

**Before the King County Council
December 16, 2013**

Ordinance 2013-0481--77-Unit Cluster Development with Rural "Regional" Stormwater Facility

My name is Peter Rimbos. I am speaking on behalf of the Greater Maple Valley Unincorporated Area Council. I chair our Growth Management Committee.

We are not here to speak in opposition to clustered housing or 4:1-like developments. However, we do have a fundamental problem with urban-serving and urban-driven facilities being sited outside the Urban Growth Area with little to no Public Benefit to Rural Area residents.

A "Regional" Stormwater Facility would be built to primarily serve the urban Master-Planned Developments (MPDs) in Black Diamond. Over 90% of the runoff served would be from the urban area. A minor aspect is to alleviate occasional (every 3 years or so) flooding of Horseshoe Lake.

During the Black Diamond MPD Hearings the Area Council provided Oral Testimonies outlining many problems with siting such an urban facility in the Rural Area to primarily serve an urban area. Unfortunately, our concerns were totally ignored by the former City Council, which, by the way, has now been completely replaced, along with the Mayor, by the determined voters of Black Diamond in the last two uber-landslide elections.

What has the County said about this in the past? Now-retired King County growth management and land-use icon, Paul Reitenbach, testified on behalf of the County before the City of Black Diamond Hearing Examiner during those MPD Hearings. I will now quote four of the most salient aspects of Paul's testimony as they relate to the proposed facility:

1. THE COUNTY HAD CONCERNS

"...a drainage facility ... that looked like ... a small lake ... was designed to serve the urban development, but it's on adjacent rural land.... (T)hat was, at the time, the one specific concern I had."

2. THE COUNTY CODE WAS NOT BEING FOLLOWED

"...I'll call them facilities, the three schools and the drainage pond were the four specific things related to the urban development that were located in the rural area....there's provision in the King County code that says you can't have a drainage pond for urban development on rural land.... (T)he policy ... calls for these things ... to be located in the UGA.... (KCC) 21A.08.060 ... and ... the footnote under it. That's the provision that specifically provides stormwater facilities serving urban land from being located in rural land."

Paul was referencing Footnote 8: '...Such facilities serving development within an area designated urban in the King County Comprehensive Plan shall only be located in the urban area.'

Please note: The SEPA Checklist ignores the existence of Footnote 8.

3. COUNTY RATIONALE

"...By putting necessary services...adjacent to the urban growth boundary but in the rural area ... it's not that hard to figure out what's going on. So the less expensive rural land is being used for the facilities that arguably could be -- should be in the urban growth area...."

4. PAST EXAMPLE

"...the most recent example was the City of Issaquah.... There were large drainage facilities built in the rural area there....We moved them into the urban area ... (to) ... be annexed and maintained by the City. ... (T)here's a tendency with drainage facilities to just have them in the jurisdiction that's maintaining them. ... (T)hat sort of bumps out the urban growth boundary...." Please note: The DRAFT Development Agreement expressly states such future annexation will not happen. If it does, then the UGA has been unduly expanded to serve an adjacent city that has not asked, and, I suspect, will not ask, for such annexation to occur.

We believe Mr. Reitenbach makes it abundantly clear, the County does not allow facilities primarily serving the UGA to be sited in the Rural Area.

Finally, we also are concerned with the precedent such a facility located in the Rural Area could present, as we are not aware of any other large Rural Area "regional" stormwater detention facilities that primarily serve the urban area. The only example DNRP could give us was Klahanie, unincorporated, but not in the Rural Area, and, ironically, one whose annexation you discuss today.

In conclusion, there is no rush to approve the DRAFT Development Agreement. We urge you to carefully review all the information including all

SEPA Public Comments and an assessment of Rural Area impacts and purported Public Benefits. Lastly, and most importantly, do not set any precedents.

Thank you.

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