

BD MPD Development Agreement Open-Record Hearings
GMVUAC Oral Testimony

My name is Steve Hiester. I live at 20428 SE 222nd St, Maple Valley. I serve as Chair and am speaking on behalf of the **Greater Maple Valley Area Council (GMVAUC)**. We are an all-volunteer, locally elected advisory body to the King County Council. All our members reside in the unincorporated portion of Tahoma School District #409. The Area Council represents and advocates with King County, state officials, and other organizations for our unincorporated area's citizens' interests.

We believe, as our goals state, that our community's Rural Character will be supported by: (1) facilitating strong local ties and communication between the public, organizations, and government; (2) promoting locally owned businesses and supporting quality education; (3) protecting the environment and maintaining landowners' rights and responsibilities; (4) promoting controlled and well-planned growth with appropriate infrastructure; (5) ensuring proper representation for rural interests and needs; and (6) supporting the health and safety and the privacy of our vibrant community.

We have deep reservations regarding the adverse impacts on our constituents of two massive Master Planned Developments (MPDs) proposed by Yarrow Bay in and around the City of Black Diamond. **These two proposed outsized developments total 6,050 dwelling units on 691 acres, and 1,165,000 sq ft of commercial/office space.** They are proposed on the rural/suburban fringe of the Urban Growth Boundary along the Black Diamond-Maple Valley-Renton corridor where existing transportation backbone, two-lane SR-169, already is severely strained.

The Area Council has been following these MPDs for over a year and several members testified in the MPD Application Hearings conducted in 2010. The Area Council's primary concerns remain: (1) the addition of 10,000-plus vehicles on two-lane roads throughout southeast King County; (2) major impacts on the Rural Area outside the Urban Growth Area (UGA) through the siting of up to four new Schools to enable adjacent Urban development; and (3) further exploitation of the Rural Area by siting a large Stormwater Detention "Lake" outside the UGA. I will discuss each one of those individually.

Transportation

The overloading of Rural Area roads such as **Green Valley Road** flagrantly damages a Historical resource, ignores an important Agricultural Production District, and poses severe safety problems for existing residents and their farm animals. The King County Department of Transportation is on record stating that up to 400% increase in traffic on Green Valley Road is to be expected. This increase will not be too deterred by a few speed bumps or other so-called "traffic calming" devices proposed to be employed to the detriment of the Rural Area residents and home-based businesses that call Green Valley Road their home.

The **Issaquah-Hobart-Ravensdale Black Diamond Road** was ignored in the DEIS, FEIS, and MPD Applications and now has been ignored in the Development Agreements. We've told *"it's in the Traffic Model, but isn't being analyzed."* That doesn't pass the "smell test." This road is the most direct way commuters have to Issaquah, Bellevue, and, yes, Seattle. How could it not be analyzed? Maybe because providing adequate mitigation for all the new vehicle trips that will be generated on it would, like is the case for SR-169, be cost prohibitive and, probably, geographically unfeasible.

King County Code Chapter 14.70--Transportation Concurrency Management--

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14.70.205 Authority and purpose states in part: “Ensure that county level of service standards are achieved “concurrently” with development, as required by the Growth Management Act and the Comprehensive Plan, by denying approval of development that would cause the level of service on transportation facilities to decline below county standards” and “Ensure that the concurrency program directly reflects the financial commitments of the adopted CIP currently in effect...” **The Development Agreements do not address how Transportation Concurrency will be addressed or met.**

The impacts on **SR-169**, the major backbone of our SE King County transportation infrastructure, have been well documented in all the Hearings and, more or less, ignored. The Development Agreements do not meet many of the transportation-related Conditions imposed by you the Hearing Examiner, especially **constructing and using a new, credible Traffic Model to develop a new set of mitigations that could possibly be implemented and have a chance of working in the future.**

MPD Approval Ordinances 10-946 & 10-947, Exhibit C--Conditions of Approval, Conditions 11 through 34 detail stipulations on the transportation infrastructure. This is good, but **the Development Agreements barely give lip service to the absolute needs for a new Traffic Demand Model, subsequent analyses, and a new set of Mitigations that can be tested over time. Further, the Development Agreements do not provide any detail on how mitigations will be altered once found inadequate. Where is the plan?**

Finally, the **Development Agreements describe how mitigations will be “monitored” and then changes made once a problem occurs.** Such a program that is not pro-active is **doomed to fail due to inadequate timing to complete needed projects once identified, resulting in more money spent after the fact, and continuing congestion.** Rural Area citizens, not to mention Urban Area citizens and businesses, will be directly impacted by whatever Traffic Mitigation or lack thereof is put in place and when it is put in place. **This is the antithesis of Transportation Concurrency mandated by the Growth Management Act. King County Code Chapter 14.70 -- Transportation Concurrency Management** provides for concurrency. The MPD Ordinances’ *Exhibit B--Conclusions of Law, para. 30* mentions ensuring “concurrency at full build-out.” **So, where is the State Law- and City Ordinance-required Transportation Concurrency in the Development Agreements?**

Because **SR-169 will become more of a parking lot than it already is** (in the midst of the greatest recession the country has experienced in 80 years!), the narrow, windy, hilly Rural Area roads throughout SE King County will be heavily impacted for many generations. **It is unconscionable that the City of Black Diamond would be so irresponsible as to burden all their Rural Area neighbors with massive traffic and safety issues, as well as their Urban neighbors.**

