

2013-0481

To King County Council:

Dec. 16, 2013

Regarding Reserve at Woodlands Development

~~We~~ and ^{we} my five neighbors share a class B public water system (W&S 1), a spring on our properties bordering the Green Valley Rd just below the proposed Reserve at Woodlands to the north and the Yarrow Bay massive Black Diamond development to the east. (see attached map) I am the designated purveyor of this system and have lived on the Green Valley Rd since 1973.

In 1996, Plum Creek announced they would be logging above our spring system, the same property now proposed for the Woodland Reserve. The King County Health Department worked with us and Plum Creek to ensure the protection of our water quality and flow. Even with KC Health Department imposed restrictions on logging certain areas, immediately after the logging we were required to install a chlorinator to purify the water. Since 1978, when the water system was installed, all water tests had resulted in pure water – no coliforms. Now we must chlorinate.

In 2011, learning of the proposed Black Diamond 6000+ home development above us to the east, I immediately called my friends at the KC Health Department, those who had supported us during the Plum Creek logging. Their response was that they no longer supported the Class B water systems because of budget cuts. They suggested that I call the State Health department, which I did. The first response from the State Health Department was they did not have the budget either. They sent me to the State Department of Ecology who did reply with some suggestions for me, but taking no responsibility (see attached letter from the State DOE). In October 2012 I testified before the State Board of Health regarding a proposed rules change for the Class B water systems. They were sympathetic but ruled that my concerns were outside the scope of their current intent. In short, I got a lot of sympathy, but no one would step up to protecting the quantity or quality of our public water system.

I also testified at the MPD Hearings for the Yarrow Bay developments in Black Diamond in 2011, and have raised my voice at several meetings with the Black Diamond Council and others, plus a review with our State legislator and staff. My last cry in the wilderness was before King County agencies session in Black Diamond, reviewing the proposed Reserve at Woodlands development last month (Nov. 13, 2013). It's beyond my comprehension that an issue of such critical consequence, i.e., the livability of our property, could not be recognized as critical to any building project. Projects have been stopped with the finding of ancient native bones, what about our living bones?

My proposals are similar to those I've seen proposed by the Muckleshoot Tribe to protect their Keta Creek Hatchery water, our source water also being a spring. There must be comprehensive water quantity and quality monitoring (see DOE letter attached) before, during and a time after these development projects. And there must be some thresholds set and provision for correction if any problems occur. I am ready and happy to provide any additional information as needed.

Max Beers
22134 SE Green Valley Rd., Auburn Wash. 98092
253-833-176
maxbeers@hotmail.com

Submitted on 12-16-13
did not sign



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

July 27, 2011

Mr. Max Beers
22134 SE Green Valley Rd
Auburn, WA 98092

RE: Lake Sawyer Watershed Concerns

Dear Mr. Beers:

Thank you for discussing your concerns about the proposed development projects near Black Diamond in the Lake Sawyer Watershed with me and Dave Garland on July 13. We appreciated getting more familiar with your concerns and learning more of the details of the issues surrounding these projects.

Your concerns about the protection of existing private and small public (Class B) water systems surrounding the proposed Yarrow Bay development in Black Diamond are very valid. The following are responses to your specific questions;

- 1) How does Dept of Ecology ensure the protection of these systems during these large developments? The MPD Condition for Sensitive Areas addressed by Gil Bortleson addresses the protection of ground waters but does not call out directly the application to the drinking water systems.

We agree these systems should be monitored for water quantity and quality prior to and during the proposed development. Ecology is not responsible, however, for conducting such monitoring. If developments pose significant risks to local water supplies or water quality, monitoring should be recommended or required as a development condition.

- 2) Is there any monitoring of these water systems during the development process?

Please see response to #1.

- 3) What recourse do the home owners have if there is disruption of their water systems?

If environmental consequences are observed in association with any construction activity, Ecology's Environmental Report Tracking System (ERTS) should be notified so that Ecology inspectors can respond if appropriate. Ecology's ERTS number is (425)649-7229.

- 4) Have there been any cases in the state where the surrounding water systems have been disrupted?

Finally, I am not aware of any situation where a water system was disrupted by construction of housing development.

Thank you for your email and your concern for water quality and water supply sources. If you have any questions, please feel free to contact me at 425-649-7288 or email me at tsho461@ecy.wa.gov.

