



Puget Sound Regional Council

Growth Management Policy Board

Thursday, February 3, 2022 • 10:00 AM – 12:00 PM

Hybrid Meeting

The meeting will be streamed live over the Internet at www.psrc.org.

PUBLIC NOTICE: In accordance with the Governor’s Proclamations and the Seattle-King County Department of Public Health Officer’s orders, masks are required for all visitors to PSRC’s office, regardless of vaccination status. No refreshments will be provided at the meeting.

PSRC will continue to monitor public health guidance from the Washington State Department of Health and Seattle-King County Public Health Officer. Should there be any major changes to guidance, this meeting may be held virtually only.

Attend, watch or listen

Members of the public can attend meetings at PSRC’s offices, watch the meeting live at <https://www.psrc.org/boards/watch-meetings>, or listen by phone 1-888-475-4499, Meeting ID: 867 1370 8680, Passcode: 837801

Provide public comment

PSRC’s boards value public comment. Members of the public may provide public comment in multiple ways:

- Written comments may be submitted via email to kmitchell@psrc.org up to two hours before the meeting. Comments will be emailed to board members. Comments received after that deadline will be provided to board members after the meeting.
- Public comment may be made via Zoom or by phone. Registration is required and closes two hours before the meeting starts. Late registrations will not be accepted. Register [here](#). You will have 2 minutes to address the board.
- Public comment may be made in person at PSRC’s office.

Public comments are public records and may be subject to disclosure pursuant to the Public Records Act, RCW Chapter 42.56. For further information regarding public comment, see our [website](#).

1. **Call to Order (10:00) - Councilmember Ed Prince, Chair**
2. **Communications and Public Comment**
3. **Report of the Chair**
4. **Director's Report**

5. Consent Agenda (10:15)

- a. Approve Minutes of Growth Management Policy Board Meeting held January 6, 2022

6. Action Item (10:20)

- a. Recommend Conditional Certification of Black Diamond Comprehensive Plan -- *Laura Benjamin, PSRC*

7. Discussion Item (10:30)

- a. Regional Transportation Plan and Project Selection Process -- *Kelly McGourty, PSRC*

8. Discussion Item (10:40)

- a. Economic Development District Update -- *Jason Thibedeau, PSRC*

9. Discussion Item (11:20)

- a. Open Space, Rural, and Resource Lands Conservation Toolkit -- *Erika Harris, PSRC*

10. Discussion Item (11:45)

- a. Stormwater Parks Update -- *Erika Harris, PSRC*

11. Information Item

- a. 2022 Growth Management Policy Board Calendar

12. Next Meeting: March 3, 2022, 10:00 a.m. - 12:00 p.m.

Major Topics for March:
Regional Housing Strategy
Comprehensive Plan Outreach

13. Adjourn (12:00)

Board members please submit proposed amendments and materials prior to the meeting for distribution. Organizations/individuals may submit information for distribution. Send to Kristin Mitchell, e-mail kmitchell@psrc.org, fax 206-587-4825; or mail.

Sign language, and communication material in alternative formats, can be arranged given sufficient notice by calling 206-464-7090 or TTY Relay 711.

العربية | Arabic, 中文 | Chinese, Deutsch | German, Français | French, 한국어 | Korean, Русский | Russian, Español | Spanish, Tagalog, Tiếng Việt | Vietnamese, visit <https://www.psrc.org/contact-center/language-assistance>.



Puget Sound Regional Council

MINUTES Growth Management Policy Board January 6, 2022 Hybrid Meeting

[To watch a video of the meeting and hear the discussion, go to <https://www.psrc.org/boards/watch-meetings>]

CALL TO ORDER

The meeting was called to order at 10:02 a.m. by Vice Chair Prince.

CHAIR'S REPORT

Vice Chair Prince provided an update on membership changes to the board:

- Councilmember Tola Marts, City of Issaquah representing Other Cities & Towns in King County has moved from alternate to member
- Councilmember Jessica Forsythe, City of Redmond representing Other Cities & Towns in King County is a new alternate
- Mayor Mason Thompson, City of Bothell representing Other Cities & Towns in King County is a new alternate
- For Cities and Towns in Pierce County, Councilmember Ned Witting, City of Puyallup has moved from alternate to member and Mayor Joshua Penner, City of Orting has moved from member to alternate
- Councilmember Mary Fosse is the new member representing the City of Everett
- Patience Malaba has moved from alternate to member representing the Housing Development Consortium of Seattle/King County
- Caia Caldwell has left the Master Builders Association of King and Snohomish Counties

DIRECTOR'S REPORT

Director of Growth Management Paul Inghram pointed out the two information items in the agenda packet, the draft Supplemental Biennial Budget/Work Program (FY2022-2023) and the 2022 GMPB calendar.

CONSENT AGENDA

- a. Approve Minutes of Growth Management Policy Board Meeting held November 4, 2021

ACTION: It was moved and seconded (Robinson/Buxton) to adopt the Consent Agenda. Motion passed.

PLANNING ASSOCIATION OF WASHINGTON AND THE AMERICAN PLANNING ASSOCIATION WASHINGTON CHAPTER AWARD FOR VISION 2050

Darby Cowles, co-chair of the Planning Association of Washington (PAW) and the American Planning Association (APA) Washington Chapter awards committee, presented the Joint APA/PAW Award honoring PSRC for planning excellence in the category of Comprehensive Plan/Development Regulations for the development of VISION 2050. The awards committee recognized the significant collaborative work from local governments and stakeholders throughout the region to develop the plan.

2022 LEGISLATIVE OVERVIEW

Dave Andersen, board member and managing director for the Washington Department of Commerce's Growth Management Services, shared a preview of the 2022 legislative session and anticipated growth management related bills. Mr. Andersen highlighted growth management related priorities in Governor Inslee's budget and noted bills, including HB 1782 and HB 1099 related to housing and climate change.

Mr. Andersen shared an update on the Collaborative Roadmap project to evaluate the state planning framework. An interim report has been developed and will be available soon. The board also viewed how to track a bill, and how to participate in providing remote testimony at a committee meeting or provide written comment on a bill.

INDUSTRIAL LANDS ANALYSIS UPDATE

Mr. Inghram provided an overview of the 2015 Industrial Lands Analysis and work underway to update it. Next steps include receiving feedback from the Economic Development District Board and the Freight Advisory Committee in addition to an ad hoc working group of technical staff to help develop a report later this year.

COMMUNICATIONS AND PUBLIC COMMENT

Stacey Valenzuela, resident of Kenmore, provided public comment on concerns related to asphalt plant emissions in Kenmore and the impact on the health of residents.

NEXT MEETING

Vice Chair Prince announced the next meeting is scheduled for February 3, 2022.

ADJOURN

The meeting adjourned at 11:13 a.m.

Attachments:

GMPB January 6, 2022 Attendance Roster

Growth Management Policy Board - January 6, 2022					
Voting Members			✓	Non-voting Members	✓
King County	2	CM Claudia Balducci		Associate Members	
		Vacant		Alderwood Water and Wastewater District	1 COM Paul McIntyre 1
					Dick McKinley Alt 1 x John McCellan Alt 2
Seattle	2	CM Andrew Lewis	1	Thurston Regional Planning Council	1 Helen Wheatley Alt 1
		CM Dan Strauss	1		
		CM Tammy Morales Alt		Public Agency Members	
Bellevue	1	Mayor Lynne Robinson	1	Commerce	1 Dave Andersen 1
		CM Jeremy Barksdale Alt			Mark Barkley Alt
Cities/Towns	3	CM Traci Buxton, Des Moines	1	PSRC Committees	
		CM Tola Marts, Issaquah Alt	1	Regional Staff Cmte.	1 Andrea Spencer, Bremerton 1
		CM Ed Prince, Renton - Vice Chair	1		Chip Vincent, Renton Alt
		CM Jessica Forsythe, Redmond Alt	x	Private/Civic Members-Business/Labor	
		DEP MYR Philippa Kassoover, Lake Forest Park Alt	x	Master Builders of King and Snohomish Counties	1
		CM Mason Thompson, Bothell Alt	x		Jennifer Anderson Alt
Kitsap County	1	COM Ed Wolfe	1	Natural and Built Environments	1 Angela Rozmyn 1
		COM Charlotte Garrido Alt			Robert Pantley Alt x
Bremerton	1	MYR Greg Wheeler	1	Seattle Children's	1 Edna Shim 1
		CM Kevin Gorman Alt			Victoria Cleator Alt
Cities/Towns	1	CM Michael Pollock, Bainbridge Isl		Private/Civic Members-Community/Environment	
		MYR Rob Putaansuu, Port Orchard Alt		Futurewise	1 Alex Brennan
Pierce County	1	CM Hans Zeiger	1		Tiernan Martin Alt 1
		CM Ryan Mello Alt		Housing Development Consortium - Seattle/King Co.	1 Patience Malaba 1
Tacoma	1	Vacant			
		CM Catherine Ushka Alt		Metro Parks Tacoma	1 Debbie Terwilleger
Cities & Towns	1	CM Ned Witting, Puyallup			
		MYR Joshua Penner, Orting Alt		Tacoma-Pierce County Health Department	1 Dr. Anthony Chen, Tacoma-Pierce County Health Department
Snohomish County	1	CM Megan Dunn	1		Dr. Gib Morrow, Kitsap Public Health District Alt 1
		CM Jared Mead Alt		Non Voting	11 9
Everett	1	CM Mary Fosse	1		
		Vacant			
Cities/Towns	1	MYR Russell Wiita, Sultan			
		CM Brian Wahl, Mountlake Terrace Alt 1			
Federally Recognized Tribes					
Muckleshoot Indian Tribe	1	Vacant			
Puyallup Tribe of Indians	1	Andrew Strobel			
		Jennifer Keating Alt			
Suquamish Tribe	1	Rob Purser			
		Thomas Ostrom Alt			
Statutory Members					
Ports	1	COM Fred Felleman, Seattle	1		Abbreviations
		COM Don Meyer, Tacoma Alt 1			CM Councilmember
		COM Glen Bachman, Everett Alt 2			COM Commissioner
WSDOT	1	Robin Mayhew			MYR Mayor
		JoAnn Schueler, Alt 1	1		1 = Member for Meeting
		Azim Sheikh-Taheri, Alt 2			X = Alternate for Meeting
Voting	22	(Quorum = 11) Quorum Total	13		

GUESTS AND PSRC/STAFF PRESENT
(As determined by staff.)

Ben Bakkenta, PSRC
Laura Benjamin, PSRC
Courtney Chineth, closed captioner
Darby Cowles, co-chair of the Planning Association of Washington and the American
Planning Association Washington Chapter awards committee
Joseph Gellings, Port of Seattle
Aaron Hallenberg, Pierce County
Erika Harris, PSRC
Paul Inghram, PSRC
Kathryn Johnson, PSRC
Thara Johnson, City of Bellevue
Piset Khuon, PSRC
Brian Lee, PSRC
Kristin Mitchell, PSRC
Liz Underwood-Bultmann, PSRC
Stacey Valenzuela
Christoph Von Strouse, UW Sustainability
David Yeaworth, Port of Seattle



Puget Sound Regional Council

ACTION ITEM

January 27, 2022

To: Growth Management Policy Board

From: Paul Inghram, Director of Growth Management

Subject: **Recommend Conditional Certification of Black Diamond Comprehensive Plan**

IN BRIEF

Consistent with PSRC's adopted plan review process, PSRC staff reviewed and recommend conditional certification of the City of Black Diamond 2020 comprehensive plan amendments.

RECOMMENDED ACTION

The Growth Management Policy Board should recommend that the Executive Board conditionally certify that the transportation-related provisions in the City of Black Diamond 2020 comprehensive plan amendments conform to the Growth Management Act and are consistent with multicounty planning policies and the regional transportation plan.

Conditional status would remain in place until the city amends the comprehensive plan to ensure consistency with the Regional Transportation Plan. These amendments would be required to be acted upon by the city on or before the next periodic update deadline as determined by the state. The current deadline is June 30, 2024. This condition is described on pages 2-3 of the certification report (Attachment A).

DISCUSSION

Certification Process

The Washington State Growth Management Act calls for coordination between local, regional, and state planning efforts. To advance this coordination, state law requires PSRC to certify that regional transit plans, countywide planning policies, and local comprehensive plans within the central Puget Sound region conform to: (1) established regional guidelines and principles, (2) the adopted long-range regional transportation plan, and (3) transportation planning requirements in the Growth Management Act. Within the central Puget Sound region, the multicounty planning policies in VISION 2040 were established as the regional guidelines and principles under Revised Code of Washington (RCW) 47.80.026. Certification of local comprehensive plans is also a requirement for jurisdictions and agencies that intend to apply for PSRC funding or proceed with any project submitted into the Regional Transportation Improvement Program.

Within the central Puget Sound region, local governments and PSRC have worked together to develop an overall process for reviewing and certifying local, countywide, regional, and transit agency policies and plans ([Adopted Policy and Plan Review Process](#), Revised September 2003).¹ This process also provides an opportunity to coordinate and share information related to local and regional planning. A set of materials, compiled in a [Plan Review Manual](#), provides details on the review and certification process, background, and framework. The manual also provides guidance and checklists for aligning plans and policies with VISION 2040, the Regional Transportation Plan, and Growth Management Act requirements. As the city's periodic update was adopted in 2019, prior to the adoption of VISION 2050 in October 2020, the City of Black Diamond's comprehensive plan is reviewed for consistency with VISION 2040.

The adopted plan review process calls for the Executive Board to take certification action on comprehensive plans on recommendation from the Growth Management and Transportation Policy Boards. Options for Executive Board action are to:

- **Certify** that the plan is consistent with multicounty planning policies and the regional transportation plan and conforms to Growth Management Act requirements for transportation planning, or
- **Conditionally certify** that the plan addresses most provisions of regional plans and policies and the Growth Management Act, with a requirement that a limited set of outstanding issues be addressed prior to full certification, or
- **Do not certify**

¹ The certification requirement is described in RCW 47.80. The specific requirements for transportation elements in local comprehensive plans are spelled out in RCW 36.70A.070. PSRC's Interlocal Agreement, Section VII, also provides direction for the review of local comprehensive plans and countywide policies (Resolution A-91-01, amended March 1998). The Council's Executive Board last updated its process for Policy and Plan Review in September 2003. The process is also described in VISION 2040 and VISION 2050 Implementation chapters.

Based on previous board direction and the adopted 2020 Policy Framework for PSRC's Federal Funds, jurisdictions with plans that are certified or conditionally certified are then eligible to apply for PSRC funding or proceed with any project submitted into the Regional Transportation Improvement Program.

Conditional Certification of Comprehensive Plans

Conditional certification is recommended where a limited amount of additional work is necessary to bring the plan into full conformity with criteria for certification, and where the jurisdiction and PSRC have agreed upon a path to make the necessary amendments. Jurisdictions that are conditionally certified are fully eligible to apply for regional funding and may proceed with projects submitted into the Regional Transportation Improvement Program. Coordination between the jurisdiction and PSRC ensures progress is made toward addressing the identified issue(s). Unless the Executive Board takes additional action, a conditionally certified plan would revert to "not certified" status if the jurisdiction fails to meet the conditions.

City of Black Diamond Comprehensive Plan Background

The City of Black Diamond was one of the final cities in the region to complete the 2015 major periodic plan update, adopting the update to the plan on May 2, 2019. PSRC reviewed the update and found the plan to be largely consistent with the multicounty planning policies and the regional transportation plan, and to conform to the majority of transportation planning requirements in the Growth Management Act. However, the plan as adopted did not meet requirements related to growth targets and consistency with the Regional Transportation Plan.

PSRC conditionally certified the City of Black Diamond's 2019 periodic update of the city's comprehensive plan on February 27, 2020. The city received two deadline extensions to provide additional time to address delays related to the COVID-19 pandemic and to allow time to address related SEPA appeals. In February 2021, the city adopted a resolution and in December 2021 the city adopted amendments to the plan that address some of the conditions and resubmitted the plan for further review and certification. The amended comprehensive plan is available [online](#). While these amendments were adopted in 2021, they are part of the 2020 docket and thus are referred to as the 2020 comprehensive plan amendments.

Staff reviewed the amended comprehensive plan and council resolution and find they meet many but not all of the conditions as outlined in the [2019 certification report](#). The updated certification report (Attachment A) describes the city's work to address the conditions and remaining conditions in greater detail. A letter from the city (Attachment B) outlines the city's work to meet the conditions through the 2020 plan amendments and council resolution. PSRC received two letters from a group called the Citizen's Technical Advisory Team (Attachment D and E) and a letter from Friends of Black Diamond (Attachment F).

City of Black Diamond Comprehensive Plan Amendments

One of the conditions of certification was to correct assumptions about the potential widening of State Route 169. The plan had previously included language regarding SR-169 and contingency funding that was inconsistent with the Regional Transportation Plan. The plan was amended to indicate that the transportation demand modeling and project list do not assume a widening of SR-169 and to acknowledge the route as a highway of statewide significance and the associated level of service. Additionally, the plan was amended to provide a more detailed explanation of contingency plans to address any funding shortfalls that may occur if the planned improvements through the Master Planned Developments are not fulfilled.

While some components of the plan have been updated to acknowledge that a widening of SR-169 within Black Diamond city limits is inconsistent with the Regional Transportation Plan, the plan still includes references and analysis to widening SR-169, specifically Table 0-8 in the Transportation Appendix. It is PSRC's understanding that Table 0-8 is a list of transportation concepts for further consideration and not part of the city's official list of transportation projects. The plan should be amended to remove any references to widening SR-169 and future transportation modeling should not assume widening of SR-169 unless the project is consistent with the Regional Transportation Plan and WSDOT plans. The city is encouraged to continue coordinating with WSDOT and PSRC as it begins its 2024 update to ensure the city's plan is consistent with regional and state plans in regard to transportation improvements and capacity projects.

Black Diamond City Council Resolution

In King County, cities and the county work cooperatively to establish 20-year housing and employment targets to coordinate growth expectations. The City of Black Diamond expects substantial growth that will exceed its adopted targets for 2035 – 7,674 housing units are anticipated by the city compared to an adopted target of 2,204 housing units, largely due to the potential development of the “Lawson Hills” and “The Villages” Master Planned Developments (MPDs). This inconsistency stems, in part, due to a history of land use decisions, including an agreement with King County and property owners that set the urban growth area in the mid-1990s, annexation in 2005, and issuance of the MPD permits in 2010. Growth that substantially exceeds adopted targets has the potential to result in unmitigated traffic impacts on neighboring communities and other potential impacts.

