

## April 5, 2010 Meeting Minutes

### 7:00 PM

Call to Order  
Pledge of Allegiance  
Roll Call  
Public comment on topics which are not listed on the agenda  
Review and approve agenda  
Approval of minutes

### 7:10 PM - Major Dave Germani

Major Germani introduced his replacement, Major Jerrell Wills. Major Wills is responsible for 1,600 square miles, and is working out of two substations. He has been with the Sheriff's Department 22 years and worked in North King County and Southwest King County. He worked on a SWAT and Traffic Unit for the King County Sheriff's Office. He lives in Unincorporated Duvall. He will work out of both the North Precinct and Maple Valley Precinct. We will also have one less operational captain, and he will take his position on May 1. The Council welcomed him to his new position, and asked that he keep us apprised of how the budget will impact the Unincorporated Area.

### 7:30 PM - Rural Economic Strategies, Julia Larson

Julia provided information on the King County Strategic Plan for 2010 through 2014. The plan is what the Executive will use to guide us into 2014. It will be going to Council in May. There was no comment period prior to the revision, but we can make comments to the Executive. There is a comment box citizens can click on to make comments on the website. Michael Jacobson is the project manager, and we can send comments to him.

Julia discussed the need for a conditional use permit if you want to add one person to a home based business. Forestry, agriculture and home based businesses are a focus as well as areas such as Old Maple Valley. Julia also provided a Rural Economic Indicators draft document that provides detail on the Rural Economic Strategies Programs. They are looking at evaluating data that is taken from a variety of sources such as King County census data. An example that she gave is that the number of farms could be increasing, but if the parcels are smaller this may be good or bad. She asked us to think about what we would like the area of Maple Valley to look like 10 years from now, and would like to know what it is that makes our community unique.

The comment was made that the rural citizens are impacted by the rural strategies, but there seems to be a disconnect with the MPD's in Black Diamond. Julia made the point that if we don't want to see urban infrastructure in the rural area that we need to decide if we want to see a change in the King County Comprehensive Plan.

Julie also commented that King County does not have a "Right to Farm Ordinance." What this ordinance does is cut down on the nuances calls. The example she gave was in regards to a rooster crowing, and a neighbor complaining about the rooster. A Right to Farm Ordinance would reduce these types of calls. It creates a better education for people who move into the rural area. The last time this was attempted was approximately 10 years ago.

### 8:00 PM Sprinkler Ordinance - Chris Ricketts, Manager, Building Division

Chris manages the building code for King County in relationship to fire code. They are currently going through the adoptive ordinance in terms of the fire codes. King County has decided that they are not going to include the sprinkler ordinance July 1. Chris provided a copy of the Voluntary Private Residential Fire Sprinkler Systems document prepared by the State Building Code Council dated December 2008. One of the reasons there is a question on this issue is the cost to the residents in our area. Chris is not aware of any other counties that are adopting the codes. At the national level the International Building Code Council has said that they will continue to press the sprinkler code. The State of Washington decided to take this page out, and put it in the appendixes. The specifics on code can be found in the documents provided, and residents can get information on-line. Comments were made by the Councilmember's that sprinkler systems are important. Other members commented that freedom of choice is also important, and there should be exceptions for the rural area.

Brad Doreflinger, the interim Fire chief, spoke to freedom of choice. He supports something that saves lives like sprinkler systems in new construction because of the 14 deaths in King County last year, and he would be remiss if he didn't. He also said that he would be happy to discuss the cost of transporting people to the hospital at a later date.

### 9:00 PM - Council Business

Treasurer's report

The Area Council's Susan Dawson reported \$7,559.39 in Savings, \$9,907.69 in Checking, and we have \$5,778.00 left in reimbursable funds left for 2010

### **Black Diamond MPDs: Peter Rimbos**

The Area Council's Peter Rimbos provide an in-depth debrief of the proposed MPDs in Black Diamond and of the recently completed hearings. Below are his comments:

There are two MPDs proposed by Yarrow Bay (YB) in and around the City of Black Diamond (BD) that total 4,530 single-family and 1,520 multi-family units for a total of 6,050 dwelling units on 691 acres, and 1,165,000 sq ft of commercial and office space. These are the largest MPDs in King County history. These would add 4 to 5 "new" cities of Black Diamond to Black Diamond! A lot has happened over the past 6 or so months. King County (multiple departments); WSDOT; WA DOE; The Muckleshoot's; the cities of Covington, Auburn, and Maple Valley; and countless Organizations and Individuals submitted detailed comments on the DEISs last fall. Unfortunately, except for several brave and determined citizens, they all disappeared when the FEISs were released in mid December. Peter is still somewhat unsure why this happened. Nevertheless, when Peter came on board (around Thanksgiving) the FEISs were about to be released. Over time Peter helped secure a variety of County Expert Witnesses--including Paul Reitenbach and Matthew Nolan who spoke at the Area Council's March monthly meeting--and a WSDOT Expert Witness. In almost all cases, these were the same people who wrote the DEIS Comment Letters.