Sincerely,

Thicia Shoblom
Water Quality Specialist

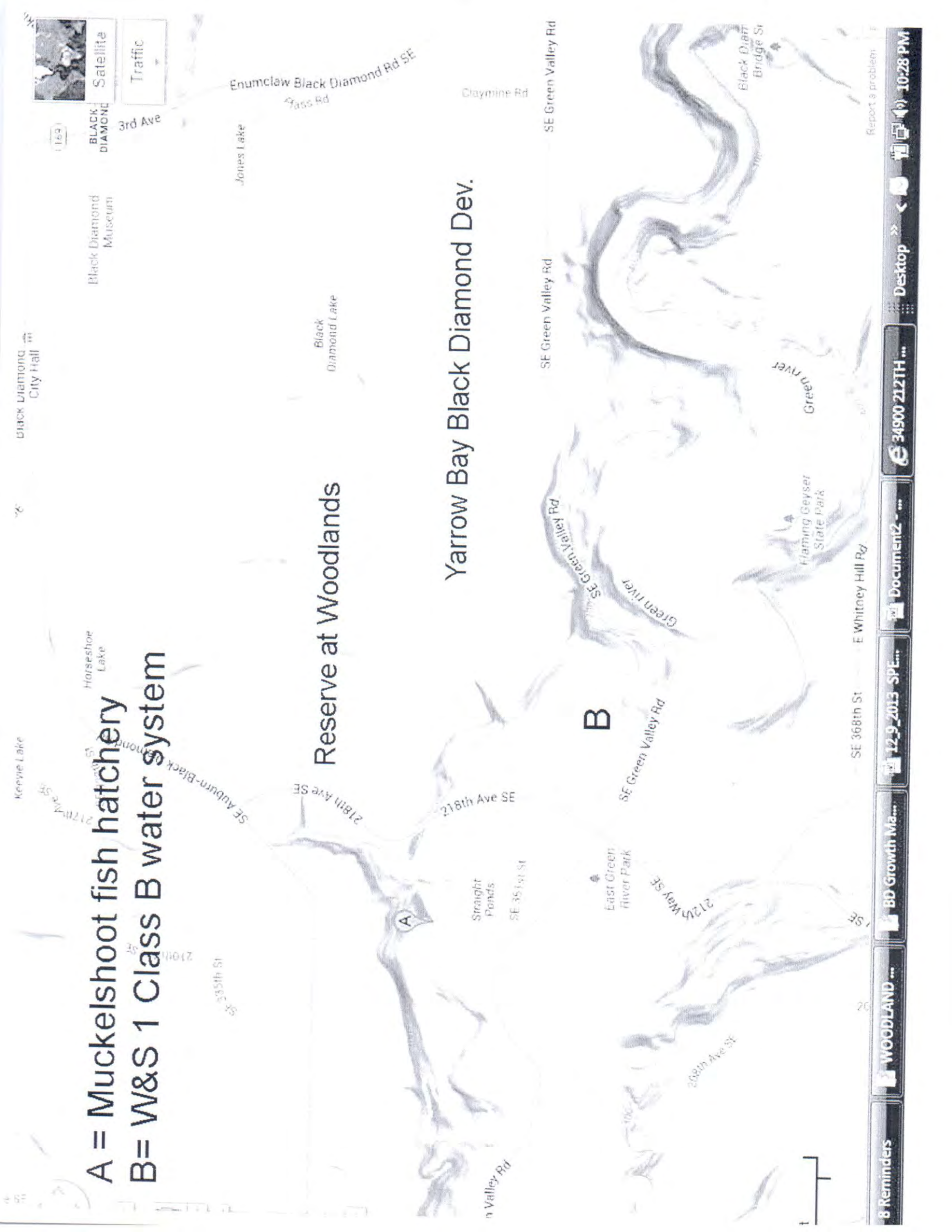
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A = Muckelshoort fish hatchery
B = W&S 1 Class B water system

Reserve at Woodlands

Yarrow Bay Black Diamond Dev.



Black Diamond City Hall

Black Diamond Museum

Traffic

BLACK DIAMOND

Black Diamond Museum

3rd Ave

Enumclaw Black Diamond Rd SE
Pass Rd

Jones Lake

Claymine Rd

SE Green Valley Rd

SE Green Valley Rd

Black Diamond Bridge St

Green River

Flaming Geyser State Park

E Whitney Hill Rd

SE 368th St

Horseshoe Lake

Kennie Lake

4 50'



8 Reminders

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Report a problem

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2013 0481

King County Council

December 16, 2013

Gwynllyn Ray Vukich
15626 S.E. 352 St.
Auburn WA. 98092

Thank you for allowing us to speak today. I was quite surprised when I learned of the plans for the rural property at the corner of 218th St. and Auburn Black Diamond Road. I live on the Green Valley Road, this development along with the Black Diamond Villages will have a huge impact on our Agriculture District.