The plan acknowledges the inconsistency between the anticipated growth in Black Diamond, the growth targets, and the Regional Growth Strategy and commits the city to work with PSRC, King County, and neighboring jurisdictions to manage growth and mitigate its impacts, including on surrounding communities, rural and resource lands, and the regional transportation system. While the language included in the plan is important, this does not resolve the inconsistency between anticipated growth and the adopted growth targets. As such, the City of Black Diamond was asked to commit

through a council resolution to continue to work with regional, county, and local planning agencies to ensure the impacts of the Master Planned Developments are managed appropriately.

The City Council adopted Resolution 21-1407 on February 4, 2021, (Attachment C) fulfilling the condition. The resolution commits the city to continue working with regional, county, and local planning agencies during the 2021 target setting process and in future years to begin narrowing the gap between anticipated growth and regional growth targets; to manage the impacts of the approved MPDs on neighboring communities and the regional transportation system; to avoid significant increases in development capacity beyond adopted targets; and to advance the integrity and mission of VISION 2040 and the Regional Growth Strategy through policies and implementation strategies adopted in the City's comprehensive plan and regulatory standards.

While the language included in the plan and resolution is important, this does not resolve the inconsistency between anticipated growth and the adopted growth targets. As such the city should continue to work to implement Council resolution 21-407, specifically:

- Coordinate with King County and other jurisdictions as part of the 2024 plan update process.
- Avoid increases in development capacity that would significantly surpass adopted targets.
- Plan for substantial consistency with the adopted countywide growth targets, continue to coordinate with other jurisdictions regarding unanticipated growth levels, and to assess and mitigate traffic impacts from growth.

The city should consider the above conditions as part of the 2024 major periodic update to the comprehensive plan.

For more information, please contact Laura Benjamin at (206) 464-7134 or LBenjamin@psrc.org or Paul Inghram at (206) 464-7549 or pinghram@psrc.org.

Attachments:

- A - Black Diamond Plan Review and Certification Report, dated 1/27/22
- B - Letter from City of Black Diamond, dated 12/15/21
- C - City of Black Diamond Resolution 21-1407, dated 2/4/21
- D - Technical Advisory Team Public Comments, dated 12/21/21
- E - Technical Advisory Team Public Comments, dated 12/22/21
- F - Friends of Black Diamond Public Comments, dated 12/29/21

PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION

CITY OF BLACK DIAMOND COMPREHENSIVE PLAN

January 27, 2022



BACKGROUND

PSRC conditionally certified the City of Black Diamond's 2019 periodic update of the city's comprehensive plan on February 27, 2020. PSRC staff reviewed the 2019 update and found the plan to be largely consistent with the multicounty planning policies and the regional transportation plan, and to conform to the majority of transportation planning requirements in the Growth Management Act. However, the plan as adopted did not meet requirements related to growth targets and consistency with the Regional Transportation Plan, and staff recommended certification with conditions. The [2019 Plan Review and Certification Recommendation](#) for the City of Black Diamond comprehensive plan update identified conditions to be addressed through comprehensive plan amendments and a council resolution to be completed by December 31, 2020.

The city received two deadline extensions to provide additional time to address delays related to the COVID-19 pandemic and to allow time for the resolution of related SEPA appeals. In February 2021, the city adopted a resolution and in December 2021 the city adopted amendments to the plan that address the conditions and resubmitted the plan for review and certification. While these amendments were adopted in 2021, they are part of the 2020 docket and thus are referred to as the 2020 comprehensive plan amendments.

PSRC staff reviewed the 2020 comprehensive plan amendments and coordinated with city staff in the development of this report and the city acknowledges and understands the conditions outlined on pages 2-3.

CERTIFICATION RECOMMENDATION

Based on the review of the 2020 City of Black Diamond comprehensive plan amendments and council resolution, the following action is recommended to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board:

The Puget Sound Regional Council conditionally certifies that the transportation-related provisions in the City of Black Diamond 2020 comprehensive plan amendments conform to the Growth Management Act and are consistent with multicounty planning policies and the regional transportation plan.

Conditional status is in place until the city amends the comprehensive plan to ensure consistency with the Regional Transportation Plan.

These amendments shall be acted upon by the city on or before the next periodic update deadline as determined by the state. The current deadline is June 30, 2024.

Discussion of the conditional requirements and past conditional requirements that have been met are provided in Part 1, below. The [2019 Plan Review and Certification Recommendation](#) report provides additional recommendations for future work which may be considered during the next comprehensive plan update or during planning efforts and are not required to satisfy conditional certification.

Part I: Conformity with Growth Management Act Transportation Planning Requirements

SCOPE OF REVIEW

The Growth Management Act (RCW 36.70A.070(6)) includes several requirements related to transportation elements in local comprehensive plans. These requirements are summarized as follows:

Land use assumptions and forecasts of travel demand that are internally consistent and consistent with growth targets.

Service and facility needs, including inventories of existing facilities, and level-of-service standards and concurrency provisions that address multiple modes of travel, planned land uses and densities, and state highways.

Financing and investments, including a multiyear financing plan and reassessment strategy to address potential funding shortfalls.

Intergovernmental coordination with neighboring cities, counties, and regional and state agencies.

Demand management, including programs to implement the Commute Trip Reduction Act.

Pedestrian and bicycle planning, including project funding and capital investments, education, and safety.

Land uses adjacent to airports, identifying relevant facilities, existing and planned uses, and policies that discourage incompatible uses.

Air quality is largely an interjurisdictional issue in which each jurisdiction's travel behaviors, measured through vehicle emissions, affect the regional airshed. The Washington Administrative Code (WAC) requires local transportation elements and plans to include "policies and provisions that promote the reduction of criteria pollutants" for mobile sources (WAC 173-420-080). When PSRC reviews plans, it also certifies that the comprehensive plans include air quality policies and provisions, including a commitment to meeting the requirements of applicable federal and state air quality legislation.

DISCUSSION: EXEMPLARY PLAN PROVISIONS

The City of Black Diamond's 2020 comprehensive plan update effectively addresses many of the transportation planning requirements of the Growth Management Act and includes adequate air quality policies and provisions. Highlights include:

- ☑ The plan has been amended to reflect planning for State Route 169 consistent with the Regional Transportation Plan and plans from WSDOT and to delete references to a proposed widening of SR 169 through the city. The comprehensive plan now indicates that a WSDOT route development plan that includes widening in Black Diamond was not completed for SR 169 and that widening SR 169 within the Black Diamond city limits is not included in the Regional Transportation Plan. It is understood from discussions with the city that Table 0-6 represents the city's TIP and that a remaining reference to widening of SR 169 in Table 0-8 is not a recognized city transportation project and is listed only as a transportation concept to be considered for future exploration.
- ☑ The plan now recognizes SR 169 as a designated highway of statewide significance and acknowledges WSDOT's role in establishing the level of service on this facility.
- ☑ The plan has been amended to provide a more detailed explanation of contingency plans to address any funding shortfalls that may occur if the planned improvements through the Master Planned Developments are not fulfilled. (RCW 36.70A.070(6)(a)(iv)(C))
- ☑ The City Council adopted Resolution 21-1407 on February 4, 2021, committing the city to continue working with regional, county, and local planning agencies during the 2021 target-setting process and in future years to begin narrowing the gap between anticipated growth and regional growth targets; to manage the impacts of the approved Master Planned Developments on neighboring communities and the

regional transportation system; to avoid significant increases in development capacity beyond adopted targets; and to advance the integrity and mission of VISION 2040 and the Regional Growth Strategy through policies and implementation strategies adopted in the city's comprehensive plan and regulatory standards.

- ☑ The plan includes expanded policy support in Policy T-24 for coordination among cities regarding transportation solutions to provide safer and more efficient travel in the SR 169 corridor.

DISCUSSION: CONDITIONS FOR CERTIFICATION

The following provides additional discussion regarding the conditional certification the city should address by June 30, 2024, through the major periodic plan update:

- ☐ The plan's discussion of SR 169 was updated to be consistent with WSDOTT, including the 2007 Route Development Plan, and the Regional Transportation Plan. While it now acknowledges that a widening of SR 169 within Black Diamond city limits is inconsistent with the Regional Transportation Plan, the plan still includes references and analysis to widening SR 169, specifically Table 0-8 in the Transportation Appendix. From discussions with city staff, it was made clear that Table 0-8 is a list of informal transportation concepts. To improve clarity in the plan and prevent confusion, the plan should be amended to remove any references to widening SR 169, and transportation modeling for the plan update should be consistent with the Regional Transportation Plan and WSDOT plans for SR 169.

DISCUSSION: AREAS FOR FURTHER WORK

The city should consider the following comments as part of the 2024 major periodic update to the comprehensive plan:

- ☐ The city's anticipated growth due to the two approved Master Planned Developments significantly exceeds its adopted 2031 growth targets. Council Resolution 21-1407 and the plan acknowledge the inconsistency between the anticipated growth in Black Diamond, the adopted growth targets, and the Regional Growth Strategy and commits the city to work with PSRC, King County, and neighboring jurisdictions to manage growth and mitigate its impacts, including on surrounding communities, rural and resource lands, and the regional transportation system. While the language included in the plan and resolution is important, this does not resolve the inconsistency between anticipated growth and the adopted growth targets. As such the city should continue to work to implement Council Resolution 21-407, specifically:
 - Coordinate with King County and other jurisdictions as part of the 2024 plan update process.
 - Avoid increases in development capacity that would significantly surpass adopted targets.
 - Plan for substantial consistency with the adopted countywide growth targets, continue to coordinate with other jurisdictions regarding unanticipated growth levels, and assess and mitigate traffic impacts from growth.
- ☐ The city's Policy T-20 discusses the availability of federal transportation grants. Federal transportation grants are distributed through regional competitions managed by the Puget Sound Regional Council and through countywide competitions. The city is encouraged to review grant criteria to improve eligibility. Having a regionally certified or conditionally certified comprehensive plan, including demonstrated consistency with VISION 2050 and the Regional Transportation Plan, is the first requirement for grant eligibility. Grant applications are reviewed for consistency by considering a range of policy-based criteria. Aligning local and regional transportation plans and addressing regional transportation objectives is an important step for projects to be competitive for grants.

Conclusion

Additional background can be found in the [City of Black Diamond 2019 Plan Review and Certification Report](#). PSRC staff thanks the city for working through the plan review and certification process. PSRC is available to

provide assistance for future plan updates and the upcoming 2024 periodic update. Additional planning resources can also be found at <https://www.psrc.org/our-work/plan-review>. Questions should be directed to Laura Benjamin at 206-464-7134 or LBenjamin@psrc.org.

DRAFT

Attachment: A - Black Diamond Plan Review and Certification Report, dated 1/27/22 (3334 : Black Diamond Comprehensive Plan)



CITY OF BLACK DIAMOND

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 Mailing Address: PO Box 599
 Black Diamond, WA 98010

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www.ci.blackdiamond.wa.us

December 15, 2021

Laura Benjamin, Senior Planner
 Puget Sound Regional Council
 1011 Western Avenue, Suite 500
 Seattle, WA 98104-1035

SUBJECT: City of Black Diamond 2020 Comprehensive Plan Update

Dear Ms. Benjamin,

As the Community Development Director for the City of Black Diamond, I write to request that the Puget Sound Regional Council (PSRC) grant full certification of the City's comprehensive plan. As you know, the City adopted its 2015-2035 Comprehensive Plan in May 2019 by Ordinance 19-1121 ("2019 Comprehensive Plan"). The PSRC partially certified the 2019 Comprehensive Plan with recommended conditions on January 17, 2020, which were to be addressed by December 31, 2020. More specifically, the PSRC's certification report identified three comprehensive plan amendments and one council resolution that would need to be adopted in order to achieve full certification.

The City staff and Planning Commission worked diligently throughout 2020 to prepare comprehensive plan amendments that would meet the PSRC's certification criteria. Due to the impact of the COVID-19 pandemic and staff turnover at the City, the PSRC graciously agreed to extend the City's deadline until June 30, 2021. Additionally, after I replaced the former Director in December 2020, I began working with you and the City Attorney to craft a city council resolution that would satisfy the PSRC's fourth condition for full certification.

As reflected in the enclosures, the 2020 Comprehensive Plan update and Council Resolution 21-1407 together serve to address the four specified conditions to receive full certification by the PSRC:

- 1) The plan has been amended to delete the previous references to WSDOT's proposed widening of SR-169 through the City, which were inconsistent with the Regional Transportation Plan. The comprehensive plan now indicates that a route development plan was not completed for SR-169 and that the state's Regional Transportation Plan and demand modeling do not assume widening of SR-169.
- 2) The plan now designates SR-169 as a highway of statewide significance and acknowledges WSDOT's control of the level of service.
- 3) The plan was amended to provide a contingency plan to address funding shortfalls that may occur if the planned improvements through the MPDs were not fulfilled; this was accomplished by adopting a city-wide Transportation Impact Fee (TIF) and is referenced in the updated comprehensive plan.

- 4) The City Council adopted Resolution 21-1407 on February 4, 2021 (enclosed) that commits the City to continue working with regional, county, and local planning agencies during the 2021 target setting process and in future years to begin narrowing the gap between anticipated growth and regional growth targets; to manage the impacts of the approved MPDs on neighboring communities and the regional transportation system; to avoid significant increases in development capacity beyond adopted targets; and to advance the integrity and mission of VISION 2040 and the Regional Growth Strategy through policies and implementation strategies adopted in the City's comprehensive plan and regulatory standards.

The Black Diamond Planning/Community Development Committee, Planning Commission, and City Council developed the above revisions to address PSRC's concerns and recommendations. The Planning Commission held a public hearing on these plan amendments on December 1, 2020 and made a recommendation at their next meeting on December 8, 2020 to present the amendments to the City Council for final adoption.

Unfortunately, the City Council was unable to act on the plan amendments by the December 31, 2020 deadline, so the City requested, and with your assistance was granted, an extension until June 30, 2021. Staff's initial SEPA threshold determination of nonsignificance (DNS) was appealed and subsequently withdrawn by the City. Staff amended the SEPA checklist and reissued a revised DNS on May 26, 2021, which was appealed in June 2021. Because of the delays caused by the SEPA appeals, the City again sought your assistance in obtaining a further extension of the compliance deadline until December 31, 2021. The SEPA appeal hearing was held in September 2021, with the hearing examiner ruling in the City's favor to uphold staff's SEPA determination. The appellant then filed a motion for reconsideration on November 15, 2021 and the hearing examiner denied the motion on December 1, 2021, again upholding the staff's SEPA determination.

The City Council held a work study session on November 8, 2021 to consider the proposed 2020 updates and the Planning Commission's recommendation. At the work study session, I noted a concern with one of the plan changes proposed by the previous Director, which was included in the Planning Commission recommendation. Specifically, I advised the Council that the previous Director's and Planning Commission's recommendation to remove residential mixed-use development as a permitted use in the Community Commercial zone could significantly limit the City's ability to plan for and accommodate affordable housing needs with future comprehensive plan updates. Accordingly, the City Council held an additional public hearing on the proposed amendments before taking action on December 2, 2021 and approving the 2020 comprehensive plan updates as proposed by staff.

The City appreciates the Growth Management Policy Board working with the City to provide for extensions to the previously established timelines to bring the 2020 Comprehensive Plan back to the PSRC for full certification. It's been a pleasure working with both you and Mr. Inghram to help the City navigate this process as well.

Please feel free to reach out to me should you need any additional clarification or if I can answer any questions.

Sincerely,

Mona Davis

Mona Davis, Community Development Director
City of Black Diamond

Cc: Paul Inghram, PSRC
David Linehan, City Attorney

Enclosures: Mark-up of 2020 comprehensive plan changes
Clean version of 2020 comprehensive plan update
Resolution 21-1407

Attachment: B - Letter from City of Black Diamond, dated 12/15/21 (3334 : Black Diamond Comprehensive Plan)

RESOLUTION NO. 21-1407

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, SUPPORTING THE PUGET SOUND REGIONAL COUNCIL (PSRC) VISION 2040 PLAN, REGIONAL GROWTH STRATEGY, AND ADOPTED GROWTH TARGETS, AND REQUESTING FULL CERTIFICATION OF THE CITY'S COMPREHENSIVE PLAN BY PSRC.

WHEREAS, the Growth Management Act ("GMA") requires the City of Black Diamond to develop, adopt, and implement a comprehensive plan pursuant to Chapter 36.70A RCW; and

WHEREAS, the GMA further requires that comprehensive plans be subject to continuing review and evaluation and requires that these plans be updated on a periodic basis to ensure continuing compliance with the GMA; and

WHEREAS, the City initiated a major period update of its comprehensive plan in 2015 as required by the GMA; and

WHEREAS, due to various issues concerning staff turnover, political turmoil on the City Council, and other obstacles to completion, the City did not complete its 2015 periodic update until 2019; and

WHEREAS, the City Council adopted the updated Black Diamond Comprehensive Plan on May 2, 2019 ("Comprehensive Plan"); and

WHEREAS, the Comprehensive Plan was appealed to the Growth Management Hearings Board, which upheld the validity of the Comprehensive Plan and the City's adoption process by decision dated January 6, 2020; and

WHEREAS, on January 17, 2020, following its certification review procedures, the Puget Sound Regional Council ("PSRC") issued a PSRC Plan Review Report & Certification Recommendation ("Certification Report") to the PSRC Growth Management Policy Board, Transportation Policy Board, and Executive Board, in which PSRC recommended conditional certification of the City's Comprehensive Plan, with full certification conditioned on the City's satisfaction of four requirements by December 31, 2020; and

WHEREAS, the City's four required conditions for full certification, as stated in the January 17, 2020 PSRC Certification Report are summarized as follows: (1) amend the Comprehensive Plan to indicate that a state route development plan for SR-169 has not been completed, and that the City's transportation demand models and project list do not assume a widening of SR-169; (2) amend the Comprehensive Plan to acknowledge that SR-169 has been designated a highway of statewide significance, with associated levels of service established by the state, not the City; (3) amend the Comprehensive Plan to

provide more details of contingency planning to address funding shortfalls if the Master Developer fails to complete the planned improvements associated with the Master Planned Developments; and (4) adopt a City Council resolution that commits the City to continue working with regional, county, and local planning agencies to ensure the impacts of the Master Planned Developments are managed appropriately, including (i) coordination with King County and other jurisdictions during the 2021 target-setting process to narrow the current gap between anticipated growth and the growth targets (as acknowledged in the Comprehensive Plan); (ii) avoidance of increases in development capacity that would significantly surpass adopted targets; and (iii) coordination with other jurisdictions regarding unanticipated growth levels, with assessment and mitigation of traffic impacts; and

WHEREAS, the City Council adopted a work plan to address the three Comprehensive Plan amendments required by the PSRC Certification Letter, and the City's Planning Commission has now reviewed, received public testimony, deliberated, and recommended a package of Comprehensive Plan amendments that address the PSRC requirements for full certification; and

WHEREAS, the PSRC staff have reviewed the City's proposed package of 2020 Comprehensive Plan amendments and has determined that the amendments, if adopted by the City Council, will satisfy the conditions established by the PSRC for full certification, as described above; and

WHEREAS, the only remaining PSRC requirement for full certification of the Comprehensive Plan is the adoption of a City Council resolution that meets the criteria described above; and

WHEREAS, the recent departure of the City's Director of Community Development and other complications arising from the COVID-19 pandemic have unfortunately delayed completion of the City's work plan in time to meet the December 31, 2020, deadline established in the PSRC Certification Report; and

WHEREAS, the City has requested an extension until June 30, 2021, to complete the requirements for full certification, and the PSRC is expected to grant the request; and

WHEREAS, the City Council desires to complete the four requirements of the PSRC Certification Report and obtain full certification of the Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council is committed to continue advancing the integrity and mission of VISION 2040 and the Regional Growth Strategy through the policies and implementation strategies adopted in the City's comprehensive plan and regulatory standards.

