



King County Code Enforcement

by Peter Rimpos, GMVUAC Corresponding Secretary

On Monday, November 6, the Area Council held its monthly meeting at the Maple Valley Fire Station and via Zoom. Major topics discussed were: (1) King County Code Enforcement; (2) Reserve Silica; (3) Black Diamond Master-Planned Development (MPD) Traffic Impacts; and (4) Area Council's 25th Annual Model Train Show. Special Guests were: John Taylor, Director of the King County Department of Local Services (KC DLS); Ty Peterson, Resource/Commercial Product Line Manager, KC DLS-Permitting Division (KC DLS-P); and Fred White, Ravensdale Site Manager, Reserve Silica.

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Members of several Rural Area organizations—the Area Council, Enumclaw Plateau Association, and Green River Coalition—have been holding “*Touch-Base*” Meetings with the KC DLS-P. The purpose of these meetings are to discuss ongoing issues and potential solutions—primarily with respect to enforcement of KC Code and Conditions imposed on permits. These meetings primarily have addressed major commercial / industrial / mining permits.

The Rural Area organizations believe the overall system at KC DLS-P is broken: (1) Made it into a profit center, i.e., incentivized to issue permits, by The KC Council; (2) Doesn't enforce all conditions on permits; (3) Doesn't seriously enforce haul-route agreements; (4) Doesn't always enforce against primary land-use violations; (5) Doesn't use tools it has available from KC Code Title 23; (6) Doesn't recoup some of its costs; and (7) Conducts selective code enforcement/non-enforcement.

KC DLS Director Taylor stated he understands the issues that have been discussed and they intend to fix those related to blatant code violators. He stated continually bad actors will be hit with penalties. He further stated they need to be more *pro-active*, not just be *re-active* by just responding to complaints. When asked about *restarting* conducting required 5-Year Periodic Reviews of mining sites, Director Taylor stated they recently hired someone just for that purpose and plan to get caught up on conducting all Periodic Reviews.

Director Taylor stated a KC Council-directed Performance Audit was recently completed on the KC DLS-P Code Enforcement section. Although it has not yet been made Public (that will happen soon), he stated he concurs with its findings and will see what resources are made available to implement the recommendations. The Area Council believes KC DLS-P needs: a new *Mission Statement* with clear definition of Customers, i.e., the people of KC; a new *Organizational Structure*—one not based on Product Lines; a *Budget* that does not limit enforcement of Code and imposed permit Conditions; and a *Mandate* to *not* issue Conditional Permits for Industrial / Mining activities it cannot enforce either due to limited budget or priorities.

Reserve Silica

As discussed during the Area Council’s October Monthly Meeting, KC DLS-P issued an **Emergency Authorization** to the Reserve Silica Corp. This was the result of a major issue uncovered on its old coal mining site in Ravensdale currently under reclamation. A construction site within the area around the former Asarco smelter in Tacoma, a Federal Superfund site, generated ~33 dump truck loads of dirt contaminated with Arsenic and Lead and deposited it at the Reserve Silica site between May 3 – 18, covered it with ~20 ft of soil, and graded it. The Reserve Silica site is not authorized to receive such contaminated fill, which is required to be disposed of at a special type of landfill.

On October 8 the Area Council sent a **Letter** to KC DLS-P calling for several strong specific actions to be taken to hold the perpetrators accountable and ensure it does not happen again. On October 18 the Area Council sent a **Letter** to the KC Council providing both a full **History** of the Reserve Silica Corp and its predecessor companies and a **Recent (2021-2023) History**. The Area Council believes these histories and their complex intricacies are important to any final resolutions to the current environmental emergency at the site going forward. They also could help inform any needed legal actions against and financial penalties imposed on the Reserve Silica Corporation.

On October 23 members of the Area Council and both the Enumclaw Plateau Association and Green River Coalition met with KC DLS Director, John Taylor, and members of his Permitting Division to discuss: Unpermitted Clearcut; Fill Deposited; Grade & Fill Permit Coverage; and Responsibility and Authority. Although it was an excellent and in-depth conversation, we await further responses to key questions asked and subsequent KC actions to be taken for cleanup and any penalties levied on the perpetrators. The Area Council asked when it would receive answers to those questions (sent as part of an October 27 followup letter). Director Taylor stated answers will be forthcoming in 1 or 2 weeks. He also stated he shares our frustration with what happened at the Reserve Silica site and he plans to hold people accountable.

Director Taylor stated no agency has made any final decisions on anything yet and that a public health concern has not yet been identified, so it would be inappropriate to take specific actions at this point of the investigation. The Area Council will continue to monitor the situation.

Black Diamond MPD Traffic Impacts

The Area Council has followed the MPDs in the City of Black Diamond for the past 13 years. It has offered formal Oral Testimony and Written Comments and has met with key City employees, primarily over the traffic impacts imposed on southeast King County roads, as well as state highways SR-169, SR-516, and SR-18.

In the last two years, as a key MPD threshold approached—850 permits issued, triggering a *Condition of Approval* to develop, calibrate, and run a new Traffic-Demand Model (TDM)—several meetings were held with the City Director of its Master Development Review Team (MDRT). In October the City's traffic consultant, Parametrix issued **The Villages MPD Transportation Model Update**. It included a list of intersections expected to fail upon an assumed full MPD buildout in 2032 (6,050 homes and 1.15 M sq ft commercial space). These included: SE 271st/SR 169; SR 516/SR 169; SR 169/Witte Rd; SE Wax Rd/SR 169; SE 231st St/SR 169; and Kent Kanglely Rd/Landsburg Rd. It also stated the MPD Master Developer, OakPointe, has no obligation to offer any further mitigation beyond that called for in its 2011 Traffic Mitigation Agreement with the City of Maple Valley. It also identified included many intersections expected to fail in the City of Covington, but the city defines such failures on Kent-Kanglely (SR-516) as acceptable, as it has no plans for further widening.