My Great Grandfather Abner Ray bought our farm from the railroad in 1883 after coming west on a wagon train with his family. We have been able to keep it in the family for all these years and my Great Grandson is the 7th generation to live on the farm.

In the 1980's we along with a lot of other farmers in the Valley sold our development rights to King County. The County designated the land in the Upper Green River Valley the "Upper Green Agricultural Production District" (APD). This includes about 3,500 acres, of these acres 904 acres are in the Farmland Preservation Program, (FPP). This was a program voted on by the people of King County to preserve farmlands for future generations. The people passed the plan which levied a tax on all of King County to pay for the Development Rights to the lands involved.

The county spent \$3,282,528.00 of tax payers money to keep the Valley for farming. The land can never be developed or sold for any purpose other than farming. Buildings can not be built on the land. At that time, the County promised the farmers they would help keep the Valley conducive for farming.

Even though over time the type of farming may change, but as long as we still have the bare land, Upper Green River Valley can and will remain the most beautiful and productive Valley in the State of Washington.

This is a precious Valley we need to protect! That can not happen if the large developments are permitted to be built in the rural area and they send large amounts of traffic down our narrow, winding 2 lane road to reach highway 18. Yes, you build it and they WILL COME.

Traffic and Farm equipment do not mix. My son found this out when he was hit on a tractor. The tractor was flipped off the road into a field and turned upside down. The tractor a John Deere "A" broke into two pieces, the Paramedics that came were surprised that he was not killed!

I hope you would come out and visit our Valley to see for yourselves the area we are all talking about. Maps do not tell the whole story.

**We do not need more development out in the middle of a rural area.
Please consider carefully all the ramifications of the proposed development.**

Distributed to members @ 12-16-13 meeting

2013 0481

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Please consider carefully all the ramifications of the proposed development.**

Distributed to members @ 12-16-13 meeting

**Before the Department of Permitting and Environmental Review
Comments Regarding the Notice of Application and SEPA Notice
Infiltration Test Facility & Development Agreement, Reserve at Woodlands
File No: GRDE13-0135**

Via email delivery
December 13, 2013

The following comments are provided for consideration in the Department's environmental review and SEPA determination:

1. The combined project and non-project review is unnecessary and violates phased review regulations.

The proposed Development Agreement includes a grading permit to be inserted as Exhibit 3 in the final draft. Section 2.8 of the Agreement incorporates Exhibit 3 by reference "as if fully set forth". Doing so makes the Agreement a project action rather than a non-project action. (See WAC 197-11-704(2) for definitions of actions.) No reason is given for conjoining the proposed Development Agreement and the grading permit.

The grading of the Infiltration Test Facility is the first phase of a phased action as described in A.7 of the SEPA checklist and 6.5.1.4 of the proposed Development Agreement. Phased SEPA reviews are permitted under WAC 197-11-060(5). However, phased review is "inappropriate" when "[t]he sequence is from a narrow project document to a broad policy document". WAC 197-11-060(5)(d)(i). Therefore the review should be conducted for the proposed Development Agreement minus the grading permit (the broad policy document) before the grading permit (the narrow project document).

This can be easily resolved by removing the grading permit from the proposed Development Agreement and limiting the SEPA checklist and determination to the Agreement. That would make it a checklist for a nonproject action only. After the Agreement is approved, permitting action for the Infiltration Test Facility could proceed after a separate SEPA review and determination has been made for that project.

2. The proposed Development Agreement is a development regulation under the GMA. The proposed Development Agreement and SEPA checklist contemplate approval "before the end of 2013" without proper advanced notification to the Department of Commerce.

The nature of the proposed Development Agreement is expressed in response to Part D of the SEPA checklist:

"The Development Agreement addresses standards for future development of The Reserve at Woodlands site. The Development Agreement limits the number of lots and requires lot clustering as part of any subdivision. The Development Agreement also

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addresses standards for a regional stormwater facility. Finally, the Development Agreement addresses the development of a regional trail.”

By setting controlling standards for development of the property it is a development regulation as defined by the GMA.

“Development regulations” or “regulation” means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.”

RCW 36.70A.030(7).

Among the requirements set by the GMA for development regulations is a requirement to notify the Department of Commerce at least sixty days before adoption.