Section 2. The City Council acknowledges that currently anticipated and vested growth in the City exceeds the growth targets established for Black Diamond by regional planning agencies. Recognizing the binding nature of the vested development

agreements that govern the Master Planned Developments (“MPD”), and that these MPD development agreements do not expire until 2027, the City will continue, as it consistently has, to diligently enforce the mitigation requirements built into the development agreements. Further, the City Council is committed to actively managing and mitigating impacts related to other growth in the City, including impacts on surrounding communities, rural and resource lands, and the local and regional transportation system.

Section 3. It is a City priority for staff and other City representatives to continue working collaboratively with other cities, King County, and the PSRC on future growth allocations during the 2021 (and future) housing and employment target-setting process. The City Council commits to planning for growth in future updates to the Comprehensive Plan, seeking consistency with those collaboratively set and adopted targets, while continuing to comply with state and federal law and vested development rights.

Section 4. The City Council is committed to studying and, as needed, adopting future measures reasonably necessary to manage anticipated growth and mitigate potential impacts on surrounding communities, rural and resource lands, and the regional transportation system. Potential mitigation strategies include: growth monitoring, collaborative planning, impact fees, transportation concurrency requirements, non-motorized transit planning, planning for expanded public facilities, enforcement of environmental regulations, and design review. The Council commits to continue the City’s proactive identification and adoption of strategies, measures, and actions to manage and mitigate the impacts of growth.

Section 5. The City Council commits to managing its growth within the current City of Black Diamond and UGA boundaries, and to using the adopted countywide criteria for evaluating any potential UGA modifications.

Section 6. The City Council commits to prioritizing consistency with VISION 2040 and the Regional Growth Strategy when considering future land use and zoning changes and capital facilities investments, subject to applicable state and federal constitutional limitations and consistent with all applicable laws and vested development rights.

Section 7. The City Council finds that it has reasonably addressed the four conditions of certification set forth in the PSRC’s Plan Review Report & Certification Recommendation dated January 17, 2020. Accordingly, the City Council hereby requests that the PSRC Executive Board grant full certification of the City of Black Diamond Comprehensive Plan.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4TH DAY OF FEBRUARY, 2021.

CITY OF BLACK DIAMOND:



Carol Benson, Mayor

Attest:

Brenda L Martinez
Brenda L. Martinez, City Clerk

Attachment: C - City of Black Diamond Resolution 21-1407, dated 2/4/21 (3334 : Black Diamond Comprehensive Plan)

December 20, 2021

To: Paul Inghram, Director of Growth Management Planning, pingham@psrc.org

Subject: Comments—City of Black Diamond’s *Revised* Comprehensive Plan Update

Please accept the detailed Comments herein from the Citizens’ Technical Action Team (TAT) on the City of Black Diamond’s *revised* **2015 Eight-Year Major Comprehensive Plan Update (Update)**—also called the **2020 Annual Update**.

TAT is comprised of local (i.e., either live in or near the City of Black Diamond) technical people—Engineers, Scientists, and Technical Managers (former Boeing, State Department of Ecology, etc.). TAT researches facts and data and develops comments, testimony, and papers based thereon.

TAT has conducted detailed analyses and provided both oral and written comments to the City of Black Diamond for the past 11+ years regarding its planned massive growth associated with two Master-Planned Developments (MPDs).

For the past 7 1/2+ years, since April 2014, when the City embarked on its **Update**, TAT has diligently reviewed and provided detailed comments on various drafts/versions of same, as we’ll as interacted with the City’s Council, Staff, and the Planning Commission and with the City’s various consultants, including its transportation consultant, DKS Associates. For 3+ years TAT also has maintained a continual dialogue with PSRC on same.

Thank you for your time and careful consideration of the detailed technical comments herein.

Dr. Gil Bortleson
Environmental Focal
Technical Action Team

Cindy Proctor
Development & Schools Focal
Technical Action Team

Jack Sperry
Public Services Focal
Technical Action Team

Peter Rimbo
primbos@comcast.net
Leader and Transportation Focal
Technical Action Team

cc: Kelly McGourty, PSRC, Director of Transportation Planning, KMcGourty@psrc.org
Laura Benjamin, Senior Planner, Growth Management Planning, lbenjamin@psrc.org

Attachment: D - Technical Advisory Team Public Comments, dated 12/21/21 (3334 : Black Diamond Comprehensive Plan)

Revised City of Black Diamond Comprehensive Plan

***Whether the City of Black Diamond's Revised
8-Year Major Comprehensive Plan Update
Meets PSRC Conditions of Certification***

December 20, 2021

Submitted by

Citizens' Technical Action Team

Presented to

Puget Sound Regional Council

Attachment: D - Technical Advisory Team Public Comments, dated 12/21/21 (3334 : Black Diamond Comprehensive Plan)

Whether the City of Black Diamond’s Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

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Attachment: D - Technical Advisory Team Public Comments, dated 12/21/21 (3334 : Black Diamond Comprehensive Plan)

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

EXECUTIVE SUMMARY

...Revised Comprehensive Plan Update...PSRC Conditions...Applicable Law & Guidance... Conclusions...Recommendations

The Citizens' Technical Action Team (TAT) presents its detailed evaluation of whether the City of Black Diamond's revised **2015 8-yr major Comprehensive Plan Update (Update) [*]** meets PSRC Conditions of Certification as provided in *PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION*; *City of Black Diamond Comprehensive Plan*; January 17, 2020 (see **2.0 PSRC CONDITIONS**). PSRC's Conditional Certification was based on the **Update** approved by the City Council-in May 2019.

Provisions of the following *Revised Code of Washington (RCW)* sections/subsections have *not* been met (see **4.0 APPLICABLE STATE LAW--COMPREHENSIVE PLANS**):

RCW 36.70A.020 — Planning goals. (3), (11), and (12).

RCW 36.70A.070 — Comprehensive plans—Mandatory elements. (1) and (6)(a) & (6)(c).

RCW 36.70A.100 — Comprehensive plans—Must be coordinated.

RCW 36.70A.140 — Comprehensive plans—Ensure public participation.

PSRC Certification Requirements state that consistency must be demonstrated with:

- (1) Entire set of Multicounty Planning Policies (MPPs) in *VISION 2040* (now *2050*), which serve as regional guidelines and principles.
- (2) Regional transportation plan *Transportation 2040* (now the *Regional Transportation Plan—RTP*)—to align with *VISION 2050*).
- (3) Transportation planning provisions in the State's *Growth Management Act (GMA)*.

In fact, many aspects of PSRC's *Plan Review Manual's Certification Requirements* and *Checklists* have *not* been met (see **5.0 PSRC GUIDANCE--COMPREHENSIVE PLANS**).

An Appeal of the City's January 27, 2021, SEPA Determination of Nonsignificance related to its 2020 Comprehensive Plan Amendments was filed by the Friends of Black Diamond on April 1, 2021 (see **6.0 SEPA APPEAL**)—please note TAT is unaffiliated with the FOBD. The Appeal centers around the premise that there would be significant environmental impacts because the City had not conducted any *new* traffic modeling and analyses related to its *revised* wording in its Update that SR-169 only contains two lanes north of the City (this is directly related to PSRC Condition 1—Widening of SR-169). A Hearing before the City's Hearing Examiner (HEX) was held on September 24, 2021. The HEX's Decision to DENY the Appeal was rendered on November 4, 2021. TAT finds that the HEX misread PSRC's Conditional certification, in general, and Condition 1, in particular, by focussing on the lack of a WSDOT *Route Development Plan for SR-169 (Plan)* as rationale for not doing any new traffic modeling and analyses. However, PSRC's Condition 1, only mentions the *Plan* to indicate there are no plans to widen SR-169, and, because of that, specifically states that "...the TDM...not assume a widening of SR-169." The only way to assure this is to modify the TDM and conduct the appropriate analyses.

After thorough review, we conclude (see **7.0 CONCLUSIONS**) three of the four PSRC Conditions placed on the City's **Update** approved by the City Council in May 2019 clearly have *not* been met in

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

the City's submittal of its *revised Update*. Only **Condition 2. Recognizing that SR-169 is a Highway of Statewide Significance** has been met. The other *three* Conditions, all of which are critical, have not been met (see **3.0 TECHNICAL DISCUSSION**):

Condition 1. Widening of SR-169

All traffic volume and throughput numbers based on the 4-lane-assumption (i.e., 2 each way) remain unchanged and no new traffic modeling or analyses have been conducted. Under the State's Growth Management Act RCWs, Comprehensive Plans must be *internally consistent* as called for *RCW 36.70A.070 Comprehensive plans—Mandatory elements (6)*. Simply making simple word editing changes (e.g., additions, strikethroughs), as the city has done in its *revised Update*, is insufficient without *also* making corresponding changes to the tables and figures that present traffic volumes and turning movements, along with accompanying text providing description and potential impacts thereof.

Condition 3. Details of Contingency Planning

There is no detailed explanation of contingency plans, nor are any even cited, should monies continue to remain in short supply or, even if grants are won, they are of lesser amounts than requested/needed. This is *specifically* called for in *RCW 36.70A.070 Comprehensive plans—Mandatory elements (6)(a)(iv)(C)*.

Condition 4. Gap Between Growth Targets and Anticipated Growth

The gross inconsistencies between anticipated growth, growth targets, and the PSRC Regional Growth Strategies have not been addressed. Nor are any goals or policies identified that would help to better align anticipated growth targets. Further, land-use/permit decisions made by the City since it submitted its **Update** to PSRC in May 2019 and its the new *Future Land-Use Map* provide for even *more* large-scale developments in direct contradiction to avoid increases in development capacity that would significantly surpass adopted targets. *RCW 36.70A.070 Comprehensive plans—Mandatory elements* states: "*The plan shall be an internally consistent document and all elements shall be consistent with the future land use map.*"

Further, the City's entire *revised Update*—and, especially, the *Transportation Element*—is not "*internally consistent*" as required by RCWs **36.70A.020 — Planning goals** and **36.70A.070 — Comprehensive plans—Mandatory elements**, as well as the "*GMA Transportation Planning Requirements*" of *PSRC Plan Review Manual*.

We recommend PSRC *reject* the *revised Update* and instruct the city of specific needs in any subsequent revision to meet the remaining *three* critical conditions (see **8.0 RECOMMENDATIONS**).

Herein, in this Comments document, such specifics are discussed in detail.

[*]: Please note: Herein we refer to the City's "*revised*" (although "*amended*" also could be used) **2015 Comprehensive Plan Update** as "*revised Update*". The City includes this "*revised/amended*" **Update** in what it calls its **2020 Annual Update**.

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

1.0 INTRODUCTION

...Technical Action Team...Communications...Participation...Oral & Written Testimonies... Documentation Consistency

The Citizens' Technical Action Team (TAT) has been following the City of Black Diamond 2015 **Comprehensive Plan Update (Update)** since its April 2014 Kick-Off Meeting at which we spent hours speaking with the City Mayor, Councilmembers, Staff, hired consultants, and members of the public.

TAT has participated in multiple Public Hearings before the City's Planning Commission and Council and submitted multiple sets of detailed Oral and Written Testimony—all prior to PSRC's formal *Conditional Certification* in January 2020.

TAT has had one-on-one meetings and/or phone calls) with the City Community Development Directors and **Update** Managers, Barbara Kincaid up until the end of 2020 and Mona Davis in 2021.

TAT has had several one-on-one telecons with PSRC to discuss the **Update**. Each were preceded or followed up with detailed sets of Technical Comments.

The city also is in violation of its *Public Participation Plan* as, over the years, it has told the Public it would ignore all comments on the *Transportation Technical Appendix* because it was prepared by technical professionals, DKS, Associates. This was put in writing in a *Matrix* presented to the PSRC's Growth Management Policy Board (GMPB) early in 2020 (TAT provided the GMPB a *point-by-point rebuttal* to the city's *Matrix* items). TAT tried to explain to the city that our major problems were with the *assumptions* the city had given to DKS, not how DKS did its modeling/analyses, but that continually fell on deaf ears. The City's Planning Commission and Council ignored every comment TAT provided the (including typos, which still remain in the **Update**!) going back to at least 2018. Unfortunately, ignoring TAT's comments proved to be a mistake, as PSRC imposed four Conditions in its January 2020 Conditional Certification of the City's **Update** that mirrored four of the many concerns TAT earlier specifically had identified to the City in multiple Oral and Written Testimonies.

Please note, herein, TAT provides detailed comments *specifically* related to whether or not the City of Black Diamond's *revised Update* meets each of the four PSRC Conditions of Certification imposed in January 2020. In other words, TAT has organized its Comments according to the PSRC Conditions, not the order in which changes in wording or Policies are shown in the *revised Update*.

To do so TAT used the December 1, 2020, *markup* of the May 2019 City Council-approved **Update**: http://www.oldblackdiamondwebsite.com/Depts/CommDev/PLANNING/PLANNING%20COMMISSION/PC%20PACKET%20MATERIAL/2020/PC%20PACKET%2012_01_20.pdf. Please note that, although the City has proceeded to develop 2021 Docket Amendments, they do not address the PSRC Conditions; rather, the City's 2020 Docket Amendments were developed to include changes meant to address the PSRC Conditions. That is why TAT has used the December 1, 2020, markup and its accompanying page numbering in its detailed review herein. This version is what was provided to the City Council for its final review at its

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

December 2, 2021, meeting, where it gave its final approval: <https://civicclerk.blob.core.windows.net/stream/BLACKDIAMONDWA/b81b56a6-29b9-4252-ad63-a46b4f233290.pdf?sv=2015-12-11&sr=b&sig=ZSqce20WwW9JiD98cTIBdTfwnOfvBM8g%2BCYQSAtw6Jw%3D&st=2021-11-23T17%3A42%3A50Z&se=2022-11-23T17%3A47%3A50Z&sp=r&rsc=cache&rsct=application%2Fpdf>. The City's Development Director, Mona Davis, has told TAT (both in phone calls and via e-mail) that the City has made no changes since that December 1, 2020, version, and, as far as we can tell, that is the case when we compared the versions found at the two aforementioned links above. Consequently, and we must emphasize this, the City has done nothing on its **revised Update** for at least one full year since prior to December 1, 2020!

TAT received both the "2020 Comp Plan Update 12-2-21.pdf" and "Comp Plan Amendment with mark-up changes" (Word file) on December 20, 2021. TAT did a thorough cross-check to ensure consistency and found what it had reviewed and what was submitted to PSRC on December 16, 2021, were indeed consistent with one exception: the latter did not include page numbers. Consequently, all the page numbers cited herein match exactly with the December 1, 2020, markup. Since we cite exact passages from the **revised Update**, those page numbers cited herein are immaterial to PSRC's review. However, to aid PSRC in its review, we have included the page numbers from "Comp Plan Amendment with mark-up changes" document along side those from the December 1, 2020, markup. Also, please note the City has not cleaned up its section numbering, nor table numbering (as we pointed out in 2018) in the *Transportation Appendix*. The former could present problems for PSRC in its review of the City's submittal. We have tried our best to ease those difficulties with the page cross-referencing we have included herein.

Throughout this document the following nomenclature is used to delineate between PSRC Condition *language*, the City of Black Diamond Comprehensive Plan **Update** revisions, and TAT **comments** on same:

PSRC Conditions are shown in *green italics*.

City of Black Diamond Comprehensive Plan **Update revisions** (i.e., excerpts showing underlining, strikethroughs, etc. per the referenced document above) are outlined in boxes and are shown in *italics with yellow highlighting*.

TAT detailed Comments are shown in *purple*.

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

2.0 PSRC CONDITIONS

...SR-169 Widening...SR-169 Highway of Statewide Significance...Contingency Plans... Growth Targets

PSRC conditionally certified the City of Black Diamond's revised **2015 8-yr major Comprehensive Plan Update (Update)** in January 17, 2020 (Ref.: *PSRC PLAN REVIEW REPORT & CERTIFICATION RECOMMENDATION; City of Black Diamond Comprehensive Plan; January 17, 2020*). We believe, among other things, that PSRC was guided by the fundamental principles of the State's Growth Management Act (GMA) and *VISION 2020/2050* and identified in the King County *Countywide Planning Policies (CPPs)* (Ref.: *GMPC Meeting, Agenda Item IV—PSRC Conditional Certification of Four Small Cities' Comprehensive Plans; Interjurisdictional Staff Team (IJT); pp. 2-3*):

"Embodied in the GMA, VISION 2040, and the CPPs are several principles that are of fundamental importance in regional planning and allocating growth. Countywide targets and local plans must be consistent with these principles as embodied in the CPPs:

- Growth should be focused in the urban portion of King County and in a pattern consistent with VISION 2040.*
- Existing and future infrastructure (including transportation investments) should be leveraged and used effectively in accommodating growth.*
- Rural and resource lands should be protected.*
- The natural environment should be restored, protected, and sustained."*

Each of these fundamental principles apply to City of Black Diamond's revised **Update**.

