

## **BLACK DIAMOND CITY COUNCIL MINUTES**

### **Special Meeting - June 30, 2010**

Black Diamond Elementary Gymnasium  
25314 Baker Street, Black Diamond, Washington

#### **CALL TO ORDER, FLAG SALUTE:**

Mayor Olness called the special meeting back to order at 7:04 p.m. regarding the closed record hearing of the proposed Master Planned Developments and lead us all in the Flag Salute.

#### **ROLL CALL:**

**PRESENT:** Councilmembers Hanson, Goodwin, Boston, Mulvihill and Saas.

**ABSENT:** None

Staff present were: Steve Pilcher, Community Development Director; Stacey Borland, Planner; Chip Hanson, IS Manager; Mike Kenyon and Bob Sterbank, City Attorneys and Brenda L. Martinez, City Clerk

#### **APPEARANCE OF FAIRNESS:**

**City Attorney Kenyon** – asked the following question collectively of all five Councilmembers: Since the close of last nights hearing have any of you aquired any interest in the property that is subject to the MPD applications? All five Councilmembers responded no.

**City Attorney Kenyon** – asked the following question collectively of all five Councilmembers: Since the close of last nights hearing has anything occurred that would make any of you stand to gain or lose financially as a result of the outcome of these proceedings? All five Councilmembers responded no.

**City Attorney Kenyon** – asked the following question collectively of all five Councilmembers: Since the close of last night hearings has anything occurred that would cause you to not be able to act in a fair and impartial manner in your consideration and deliberation on these applications? All five Councilmembers responded no.

**City Attorney Kenyon** – asked the following question of Councilmember Saas: Since the close of last nights hearing any ex parte contacts with any known proponents or opponents of the project?

**Councilmember Saas** responded no.

**City Attorney Kenyon** – asked the following question of Councilmember Mulvihill:

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**Councilmember Mulvihill** responded none.

**City Attorney Kenyon** – asked the following question of Councilmember Hanson:  
Since the close of last nights hearing any ex parte contacts with any known proponents or opponents of the project?

**Councilmember Hanson** responded no.

**City Attorney Kenyon** – asked the following question of Councilmember Goodwin:  
Since the close of last nights hearing any ex parte contacts with any known proponents or opponents of the project?

**Councilmember Goodwin** responded no.

**City Attorney Kenyon** – asked the following question of Councilmember Boston:  
Since the close of last nights hearing any ex parte contacts with any known proponents or opponents of the project?

**Councilmember Boston** responded no.

**City Attorney Kenyon** – announced to audience if anyone had any objections they may submit that in writing to the City Clerks' office by end of business day tomorrow.

**Mayor Olness** announced we will continue with item number five on the agenda. Clarified that last night she was looking to fill a ten minute spot and skipped over Mr. Rothschilds as she knew he had 20 minutes so we would begin with him tonight. She also noted that she did not call on Jeff Taraday as he had twenty minutes and mentioned that he would like to be put at the end of the list.

## **PARTY OF RECORD STATEMENTS:**

**Chris Clifford** stated his concern with the joint Enumclaw School Board/City Council meeting held last October concerning the proposed schools mitigation agreement. He noted that if the MPDs are indeed a legislative process, then Council should engage with citizens. However, due to the recent tree cutting issue, there is no need to continue with the hearings process since a permit cannot be approved for 6 years. He questioned whether King County would approve the large stormwater infiltration pond just west of The Villages project. He also noted that not all schools can be located outside the UGA boundary.

Mr. Clifford stated the MPDs do not provide for adequate public safety services and will adversely impact all property owners within the Enumclaw School District. He stated the apartments should not be located in Black Diamond, but in other UGAs in King County. He felt there should be 4 single family homes required for every apartment building. He felt that there should be 80% occupancy before they build the next phase.

**Leah Grant** indicated that the Hearing Examiner had done a good job. She feels these are too large of developments. Approvals should only occur incrementally. She stated her opposition to use of Lake Sawyer Regional Park by either the Enumclaw School District or Yarrow Bay.

**Andy Benedetti** stated he is a resident along Green Valley Road and has a long family history in the area. He compared Yarrow Bay to an 800 lb. gorilla. He stated his concern of the impact these projects will have on quality of life and that he supported the Hearing Examiner's decision.

