

## MPD Development Agreement Hearings

### Greater Maple Valley Unincorporated Area Council Written Statement

The Greater Maple Valley Unincorporated Area Council (GMVUAC) is an all-volunteer, locally elected advisory body to the King County Council. All our members reside in the unincorporated Rural Area. We represent and advocate with King County and state officials, as well as other organizations for our unincorporated area's citizens' interests.

Our Goals to support our community's Rural Character are:

1. Facilitate strong local ties and communication between the public, organizations, and government.
2. Support quality education.
3. Protect the environment and maintain landowners' rights and responsibilities.
4. Promote controlled and well-planned growth with appropriate infrastructure.
5. Ensure proper representation for rural interests and needs.
6. Support the health and safety and the privacy of our vibrant community.
7. Promote locally owned businesses.

We have deep reservations regarding the adverse impacts on our constituents of two huge 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 (UGB) along the Black Diamond-Maple Valley-Renton corridor where the existing transportation mainstay, the undivided two-lane SR-169, already is severely strained each work day morning and evening.

Our UAC's primary concerns with the MPDs are:

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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) by siting of up to four new Schools to enable adjacent Urban development.
3. Further exploitation of the Rural Area by siting a large Stormwater Detention Facility outside the UGA.

Below we discuss each of these major concerns.

#### 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 “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 Rd.** was ignored in the DEIS, FEIS, and MPD Applications and now has been ignored in the Development Agreements. We’ve been 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 southeast King County commuters have to Issaquah, Bellevue, and, yes, Seattle. How could it not be analyzed? One possible answer is that providing adequate mitigation for all the new

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vehicle trips that will be generated on the Issaquah-Hobart-Ravensdale Black Diamond Rd. would, like is the case for SR-169, be cost prohibitive and, probably, geographically not feasible.

Other King County roads that weave through the Rural Area will be adversely impacted as commuters desperately seek any alternate routes other than the future “parking lots” of SR-169 (north and south) and SR-516 (east and west). These include Kent-Black Diamond Rd., Auburn-Black Diamond Rd., Lake Holm Rd., Covington-Sawyer Rd., and Thomas Rd. All are two-lane windy roads with limited sight distances, multiple hidden driveways, and few signaled intersections.

Throughout **Black Diamond Municipal Code Section 18.98** there is very clear language pertaining to infrastructure improvements and their timing. *“Provide needed services and facilities in an orderly, fiscally responsible manner.” “Timely provision of all necessary infrastructure equal to or exceeding the more stringent of either existing or adopted levels of service, as the MPD develops.” Prior to or concurrent with final plat approval the improvements have been constructed and accepted.”* We do not see how any of these provisions are met in the Development Agreements.

We also see potential conflicts with **King County Code Chapter 14.70--Transportation Concurrency Management--14.70.205**: *“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*

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*financial commitments of the adopted CIP currently in effect.”* The Development Agreements do not discuss how Transportation Concurrency will be addressed or met.

The adverse impacts on SR-169, the major backbone of our southeast King County transportation infrastructure, have been well documented in all three Hearings of 2010 and in these present 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. Yes, a new traffic model is under construction, but it won't be even be verified and used until 850 building permits have been issued. How will this allow transportation infrastructure to be designed, financed, and constructed in time to mitigate the adverse impacts on our Rural Area citizens? How can one small town like Black Diamond be allowed to adversely impact so many citizens who effectively have no voice?

The September 2010 **MPD Ordinances** include Conditions 11 through 34 (we cite The Villages numbering scheme) which 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 should any be found inadequate. Where in the Development Agreements is such a 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

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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, most likely, 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 far more congested 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, as well as their Urban neighbors, with massive traffic and safety issues.

#### Urban Schools in Rural Area

Unfortunately, the UACs' goals 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. Schools should be placed to serve the students, not on some cheaper land outside the City Limits.

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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 outside the UGA--one near the proposed Stormwater Detention Facility (another issue described in the next section) and two on Green Valley Road. Further, the **Tri-Party Agreement** is written in such a way that Yarrow Bay has great latitude in what school sites it conveys to the Enumclaw School District (ESD). This is all vague, at best, or contradictory, at worst. The Development Agreements must be consistent within themselves and consistent with the **Tri-Party Agreement**.

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 outside the UGA is owned by Yarrow Bay and allows them to make more of their land inside the UGA available for development. That certainly makes a lot of sense if you are only concerned with Yarrow Bay's "bottom line," but it 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 any schools in the Rural Area to begin with.

We agree with King County when it stated in comments provided on January 5, 2011: "*Review of the Development Agreements and Comprehensive School Agreement*

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*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.”*

The **MPD Ordinances** 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

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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

Possibly the most egregious direct 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 Facility west of the UGA, except to minimize or eliminate the necessity to site many smaller Detention Ponds within the MPDs. The **MPD Ordinances'** 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 in the Development Agreements is that Stormwater Plan? How does the Plan account for one large off-site Stormwater Detention Facility? How does its siting meet Ordinance requirements to properly and safely manage stormwater flow?

We again agree with King County comments provided January 5, 2011: *"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*

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*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.”*

The **MPD Ordinances**’ Condition 78 states: *“The applicant shall obtain all necessary permits from King County...”* Our UACs, along with Green Valley Road residents and businesses, will lobby very hard for King County to deny any permits for placing this ill-conceived and poorly sited Stormwater Detention Facility in the Rural Area to serve adjacent urban needs.

### Conclusions

1. The MPDs, as presented in the Development Agreements, directly exploit the Rural Area and its residents outside the Black Diamond UGA.
2. The Development Agreements lack any basis in reality for such massive projects going forward.
3. The Development Agreements must be rejected and rewritten to eliminate such unwarranted and blatant exploitation of the Rural Area.

Thank you.

Steve Heister

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Chair, Greater Maple Valley Unincorporated Area Council