“Each county and city proposing adoption of a comprehensive plan or development regulations under this chapter shall notify the department of its intent to adopt such plan or regulations at least sixty days prior to final adoption. State agencies including the department may provide comments to the county or city on the proposed comprehensive plan, or proposed development regulations, during the public review process prior to adoption.”

RCW 36.70A.106(1).

It is not apparent that the required notice has been given.

3. Permitting actions are contemplated by the City of Black Diamond without recognition in the response to SEPA checklist question A.10.

Permits are required from Black Diamond for the temporary pumping infiltration facility in The Villages and for construction of the pipeline from Horseshoe Lake to the Regional Stormwater Facility. The temporary pumping facility is described in Section 6.5.1 of the proposed Development Agreement and in the response to question A.11 of the SEPA checklist. The pipeline from Horseshoe Lake to the Regional Stormwater Facility is described in Section 6.5.2 of the proposed Development Agreement and in response to question A.11 of the SEPA checklist.

4. The response to SEPA checklist question A.10 should include an interlocal agreement with the City of Black Diamond for connection of the proposed Reserve at Woodlands development to a City roadway. An assessment of the environmental impact of increased traffic will be required.

Section 5.1 of the proposed Development Agreement would limit road access to The Reserve

at Woodlands subdivision to one road from the Villages Master Planned Development located within the city limits of Black Diamond. Connection to city roads will require an interlocal agreement with the City of Black Diamond.

There has been no transportation analysis that includes the 77 dwelling units contemplated for the subdivision. As a condition prior to entering into an agreement for the proposed roadway connection into the City, a traffic impact analysis should be conducted to determine what transportation mitigation is necessary beyond that required for approved developments.

- 5. The proposed Development Agreement would inhibit access of emergency vehicles to the Reserve at Woodlands development resulting in potential adverse affects to public safety.**

The response to checklist question B.14.a describes limitations on emergency vehicles access to the proposed subdivision. (See also section 5.3 of the proposed Development Agreement.)

The Development Agreement only allows emergency vehicle access to the proposed subdivision from 218th Avenue SE. This will allow access and egress of emergency service vehicles such as fire, police and medical **in the event the main entrance to the development cannot provide such access**. All other access will be provided via The Villages MPD roadway system. This access will be limited to one location to reduce conflicts with the King County regional trail. [Emphasis added]

Forcing emergency vehicles to access the subdivision through Black Diamond and only allowing access from 218th Ave SE when the main entrance cannot be used could cause unnecessary delays to the isolated area. Ultimately it may be necessary for King County to contract with Black Diamond for fire, police, and emergency medical services unless general access from 218th Ave SE is provided.

- 6. The response to question A.10 includes an interlocal agreement between King County and Black Diamond for the Regional Stormwater Facility. The Muckleshoot Tribe should be a party to this and any other stormwater management agreement that impacts the quality of the water supply to their Crisp Creek fish hatchery.**

The Muckleshoot Tribe operates a fish hatchery that relies on water from Crisp Creek and spring water. The proposed Development Agreement is for property in the Crisp Creek watershed. Improper treatment of surface runoff to Crisp Creek and water infiltrated from the proposed Regional Stormwater Facility to the aquifer could adversely affect the quality of the water supply to the fish hatchery. The Muckleshoot Tribe should be a party to any stormwater management agreement that could impact the hatchery water supply including the proposed Regional Stormwater Facility interlocal agreement .

- 7. The SEPA checklist incorrectly states that ownership of the Regional Stormwater Facility is contemplated by The Villages MPD and Development Agreement.**

The checklist response to question B.15.b incorrectly states the following:

“Over the long term, The Villages MPD Development Agreement (King County Recording.No. 20120130000655) and MPD Conditions of Approval (Black Diamond Ord. No. 10-946) contemplate ownership and maintenance of the facility by the City of Black Diamond.”

The cited MPD Development Agreement contemplates ownership and maintenance of a regional stormwater facility but not the facility specified in the proposed Yarrow Bay/King County development agreement.

The regional stormwater facility in the proposed Yarrow Bay/King County development agreement “is expected to store, treat and infiltrate stormwater from the rural clustered [Reserve at Woodlands] subdivision, from portions of the City of Black Diamond, and from Horseshoe Lake”. (SEPA Checklist answer to question A.7.) In contrast, the description of the regional stormwater facility for The Villages Development Agreement is for “an off-site Regional Facility to treat and infiltrate the excess stormwater created by the need for water balance to the shallow aquifer, Black Diamond Lake, and the wetlands on the southern portion of the Project Site”. (The Villages Development Agreement, Section 7.4.2.) This limits the agreement to stormwater from the City of Black Diamond. The City Council did not agree to own, operate, and maintain an off-site regional facility to be used for the additional purposes of infiltrating stormwater from Horseshoe Lake and from the Reserve at Woodlands development.

