc.org/our-work/plan-review>. If the city has questions or needs additional information, please contact **Laura Benjamin** at (206) 464-7134 or lbenjamin@psrc.org.

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,

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 <bkincaid@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 <bkincaid@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).

> 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: 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.

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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,
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.

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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,

The image shows two handwritten signatures. The first signature, on the left, is written in cursive and appears to be 'Nancy B. Rogers'. The second signature, on the right, is also in cursive and appears to be 'Nicole De Leon'. Both signatures are written in black ink.

Nancy Bainbridge Rogers & Nicole De Leon

NED/kgb

Brenda Martinez

From: Peter Rimbos <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 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.

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.

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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

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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!

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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.

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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 gratis*. 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*.

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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."

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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.

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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. Noter 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.

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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.

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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.

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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.)

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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.

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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 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.

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

Citizens' Technical Action Team

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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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 <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 other development over the 19-yr period covered. Those <i>"land-use projections"</i> for <i>"year 2035"</i> 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 <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 Decision and MPD Application Hearing Recommendations.	This is necessary to meet the requirements of 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>	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 <i>"reputable transportation consultants"</i>), TAT's proposed Docket Amendments again have been not technically reviewed by the city as evidenced by the City Staff's response: <i>"The City hired reputable transportation consultants to develop Appendix 7. We have confidence in the work they performed."</i> This constitutes a <u>non-response, which is intellectually vacuous and professionally insulting.</u> Then, the City Staff recommends that ANY input received from the Public on <i>"the Technical Transportation Appendix will not be considered for the 2019 Annual Comprehensive Plan Docket unless required by PSRC."</i> This is not a realistic <u>Public Participation Plan</u>. 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.

Citizens' Technical Action Team
Proposed Amendments for the Black Diamond Comprehensive Plan 2019 Docket

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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 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 (late-comer'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]

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 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 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, <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."	This is necessary to meet the requirements of RCW 36.70A.070 (6)(a)(iii)(F): <u>"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...."</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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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 Concurrency pp. 36-41, under "Concurrency": Add a <i>Flow Chart</i> (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 <u>very, very 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 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> 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 concurrency was handled in the <i>MPD Application Permit Conditions of Approval</i> and the <i>Development Agreement</i>. 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."	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 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."	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 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 concurrence 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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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 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 <i>Transportation-Demand Management (TDM)</i> strategies, 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)</i> Plan 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 2009 Comprehensive Plan statement: "<i>zoning and land-use policies</i>" 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) 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 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 <u>not</u> 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: <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 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 19.98.080(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 (TMPs) 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 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 <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.	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 Concurrence, 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.” 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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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 <i>Transportation Elements</i>. 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 <bkincaid@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