The Parametrix report also provided a set of **CONCLUSIONS AND RECOMMENDATIONS**, part of which include the following:

This analysis concluded that under 2022 existing conditions the intersections of SR 169/SR 516 and SR 169/SE Wax Road in Maple Valley operate at LOS E, below the LOS D standard as

defined by WSDOT and the City of Maple Valley. However, as explained in Section 12.10.1 of The Villages Development Agreement, the Master Developer and the City of Maple Valley entered a mitigation agreement which supersedes the MPD Conditions of Approval 10 through 14, and 16 through 34. No additional mitigation is required. All other intersections operate within LOS standards.

Under the 2032 Full Build-out conditions, four intersections in Maple Valley are forecasted to operate at LOS E or LOS F, below the LOS D standard as defined by WSDOT and the City of Maple Valley. As explained in Section 12.10.1 of The Villages Development Agreement, the Master Developer and the City of Maple Valley entered a mitigation agreement which supersedes the MPD Conditions of Approval 10 through 14, and 16 through 34. No additional mitigation is required.

Four intersections in Covington are forecasted to operate at LOS E or LOS F during the 2032 PM peak hour, as defined by WSDOT and the City of Covington. However, Covington's 2016 Comprehensive Plan allows for traffic operations at LOS E or LOS F after SR 516 has been improved to ultimate capacity. No additional mitigation is required.

The intersection of SE Auburn Black Diamond Road/218th Avenue SE is forecasted to operate below LOS standards under the 2032 Full Build-out condition. This intersection is forecasted to operate at LOS F, which is below the King County standard of LOS E. A roundabout is currently proposed at this intersection by the Master Developer. A roundabout, or signal, at this location would bring the LOS back up to King County standards.

The Kent Kangley Road/Landsburg Road is forecasted to operate at LOS F in the 2032 Full Build-out condition, which is below the King County standard of LOS E. King County has identified the need for a signal at this location, but currently there is no funding identified for this improvement. For mitigation, it is recommended that the Master Developer contribute a proportionate share of the cost of the proposed intersection improvement at the ERU trigger, defined through upcoming traffic monitoring reports. If King County has not designed the improvement at the time the ERU trigger is met, the Master Developer is willing to post a bond or provide other financial security.

All other intersections operate within LOS standards under the year 2032 Build condition.

The development agreements end in the year 2025. Pending approval and vesting schedules, the year 2032 is a conservative assumption for full build-out to be complete. It is recommended that the next validation/calibration/operations analyses take place as part of the City's 2034 Comprehensive Plan Update.

The Area Council has major concerns with these findings. In addition, during its discussions with the city's MDRT Director, it expressed, in great detail, problems with the assumptions Parametrix made in validating and calibrating the new TDM. In fact, the Area Council found the new TDM was not calibrated and, thus, is not ready to be used to evaluate traffic demand as it is intended to do and which is the express purpose of the entire exercise. The Area Council has expressed these concerns to both the City of Black Diamond and the KC DLS-Roads Division (unfortunately KC has no recourse when a city's traffic adversely impacts its roads).

25th Annual Model Train Show

Over the weekend of October 21 and 22 the Area Council held its **25th Annual Model Train Show** at Gracie Hansen Community Center in Ravensdale. The show was jointly sponsored by the Area Council and Rock Creek Sports. There were a wide variety of operating model trains featuring creative operating layouts. The turnout was very good on *both* Saturday and Sunday—approximately 800 people. The Area Council thanks everyone for attending.

Next Area Council Meeting

The next Area Council monthly meeting will be held Monday, December 4, from 7 - 9:30 PM at the Maple Valley Fire Station at 22225 SE 231st St (across from the KC Sheriff's Precinct). **As a hybrid meeting, members of the public will be able to attend either in-person or virtually via Zoom.**

Meetings are held on the *first* Monday of the month (except for Holidays, when they are held on the *second* Monday), from 7 - 9:30 PM. Meeting announcements, Agendas, and Zoom information are published in the *Voice of the Valley*, the Area Council's **Website** (www.gmvuac.org) and local *NextDoor* platforms. You can also find us on our **FaceBook page** (<https://www.facebook.com/GMVUAC/>). Each meeting begins with an open Public Comment period where anyone can voice concerns, comments, etc. to the Area Council.

Area Council Membership

Your Area Council serves as an all-volunteer, locally recognized advisory body to King County on behalf of all rural unincorporated area residents living in the Tahoma School District. The Area Council's *works to keep the Rural Area rural*. The Area Council also works *regionally* with other King County Rural Area organizations through both *Joint Planning* and its *Joint Transportation Initiative*.

The twelve-seat Area Council has four open seats. If you have an interest in joining, please send an e-mail to: info@gmvuac.org or attend (either in-person or virtually) a monthly meeting and express your interest. To be eligible to join the Area Council as a member you need to live *within* the Tahoma School District.

Residents, even those who do not live *within* the Tahoma School District, are eligible to become *Associate Members* who can serve on any Area Council Committee: *Environment, Growth Management, Transportation, Public Relations, or Train Show*. Each committee votes for its own Chair and Vice-Chairs and *Associate Members* are eligible for those positions. The Area Council welcomes your participation. For information on each of these committees please see the Area Council's **Website** (www.gmvuac.org) and use the drop-down menu under *Committees*.

All Monthly Meeting Summary Articles, such as this, can be found on our website's Home page in the *2023/2022 GMVUAC Monthly Meeting Articles* box or by using the drop-down menu under *Correspondence*.