It should be noted that the phrase “regional facility” is defined in The Villages Development Agreement to mean a facility “that serves land uses located within and outside the Project Site” and, therefore, does not necessarily include land uses outside the City of Black Diamond.

Respectfully submitted,



Robert M. Edelman

Citizens' Technical Action Team

29871 232nd Ave SE
Black Diamond, WA 98010
(360) 886-7166

2013-0481

BEFORE THE KING COUNTY COUNCIL

THE RESERVE AT WOODLANDS DRAFT DEVELOPMENT AGREEMENT

PUBLIC HEARING

JUDITH CARRIER

DECEMBER 16, 2013

My name is Judith Carrier. Thank you for allowing me to speak to the Council about the YarrowBay/King County draft Development Agreement for The Reserve At Woodlands. I am going to ask you to further protect the rural area where I live as well as the entire region from the very real and scary impacts of your approving this draft as it stands. I think I have come to the right people for protection: from a "charge" like this Council's, I believe I am talking to the right people: *Earning public trust, enhancing quality of life, protecting public health and safety.*

I will be asking you to safeguard more than enhance quality of life for those of us in the rural area surrounding The Reserve At Woodlands and, also, be mindful of our health and safety.

Specifically, I will present information about water resources and traffic safety.

To do that, I request that you and your staff take the necessary time to diligently and carefully analyze the draft development agreement, using all the expert resources the County has, before you legally bind the County to the developer.

I am a 30-year -veteran teacher who has lived over 40 years on Green Valley Road, a County-designated Heritage Road, long enough to know our area well. I've been volunteering, since 2009, to bring more benefits to the city of Black Diamond and the surrounding area (including Green Valley Road) from the Master Planned Developments beginning there. The same developer is designing The Reserve At Woodlands right next door to the MPDs.

RURAL AREA PROTECTION

We have had good help from King County staff who know our area and understand the need to protect the rural area for all County residents and, those beyond, as well as its property-owners.

Green Valley Road winds over the valley floor through a unique, peaceful, countryside as its namesake does: the Middle Green River. From both the MPDs, bounding about 3 miles of the

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road on its east end, and The Reserve; water from storms, wetlands, streams, and creeks runs downhill. Some, eventually, finds the river.

Everyone's water along its 10-mile length comes from wells and springs, including that for the Muckleshoot's Keta Creek Fish Hatchery and the Green River itself. The water above, on development land, effects water below.

Water source protection determines "health and quality of life" where we live. It can determine our properties' value. Without water, living where we have chosen to live, might not be possible.

Please make certain that all feasible study on The Reserve land determines that nothing will harm the water sources and collectors below and protections are in the draft you approve.

TRAFFIC SAFETY CONCERNS

Green Valley Road has safety concerns that we hope won't deteriorate further. A two-lane road with narrow shoulders and probably half of its many curves blind; it has only 1/10th of a mile of passing lane in the whole ten miles.....and one intersection: 218th Ave. SE. Up its slope to the north on both its forested east and west sides is The Reserve at Woodlands.

During the MPD hearings, many people testified for the safety of this special road, including King County's Matt Nolan and Paul Reitenbach. Therefore, we were relieved to see that a connection to 218th will only be for emergency purposes.

There are many neighbors who could not come because of the short notice about the YarrowBay/King County draft DA and its makeup, because they had to work, or are ill. They had much to tell you that I can't cover in this limited time. Some have written comments to you and signed a petition.

In conclusion, we ask you and your staff to examine this draft development agreement to protect rural water supplies for our health's sake and rural quality of life as thoroughly as if it was your own.

Please be aware of the jeopardy to traffic safety on roads similar to Green Valley Road by inappropriate or misplaced development on or near rural roads everywhere in King County!

Please encourage the rural public's trust in this Council and the County as our only direct form of government.

Thank you.

2013-0481

11/16/2013 Hello King County Council:

Erika Morgan; Black Diamond City Councilor - elect
33624 Abrams Ave. Black Diamond, resident at the head of Black Diamond Lake since 1978.

In regards to Yarrow Bay's development at the Woodland Reserve near their Villages project in Black Diamond.