Schools in Rural Area

Unfortunately, the GMVUAC’s goals I cited earlier are severely compromised by the **siting of Schools in the Rural Area to primarily serve adjacent Urban needs and, thus, serve as an enabling factor for such urban development.**

The Villages Development Agreement in Exhibit A shows four school sites within the UGA, but does not show where the other two schools are located. Section 13.3 simply references the **Tri-Party Agreement**, which shows six school sites with three

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outside the UGA--one near the proposed Stormwater Detention "Lake" (another issue I'll soon describe) and two on Green Valley Road. Further, the Tri-Party Agreement is written in such a way that YarrowBay has great latitude in what school sites it conveys to the Enumclaw School District. **This is all vague, at best, or contradictory, at worst.**

The siting of up to four new Schools outside the UGA will require additional unwanted and unneeded infrastructure in the Rural Area including roads, water lines, and sewer lines. This clearly is being done because the land is cheaper outside the UGA, but makes a mockery of the State's Growth Management Act, in general, and the County's UGA agreements, in particular. Three of the schools shown in the Rural Area eventually will require direct connections to Green Valley Road, invariably for Public Safety reasons, further exacerbating a bad situation. **The Development Agreements provide no mitigations for any of this, nor provide any rationale for siting these schools in these Rural Area locations to begin with.**

King County in its comments provided on January 5, 2011 stated: *"Review of the Development Agreements and Comprehensive School Agreement indicate that three new schools and regional drainage facilities to serve future urban development continue to be proposed to be located within the rural area. The issues we have raised in the EIS process do not appear to be resolved. Therefore, we now express further concerns in the context of the Development Agreements and the Comprehensive School Agreement that impacts of the proposed Master Planned Developments on the adjacent unincorporated rural areas must be identified and mitigated."*

Further **King County Code Chapter 14.70--Transportation Concurrency Management--Subsection 14.70.285--Minor developments and certain public and educational facilities** states the following: *"The following...public and educational facilities are subject to the concurrency test...: [subparagraph] J. Any public elementary, middle or junior high school facilities, including new facilities...; and [subparagraph] K. Private elementary, middle or junior high schools. To qualify...a school must prepare and implement a transportation demand management plan submitted to and approved...before the issuance of the building permit. The school demand management plan shall pertain to the entire school and shall specify measures to be implemented to reduce single occupant vehicle travel by students, faculty and staff. The plan shall further specify how the school and department of transportation will cooperate in monitoring the implementation of such measures...."*

MPD Approval Ordinances 10-946 & 10-947, Exhibit C--Conditions of Approval, Condition 98 .states: *"All school sites shall be located either within the MPDs or within one mile of the MPDs."* What guidelines suggest that 1-mile radius satisfies walkable criteria for school children? Would placement of schools outside the UGA by a one-mile radius within the Rural Area cause problems with the intent of the Growth Management Act? **The schools should be put where the students live, not out in the Rural Area because the land is cheaper! This would be better for the students, better for the taxpayers, and better for Rural Area citizens. This is clearly greed trumping common sense, the common good and, of course, Rural Area citizens.**

Enabling Urban Development

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Possibly the most egregious **exploitation of the Rural Area is the siting of needed Urban Facilities in the Rural Area**. There is no justification whatsoever given for siting the large multi-acre Stormwater Detention “Lake” west of the UGA, except to minimize or eliminate the necessity to site many smaller Detention Ponds within the MPDs. *MPD Approval Ordinances 10-946 & 10-947, Exhibit C--Conditions of Approval, Condition 74* states: *“The stormwater plan shall include the ability to adaptively manage detention and discharge rates and redirect stormwater overflows when environmental advantages become apparent.”* **Where is that Stormwater Plan? How does the Plan account for one large off-site Stormwater Detention “Lake”? How does its siting meet Ordinance requirements to properly and safely manage stormwater flow?**

King County in its comments provided on January 5, 2011 stated: *“Proposed Infiltration Pond in Section 21 will be on private land in the rural area. Infiltration pond location as shown may impact the regional Green to Cedar River Trail corridor in Section 21. Easement #20060323001826 establishes this corridor along the eastern 100 feet of Section 21, and would likely not allow for infiltration pond to be placed in the easement. King County Water & Land Resources Division may have concerns about an infiltration pond for urban stormwater being located in the rural area....“This would be placed directly on land that is to be dedicated to King County for permanent open space under 1996 Black Diamond Urban Growth Area Agreement. This type of pond development would be unacceptable to have on King County open space....The Infiltration Pond located west of the city of Black Diamond within unincorporated King County is proposed to be located on land designated as King County Open Space. This is not an appropriate use for open space and should not be allowed.”*

MPD Approval Ordinances 10-946 & 10-947, Exhibit C--Conditions of Approval, Condition 78 states: *“The applicant shall obtain all necessary permits form King County...”* **The GMVUAC and Green Valley Road residents and businesses will lobby very hard for King County to deny any permits for this ill-conceived and poorly sited Stormwater Detention “Lake.”**

Conclusion

In conclusion, **the MPDs, as presented in the Development Agreements, directly exploit the Rural Area and its residents outside the Black Diamond UGA**. The Development Agreements, thus, lack any basis in reality for such massive projects going forward. **The Development Agreements must be rejected, replanned, and, finally, and rewritten to eliminate this blatant exploitation of the Rural Area.**

Thank you.