**Cindy Wheeler** urged the Council to use its authority and honor its commitment to the public. She stated that Yarrow Bay is trying to pressure the Council to make a speedy decision. She urged the Council to only consider incremental approval and noted they must decide based upon the facts.

Mrs. Wheeler stated the MPD process has been run poorly, noting that Washington State Fish and Wildlife was not properly notified during the EIS process and stating that certain appendices were missing from the CD-ROMs that came with the documents. She stated that Parametrix had recommended additional studies be conducted in several areas, but the City declined to do so. Mrs. Wheeler also read several excerpts from the EIS appeal hearing transcript including a portion of David Bricklin's cross examination of Steve Pilcher and Susan Graham.

Mrs. Wheeler stated her concern about Lake Sawyer water quality, particularly in regards to phosphorous and how much loading will occur as a result of these MPDs. She read excerpts from the hearing transcripts during which Andy Kindig, Yarrow Bay's consultant, was questioned regarding this issue. She also stated that Council should require additional water quality studies be done before considering what level of development can be approved.

Mrs. Wheeler expressed her opposition to the potential use of Lake Sawyer Regional Park; questioned the adequacy of the fiscal analysis; stated Chapter 13 of the application was not submitted until after environmental review was completed; and noted that Yarrow Bay has agreed to comply with the Tree Preservation Ordinance.

**Sheila Hoefig** stated her opposition to the projects and that the majority of citizens do not want these to go forward. She urged the Council to work with other jurisdictions in addressing issues. She stated the commercial development will not produce jobs that will allow individuals to live in the MPDs and questioned the fiscal impact to the city. She stated her concern that there are no pledges from the applicant regarding construction and maintenance of roads, water quality, or public safety, and that the development is out of character with the area. She urged the Council to follow the Hearing Examiner's recommended traffic condition. Mrs. Hoefig objected to the use of wetland areas for calculating density and expressed her concern regarding flooding of Lake Sawyer.

**Mark Dalos** stated there should be a more thorough transportation review. He expressed his concern for annual low level flooding on Green Valley Road and noted the Hearing

Examiner had recommended traffic calming devices. He urged the Council to only approve the projects in small phases in order to retain control over development.

**Robin Taylor** noted her comments concerned the Lawson Hills project. She expressed concern over the proposed school location in regards to mine hazard areas, noting evidence of a sink hole near the school site. She recommends the school site be relocated. Mrs. Taylor also stated there should be a greater buffer between the proposed Lawson Parkway and their property. She is also concerned with the intersection of Botts Drive and Lawson St.; construction noise; the need to protect rural land uses; and the transition in lot sizes between the MPD and adjacent residential areas.

**Donna Gauthier** related a lengthy history of flooding problems she has faced at her home, attributed to uphill development.

**Joe May** noted he was speaking as an individual, not on behalf of the Lake Sawyer Community Club. He addressed issues concerning the recusal of Council member Boston and Yarrow Bay's challenge to Council member Goodwin.

Mr. May stated that the 1900 King County growth figure is a population, not a household goal. He stated he favors incremental growth and that these projects are simply too large. He stated the two MPDs' land area equals 18% of the Lake Sawyer drainage basin and that it will likely have negative impacts to the lake. Mr. May also noted that the GMA requires transportation concurrency, which he feels these projects will not meet. He objects to Yarrow Bay's request to be able to move residential density categories; the proposed use of transfer of development rights; vesting; and financial impacts to the Enumclaw School District. He stated his concerns about increased boat traffic on Lake Sawyer, additional vehicle traffic, higher taxes, and the capability of Roberts Drive to serve as the main connector between The Villages and SR 169.

**Mayor Olness** announced the order we will start with at the next meeting. She added we will not be meeting tomorrow night as there is a Council meeting on Monday due to the holiday so the next meeting would be Tuesday. She also noted that we should finish with item number five on the agenda either Tuesday or Wednesday of next week.

## **ADJOURNMENT:**

A **motion** was made by Councilmember Mulvihill and **seconded** by Councilmember Hanson to continue the special meeting to July 6, 2010 at 7 p.m. in the Black Diamond Elementary Gymnasium. Motion **passed** with all voting in favor (5-0).

ATTEST:



Rebecca Olness, Mayor



Rachel Pitzel, Deputy City Clerk