Although both King County and WSDOT did not appeal the FEISs (WSDOT stated they were not notified), they did submit Post-FEIS Comment Letters, which largely reiterated their DEIS comments. The Area Council was instrumental in making this happen through detailed Letters of Concern. Six groups of citizens did file appeals of the 12/11/09 FEISs by the 12/28/09 due date challenging their adequacy. They secured critically acclaimed environmental lawyer, Dave Bricklin, to argue their appeals before an appointed Hearing Examiner (HE). An appeal by the City of Maple Valley missed the filing deadline.

The Appellants used Expert Witnesses from King County and the State of WA, as well as technical consultants. Over 700 pieces of evidence were entered into the record. Over 200 citizens attended some of the Public Hearings. Several hundred Oral and Written Public Testimony were presented. One Public Hearing lasted to midnight, another to 11:10 PM. Over 60 hours of hearings in all were held.

Here is a chronology of the Hearings:

1. The Appeals Hearings on FEIS adequacy started on Saturday, March 6.
2. The MPD Application (Permit) Hearings started on the evening of Wednesday, March 10. The public offered both Oral and Written Testimony. Along with hundreds of members of the public, the Area Council's Chair Steve Hiester provided testimony, as did the cities of Auburn and Maple Valley.
3. The Appeals Hearings on FEIS adequacy ended on Friday, March 19.
4. The MPD Application (Permit) Hearings ended on Monday, March 22, with YB and BD provided rebuttal to the literally 100's of pieces of Public Oral and Written Testimony.
5. Closing Briefs by all parties in the Appeals Hearings were submitted on Monday, March 29.
6. There are dueling subpoenas being responded to by the City of Maple Valley and the City of Black Diamond over Traffic Models and Methodology with responses due Friday, April 2, and Friday, April 9, respectively.
7. A decision by the HE on the adequacy (up or down) of the FEISs is due Thursday, April 15.
8. Should the HE rule the FEISs adequate, he also will make a recommendation on the MPD Applications (Permits) to the Black Diamond City Council due Thursday, April 15. The HE can put conditions--large or small--on the MPD Applications.

After being involved with nearly every aspect of the MPDs for the past 4+ months and after attending every hour of all the hearings, Peter offered his *personal* assessment of the three fatal flaws in the FEISs and, thus, reasons to find them inadequate:

1. Fiscal Analyses--although this sounds like a MPD Application issue, it is addressed in the FEISs and the HE brought it up at every MPD Application Hearing meeting, so it clearly is on his mind. The other problem is that the Black Diamond's FEISs show the city in the *red* after build out, while Yarrow Bay's MPD Applications show the city in the *black* after build out. each of these fiscal analyses shows a small difference between large numbers--another recipe for high risk.
2. Transportation--not only did Yarrow Bay's poor analysis show 28 of 46 intersections failing (amongst other problems), their poor (according to all four of the Appellants' expert transportation witnesses) mitigation schemes are all unfunded including many which will never be funded unless monies are obtained from future residents and it is questionable even that can cover all transportation-related mitigations.

3. Water--Lake Sawyer water quality (Phosphorus concentrations), massive offsite stormwater retention facility, runoff from large amounts of impervious surfaces, and shallow wells/springs throughout the Green Valley south of the Villages MPD. The HE appeared worried about the Lake Sawyer water quality issue and asked questions about it often throughout the hearings. The Appellants' expert witnesses testified that, should the development be approved, there really is no mitigation that will keep the Phosphorus concentrations low enough to meet the Lake Sawyer Management Plan requirements. Regarding the offsite stormwater retention facility, in the latter parts of the Hearings Yarrow Bay started talking about *onsite* locations for multiple stormwater "ponds." No analyses of these were shown or provided.

Wastewater/Sewerage is not listed above because the HE ruled those to be out of bounds in the Appeals Hearings, since the citizen Appellants--in their 17-day rush over the Christmas holiday to file appeals--failed to put those words in any of the 6 appeals. There also were other important issues discussed in detail during the hearings: Wildlife & Habitat; Construction Noise & Air Quality; and Climate Change. All of these were argued by both expert witnesses and the general public.

Interested citizens are advised to check the [City of Black Diamond website](#) for up-to-date information.

A motion was made that we adjourn the meeting as we were past 10 PM, and continue council business at the next meeting. All agreed.