Below are the four Conditions PSRC imposed in its conditional certification:

CONDITION 1 — Widening of SR-169: *"The plan includes information about the potential widening of SR-169 that is inconsistent with the RTP. The plan should be amended to indicate that a route development plan has not been completed for SR-169, and the TDM and project list do not assume a widening of SR-169."*

CONDITION 2 — SR-169 as a Highway of Statewide Significance: *"In 2006, HB 3266 designated SR 169 as a HSS. The plan should be amended to acknowledge this designation and the associated level of service. More information is available at <https://www.psrc.org/level-of-service>, including a map available at https://www.psrc.org/sites/default/files/los_hss_king.pdf."*

CONDITION 3 — Contingency Planning: *"The plan should be amended to provide a more detailed explanation of contingency plans to address any funding shortfalls that may occur if the planned improvements through the Master Planned Developments are not fulfilled. (RCW 36.70A.070(6)(a)(iv)(C))"*

CONDITION 4 — Growth Targets: *"The city's anticipated growth significantly exceeds its adopted growth targets. The plan acknowledges the inconsistency between the anticipated growth in Black Diamond, the growth targets, and the Regional Growth Strategy and commits the city to work with*

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

PSRC, King County, and neighboring jurisdictions to manage growth and mitigate its impacts, including on surrounding communities, rural and resource lands, and the regional transportation system. While the language included in the plan is important, this does not resolve the inconsistency between anticipated growth and the adopted growth targets. As such, the City of Black Diamond should commit through a council resolution to continue to work with regional, county, and local planning agencies to ensure the impacts of the Master Planned Developments are managed appropriately, specifically to:

- o Coordinate with King County and other jurisdictions during the 2021 target setting process to narrow the gap between growth targets and anticipated growth.*
- o Avoid increases in development capacity that would significantly surpass adopted targets.*
- o Continue to coordinate with other jurisdictions regarding unanticipated growth levels, and to assess and mitigate traffic impacts from growth.”*

Whether the City of Black Diamond’s Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

3.0 TECHNICAL DISCUSSION

...SR-169 Widening...SR-169 Highway of Statewide Significance...Contingency Plans... Growth Targets

3.1 CONDITION 1 — Widening of SR-169

“The plan includes information about the potential widening of SR-169 that is inconsistent with the RTP. The plan should be amended to indicate that a route development plan has not been completed for SR-169, and the TDM and project list do not assume a widening of SR-169.”

PSRC Condition 1 is not met. Below are the changes proposed by the City of Black Diamond in its revised **Update** in an attempt to meet PSRC Condition 1 followed by TAT Comments.

City of Black Diamond Comprehensive Plan Update

Transportation Appendix

(pp. A7-12 to A7-13)...(p. 10 of the “Comp Plan Amendment with mark-up changes” document)

**Current Transportation Plans and Improvements
Planned Roadway Improvements
WSDOT & SR169**

“SR-169 is a designated Highway of Statewide Significance (HSS) which functions as major rural and suburban route for the metropolitan area.

WSDOT has jurisdiction over SR 169 through the city and establishes the LOS standard for the roadway. Concern over congestion and safety issues along the corridor have spurred several studies, one of which was a route development plan that considered widening the highway. However WSDOT did not complete this plan and therefore transportation demand modeling and the state’s WSDOT has jurisdiction over SR 169 through the city and establishes the LOS standard for the roadway. Within the city, WSDOT has proposed minor widening to allow for a two-way left turn lane north of the historic core of the city and a truck climbing lane south of Green Valley Road. For purposes of this plan, the City is assuming a 3-lane section for SR 169 through the old town area and through the north commercial area, with potential widening at intersections to accommodate turn lanes. The City is also planning long term for further widening (4 or 5 lanes north of Roberts Drive to the City’s future north connector and is seeking additional right of way through dedication upon major development or redevelopment where the right of way width is less than 100 feet. Regional Transportation Plan (RTP) do not assume widening of SR 169. Even so, the City is taking a proactive approach by seeking additional right of way through dedication upon major development or redevelopment where right of way width along SR-169 is less than 100 feet. The City is also working on access management along SR-169 to plan for necessary transportation improvements that would be funded by new development along the corridor to alleviate congestion and safety issues.

Attachment: D - Technical Advisory Team Public Comments, dated 12/21/21 (3334 : Black Diamond Comprehensive Plan)

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

The City has recognized the potential impacts to SR 169 associated with forecast growth and has entered into agreements with major developers to ensure these impacts, as well as some existing deficiencies, are properly mitigated to maintain consistency with concurrency requirements.

It is *not* enough to simply remove references to WSDOT widening SR-169 and state it is taking a *“proactive approach”* on right-of-way and working on *“access management.”* Rather, *all* related Traffic-Demand Modeling and subsequent Traffic Analyses must reflect the *removal* of this assumption, which could have major impacts on downstream traffic analyses. To meet this PSRC Condition the traffic-demand modeling and traffic-impact analyses must be *redone* using realistic assumptions for SR-169 width and number of lanes. [Note: The city's traffic-demand model and subsequent intersection traffic analyses have assumed SR-169 will be 2 lanes each way from the city limits to *“Four Corners”* (SR-516) in the City of Maple Valley. The *revised Update* states it assumes only one lane each way. That is *not* the case, as the traffic volume numbers shown have never changed at intersections 6 and 7 (see *Figure 7-7 — 2035 peak-Hour Traffic Volumes & Roadway Network*—clearly, the most important graphic in the *Transportation Appendix*, if not the entire *Update*.)] Further, the project needs list must be *revised* and costs *re-estimated* to determine the impacts. It should be noted there are no plans to increase SR-169 to four lanes south of the city limits from the City of Enumclaw, through the city, or north of the city limits to the City of Maple Valley. SR-169 Route Development Plans do *not* show any such improvements.

Please note in May 2018 PSRC adopted its *Regional Transportation Plan (RTP)*—the successor to *Transportation 2040*. It serves as the required regional transportation plan under State law and as the Metropolitan Transportation Plan under Federal law. The *RTP* shows only a small portion of SR-169, just through *part* of Maple Valley, as slated for widening by 2040 [p. 46, *RTP, May 2018*]. Consequently the City's Comprehensive Plan *Update* through 2035 must recognize this reality through 2040, as PSRC has stated this *Condition*. [To be complete, the city above has used the phrase *“state's RTP,”* it should be *“PSRC's RTP.”*]

Finally, the last part of the addition above (i.e., *“The City has recognized...”*) conflicts with the Master-Planned Development (MPD) Development Agreements (DAs), which do *not* require meeting Concurrency. Rather, MPD traffic volume/throughput management depends heavily on MPD Permit *Condition of Approval (COA) 20 — Traffic Monitoring Plan*, with which the city's Hearing Examiner had many issues [Ref.: *Black Diamond Hearing Examiner Development Agreement Recommendations ADDENDUM, B. Recommendation, September 2011, pp. 4-5*] (our emphases below):

“As discussed in the Examiner's Response to concerns over the traffic monitoring plans for the DAs, DA Ex F, the traffic monitoring plans set up detailed timing requirements for infrastructure improvements that are not linked to implementing project level concurrency assessments. Nothing in the monitoring plans suggests construction of traffic infrastructure will be superseded by the concurrency findings required by DA 11.1....“Further, the phasing plan adopted by V COA 3 states that the timing of traffic infrastructure is set by the traffic monitoring plans, with no mention of a superseding concurrency provision such as DA 11.1. Given the difference in specificity between the general requirements of DA 11.1 on the one hand and the detailed timing

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provisions in the traffic monitoring and phasing plans on the other, DA 11.1 is vulnerable to an interpretation that the timing established in the traffic monitoring plan satisfies the timing requirements of DA 11.1, even though they may not meet the timing requirements of GMA traffic concurrency adopted into the City's comprehensive plan and contemplated by BDMC 19.98.080(A)(4). ...it is recommended that the [traffic] monitoring plan be amended to make it clear that GMA traffic concurrency review shall supersede any conflicting timing identified in the monitoring plan."

The City Council did *not* heed its Hearing Examiner's recommendation to amend the the COA 20 — Traffic Monitoring Plan.

Technical Discussion

PSRC agrees with TAT's original contention (going back to early 2018) that the City *cannot* assume SR-169 will be 2 lanes each way from the city limits to "Four Corners." The **Update** states it assumes only one lane each way. That is *not* true, as stated above. On April 16, 2018, TAT attended an **Update Open House** at which two employees from the city's traffic analysis contractor, DKS Associates, were present. TAT spoke with both Tom (Engineer) and Mark (Planner) and discussed the two planned Roundabouts on SR-169 (at intersections 6 and 7). They stated their analyses and simulations all assumed a 4-lane SR-169 (2 lanes each way) from the city to SR-516 (in the City of Maple Valley at "Four Corners"). TAT asked why and they stated: "That is what the City told us to assume." TAT asked if they planned to do any sensitivity analyses to ascertain changes in traffic flow using the existing 2-lane (1 lane each way) SR-169. They replied: "No, as the 4-lane configuration is what is in the Plan." In other words, DKS did what they were told to do using the City's assumption of 2 lanes each. The City does *not* deny this.

The traffic *turning movement* estimates for **PM Peak Hour** have *not* changed from the time TAT spoke with the DKS traffic engineers in April 2018 until now (~3 1/2 years), even though PSRC levied this Condition on the City, which would necessitate **rerunning** the Traffic-Demand Model and accompanying **new** traffic analyses. Consequently, the City has never addressed this PSRC Condition, because it never *redid* the traffic analyses. This has been TAT's argument continually and was reinforced when the City released its "Work Plan" to meet PSRC's Conditions early in 2020.

There are even more problems here:

- The traffic volume numbers for the **PM Peak Hour** do *not* make sense.
 - Intersection 6: There appears to be a *relatively* equal amount of traffic going through north and south: Northbound=147+364+1=**512**;
Southbound=397+199+38=**634**.
 - Intersection 7: Most traffic is going north : Northbound=578+147+71=**796**;
Southbound=227+10+17=**254**. These are major disconnects that must be resolved.

It should be noted that there are different ways traffic engineers look at throughput, but using *any* method these same basic problems arise.

- The traffic volumes predicted southbound on SR-169 entering intersection 6 (397+79+4=**480**) are *less* than those experienced today *without* the MPDs (562+27+0=**589**)

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as shown in *Figure 7-1 — Existing Road Network & PM Peak Traffic Volumes*). The only way this makes any sense is that much of that volume has been diverted to *new roads*, e.g., the North Connector and the Lawson Connector. The North Connector must be taking the load away from Roberts Road and SR-169 through intersection #6—But when will that brand new road be built to alleviate SR-169 ever-building traffic volumes? The Lawson Connector is responsible for the very small volumes on SR 169 south of intersection 7. However, at 856+344=**1,200** two-way volumes on the east leg of intersection 7 are far, far too busy for a local street!

3. The overall picture of SR 169 suggests there is little or no growth in traffic volumes originating from the south (e.g., Enumclaw, Bonney Lk, etc.) and traveling through the city north and south. That, also, is *incorrect* and can be seen today.

Whether the City of Black Diamond’s Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

3.2 CONDITION 2 — SR-169 as a Highway of Statewide Significance

“In 2006, HB 3266 designated SR 169 as a HSS. The plan should be amended to acknowledge this designation and the associated level of service. More information is available at <https://www.psrc.org/level-of-service>, including a map available at https://www.psrc.org/sites/default/files/los_hss_king.pdf.”

PSRC Condition 2 *is* met. Below are the changes proposed by the City of Black Diamond in its revised **Update** in an attempt to meet PSRC Condition 2 followed by TAT Comments.

City of Black Diamond Comprehensive Plan Update

Transportation Appendix

(pp. A7-12 to A7-13)...(p. 10 of the “Comp Plan Amendment with mark-up changes” document)

Current Transportation Plans and Improvements

**Planned Roadway Improvements
WSDOT & SR169**

“SR-169 is a designated Highway of Statewide Significance (HSS) which functions as major rural and suburban route for the metropolitan area.”

“WSDOT has jurisdiction over SR 169 through the city and establishes the LOS standard for the roadway....”

Although this responds to the two concerns expressed in the condition (*“acknowledge this designation and the associated level of service”*), we would expect to see the text *also* explain the ramifications associated with the *“highway of statewide significance”* designation, *not* simply that the State sets the level-of-service standard.

Attachment: D - Technical Advisory Team Public Comments, dated 12/21/21 (3334 : Black Diamond Comprehensive Plan)

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

3.3 CONDITION 3 — Contingency Planning

“The plan should be amended to provide a more detailed explanation of contingency plans to address any funding shortfalls that may occur if the planned improvements through the Master Planned Developments are not fulfilled. (RCW 36.70A.070(6)(a)(iv)(C))

PSRC Condition 3 is not met. We do not see any detailed explanation of *Contingency Plans* to address potential funding shortfalls that may occur if the planned MPD improvements are not completed. PSRC specifically asked for contingencies to be cited should those monies continue to remain in short supply or, even if grants are won, they are of lesser amounts than requested/needed, as required by the State **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(6)(a)(iv)** cited: *“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;”*

Specific references per PSRC's *VISION Consistency Tool*—*“Include a reassessment strategy to address the event of a funding shortfall: RCW 36.70A.070(3), RCW 36.70A.070(6)(a)(iv), WAC 365-196-415, WAC 365-196-430, MPP-RC-11-12, T-6.”*

Below are the changes proposed by the City of Black Diamond in its *revised Update* in an attempt to meet PSRC Condition 3 followed by TAT Comments.

City of Black Diamond Comprehensive Plan Update

Chapter 7. TRANSPORTATION

(pp. 7-2 to 7-3)...(p. 7 of the “Comp Plan Amendment with mark-up changes” document)

7.2 Planning Framework and Consistency Statements Need for the Comprehensive Transportation Plan

- **Determine Existing Transportation Deficiencies.** *“An inventory of the transportation system identifies the existing needs of the Black Diamond community. Some existing transportation deficiencies, including several on State Route (SR) 169, can be attributed to growth in other jurisdictions. These deficiencies could be addressed in a variety of ways, including improved interjurisdictional coordination and through the implementation of plans and programs that reduce reliance on single occupancy vehicle travel.”*
- **Qualify for Funding.** *“State and Federal agencies require local governments to have a comprehensive transportation plan that demonstrates the community’s vision of its future. The City’s population has been steadily growing since 1996 and is anticipated to exceed 5,000 by 2021, which will provide expanded opportunities to pursue additional grant funds.”*

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While both of the above changes in the bulleted items might be considered admirable, *neither* constitutes elements of real *Contingency Planning*. The "single occupancy vehicle travel" argument is repeated in section 7.4 Transportation Policies under Policy T-19 Concurrency Policy. The "Quality for finding" argument is repeated in section 7.4 Transportation Policies under Policy T-20 Funding Sources Policy.

City of Black Diamond Comprehensive Plan Update

Chapter 7. TRANSPORTATION

(pp. 7-12 to 7-13)...(pp. 8-9 of the "Comp Plan Amendment with mark-up changes" document)

7.4 Transportation Policies

Funding, Concurrency, and Impact Mitigation

❖ Policy T-20 Funding Sources Policy:

- "Adopting a Transportation Impact Fee (TIF) to fund capacity improvements that maintain adopted LOS standards for roadways;"

❖ Policy T-22 Financial Impact Mitigation Policy:

- "Requiring developers who are not subject to an approved development agreement or for whom an approved development agreement has expired, to assist in providing additional funding through an adopted program, such as a TIF, transportation facilities, and/or services in proportion to the impacts and needs generated by development;"

Again, while having a policy pointing to adopting a *Transportation Impact Fee (TIF)* may be prudent, it does *not* constitute implementation of such an element in *Contingency Planning*. Further, a TIF will have *no* impact on the MPDs, so *"if the planned improvements through the Master Planned Developments are not fulfilled,"* there are *no* corrective actions in place to be implemented.

City of Black Diamond Comprehensive Plan Update

Chapter 7. TRANSPORTATION

(p. 7- 14)...(p. 9 of the "Comp Plan Amendment with mark-up changes" document)

7.4 Transportation Policies

Funding, Concurrency, and Impact Mitigation

❖ Policy T-24 Intergovernmental Agency Coordination Policy:

"Coordinate planning, construction, and operations of transportation facilities and projects with other governmental agencies. This policy supports and complements the transportation functions of Washington State, King County, neighboring cities, PSRC, Metro Transit, and other entities responsible for

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transportation facilities and services within the city. Explore establishment of a coalition of cities with the purpose of developing transportation solutions and their associated funding mechanisms to provide for safer and more efficient travel along the SR 169 corridor. Efforts of the coalition could include studying forecast anticipated deficiencies resulting from growth in all affected jurisdictions, identifying solutions, and developing an intergovernmental strategy to pursue state and/or joint grant funding and equitably distribute developer-provided funds to all affected jurisdictions.”

While a mechanism for such coordination *already* is in place with the *Sound Cities Association*, etc., it does *not* constitute a major element of *Contingency Planning*. The fact is that City’s own traffic forecasts show very little traffic growth beyond its boundaries in direct contradiction to PSRC’s *VISION 2040* (and *VISION 2050*) traffic forecast. Further, the City refuses to acknowledge its *external* impacts in spite of its stated “*coordination*” with neighboring cities. The City doesn’t even state that it coordinates with King County, whose unincorporated road network will be drastically taxed by the City’s continued unrestrained growth.

City of Black Diamond Comprehensive Plan Update

Transportation Appendix

(p. A7-4) ... (note this change is not found in the “Comp Plan Amendment with mark-up changes” document)

Level of Service

Level of Service Standards

“These LOS standards are higher than other cities in the area. For example, the Cities of Maple Valley and Covington have adopted a standard of LOS D. The higher LOS standards adopted within Black Diamond for non-HSS facilities indicate the City’s desire to minimize congestion and the willingness to identify and fund future transportation improvements. The higher LOS standards adopted within Black Diamond for non-HSS facilities also will increase the size of intersections and may become an unaffordable standard to maintain. Should the City encounter challenges associated with funding transportation improvements, adoption of lower LOS standards for non-HSS facilities is a permissible option for remaining in compliance with concurrency requirements.”