I submitted testimony to your staff previously about technical issues that need professional review. I have been recently talking to my neighbors about many of the issues bothering Black Diamond residents. Many residents situated both on high ground and, in lower areas are very worried about increased surface water over the last few years. They complain about wet areas no longer drying out over the dry season, they describe surface water creating "new" streams and wash-outs during rainy times. They describe historically dry basements as now flooding, one long time family home on a Green River tributary creek had to be condemned and removed due to severe repeated annual flooding; pasture that was dry is now underwater and unable to support grazing livestock; one neighbor has over a foot deep pea-gravel around the 100 year old house, where he and his dad grew up, gravel recently added so he can approach the house, and keep his feet dry. As troubling as these citizens find the extra water, they are also very frightened of subsidence of the land, if the water is removed from the underground natural systems, the land will implode, this is the origin of sink holes and hill collapse. I also found the divide in thinking between our residents, is about whether they trust the strict technological correct environmental constraints are being fully enforced to protect their properties; or are loose developer self interest broad brush assessments with little of the local conditions being accepted as scientifically accurate and complete.

My immediate situation includes Jones Lake sending flooding water down to Abrams Ave. more of each year, I am flooded off our road. The natural water flow from my property is into Black Diamond Lake. Black Diamond Lake is stable year round for water level, the inflow is seepage from the surrounding forest accentuated by several small streams from the east. Black Diamond Lake flows out two ways, north westerly into Rock Creek and on into Lake Sawyer. And also, there is a stream to the south-south-west going through the area of Horseshoe Lake. The natural flow for surface water is generally along this path toward the south-west and would interfere directly with the proposed retention pond, which by decree and the proposed permit should not interfere with the natural flows of natural surface water. This natural flow has gone unrecognized by Yarrow Bay or Black Diamond in their review process for their massive development plan. This failure of proper governmental oversight is what prompted me to run for office in Black Diamond. A realization of a mature forward thinking platform for scientifically correct peer reviewed technological feasibility studies, before development promises are made irresponsibly to any party, is my goal.

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The geology here is not monolithic, from the point of view of surface / ground water flows the situation is quite complex. There are sand areas, there is rock scree, there is solid clay hardpan; all the layers are very steeply sloped by the push-up of the Cascade foothills; there are mines, deep and shallow and all in between, many are water filled now, others have methane gas (hence the flame at flaming geyser park), coal is burning deep underground, and the crumbly nature of the bedrock, a weak sandstone and broken shale, and all this has been shaken by earthquake fractures presenting an unpredictable picture requiring a multidiscipline study to predict consequence of actions accurately.

Today, I was at my mothers house, in Normandy Park, she sits about 300 feet above Puget Sound and there is a significant slide next door. Are changes in ground-water flows to the east impacting the stability of her hill? Which parts of the western county will be affected by decisions and actions happening in the east county? Is the logging in the foothills the cause? I think a lot of the changes have to do with "global warming". There is just more water in play, remember also this "Cascading" water does not disappear, it all flows to Puget Sound past or under the places most of you live and own property. The impulse to allow one very large land owner development rights which later are found to have destroyed property the rights, rights which are producing stable tax revenue over the decades, and which are fully capitalized; seems a naked folly to me.

In my thank-you to my voters I reminded them of this promise I made them:

"I will be looking forward to hearing about your ideas and thoughts as we develop a more current community vision for Black Diamond. A vision that includes an understanding of our actual environment, the built and the natural. A community vision born of the special talents of our citizens, and **local understanding and local experience, played in concert with a combined technical expertise of specialists who have studied our particular situation, our placement within the natural and built environment; where we live, play and work. A vision with todays more advanced technologies and solutions, and in light of Black Diamond's particular place in the Puget Sound Basin, Western Washington and the wider region generally, because this is our collective responsibility as human stewards of the land.**"

Please understand your responsibility likewise, to realize the connections within our region, how changes in one area can affect others. Please allow the whole relevant scientific community to actually understand what the consequences of any land development will be. Then you will not be blindsided by the unintended consequence. We have devastating flood level precipitation here in the northwest, but usually the flow along a practiced stream network delivers the excess water proficiently to the sound preventing flooding. At least where the natural surface and subterranean water paths have not been interfered with, this is true. These pathways will become increasingly important for our government to understand completely as it performs its duty to mitigate intelligently between citizen interests and environmental need going forward.

Thank You For Your Deliberation and for allowing the most complete scientific review,
Erika Morgan

**Comments on the Proposed Development Agreement
between YarrowBay and King County
for Unincorporated Property West of The Villages,
near Black Diamond, WA**

Thank you for the opportunity to comment on the proposed development agreement between King County and YarrowBay for the unincorporated properties west of The Villages in the City of Black Diamond.

