

Greater Maple Valley Area Council  
P.O. Box 101  
Maple Valley, WA 98038

January 28, 2014

To: Covington City Council

### **Written Testimony on Hawk Property Subarea Planned Action Ordinance**

The Greater Maple Valley Unincorporated Area Council (GMVUAC) represents over 18,000 unincorporated area residents and serve as an advisory body to the King County Council. Our boundaries roughly parallel those of the Tahoma School District minus the City of Maple Valley. We have been in existence for over 35 years and predate the incorporation of both the cities of Covington and Maple Valley.

The GMVUAC thoroughly reviewed all documents the City has released concerning the Hawk Property Subarea. We submitted 36 pages of detailed comments on the DRAFT Planned Action EIS, half of which concerned Transportation assumptions, analyses, impacts, and mitigation.

The FINAL Planned Action EIS acknowledged the validity of our Transportation comments by making several necessary additions and changes. We thank your reviewers for those modifications. However, there remain several outstanding Transportation issues.

### **SR-516**

It is bittersweet to have the City admit SR-516 is so beyond hope, it doesn't care about the impacts of adding another 1,500 homes (plus associated commercial space) without requiring the Developer to make major roadway and intersection improvements along this backbone of the City's transportation infrastructure.

The City admits it is prepared to simply 'move the goal posts' and relax its Level of Service (LOS) standards to accommodate more congestion to meet Concurrency requirements, instead of putting that responsibility where it belongs--on the Developer.

While we fully understand SR-516 already has congestion issues, the proposed development is certainly going to add to them and not in an insignificant way.

### **Maple Valley Transportation Improvement Plan (TIP)**

The City is heavily relying on the validity of the Maple Valley TIP. However, the TIP is not consistent with the State's Growth Management Act (GMA), since it depends enormously on the availability of Grants, which are not financial commitments.

Such "commitments" are supposed to be shown as revenue designated in the adopted Capital Investment Plan (CIP). The adopted CIP identifies all applicable and available revenue sources and forecasts these revenues through the six-year period with reasonable assurance that the funds will be timely put to those ends. Projects to be used in concurrency analyses are those fully funded for construction in the six years of the CIP. Grants, loans and bond funds are to be considered committed only if they have been fully approved.

The cities of Covington, Maple Valley, and Black Diamond all are depending on "wish-list" Grant monies to materialize to pay for major transportation infrastructure--a sure recipe for failure! This is highly risky and lets the Developer off the hook for many big-ticket items. Development is not paying for development. In the end the taxpayers are left holding the bag and suffering the increased congestion!

### **Black Diamond Master-Planned Developments (MPDs)**

Unfortunately, your reviewers missed our point that the City is heavily relying on projects in the Maple Valley TIP which themselves are based on flawed traffic-demand modeling and subsequent traffic analyses of the Black Diamond MPDs proposed by YarrowBay. A classic "domino effect."

We urge you to please read our detailed assessment of this problem. The Black Diamond MPDs traffic assessment was found severely wanting by the City's Hearing Examiner--a flawed traffic model, poor assumptions, and analyses that subsequently produced unreliable results. During the Black Diamond MPD FEIS Appeals Hearings outside Traffic Consultants and traffic experts from the City of Maple Valley and the WSDOT all offered expert testimony in excruciating detail on each of these aspects.

The City of Black Diamond Hearing Examiner agreed when issuing his FEIS Decision and MPD Application Recommendations. The former Black Diamond City Council (now all thrown out by the people in the last two landslide elections, along with the Mayor) ignored its own Hearing Examiner and gave the developer a free pass for several years on new traffic modeling, analyses, and identification of mitigation that would really work!

We highly recommended the City make any approval of the Hawk Property Subarea Planned Action Ordinance fully contingent upon

the *future* traffic modeling and analyses conducted by the City of Black Diamond and on the subsequent effects on the Black Diamond MPD traffic mitigations contained in the Maple Valley Transportation Mitigation Agreement (TMA). This also pertains to the Covington TMA, for which you are simply receiving some remuneration, which we believe will ultimately prove insufficient. In fact, we recommend you ask this question of your City Attorney: Does Covington have a clause in its TMA that adjusts its remuneration once the new Black Diamond MPD traffic analyses are conducted and new mitigation identified?

#### **“Local” Connectors**

We agree the two proposed “local” connectors should help existing traffic flow. However, either or both should be implemented without having to approve a massive development of up to 1,500 residences and associated commercial acreage that will only compound traffic circulation problems going forward.

#### **Transportation Concurrency**

The City has not met the requirements of State **RCW 36.70A.070(6)(a)(iii)(F)**:

*“Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW.”*

You have identified issues with both SR-516 and SR-169. Yet, no funded plan exists for the former and there is only contingent mitigation for the latter. Your reviewers cited that WSDOT “did not raise any issues on SR-516.” That it is immaterial, as WSDOT’s own funding plan for SR-516 is minimal at best.

#### **Funding**

The City has not met the requirements of State **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.”*

There is no evidence this has been done nor will be done. There is no discussion of transportation infrastructure funding contingencies in either the Covington or Maple Valley Comprehensive Plans.

In conclusion, due to the major flaws we have identified that will adversely impact both the local and region’s transportation infrastructure, we urge you to re-evaluate the potential traffic impacts and ensure truly adequate mitigation from the Developer, especially for SR-516.

Finally, to compound this further, the City wants to use the Planned Action process. Fundamental to such deference is that the EIS must have adequately addressed the significant environmental impacts of the proposal. However, because a Planned Action encompasses legislation and other rulemaking actions necessary for project implementation, an EIS must necessarily address more than customary environmental impacts. The City needs to be very careful about using the Planned Action process due to its inherent shutting out of the Public from future reviews and comment. Does the City Council really want to be on record of doing that to its constituents?

We respectfully request the City Council give our concerns its utmost attention and followthrough. Thank you.

Sincerely,

Steve Hiester (gmvac\_chair@hotmail.com)  
Chairman, Greater Maple Valley Unincorporated Area Council