The LOS standards should *not* be reduced for those intersections required by the MPDs, as they will *not* become “*unaffordable...to maintain*,” since it is up to the Master Developer to pay for such infrastructure, *not* the City or its taxpayers. Per the MPD COA 10 (our emphases below):

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"Over the course of project build out, construct any new roadway alignment or intersection improvement that is:

- (a) depicted in the 2025 Transportation Element of the adopted 2009 City Comprehensive Plan and in the City's reasonable discretion is
 - (i) necessary to maintain the City's then-applicable, adopted levels of service to the extent that project traffic would cause or contribute to any level of service deficiency as determined by the City's adopted level of service standard, or
 - (ii) to provide access to or circulation within the project;
- (b) functionally equivalent to any said alignment or improvement; or
- (c) otherwise necessary to maintain the City's then-applicable, adopted levels of service to the extent that project traffic would cause or contribute to any level of service failure as determined by the City's adopted level of service standard,....'

Consequently, the Master Developer must meet, and pay for, whatever LOS standards the City decides to put in place to maintain reasonable traffic patterns for its residents and businesses. COA 17 (which includes ten subparagraphs a. through j.) also deals with this as it pertains to Traffic Impact Analyses and Mitigation.

Further, why were the following two options in the **2009 Comprehensive Plan** removed?:

"Revise the City's current land use plan to reduce density or intensity of development that will "fit" with the planned transportation system;

or

Phase or restrict development to allow more time for the necessary LOS-driven transportation improvements to be completed by the development community and/or responsible agency or jurisdiction(s)."

Unfortunately, the text above implies the City has only *one* option: reduce LOS standards to fund future transportation improvements to maintain higher LOS standards for non-HSS facilities. However, the State's Growth Management Act (GMA) provides the City another option: *deny development.*, which it can do with the MPDs (and, of course, with any new development permit applications), as they are phased Plat by Plat.

The whole purpose of having LOS standards and doing traffic analyses to evaluate LOS is to ensure the transportation system works for the City's residents and businesses, *not* to act as an *air-release valve* while waiting for monies to suddenly appear. State-mandated Concurrency requires funding to be in place or identified (within 6 years), otherwise the permit, plat, etc. should either be downsized or denied. TAT fully understands OakPointe must still submit Plat Applications accompanied by supporting traffic analyses. At those times the city must fully evaluate whether or not its transportation infrastructure will work. If not, it should downsize the developments or deny the plat permits. The city is *not* helpless here; it is *not* a hostage of the Master Developer. In fact, if the City persists in such stated "*reduce LOS standard*" thinking, it will become a parking lot to the detriment of its residents, businesses, environment, and economic future—and everyone else who try's to use a Highway of Statewide Significance—SR-169. Further, when 850 MPD building permits are issued, a new Traffic-Demand Model and accompanying traffic analyses are *required*—conducted by the city

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(and/or its selected traffic consultants), but all paid for by the Master Developer. This will provide the city with great leverage over the Master Developer and provide the chance to finally get the traffic analyses correct (please note the City's Hearing Examiner in 2010 recommended the city *reject* the original Traffic-Demand Modeling and analyses, but the City Council, at the time, ignored that recommendation and imposed Condition of Approval 17, which called to wait for the 850 threshold.

As perfect example of what alarms PSRC and members of the Public, **Table 0-9 — Transportation Capacity Adding Projects (2022-2035)** generally lacks Cost Estimates and there are concerns regarding "Funding Sources":

- Six projects list the MPD Developer—five of which lack Cost Estimates.
- Eleven projects list "Future Developers"—seven of which lack Cost Estimates.
- Six projects list no Funding Sources.
- Eight projects list the City and Grant monies as Funding Sources.

Why are not *all* twenty-three projects listed the responsibility for the MPD Developer? Is the problem because the 13-yr period goes *beyond* the expiration date of the 15-yr MPD Development Agreements (2026)? If so, how will these projects be paid for and who will pay for them? Reference sources for such information also should be shown. It cannot be overemphasized that this is what PSRC wants to see as part of the city's response to this Condition and it clearly has *not* been met.

City of Black Diamond Comprehensive Plan Update

Transportation Appendix

pp. A7-4 to A7-5...(p. 10 of the "Comp Plan Amendment with mark-up changes" document)

Existing Transportation System

"The city is bisected by SR 169, a north-south highway of statewide significance, providing both regional access from Renton to Enumclaw and cities in northeast Pierce County, and local access. With the limited arterial network in the surrounding area, SR 169 serves as the primary conduit connecting communities to the larger state roadway network, including major facilities such as SR 18 and I-405. As a result, SR 169 is the main roadway for drivers from cities to the south, including Bonney Lake, Buckley, and Enumclaw, to access major job centers to the north, experiencing high traffic volumes during the morning and evening peak periods. These volumes contribute to existing transportation deficiencies at SR 169 intersections in Black Diamond. The City is legally obligated to address these deficiencies in order to maintain the adopted LOS standard for the roadway, however no permanent mechanisms are in place to secure funding from private developments outside the City. This route SR 169 is also known as 3rd Avenue within Black Diamond."

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The statement: *“however no permanent mechanisms are in place to secure funding from private developments outside the City”* fails to mention that there also are no *“permanent mechanisms”* in place to secure funding from private developers *inside* the City, since much of the identified improvements related to the two MPDs have no funding source identified. This is one of the reasons PSRC’s Condition 3 calls for *“...a more detailed explanation of contingency plans to address any funding shortfalls....”*

City of Black Diamond Comprehensive Plan Update

Transportation Appendix

pp. A7-13 to A7-20, including four-page Table 0-7 (numbered 7-7 in earlier versions)...(pp. 10-11 of the “Comp Plan Amendment with mark-up changes” document, but note the changes to these eight pages are minimal at best)

Current Transportation Plans and Improvements Planned Roadway Improvements City of Black Diamond

“If needed, the projects included in the TIP could be reprioritized to address those on SR 169 first, as the City cannot modify the adopted LOS standard as a mechanism to maintain concurrency.”

As noted above, the changes to these eight pages are minimal at best, and there is no mention of *Contingency Plans* to address potential funding shortfalls that may occur if the planned MPD improvements are not completed, as called for by this Condition . Many of the projects listed in **Table 0-7’s Transportation Improvement Plan (TIP)** rely, in some part, on Grant monies. There are no *Contingency Plans* should those monies continue to remain in short supply or, even if grants are won, they are of lesser amounts than requested/needed? Such *Contingency Plans* are required by State **RCW 36.70A.070 Comprehensive Plans—Mandatory Elements.(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;....”

City of Black Diamond Comprehensive Plan Update

Transportation Appendix

(p. A7-36)...(p. 11 of the “Comp Plan Amendment with mark-up changes” document)

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Costs

Funding Sources

“A number of financial strategies are available to the City to finance the transportation improvements identified in the comprehensive transportation plan. Table 0-11 lists these strategies, their availability, and recommendations for the City to consider when implementing the improvement program. Historically, the City has relied on Real Estate Excise tax, grants and contributions from land developers to construct roadway improvements. In addition to those previously pursued, Black Diamond will be eligible to seek funds from larger grant sources once the population exceeds 5,000, as there are sources available only to cities of that size. The grant programs available to large cities are generally greater in overall size and the typical awards for funded projects are bigger than those for small cities. This expands the City’s opportunities to secure significant funding for large infrastructure projects. This is anticipated by 2021 and will be confirmed by the 2020 United States Census.”

The proposed addition does not constitute a *Contingency Plan* should funds not materialize. The City appears to be relying on difficult to secure Grant monies, instead of requiring all developers to pay their fair share, especially the *Master Developer* of the two MPDs. The City should back up its apparent reliance of Grant sources with a tabulation of each such Grant source, its scope and historical track record of Grants in the Puget Sound region, and a realistic assessment of the prospects for future awards to the City over the forecast time period of the Comprehensive Plan. (Note: Of the many typos, **Table 0-11** in the text refers to a table labeled Table 0-1, the numbering needs to be fixed to be consistent.)

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Transportation Appendix

(p. A7-37)...(pp 11-12 of the “Comp Plan Amendment with mark-up changes” document)

Costs

Strategies

“We would recommend that the City explore a mechanism for a set mitigation/impact fee per PM peak hour trip for infill development, such as a *Transportation Impact Fee (TIF)*. A pay and go proportionate share program for infill development would reduce the administrative burden, reduce the high cost of individual studies, and provide more efficiency and certainty to the development community. Should the MPD agreements not be extended once they are scheduled to expire, the TIF would be applied to remaining projects in those developments.”

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This "Transportation Impact Fee (TIF)" only addresses "in-fill" development and, therefore, is not constituted to account for the impacts and mitigation needs for the much larger two MPDs, which will overwhelm the City's transportation infrastructure. This appears to say that the City's strategy is to wait out the MPD Development Agreements until their expiration date in late 2026 and then "the TIF would be applied to remaining projects in those developments." That is not a Contingency Plan, because a TIF designed to mitigate the impacts of "in-fill" developments only would be woefully inadequate to mitigate the impacts of the much larger MPDs. Rather, the city must recognize it also has the responsibility to create, validate, verify, and exercise the new Traffic-Demand Model (paid for by the Master Developer) per MPD Permit COAs 11-14 and 17, that will be used to inform all Traffic-Impact Analyses and, thus, all needed transportation infrastructure for which the Master Developer should pay.

It cannot be overemphasized that the full MPDs have yet to be subjected to complete, technically sound and accurate Traffic-Demand Modeling used to inform Traffic-Impact Analyses, as enumerated in painstaking detail by the city's Hearing Examiner's 2010 MPD Environmental Impact Statement Hearing Decision and MPD Application Hearing Recommendations. This revised Update should clearly state and show schematically, the interrelationship between the continuing cycle of: Meeting LOS Standards : Traffic Monitoring : Traffic Analyses : Altering Development Patterns and Volumes: Traffic Monitoring : None of this is explained (nor shown) in the revised Update and, consequently, none of it informs any semblance of Contingency Planning.

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Transportation Appendix

(p. A7-39)...(note this change is not found in the "Comp Plan Amendment with mark-up changes" document)

Plan Administration

Concurrency

Legislative Requirement

" * Reduce the LOS standard for the non-HSS system or portions of the system to give the City more time to fund the needed transportation improvements."

The addition is not an acceptable solution. This essentially "moving of the goal posts" does not benefit the City's residents, it only benefits the Master Developer in that it does not require it to pay its fair share and on time. Transportation improvements to meet development needs must be in place and are the responsibility of the developer. Simply relaxing standards in the hopes that monies will materialize does not constitute a strategy and, thus, should not be part of Contingency Planning. In fact, WAC 365-196-840 — Concurrency (6)(a)(ii)(b) states such an option only be considered: "if the proposed development is consistent with the land use element,..."

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Whether the City of Black Diamond’s Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

Technical Discussion

Finally, **Table 0-9 — Transportation Capacity Adding Projects (2022-2035)** generally lacks Cost Estimates and there are several concerns regarding “Funding Sources” listed. **Table 0-10 — Master Developer Funded Transportation Projects** still remains mostly empty of pertinent information. How can *Contingency Plans* be defined when *existing* plans continue to remain undefined?

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Transportation Appendix

(p. A7-43)...(p. 12 of the “Comp Plan Amendment with mark-up changes” document)

Plan Administration

Transportation Facilities and LOS Standards Coordination

“The City’s existing intergovernmental coordination efforts could be further expanded through the establishment of a coalition of cities in both King and Pierce counties, focused on developing corridor-wide transportation solutions for SR 169. This group could work in partnership with WSDOT to identify forecast safety and operational deficiencies as well as possible solutions. The products of these efforts could be used to formulate an intergovernmental strategy to pursue joint state and/or grant funding and equitable distribution fo developer-provided funds to all affected jurisdictions.”

We support coordination. However, the City cannot expect other cities, King County, and/or the state to cover for its self-imposed deficiencies tied to its approvals of two MPD Permits containing *insufficient* monies to address the transportation infrastructure needs caused by the MPDs. The City continues to believe a good Funding Strategy is to simply rely on some future grant monies to bail it out of problems it created.

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3.4 CONDITION 4 — Growth Targets

"The city's anticipated growth significantly exceeds its adopted growth targets. The plan acknowledges the inconsistency between the anticipated growth in Black Diamond, the growth targets, and the Regional Growth Strategy and commits the city to work with PSRC, King County, and neighboring jurisdictions to manage growth and mitigate its impacts, including on surrounding communities, rural and resource lands, and the regional transportation system. While the language included in the plan is important, this does not resolve the inconsistency between anticipated growth and the adopted growth targets. As such, the City of Black Diamond should commit through a council resolution to continue to work with regional, county, and local planning agencies to ensure the impacts of the Master Planned Developments are managed appropriately, specifically to:

- o Coordinate with King County and other jurisdictions during the 2021 target setting process to narrow the gap between growth targets and anticipated growth.*
- o Avoid increases in development capacity that would significantly surpass adopted targets.*
- o Continue to coordinate with other jurisdictions regarding unanticipated growth levels, and to assess and mitigate traffic impacts from growth."*

PSRC Condition 4 is not met. Below are the changes proposed by the City of Black Diamond in its revised **Update** in an attempt to meet PSRC Condition 4 followed by TAT Comments.

City of Black Diamond Comprehensive Plan Update

Chapter 5. LAND USE

(p. 5-6)...(p. 3 of the "Comp Plan Amendment with mark-up changes" document)

5.7 Master Planned Development (MPD) Overlay

"There are two Master Planned Developments (MPDs) currently under construction in the City of Black Diamond. The build-out of these MPDs will result in housing units that exceed the Countywide adopted growth targets and the regional growth strategy, as discussed in Chapter 2 of this Plan. In order to align the City's future growth with countywide and regional growth projections, the allowance for any new MPD's must be carefully considered."

MPD Designation Criteria

- "The designation of any new MPD should be discouraged until full buildout of the two currently under construction and until such time as the City's growth projections are within the range of adopted growth targets consistent with the King County CWPPs and the PSRC regional growth strategy, Vision 2050."*

The City cannot meet this Condition's call to: *"...narrow the gap between growth targets and anticipated growth."* by simply stating that *"...the allowance for any new MPDs must be carefully*

Whether the City of Black Diamond’s Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

considered. Discussion of “new” MPDs does *not* address the *current* massive gap in the City’s Growth Targets (either existing Growth Targets set during the King County 2016 Countywide Planning Policies (CPPs) exercise, nor the ongoing 2021 CPP Update) and its planned growth from the two existing MPDs alone!

Further, at what future date will **“...the City’s growth projections (be) within the range of adopted growth targets...”**?

We do *not* see where inconsistencies between anticipated growth, growth targets, and the PSRC Regional Growth Strategies have been addressed. Nor do we see where goals or policies are identified that would help to better align them. While we understand this the most *difficult* task to be accomplished, as it impacts many major assumptions and policies in the *Update*, it still must be done to meet this Condition—and it has *not* been done!

Yes, the City should *not* approve any more MPDs, large developments, or PAAs, but that does *not* address the *already approved* MPD Permits. The City can *not* simply ignore these and say it won’t approve anymore. To make matters worse, the City is poised to approve much more development in direct contradiction to what it states in the *revised Update* and to this Condition (see further below for discussion of the new *Land-Use Map*).

City of Black Diamond Comprehensive Plan Update

Chapter 5. LAND USE

(p. 5-9) ... (p. 4 of the “Comp Plan Amendment with mark-up changes” document)

5.10 Urban Reserve Goals and Policies

- **“LU Goal 6: Future annexation of the Potential Annexation Areas (PAAs) will not occur until the City’s growth is aligned with countywide growth targets and the regional growth strategy.”**

New Land-Use Goal (*LU Goal 6*) does *not* address this Condition because it only looks at *future* issues of growth, not *current* issues of growth related to the two massive MPDs.

City of Black Diamond Comprehensive Plan Update

Transportation Appendix

pp. A7-46 to A7-47 ... (p. 12 of the “Comp Plan Amendment with mark-up changes” document)

Transportation Plan

Attachment: D - Technical Advisory Team Public Comments, dated 12/21/21 (3334 : Black Diamond Comprehensive Plan)

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

Transportation Facilities and LOS Standards Coordination

"The City's existing intergovernmental coordination efforts could be further expanded through the establishment of a coalition of cities in both King and Pierce counties focused on developing corridor-wide transportation solutions for SR 169. This group could work in partnership with WSDOT to identify forecast safety and operational deficiencies as well as possible solutions. The products of these efforts could be used to formulate an intergovernmental strategy to pursue joint state and/or grant funding and equitable distribution of developer-provided funds to all affected jurisdictions."

The City's intergovernmental coordination efforts mentioned will *not* address the Growth Targets issue and, thus help the City satisfy this Conditions: "...*narrow the gap between growth targets and anticipated growth.*" As the City knows, this gap is massive! Unfortunately, there is nothing in this *revised Update* that addresses this Condition.

We expect it will be very difficult for the City to, in good faith, work with the Cities of Covington and Maple Valley, since the City has chosen to far, far exceed its agreed-to Growth Targets (including the larger targets agreed to during the *ongoing 2021 CPP Update*), which will have a strong negative impact on traffic in much of southeast King County for decades to come.

Further, it is clear the City has conducted *no* coordination with King County, whose unincorporated areas pretty much surround the entire city, and thus possesses road infrastructure that will be greatly impacted by the city's massive growth. Taxpayers outside of the City of Black Diamond should *not* be asked to pay—through State Grants, State highway funds, County highway funds, etc.—for Black Diamond's incomprehensible decision to permit the two massive MPDs without a full transportation evaluation that was in any way acceptable to its own City Hearing Examiner.

Technical Discussion

To work towards meeting this **Condition**, the new *Land-Use Map* (Fig. 5-2, p. 5-19) in the revised **Update** must *revert* back to what it was a few years ago—specifically the "*Medium-Density Residential—MDR*" *reverting* back to "*Business-Light Industrial*," so as *not* to add so many more *Equivalent Residential Units (ERUs)* over and above the massive *ERUs* associated with the two MPDs. The two MPDs already had set the city on a course to greatly exceed its Growth Targets (even the newest target "*negotiated*" this past Summer during the **2021 CPP Update**). The new *ERUs* *currently* being contemplated will simply exacerbate this much further!

In fact, the City Council's adopted *Resolution* in early 2021, to meet one of PSRC's requests, directly conflicts with its new *Land-Use Map*, which shows many changes and much *new* development, both of which will result in significantly more traffic volumes on the few already traffic-congested roads in and out of the City:

RESOLUTION NO. 21-XXXX: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, SUPPORTING THE PUGET SOUND REGIONAL COUNCIL (PSRC) VISION 2040 PLAN, REGIONAL GROWTH STRATEGY, AND

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

ADOPTED GROWTH TARGETS, AND REQUESTING FULL CERTIFICATION OF THE CITY'S COMPREHENSIVE PLAN BY PSRC. / Section 6. "The City Council commits to prioritizing consistency with VISION 2040 and the Regional Growth Strategy when considering future land use and zoning changes and capital facilities investments, subject to applicable state and federal constitutional limitations and consistent with all applicable laws and vested development rights."