The sustainability of rural lands and rural character are at play in the town of Black Diamond's transformation path to become a "new city" of 20,000 population. During the MPD hearings, community objections were made to the placement of a large regional storm-water facility on surrounding rural lands rather than within the urban growth area (UGA) to serve urban-generated needs. The objection is conceptually the same as the placement of schools needed by the MPD's on rural lands rather than within the UGA. Once allowed, a precedent is set to chip away at the rural landscape for urban utilities and services. The county has recognized the importance of rural lands and their contribution to the county's overall quality of life through planning policies. Rural communities need county support to sustain rural lands.

Some additional comments are:

- The intermittent flooding of Horseshoe Lake (about every three years) may not be as big an issue for lake homeowners as lack of adequate recharge water to maintain desirable lake levels, according to comments at the November 20th meeting in Black Diamond. The current flood-prevention system with pumping improvements (or other alternatives) may be less costly and disruptive than pumping Horseshoe Lake water a considerable distance under the regional trail's natural open space.

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- Rural residents on domestic water supply living down slope of the large storm-water infiltration facility may be at risk for adverse impacts to their water supplies. Residents have objected to the lack of information during the MPD process to their risks for water-quality degradation. Currently, a risk assessment to water supplies is not available to homeowners, and a mitigation strategy is not in place should drinking water for rural residents be degraded.
- Improper treatment of storm-water runoff to the Crisp Creek watershed from urban sources could adversely affect the water supply to the Keta Creek salmon rearing ponds operated by the Muckleshoot Tribe. Success of hatchery salmon rearing depends on a continuous feed of high-quality water. If adequate controls of urban-generated contaminants fail in the Crisp Creek watershed, mitigation plans to treat hatchery water are needed to save the salmon culture.
- The Woodland cluster development, The Villages, and sizable potential annexation area are adjoining, yet it is not clear in the development agreement that due consideration has been given to the overall environmental impacts as a single interrelated project.

Respectively submitted by

Gil Bortleson, 23831 SE Green Valley Road, Auburn, WA 98092

December 16, 2013

Rural Area "Regional" Storm-water Facility-Draft Development Agreement File No.
GRDE13-0135

My name is Cindy Proctor. Thank you for the opportunity to speak before the Council on such an important issue. I have already submitted my SEPA comments regarding the Draft Development agreement. I am here to speak to you regarding lack of process and social equity related to this DA, the DAs before it and those to come.

I had the pleasure of hearing Executive Constantine speak at the King County forum on a healthier King County. He talked about the lack of social equity in suburban and rural King County in regards access to healthcare as it relates to housing, education and transportation. He emphasized the disparity in income of the median household between the county's 10 wealthiest ZIP codes and the 10 poorest ZIP codes that differs by more than \$100,000; and the life expectancy that differs by as much as 10 years countywide; and lower graduation rates throughout much of SE King County. Mr. Constantine left out another stark disparity; and that is the disparity of equal access to our government. You see those same 10 wealthiest zip codes are where the developers, the Master Builder's Executives, the Realtors, and the corporate CEOs live; and they have unfettered access to the Executive office and the you the Council; their attorneys and offices are conveniently located near here; and they have additional access at political fundraisers, charity events, and private dinners.

A perfect example is that this hearing itself; it is about impacts to our community yet it is being held up to 40 miles away, in the middle of the day; the time wasn't even solidified until late Friday. That makes it extremely difficult to coordinate transportation to attend let alone the ability to have proactive dialog with council. This is especially true when King County has cut all but one transit stop from Black Diamond.

When you talk about a transformation and catalyst for a healthier King County, Mr. Constantine, you cannot facilitate rural and suburban development that doesn't adequately address transportation. King County's own Social Justice Report makes the direct correlation between obesity, stress, heart disease when rural commuters must travel for long hours to job centers. That doesn't even factor in the financial impacts of transportation on household incomes which the recent HUD data reflects that up to 55%-65% of a households income going to housing and transportation alone; leaving very little left for healthcare, healthy eating, education, and the basics.