PSRC Condition 4 specifically states: "Avoid increases in development capacity that would significantly surpass adopted targets." This new *Land-Use Map* will result in a large increase in Equivalent Residential Units (ERUs), typically used in traffic analyses, and, thus, directly eliminates any opportunity of the City meeting this Condition.

Further, the City, in its *2021 Docket*, no longer is even giving "lip service" to meeting this condition as it states the following in relation to just *one* of many proposed changes to its *Future Land-Use Map* (our highlighting):

"The City has been actively working with PRSC to bring population projections for the City up to date to properly reflect development within the City. The projections do not function as a ceiling but are an important minimum to meet. The site is 53 acres, the new allowed density would be 8 du/acre, which would provide for a maximum or gross density of 424 units.... The proposed zoning change will affect the land use and population growth projections; however, the growth targets are a minimum that must be met which this change will aid in meeting." (Ref.: City of Black Diamond Staff Report to Planning Commissioners; October 19, 2021; pp 8-9)

The City apparently believes it must continue to strive to meet its Growth Targets even though its massive MPDs, as they continue to build out to 6,050 units, will cause the City to far, far exceed its Growth Targets, even its *newest* Targets:

Current Target = 1,900 units (Ref.: Table DP-1: King County Jurisdiction Growth Targets 2006-2031; 2012 King County Countywide Planning Policies; p. 21).

*New Target = 2,900 units (Ref.: Exhibit 55. DRAFT King County Jurisdiction Growth Targets, 2019-2044; King County Urban Growth Capacity Report, June 2021; p. 78). Note: the *Draft 2021 CPP Update* currently is in the King County Council's Mobility & Environment Committee and will be forwarded to the full Council in November for final discussion, amendment, and approval.*

Thus, the City's logic, as it directly expresses above, is deeply flawed. Clearly, the City simply plans to ignore PSRC's condition, while stating it is striving to meet it!

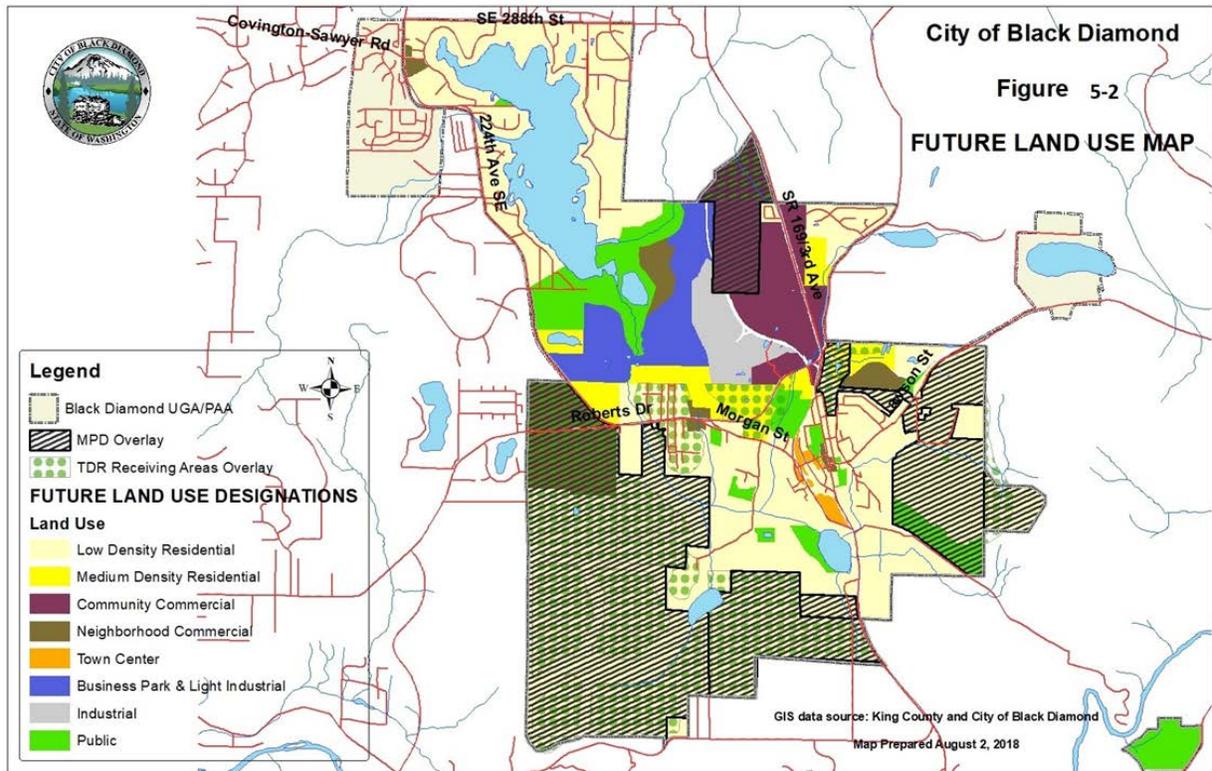
Finally, it cannot be over emphasized that the City is not constrained to simply accept full buildout of the MPDs. There are two major events where the City has "escape hatches."

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

1. The *first* event is the *new* Traffic-Demand Model (TDM) and subsequent traffic analyses that is required once 850 permits have been issued. The City manages this work, paid for by the Master Developer per MPD Permit Condition of Approval 17a. This will be the first rigorous TDM and analyses based on it to be conducted (as explained elsewhere herein). If realistic assumptions are used, it could be expected that current and planned transportation infrastructure will to be unable to handle full buildout to 6,050 homes and 1.15M sq ft of commercial space.
2. The *second* event is the late 2026 expiration of the MPD Development Agreements. At that timeframe negotiations will address any extension, etc. The City will have the flexibility to downsize the MPDs to what the current and planned transportation infrastructure will be able to handle.

In other words, the City is not trapped here!

Future Land-Use Map



Attachment: D - Technical Advisory Team Public Comments, dated 12/21/21 (3334 : Black Diamond Comprehensive Plan)

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4.0 APPLICABLE STATE LAW—COMPREHENSIVE PLANS

...Planning Goals...Comprehensive Plans...Noncompliance

The *Revised Code of Washington (RCW)* provides the requirements that Counties and Cities must meet in their comprehensive planning under **Chapter 36.70A — GROWTH MANAGEMENT— PLANNING BY SELECTED COUNTIES AND CITIES.**

Below we cite specific sections of **Chapter 36.70A** whose provisions remain *unmet* in the City's revised **Update**.

RCW 36.70A.020 — Planning goals.

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW **36.70A.040**. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans. [Unmet as the City's Transportation Element is not internally consistent, as explained elsewhere herein.](#)
- (11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts. [Unmet as the City went through the motions of holding Public meetings and hearings, yet did not use any Public comments in developing its Update or revision thereof. The City specifically told the GMPB that no Public comments would be accepted on the Transportation Appendix as it was developed by experts even though TAT told the City the assumptions the City provided to its Traffic Consultants were wrong. These were the reasons TAT decided to also provide PSRC comments along the way.](#)
- (12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards. [Unmet as the City's Transportation Element is not internally consistent, as explained elsewhere herein.](#)

RCW 36.70A.070 — Comprehensive plans—Mandatory elements.

The comprehensive plan of a county or city that is required or chooses to plan under RCW **36.70A.040** shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW **36.70A.140**. Each

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comprehensive plan shall include a plan, scheme, or design for each of the following: [Unmet as the City's Transportation Element is not internally consistent, as explained elsewhere herein.](#)

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. [Unmet as the growth implied by the City's Future Land-Use Map is not consistent with the Transportation Element, as explained elsewhere herein.](#)

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities; [Unmet as the traffic impacts on SR-169 are based on faulty assumptions of lane expansion that is not within WSDOT's planning horizon, as explained elsewhere herein.](#)

(iii) Facilities and services needs, including:

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth; [Unmet as the traffic forecasts on SR-169 are based on faulty assumptions of lane expansion that is not within WSDOT's planning horizon, as explained elsewhere herein.](#)

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter **47.06** RCW; [Unmet as this is not included in the City's Update or revision thereof, as explained elsewhere herein.](#)

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources; [Unmet as this is not included in the City's Update or revision thereof, as explained elsewhere herein.](#)

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW **35.77.010** for cities, RCW **36.81.121** for counties, and RCW **35.58.2795** for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW **47.05.030**; [Unmet as such "coordination" is not evident in the City's Update or revision thereof, as explained elsewhere herein.](#)

(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

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that level of service standards will be met; [Unmet](#) as such “discussion” is not included in any meaningful way in the City’s Update or revision thereof—a direct violation of PSRC’s Condition 3—Contingency Planning, as explained elsewhere herein.

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions; [Unmet](#) as such “coordination” clearly is not evident in the City’s Update or revision thereof, as explained elsewhere herein.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW **35.77.010** for cities, RCW **36.81.121** for counties, and RCW **35.58.2795** for public transportation systems, and the ten-year investment program required by RCW **47.05.030** for the state, must be consistent. [Unmet](#) as the City’s Transportation Element is not internally consistent, nor is it coordinated with WSDOT, King County Roads Division, or nearby cities, as explained elsewhere herein.

RCW 36.70A.100 — Comprehensive plans—Must be coordinated.

The comprehensive plan of each county or city that is adopted pursuant to RCW **36.70A.040** shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to RCW **36.70A.040** of other counties or cities with which the county or city has, in part, common borders or related regional issues. [Unmet](#) as such “coordination” clearly is not evident in the City’s Update or revision thereof, as explained elsewhere herein.

RCW 36.70A.140 — Comprehensive plans—Ensure public participation.

Each county and city that is required or chooses to plan under RCW **36.70A.040** shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. In enacting legislation in response to the board's decision pursuant to RCW **36.70A.300** declaring part or all of a comprehensive plan or development regulation invalid, the county or city shall provide for public participation that is appropriate and effective under the circumstances presented by the board's order. Errors in exact compliance with the established program and procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the program and procedures is observed. [Unmet](#) as the City went through the motions of holding Public meetings and hearings, yet did not use any Public comments in developing its Update or revision thereof. The City specifically told the GMPB that no Public comments would be accepted on the Transportation Appendix as it was developed by experts even though TAT told the City the assumptions the City provided to its Traffic Consultants were wrong. These were the reasons TAT decided to also provide PSRC comments along the way.

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

RCW 36.70A.330 — Noncompliance. Included to be complete.

- (1) After the time set for complying with the requirements of this chapter under RCW **36.70A.300**(3) (b) has expired, or at an earlier time upon the motion of a county or city subject to a determination of invalidity under RCW **36.70A.300**, the board shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.
- (2) The board shall conduct a hearing and issue a finding of compliance or noncompliance with the requirements of this chapter and with any compliance schedule established by the board in its final order. A person with standing to challenge the legislation enacted in response to the board's final order may participate in the hearing along with the petitioner and the state agency, county, or city. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board. The board shall issue any order necessary to make adjustments to the compliance schedule and set additional hearings as provided in subsection (5) of this section.
- (3) If the board after a compliance hearing finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor.
- (a) The board may refer a finding of noncompliance to the department. The purpose of the referral is for the department to provide technical assistance to facilitate speedy resolution of the finding of noncompliance and to provide training pursuant to RCW **36.70A.332** as necessary.
- (b) Alternatively, the board may recommend to the governor that the sanctions authorized by this chapter be imposed. The board shall take into consideration the county's or city's efforts to meet its compliance schedule in making the decision to recommend sanctions to the governor.
- (4) In a compliance hearing upon petition of a party, the board shall also reconsider its final order and decide, if no determination of invalidity has been made, whether one now should be made under RCW **36.70A.302**.
- (5) The board shall schedule additional hearings as appropriate pursuant to subsections (1) and (2) of this section.

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

5.0 PSRC GUIDANCE—COMPREHENSIVE PLANS

...VISION Requirements...Certification Requirements...Checklists...Technical Discussion

One of PSRC's missions is to ensure local planning is coordinated and that it meets regional and state requirements consistent with its *Policy and Plan Review Process*.

According to *VISION 2040's Implementation* section PSRC reviews and certifies transportation-related provisions of local comprehensive plans based on three things:

1. Established regional guidelines and principles.
2. The adopted long-range Regional Transportation Plan.
3. Transportation planning requirements in the Growth Management Act.

The PSRC *Plan Review Manual, May 2021*, presents **Certification Requirements** and is used in the certification process of plans, in this case, a city's local comprehensive plan. Included in the *Manual* are **Checklists** for aligning plans and policies with *VISION 2050* (Ref.: VISION Consistency Tool for Local Comprehensive Plans section on pp. 32-49) and State Growth Management Act (GMA) requirements.

Requirements Comparisons between VISION 2050 and VISION 2040

(Ref.: *VISION 2040 to 2050, October 2020*)

"Regional Growth Strategy (pp. 1-2)

Regional geographies

- *Retains concept of growth allocations by regional geography (groups cities and unincorporated areas by characteristics; not by individual jurisdiction)*
- *Changes some regional geography categories based on transit and annexation:

 - o *Differentiates urban unincorporated areas by whether they are or will be served by high-capacity transit and if they are planned for annexation or incorporation*
 - o *Adds regional geographies to acknowledge role of tribes and military installations**

Growth allocations

- *Similar to VISION 2040, accommodates most growth in Metropolitan and Core cities*
- *Allocates more growth to cities with existing and planned high capacity transit and less to rural areas compared to VISION 2040*
- *Adds a goal for 65% of region's population growth and 75% of employment growth in regional growth centers and near high-capacity transit*
- *Similar to VISION 2040, shifts 5% of expected employment growth from King County to encourage planning for employment growth and improved job-housing balance in other counties"*

"Development Patterns

- *Continues support for urban design and connectivity, maintaining the rural area, and using land use tools to conserve farms and forests*

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- Incorporates new policies and actions on displacement risk, opportunity mapping, health disparities, and transit-oriented development to address equitable development
- Directs implementation of the Regional Centers Framework” (p. 2)

“Transportation

- Updates information about the regional transportation system, including recent investments made to roads, transit, and ferries
- Continues focus on providing a safe and connected multimodal transportation system, linking centers, and supporting the Regional Growth Strategy
- Incorporates new policies and actions addressing stormwater, electrification, and emissions reductions, changing transportation technology, and aviation capacity needs in the region
- Supports the 2022 update of the Regional Transportation Plan” (p. 3)

Clearly, the differences between *VISION 2040* to *VISION 2050*, as they relate to the City's revised **Update** are *not* pertinent. Consequently, we have addressed [both VISION 2040 and VISION 2050 Certification Requirements and Checklists](#) in this section. Please note that we have assumed the City's revised **Update** will be evaluated under *VISION 2040*, but in case it isn't, we have included *VISION 2050* in this discussion.

PSRC Certification Requirements

VISION 2040 (Ref.: earlier PSRC Plan Review Manual)

“Consistency must be demonstrated with:

- (1) Entire set of MPPs in *VISION 2040*, which serve as regional guidelines and principles.
- (2) Regional transportation plan *Transportation 2040*.
- (3) Transportation planning provisions in the *GMA*.”

VISION 2050 (Ref.: PSRC Plan Review Manual, May 2021, p. 27)

“PSRC reviews and certifies the transportation-related provisions of local comprehensive plans based on:

- Transportation planning requirements in the Growth Management Act
- Adopted regional guidelines and principles (*VISION 2050* multicounty planning policies)
- The Regional Transportation Plan”

Again, the differences between PSRC's **Certification Requirements** under *VISION 2040* and *VISION 2050* are small.

Local Comprehensive Plans

“**Legal Framework and Certification Requirements.**”

“**GMA Transportation Planning Requirements**” (Ref.: PSRC Plan Review Manual, May 2021, p. 27)

“Land use assumptions and forecasts of travel demand that are internally consistent and consistent with adopted countywide population and employment growth targets.”

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“Transportation financing and investments, including a 20-year financing plan and reassessment strategy to address potential funding shortfalls.”

“Intergovernmental coordination with neighboring cities, counties, and regional and state agencies”

“Demand management, including programs to implement the Commute Trip Reduction Act.”

The City's revised **Update** still does *not* meet any of the above requirements.

PSRC Checklists (per VISION 2050)

“Regional Growth Strategy”

“Implement the Regional Growth Strategy”

“Use land use assumptions substantially consistent with countywide growth targets (RCW 36.70A.070, WAC 365-196-430, VISION 2050 Regional Growth Strategy)” (Ref.: PSRC Plan Review Manual, May 2021, p. 35)

This informed and was one of the bases for **PSRC CONDITION 4—Growth Targets**. It is *not* met, as City's two MPDs and other planned growth in city's *Land-Use Map* will result in more than a quintupling of the city's population—greatly exceeding the city's old growth targets—under *VISION 2040* and the new growth targets set in the **2021 Countywide Planning Policies Update** (in the final stages of King County approval)—under *VISION 2050*.

“Transportation”

“Provide facilities inventories and identify service needs”

“Provide travel demand forecasts and identify state and local system projects, programs, and management necessary to meet current and future demands and to improve safety and human health (RCW 36.70A.070, MPP-T-4-5)” (Ref.: PSRC Plan Review Manual, May 2021, p. 47)

This informed and was one of the bases for **PSRC CONDITION 1—Widening of SR-169**. The City, in *not* conducting new traffic-demand modeling and subsequent traffic-impact analyses using the correct assumption on one-lane each way on SR-169 north to “Four Corners” (SR-169/SR-516 intersection) in the City of Maple Valley, has *not* met this item by continuing to provide incorrect “travel demand forecasts.”

“Finance transportation investments”

“Include a 20-year financing plan, as well as an analysis of funding capability for all transportation modes (RCW 36.70A.070(3), RCW 36.70A.070(6)(a)(iv), WAC 365-196-415, WAC 365-196-430, MPP-RC-11-12, T-6, T-15)” (Ref.: PSRC Plan Review Manual, May 2021, p. 47)

This informed and was one of the bases for **PSRC CONDITION 3—Contingency Planning**. It is *not* met, as transportation planning/funding tables lack key information.

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"Include a reassessment strategy to address the event of a funding shortfall (RCW 36.70A.070(3), RCW 36.70A.070(6)(a)(iv), WAC 365-196-415, WAC 365-196-430, MPP-RC-11- 12, T-6)" (Ref.: PSRC Plan Review Manual, May 2021, p. 48)

This also informed and was one of the bases for **PSRC CONDITION 3—Contingency Planning**. It is *not* met, as no "reassessment strategy" is contemplated, nor is presented.

For VISION 2050—our emphases

"In its review of comprehensive plans for certification, PSRC looks for substantial consistency of the plan's land use growth assumptions with adopted countywide growth targets. In addition to assessing that the land use growth assumptions are consistent with the growth targets and implementing the Regional Growth Strategy, PSRC review and certification looks broadly at all actions and measures taken in local comprehensive plans to implement VISION 2050 and achieve the regional growth shares. In developing comprehensive plan updates, jurisdictions will be asked to explain how the plan supports VISION 2050 and works to meet the Regional Growth Strategy over the long term."

"If adjustments to countywide growth targets are needed, they should be coordinated through the countywide process. Countywide planning groups should work to develop processes to reconcile any discrepancies between the countywide growth targets and land use growth assumptions in local comprehensive plans. Reconciliation processes should maintain consistency with the Regional Growth Strategy."

These informed and were some of the bases for **PSRC CONDITION 4—Growth Targets**. It is *not* met, as City's two MPDs and other planned growth in city's *Land-Use Map* will result in more than a quintupling of the city's population—greatly exceeding the city's old growth targets—under VISION 2040 and the new growth targets set in the **2021 Countywide Planning Policies Update** (in the final stages of King County approval)—under VISION 2050.

PSRC Checklists (per VISION 2040) (these are from past PSRC Checklists)

"Transportation – VISION 2040 and Transportation 2040"

"Greater Options and Mobility"

"Avoid new or expanded facilities in the Rural Area (MPP-T-28; MPP-DP-27)"

This is *not* met, as the City's two MPDs rely on several King County roads through the Rural Area that would require various levels of expansion to mitigate impacts on the rural communities they serve, including:

- a. The already extremely congested Issaquah-Hobart Rd north of SR18;
- b. The link from Issaquah-Hobart Rd into Black Diamond via 276th Ave SE through rural Hobart and Ravensdale and continuing to Black Diamond as Ravensdale-Black Diamond Rd;
- c. Auburn-Black Diamond Road;
- d. Kent-Black Diamond Road;

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- e. Covington-Lake Sawyer Road; and
- f. 216th Ave SE.

Most of these roads are of ancient rural origins and were built to serve local access only. They are ill-suited to serve the increased volumes expected from the MPDs, with few/no provisions for left-turn movements, ~30 to 40 private driveways per mile in many areas, little or no shoulder width, little or no pedestrian or bicycle features, but regularly used by recreational bicyclists and with some high pedestrian activity areas, and steep, winding sections not suited for high volumes of arterial traffic. Residents are vocal about *current* congestion and unsafe conditions, let alone *future* conditions.

“Transportation – Growth Management Act Requirements”

“Land Use Assumptions and Forecast of Travel Demand”

“Demonstrate that travel demand forecasts and transportation need assessments are always based on land use assumptions that correspond with the most recently adopted growth targets; ensure that population and employment assumptions are consistent throughout the comprehensive plan (i.e., land use element, transportation element, and housing element) RCW 36.70A.070(6)(a)(i)”

This informed and was one of the bases for **PSRC CONDITION 4—Growth Targets**. It is *not* met, as City's two MPDs and *other planned growth* in City's *Land-Use Map* will result in more than a quintupling of the city's population—greatly exceeding the city's *old* growth targets—under *VISION 2040* and the *new* growth targets set in the *2021 Countywide Planning Policies Update* (in the final stages of King County approval by the end of 2021)—under *VISION 2050*.

Technical Discussion

The City continues to rely on *outdated* traffic forecast volumes that were discredited by the City's own Hearing Examiner (as described earlier in *section 3.1*), and which disclaims any meaningful *external* traffic impacts, in spite of the enormous amount of growth associated with the MPDs – 6,050 dwelling units as well as substantial commercial space (1.15M sq ft). That is in direct contradiction with the growth target of about 1,900 new homes (*VISION 2040*), or even newly adjusted Growth Targets (*2021 CPP Update*). An *acceptable* traffic growth forecast would have to acknowledge *external* impacts comparable to *VISION 2040* at the level of 1,900 new homes, and then essentially more than triple that impact at the level of 6,050 new homes.

To explore all this further and put some numbers on it, Mike Birdsall, a retired Transportation Planner, who also worked at PSRC in the 1970's (and who joined in on a Telecon that TAT Leader and Transportation Focal, Peter Rimbos, held with PSRC on its four Conditions on February 11, 2021) conducted traffic analyses to ascertain potential impacts. Mike contacted PSRC Senior Modeler, Kris Overby, to obtain Model information. The following discussion describes the information contained in **Table 5-1**.

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The PSRC traffic model for *VISION 2040* versus the 2014 base year indicates forecast traffic growth based on ~1,900 dwelling unit Growth Target of over 700 peak hour trips (7,000 daily trips) spread across the *external* county roads named above and SR-169, all to the north and west of Black Diamond. Using PSRC 4K traffic model daily volumes for 2014 and 2040, a *cordon-line* volume around Black Diamond at its city limits was found to be 55,000 and 69,000 daily trips, respectively, including through-trips to/from Enumclaw, Bonney Lake, and other parts of the Enumclaw Plateau. To remove those trips and focus solely on the trip generation *within* Black Diamond, we discounted the entire volume on roads south and southeast of Black Diamond — SR 169 and Green River Gorge Road. Removing this amount twice (e.g., entering and exiting), the result is a base-year 2014 modeled trip impact from Black Diamond to the external roads west and north of ~25,460 daily trips, rising to ~40,020 in 2040.

With *just* the PSRC *VISION 2040* Growth Target of 1,900, *external* traffic will increase an average of ~40% ($[(25,460-18,180)/18,180]$) across all the routes north and west of Black Diamond. With *full MPD buildout* to 6,050 homes, this *external* impact will increase ~120% to ~21,840 daily trips on the affected county roads and SR-169.

Clearly this requires major improvements on several roads. But widening itself of several roads, would be totally *inconsistent* with the *VISION 2040* MPP's, the *CPPs*, and the stated intent of the GMA to protect rural areas from urban sprawl. If this volume were added in an urban environment all on one road it would require *at least* a 3-lane Arterial with provisions for safety of pedestrians/ bicycles. In the Rural Area such "*improvements*" would be unthinkable and would be met with strong local opposition.

The enormity of the impact to the PSRC *Regional Transportation Plan* that is posed by Black Diamond's plans becomes clear when the needed capacity improvements are spelled out more specifically, even in general terms. First, please recall that the estimated increase in travel demand due to Black Diamond's growth plan would require adding a 3-to 5-lane urban arterial (if all the impacts were accommodated in one corridor), over a length of 15 to 20 miles.

In reality, at least one state highway or principal arterial would need to be expanded with 2 *additional* lanes, and several other rural 2-lane routes would need *reconstruction* to urban 3-lane arterial standards. That much is needed to enable the high volume of new traffic from Black Diamond to reach the urban core of the region through the cities of Covington and Maple Valley and then on to the gateway cities of Issaquah, Renton, Kent, and Auburn. Affected routes would include:

- (a) Ravensdale-Black Diamond Rd connecting to 276th Ave SE over 7 miles through the rural areas of Ravensdale and Hobart, to access SR-18 over Tiger Mountain to I-90. This assumes that SR-18 is fully built out to 2 lanes each way over Tiger Mountain to I-90 near North Bend (such buildout is not yet funded). Alternatively, the 7-mile length of Issaquah-Hobart Rd north of SR-18 would need to be upgraded to an urban arterial, with corresponding improvements within and through the City of Issaquah.
- (b) SR 169 from Black Diamond through Maple Valley to I-405 in Renton, a distance of 17 miles. WSDOT currently has *no* plans for any widening of SR 169. Worse yet, there is *not* any available capacity at present *through* the City of Maple Valley for any additional traffic.
- (c) 196th Avenue SE, from Covington to SR-169, a distance of 5 miles through a distinctly bucolic rural area.

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- (d) Auburn-Black Diamond Rd and its extension as Kent-Black Diamond Road, a 5-mile segment of rural arterial through a rural residential area with a high density of access driveways and private streets. This pathway gives access to SR-516 in Kent, and then follows SR 516 *through* Kent as far as SR-167, a corridor that is already highly congested. Without capacity improvements in Kent as well, it is difficult to imagine this route performing satisfactorily.
- (e) Auburn-Black Diamond Rd westerly from the Kent-Black Diamond junction, a 3-mile segment through a very rural area, to reach SR-18 in Auburn. This route is likely to absorb impacts that the route via SR-516 through Kent does not handle, with significant adverse impacts on the adjacent rural area even if physically reconstructed as a 3-lane urban arterial.
- (f) Lake Holm Rd westerly from Auburn-Black Diamond Rd through a *laid-back* rural area. This route is vulnerable to diversions from Auburn-Black Diamond Rd (see above) and *not* adequately served via that corridor. Besides serving as the collector road for a *laid-back* rural area, Lake Holm Rd at its west end descends steeply to the Green River Valley floor via a serpentine section that is extremely ill suited to serve anything but low traffic volumes.
- (g) Green Valley Rd, 11 miles long from SR 18 in Auburn to SR 169 south of Black Diamond, is already experiencing some traffic growth due to congestion on SR-169 and would receive a large adverse traffic impact as trips out of Enumclaw divert to Green Valley Rd rather than contend with the expected high congestion through Black Diamond and Maple Valley. This route serves as the collector spine of an historic active farming area designated by King County as a *Heritage Corridor*. Green Valley Rd does *not* appear on the regional plan's arterial network, but is directly affected by regional conditions. Just east of Flaming Geyser State Park, this road descends steeply from the plateau level to the valley floor through a serpentine section locally referred to as "*snake hill*." Like Lake Holm Rd, it is highly unsuitable for service as a regional arterial.- and only suitable for local traffic volumes.
- (h) SR-164, over 15 miles from Enumclaw to Auburn, will receive more diverted Enumclaw traffic in the future, as congestion rises on SR-169 through Black Diamond and Maple Valley. This route would need upgrading to a multi-lane configuration.

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Unfortunately, expanded transit (e.g., more routes, greater frequency, etc.) will not alleviate the problems enumerated above. Even if it were fiscally possible to provide high-capacity transit in the SR-169 corridor, it would entail construction of ~60 miles of transit lanes (~30 miles each way) on SR-169 between Enumclaw to Renton. Further, such cost-prohibitive transit lanes will do little to alleviate much east-west travel (see d. through h. above) or due north travel (see a. and c. above).

The City, its MPD Master Developer, and its other major developers, are *not* planning or paying for any of this!

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

Table 5-1

Black Diamond External Traffic Growth in Future Years						
	2014 Base Year		PSRC VISION 2040		Black Diamond Growth Plan	
	Count	Model	Model	Model	Extrapolated	Extrapolated
Location	2014	2014	2040	Growth	Model Growth	Model 2040
West Links connecting with Auburn-Covington & Beyond						
<i>Green Valley Road @ West C. L. - not included in PSRC traffic model.</i>						
Auburn Black Diamond Road @ West C. L.	?	4860	7700	2840	x3= 8520	13380
Covington Sawyer Road @ West C.L. (w/o 216th Avenue SE)	?	5330	6130	800	x3= 2400	7730
216th Avenue @ North C. L. (s/o SE 288th Street)	?	6420	8030	1610	x3= 4830	11250
West subtotal	?	16610	21860	5250	x3= 15750	32360
North Links connecting with Maple Valley - Renton-Bellevue-Issaquah & Beyond						
SR 169 @ North C. L. (s/o SE 288th Street)	?	9290	13890	4600	x3= 13800	23090
Black Diamond Ravensdale Road @ East C. L.	?	3530	4210	680	x3= 2040	5570
North subtotal	?	12820	18100	5280	x3= 15840	28660
South & East Links connecting with Enumclaw Plateau						
Green River Gorge Road @ East C. L.	?	800	1560	760	x3= 2280	3080
SR 169 @ South C. L.	?	10450	12940	2490	x3= 7470	17920
South & East subtotal	?	11250	14500	3250	x3= 9750	21000
Rough Estimate of Black Diamond Trips Exported to North & West						
North & West Subtotals MINUS South & East Subtotal	?	18180	25460	7280	x3= 21840	40020
Growth as a percentage of Model 2014 base year		base		40%		120%
<i>source: table created by Michael R. Birdsall from PSRC "4k" traffic model run data for 2014 and 2040</i>						
Notes:						
Traffic using Green Valley Road is assumed to appear in the PSRC traffic model on Auburn Black Diamond Road and on SR 169 south of Black Diamond.						
Black Diamond's 2015 Comprehensive Plan has 6,050 new homes is 3.2 times the PSRC growth target for 2040.						
Black Diamond also assumes more commercial development than PSRC's VISION 2040 model, which is here disregarded for simplicity.						
For simplicity, future volumes for Black Diamond's plan are conservatively estimated using a 3x multiplier times PSRC modeled growth, rather than 3.2.						
For simplicity, this analysis disregards that the commercial development planned by Black Diamond will also generate some external traffic growth.						
For simplicity, Black Diamond's 2021 plan amendments now in process are considered to be beyond 2040, but would add an additional +1000 DU's.						
The net external impact of Black Diamond trip generation is estimated as sum of all trips to/from north and west areas minus the trips to/from south and east areas, as if ALL trips to/from south and east (Enumclaw Plateau area) pass through Black Diamond and none stop inside Black Diamond.						
This is a conservative assumption, reducing the estimated external impact of trips originating within Black Diamond by a modest amount.						
For perspective on what these traffic volumes generally signify, consider that:						
A local neighborhood street typically carries less than 1,000 daily trips, with a high level of pedestrian compatibility.						
The average rural arterial in Washington State (excluding King County) carries less than 3,000 daily volume.						
Pedestrian safety on roads without sidewalks, paths, or wide shoulders diminishes as traffic volumes increase, and especially as traffic speeds increase.						
At/above 5,000 daily volume, traffic noise and incompatibility with pedestrian movements discourages abutting single-family residential land use.						
At/above 10,000 daily volume, local access movements are in serious conflict with through movements, especially left turns.						
At 15,000 daily volume, a simple 2-lane arterial with no turn pockets is at maximum throughput with high congestion (low Level of Service)						
At 15,000 daily volume, achieving a reasonable level of service suggests upgrading to at least a 3-lane configuration, with pedestrian accommodations.						
These are rough guidelines only. More specific local information is needed to fully evaluate level of service, safety, and design requirements.						

Attachment: D - Technical Advisory Team Public Comments, dated 12/21/21 (3334 : Black Diamond Comprehensive Plan)

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

6.0 SEPA APPEAL

...SEPA...Friends of Black Diamond SEPA Appeal...City Closing Brief...Hearing Examiner Decision

SEPA

As part of its State Environmental Policy Act (SEPA) process, on January 27, 2021, the City released a Determination of Non-Significance (DNS) Notice for “*Non-Project action for 2020 annual amendments to the City of Black Diamond Comprehensive Plan,*” which included its SEPA Checklist. TAT provided the following Comments on specific sections of same to the City on February 19, 2021. All were ignored.

“SEPA Environmental Nonproject Review Form Checklist”

“2) Need and Objectives

a) *The City’s Comp Plan must be fully certified by the PSRC for compliance with regional goals and policies and funding eligibility. Additionally, certain language that was intended to be included in the 2019 Update was inadvertently omitted from the final version adopted by the City Council in May 2019 and therefore needs to be restored in the 2020 amendment cycle.*

Specifically, what is the “*certain language that was intended to be included in the 2019 Update was inadvertently omitted from the final version adopted by the City Council in May 2019*”? We ask because we provided the City detailed concerns about many issues that need to be address and four of those concerns resulted in the four PSRC Conditions. Consequently, such “*language*” was not “*inadvertently omitted,*” it actually was totally ignored when provided by the Public including TAT.

“c) *These proposed Comp Plan amendments are narrowly focused to address issues contained within the PSRC’s Certification Report and to restore language inadvertently omitted in the 2019 update. These Comp Plan amendments will not foreclose the City’s opportunity for future amendments in 2021 because they were considered by the PC and City Council during the 2020 docket cycle and thus will not count toward the regular, once-yearly amendment even if formal adoption does not occur until early in 2021. As described in earlier sections of this checklist, full plan certification is a legislative mandate and is required for the City to be eligible for funding critical transportation improvements.*

Once again, as discussed above under 2) a), such “*language*” was not “*inadvertently omitted,*” it actually was totally ignored.

“5) Related Documentation

a) *The specific proposed amendments are attached to this checklist.*

The “*proposed amendments*” were not attached to the subject SEPA DNS Notice and are not available to the Public on the City’s website. Further, we did not receive an e-mail notification

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of the SEPA DNS, even though we are on record as a participant in the aforementioned Public Hearings for which we provided multiple testimonies.

"6) Affected Environment

The City of Black Diamond is undergoing unprecedented growth and development due to two large master planned developments. The City entered into an agreement with the master developer for infrastructure improvements to support this growth. The analysis and subsequent funding agreement include consideration for water, sewer, storm, school and transportation impacts as a result of this new development.

The 2019 adoption of the City's Comp Plan update relies heavily on the developer agreement funding for transportation projects. The PSRC Certification Report noted that the City should have contingency measures in place for funding mechanisms for transportation improvements in addition to the developer funding. Also, the PSRC requested the City consider possible changes in land use policies that would work to align the regional planning targets with the City's targets. As previously mentioned, the regional growth targets do not reflect the growth from the master planned developments. Therefore, the City's projections are much larger than the regional targets.

This is a Nonproject action to amend the City's Comp Plan. The affected environment is the entire City. If implemented, these amendments will provide additional assurance for the City to provide critical transportation infrastructure improvements concurrent with the existing development pattern. The "on the ground" activities are to construct these improvements to meet concurrency and level of service requirements. These proposed amendments have no impact on the natural environment, per se. Any development that occurs, regardless of funding, will have to undergo environmental analysis. Additionally, restoring language that was inadvertently omitted from the 2019 update will further the goals of the Comp Plan as a whole to manage growth while minimizing adverse impacts to the environment."

Actually, the 2019 adoption of the City's Comprehensive Plan update does not rely "heavily on the developer agreement funding for transportation projects." Rather, there are glaring gaps for major transportation projects as seen in the Comprehensive Plan's *Transportation Appendix Tables*. It is these gaps that are of concern to the Public and PSRC, which has called for Contingency Planning in one of its four Conditions for full certification of the Plan.