The placement of a regional facility in rural lands to serve a MPD in a UGA goes squarely against CWPP and GMA. And only serves to facilitate massive development. It goes without saying that both the physical environment and built environment will be harmed; we know from the recent testimony of the ESD that the schools will be overcrowded, the bonds are unlikely to pass and a long-term bussing plans will be needed; we know that the CWPP do not allow for widening of existing rural roads for growth, and is limited to safety issues; we know that the MPDs will not bring low and extremely low-

Distributed to members @ 12/16/13 Council Meeting

Rural Area "Regional" Stormwater Facility

income housing even though poverty rates in SE King County are among the highest in the County. We know that the SEPA review did not look comprehensively at the cumulative impacts of multiple developments in our rural community in regards to transportation, schools and water quality.

When did pure capitalism, greed or political legacies become the only outcomes; when did corporate profits become disconnected to all other metrics for human progress? We don't begrudge a healthy corporate profit; but when did it become ok to not care about who will build the roads; who will build the schools, who will protect the environment? And how will we ensure our kids will be healthier.

In conclusion, there is no rush to approve the DRAFT Development Agreement. I request that you to carefully review all the information available including all SEPA Public Comments and an assessment of Rural Area impacts and purported Public Benefits. Lastly, Mr. Constantine and King County Council, I challenge you to walk your talk about all aspects that make a healthier King County and promote social equity.

Thank you.

Cindy Proctor

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King County Council
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December 16, 2013

**Subject: Proposed Ordinance No. 2013-0481
Proposed Development Agreement between King County and BD Village Partners, LP, relating to a seventy-seven-lot subdivision adjacent of the City of Black Diamond, a regional stormwater facility and transfer to King County of open space lands**

Dear King County Council members,

The City of Black Diamonds appreciates the County's commitment of open space and multi-modal trail development represented by this proposed agreement.

The 15 year term with 5 year renewal appears normative for such agreements.

A minimum 300 acres of open space is laudable.

The 300' perimeter buffer on the Eastern boundary is appropriate.

The proposed agreement indicates that "The Reserve at Woodlands' roads shall be constructed to rural road standards as set forth in the 2007 King County Road Design and Construction Standards. The County agrees that it shall not unreasonably withhold any proposed variances for the permitting and construction of The Reserve at Woodlands subdivision's roads as private roads constructed to rural roads standards." **The road with the Reserve at Woodlands, which will utilize city streets as its exclusive regular access should be developed to urban standards consonant with City of Black Diamond Public works Standards.**

The proposed agreement also states, "Furthermore, BD Villages shall record a covenant that runs with the land that requires each future lot owner in The Reserve at Woodlands to be a member of the homeowners' association that bears the responsibility for maintenance of the private road system. Such covenant shall also restrict the private roads from being converted to public roads." **While this seems prudent, this language may ultimately conflict with the fact that the sole regular access to this development leads through city streets.**

The agreement proposes to limit emergency access from 218th; the sole purpose of this 218th connection is to provide access and egress of emergency service vehicles (e.g., fire, police, medical) in the event the main entrance to subdivision cannot provide such access. The use of

this access road will be restricted to emergency access and egress-of emergency service vehicles only. **Emergency access should utilize the fastest route to a given location without restriction.**

The agreement goes on to say: "Further, the agreement referenced in this Section 6.4, if it is between the City and the County, shall also address the design, oversight, construction and maintenance of storm water controls and conveyance within that portion of the City that drains to the Regional Stormwater Facility and specify the frequency, standards and details of inspection and maintenance to be performed to ensure the Regional Storm water Facility performs as designed and the vegetation within the underlying parcel(s) or tract(s) is maintained according to the aesthetic standards under which it was designed. Should the agreement referenced in this Section 6.4 be between the County and BD Villages, prior to storm water from the City being conveyed to the Regional Stormwater Facility, there shall be a separate agreement between the County and the City that addresses the requirements in the preceding sentence. If the phase of The Reserve at Woodlands subdivision including the tract containing the Regional Stormwater Facility is recorded prior to execution of the agreement referenced in this Section 6.4, then such plat phase shall dedicate the Regional Stormwater Facility tract to King County until at least such time as the agreement referenced in this Section 6.4 is executed." **It is highly unlikely that the City of Black Diamond will accept liability for waters or maintenance of facilities that are solely connected to Horseshoe Lake, or liability for waters or maintenance of facilities that solely serve The Reserve at Woodlands.**

Sincerely,



Mark E. Hoppen
City Administrator
City of Black Diamond

cc: Mayor Rebecca Olness, City of Black Diamond
City Council, City of Black Diamond

Ordinance 2013-0481--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.

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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.

 12/14/13

Peter Rimbo
Chair, GMVUAC Growth Management Committee
on behalf of

Steve Hiester
Chair, GMVUAC
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