Also, as stated in the DNS language above, "PSRC requested the City consider possible changes in land use policies that would work to align the regional planning targets with the City's targets," yet the City has not done so in its updated Comprehensive Plan.

Finally, "(i)f implemented, these amendments will provide additional assurance for the City to provide critical transportation infrastructure improvements concurrent with the existing development pattern" is not true. The City cannot rely on potential PSRC funding to fill the Master Developer holes in the City's transportation plan. In fact, if the proposed amendments were rewritten, as we have recommended, then the City would have a better opportunity of reigning in the uncontrolled development it is facing. Our many Oral and Written Testimonies provided to the City supply detailed information on all of this.

On May 26, 2021, the City issued its threshold Determination of Non-Significance (DNS) for "Non-Project action for 2020 annual amendments to the City of Black Diamond Comprehensive Plan."

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SEPA Appeal

An Appeal of the City's SEPA DNS was filed by the Friends of Black Diamond on June 9, 2021 (note TAT is unaffiliated with the FOBD). The Appeal centered around the premise that there would be significant environmental impacts because the City had not conducted any new traffic modeling and analyses related to its revised wording in the Comprehensive Plan that SR-169 only contains two lanes north of the City (this is directly related to PSRC Condition 1—Widening of SR-169:

"...under SEPA, the Comprehensive Plan (CP) changes will cause adverse environmental impacts that have not been identified or considered.

The City's documentation claims the CP changes will mitigate traffic and better align growth with regional targets. However, City analysis of the CP changes was non-existent or insufficient to determine what would likely happen as a result of the CP changes. When we, the appeal group, analyzed the CP changes, it was clear that the changes actually do the opposite of the stated goals. The changes will result in more unmitigated traffic impacts, and increased development further surpassing growth targets.

The CP was changed to address Puget Sound Regional Council conditions, so it is worth noting that our SEPA review shows that the CP updates not only fail to comply with those mandates, the CP updates will push the city further out of compliance."

A Hearing on the FOBD SEPA Appeal before the City's Hearing Examiner (HEX) was held on September 24, 2021.

City Brief

On October 18, 2021, the City submitted its Closing Brief (ref.: FILE NO. PLN21-0036 CITY OF BLACK DIAMOND'S CLOSING BRIEF, In Re The Appeal of: SEPA DNS for 2020 Amendments to the City of Black Diamond Comprehensive Plan) to the HEX). In it it stated on pp. 6-7:

"The proposed changes to the Comprehensive Plan simply revise the wording in the plan to correctly reflect that only WSDOT can change the number of lanes on SR 169, and that the City should not assume any widening in the foreseeable future. City Ex. 1 (00007, 00010); City Ex. 2 at p.3 (00015).

Indeed, this appeal issue reflects Appellant's true complaint, which is not with the proposed 2020 amendments to the Comprehensive Plan (which is what the SEPA DNS analyzed), but with the Comprehensive Plan as it was adopted in 2019 and exists today... Mr. Tilghman's (and Appellant's) true complaint is not that the City's SEPA Official erroneously issued a DNS (rather than a Determination of Significance) for the proposed 2020 amendments, but rather that the current Comprehensive Plan (as adopted in 2019) is based on supposedly inadequate or incorrect traffic modeling.² This SEPA appeal is not a proper venue for relitigating Appellant's long-standing claim that the 2019 Comprehensive Plan contains deficient or outdated traffic modeling data."

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*“² Similarly, Mr. Popp testified for Appellant that transportation engineering consultant DKS' previous work for the City was purportedly based on incorrect assumptions about SR-169, resulting in a problem with the traffic model undergirding the **current** Comprehensive Plan.”*

Clearly, the City stated in the first paragraph above that its Comprehensive Plan Amendments “*simply revise the wording,*” not do anything substantive related to the “*TDM and project list*” by “*not assum(ing) a widening of SR-169*” as stated in PSRC Condition 1.

Further, in footnote 2 cited in the second paragraph above, the City takes issue with the “*incorrect assumptions about SR-169*” regarding the number of lanes on SR-169 used in the DKS, Associates Traffic modeling and analyses. Actually, those assumptions are fact as told to TAT Leader, Peter Rimbo, in April 16, 2018, at a City Open House on the Comprehensive Plan. Mr. Rimbo spoke with DKS employees Tom (Engineer) and Mark (Planner). They stated that their analyses and simulations all assume a 4-lane SR-169 (2 lanes each way) from BD to SR-516 (Four Corners in the City of Maple Valley). When asked if they planned to do any sensitivity analyses to ascertain changes in traffic flow using the existing 2-lane (1 lane each way) SR-169, they said “*No, as the 4-lane configuration is what is in the Plan.*” Mr. Rimbo testified to this conversation at the September 24, 2021, Appeal Hearing when called by the Appellant. TAT has previously provided PSRC with the contents of the its conversation with DKS both in its multiple written comments and in conversations over the phone.

Decision

The HEX's Decision to DENY the Appeal was rendered on November 4, 2021.

TAT found the HEX seems to have *misread* PSRC's Conditional Certification. The HEX specifically focussed on the lack of a *WSDOT Route Development Plan for SR-169 (Plan)* as rationale for City not having to conduct any new traffic modeling and analyses. However, PSRC's Condition 1, while it mentions the *Plan*, specifically states that “*...the TDM...not assume a widening of SR-169.*” The only way to assure this is to modify the TDM and conduct the appropriate analyses. Below are the specifics taken from the HEX's Decision including TAT's Comments:

Item 10. at bottom of p. 10X and top of p. 11X—Here the HEX purportedly quotes PSRC's Condition by selectively picking specific parts and interconnecting them with somewhat flawed logic. The Condition states:

“The plan includes information about the potential widening of SR-169 that is inconsistent with the RTP. The plan should be amended to indicate that a route development plan has not been completed for SR-169, and the TDM and project list do not assume a widening of SR-169.”

However, the HEX bases his argument on the *Plan* and what it assumes. The key part of the PSRC Condition is:

“The plan should be amended to indicate that ... the TDM and project list do not assume a widening of SR-169.”

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

The HEX then concludes that: "...traffic modeling need not occur for an incomplete plan for SR-169." But the *Plan* is not the major point of PSRC's Condition. What is pertinent in the PSRC Condition is that: "... the TDM and project list do not assume a widening of SR-169."

Item 12. on p. 11X—Here the HEX states that "*PSRC did not require the City to provide additional TIAs for a two lane SR-169 to obtain full certification...*" The HEX is trying to read between the words of PSRC's Condition, when all he had to do was read the actual words: "...the TDM... do(es) not assume a widening of SR-169." The only way to assure this is to actually modify the TDM and conduct the appropriate traffic analyses!

Item 13. on p. 11X—Here the HEX again brings up that the *Plan* is not complete and, thus, "...WSDOT's final plan for SR-169..." is not "*feasibly identified.*" Once again, the *Plan* is not the issue here. The only reason PSRC mentions the *Plan* is to indicate there are no plans for widening of SR-169. TAT has spoken to PSRC in the past about this and was told, unequivocally, that there are no plans in place to widen SR-169 for the foreseeable future.

CONCLUSIONS on p. 13X—Here the HEX states that PSRC's requested changes "...were ministerial in nature..." That is not the case.

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

7.0 CONCLUSIONS

...PSRC Conditions...City Comprehensive Plan Assumptions...Applicable State Law... PSRC Plan Review Manual Provisions

After thorough evaluation we conclude three of the four PSRC Conditions clearly have not been met in the City's submittal of its *revised Update*.

The minimal revisions made by the city to its **Update** do not begin to address the very valid concerns expressed by PSRC in **CONDITIONS 1., 3., and 4.** included in its Conditional Certification. The city's revisions do *not* address the pertinence of the conditions.

Invalid assumptions about the widening of SR-169 affect all past, existing, and future Traffic-Demand Modeling and subsequent Traffic-Impact Analyses. Details of Contingency Planning do not address any funding shortfalls as required by *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;....*" Finally, the large gap between the City's Growth Targets and its anticipated (and planned-for) growth, at best, essentially is ignored and, at worst, much more development is contemplated, in the pipeline, and shown in its *Future Land-Use Map*.

The provisions of the following *RCWs* are *not* met (see Section **4.0 APPLICABLE STATE LAW--COMPREHENSIVE PLANS**), including the need for the entire *revised Update*—and, especially, the *Transportation Element*—to be "*internally consistent*":

RCW 36.70A.020 — **Planning goals.** (3), (11), and (12).

RCW 36.70A.070 — **Comprehensive plans—Mandatory elements.** (1) and (6)(a) & (6)(c).

RCW 36.70A.100 — **Comprehensive plans—Must be coordinated.**

RCW 36.70A.140 — **Comprehensive plans—Ensure public participation.**

Many aspects of PSRC's *Plan Review Manual's Certification Requirements* and **Checklists** have *not* been met (see Section **5.0 PSRC GUIDANCE--COMPREHENSIVE PLANS**).

The City simply has failed to understand the meaning and importance of PSRC's **CONDITIONS 1., 3., and 4.** and has provided revisions to its **Update** that simply do not meet them.

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

8.0 RECOMMENDATIONS

...Rejection...Guidance

It is recommended **REJECTION** the City's *revised Update*. PSRC then would have the option either to:

(1) Not certify as the Update's plans and policies are inconsistent with *VISION 2050* and specific requirements of state law

or

(2) Instruct the city as to the specific needs in another revision to meet the remaining three critical conditions as detailed herein.

Given that the City has been working on its **Update** since at least April 2014, nearly 7 1/2 years, and still has failed to get it right, we recommend option (1) to *not* certify.

To help the City going forward following PSRC rejection of its *revised Update*, it is recommended PSRC provide the City with detailed prescriptive guidance on what is expected in a satisfactory *Comprehensive Plan Update*, since it has responded so *ignominiously* to PSRC's previous generic guidance. Any such *Comprehensive Plan Update* should simply implement, in full, the requirements of State's Growth Management Act as encompassed in the RCWs (see Section **4.0 APPLICABLE STATE LAW--COMPREHENSIVE PLANS**). To do so we recommend the following specific guidance for PSRC to consider for the City:

- Fully state the land-use and transportation assumptions, and demonstrate how these assumptions are consistent with regional plans (e.g., *VISION 2040* or *VISION 2050*).
- Identify the baseline improvements necessary to meet LOS standards.
- Identify public financing for those improvements (not a development cost).
- Coordinate with adjacent jurisdictions to establish the required improvements for *existing* conditions along those routes impacted by traffic to/from Black Diamond (which improvements must be found in the comprehensive plans of those jurisdictions and are not a responsibility of Black Diamond).
- Develop and employ a Traffic-Demand Model that is regionally integrated to forecast traffic flows between origins and destinations to and beyond I-90 in the north, to and beyond I-405 in the west, and to and beyond SR-410 in the south. For example, either the Covington or Maple Valley traffic models, or the PSRC regional model, could be adapted to this purpose by adding the internal details within Black Diamond itself, so that Black Diamond need not re-invent the modeling of external factors.

Whether the City of Black Diamond's Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification

- Repeat the entire analysis assuming the *VISION 2040* Growth Target of 1,900 new homes, to identify internal and external mitigation improvements necessary at that level. Demonstrate the mitigation needed at that level and account for who/how/when it will be provided, and whether the existing MPD agreements are sufficient for the purpose or additional other funding is required and why. Identify financial resources to accomplish all mitigation, in specific detail.
- Repeat the entire analysis for full buildout of the MPDs at 6,050 new homes plus all other growth the City contemplates in its *Land-Use Map*, with mitigation improvements and financial resources sufficient for a balanced plan.
- Each analysis scenario must include Black Diamond growth traffic impacts on other jurisdictions, as far as I-90 to the north and I-405 to the west, and SR-410 to the south, but only those impacts that are linked to trips beginning or ending in Black Diamond.
- Each analysis scenario must identify specific mitigation improvements for each affected route to resolve the deficiencies associated with Black Diamond impacts, which shall be consistent with the adopted transportation plans of the adjacent jurisdictions and supported by letters confirming agreement from those jurisdictions.
- Each analysis scenario must include a balanced financial plan showing the amounts and sources of funds sufficient to provide the necessary mitigation improvements over the lifetime of the plan. The plan shall demonstrate the reasonableness of the funding sources assumed, and provide a detailed contingency plan in the event that any assumption fails to materialize, which shall include downsizing or postponement of development plans until sufficient funds are found.
- The City is encouraged to consider multi-modal demand management strategies to reduce or offset traditional automobile travel, but must demonstrate how such strategies will be funded and implemented consistent with regional transportation plans such as Sound Transit and King County Metro. A reduction of vehicular traffic may *not* be simply *assumed*, without confirming that the applicable transit operating agencies agree to provide the relevant services and how it will be paid for.
- If the plan's financial analyses lead to adopting a Transportation Impact Fee (TIF), it must be formulated specifically for each alternative scenario and include an accounting for provisions of the MPD Development Agreements and show when or how the MPDs would be required to participate in an impact fee over and above the current agreement, and how other non-MPD developments (called "*in-fill developments*" by the City in its *revised Update*) would be treated to mitigate their specific impacts, fairly and equitably alongside the MPDs.

December 21, 2021

To: Paul Inghram, Director of Growth Management Planning, pinghram@psrc.org

Subject: Comments—City of Black Diamond’s Comprehensive Plan Certification Letter

Please accept the Comments herein from the Citizens’ Technical Action Team (TAT) on the **Certification Letter**, dated December 15, 2021, submitted by the City of Black Diamond related to its *revised 2015 Eight-Year Major Comprehensive Plan Update (Update)*—also called the **2020 Annual Update**.

We request the Comments herein, along with TAT’s Detailed Comments titled: “*Whether the City of Black Diamond’s Revised 8-Year Major Comprehensive Plan Update Meets PSRC Conditions of Certification*,” which were submitted to PSRC on December 20, 2021, be considered part of TAT’s package to PSRC Staff in its evaluation of the City’s **revised Update**.

The City’s **Certification Letter** is presented, in its entirety, on pp. 2-5 herein with TAT’s Comments, where provided, in **purple**.

Again, thank you for your time and careful consideration of TAT’s Comments herein.

Dr. Gil Bortleson
Environmental Focal
Technical Action Team

Cindy Proctor
Development & Schools Focal
Technical Action Team

Jack Sperry
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cc: Kelly McGourty, PSRC, Director of Transportation Planning, KMcGourty@psrc.org
Laura Benjamin, Senior Planner, Growth Management Planning, lbenjamin@psrc.org

Attachment: E - Technical Advisory Team Public Comments, dated 12/22/21 (3334 : Black Diamond Comprehensive Plan)

Certification Letter—City of Black Diamond Comprehensive Plan

December 15, 2021

Laura Benjamin, Senior Planner
Puget Sound Regional Council
1011 Western Avenue, Suite 500 Seattle, WA 98104-1035

SUBJECT: City of Black Diamond 2020 Comprehensive Plan Update

Dear Ms. Benjamin,

As the Community Development Director for the City of Black Diamond, I write to request that the Puget Sound Regional Council (PSRC) grant full certification of the City's comprehensive plan. As you know, the City adopted its 2015-2035 Comprehensive Plan in May 2019 by Ordinance 19-1121 ("2019 Comprehensive Plan"). The PSRC partially certified the 2019 Comprehensive Plan with recommended conditions on January 17, 2020, which were to be addressed by December 31, 2020. More specifically, the PSRC's certification report identified three comprehensive plan amendments and one council resolution that would need to be adopted in order to achieve full certification.

We do not know to which "three comprehensive plan amendments" the above refers. Actually, the January 2020 PSRC GMPB Conditional Certification stated:

1. Council adoption of a work plan that addresses the conditions identified in the certification report by April 30, 2020.
2. Submission of draft comprehensive plan amendments and supporting documents that address the conditions to PSRC for review and comment in advance of adoption.
3. Submission of a draft council resolution committing the city to work to align housing and employment growth with adopted countywide targets to PSRC for review and comment in advance of adoption.
4. Once the conditions are adequately addressed, submission of the adopted amended comprehensive plan, council resolution and supporting documents by December 31, 2020, for review and certification by PSRC.

The City staff and Planning Commission worked diligently throughout 2020 to prepare comprehensive plan amendments that would meet the PSRC's certification criteria. Due to the impact of the COVID-19 pandemic and staff turnover at the City, the PSRC graciously agreed to extend the City's deadline until June 30, 2021. Additionally, after I replaced the former Director in December 2020, I began working with you and the City Attorney to craft a city council resolution that would satisfy the PSRC's fourth condition for full certification.

As reflected in the enclosures, the 2020 Comprehensive Plan update and Council Resolution 21-1407 together serve to address the four specified conditions to receive full certification by the PSRC:

- 1) The plan has been amended to delete the previous references to WSDOT's proposed widening of SR-169 through the City, which were inconsistent with the Regional Transportation Plan. The comprehensive plan now indicates that a route development plan was not completed for SR-169 and that the state's Regional Transportation Plan and demand modeling do not assume widening of SR-169.

As explained in our Comments submitted to PSRC on December 20, 2021, the City, in its *revised* Comprehensive Plan Update, did not redo or conduct any new traffic "*demand modeling*," since no changes were made in any of the figures of traffic volumes and tables of projects provided. This is inexplicable since all traffic "*demand modeling*" was conducted by the City's Traffic Consultant, DKS, Associates, using the City's assumption of 4 lanes (2 lanes each way) on SR-169 between the City and the City of Maple Valley at SR-516. The GMPB Condition stated: "*The plan should be amended to indicate...the transportation demand modeling and project list do not assume a widening of SR-169.*" City did not do either!

- 2) The plan now designates SR-169 as a highway of statewide significance and acknowledges WSDOT's control of the level of service.
- 3) The plan was amended to provide a contingency plan to address funding shortfalls that may occur if the planned improvements through the MPDs were not fulfilled; this was accomplished by adopting a city-wide Transportation Impact Fee (TIF) and is referenced in the updated comprehensive plan.

As explained in our Comments submitted to PSRC on December 20, 2021, the TIF the City mentioned in its *revised* Comprehensive Plan Update, does not in itself constitute a "*Contingency Plan*" and, thus, the GMPB Condition: "*The plan should be amended to provide a more detailed explanation of contingency plans to address any funding shortfalls that may occur if the planned improvements through the Master Planned Developments are not fulfilled*" is not met.

- 4) The City Council adopted Resolution 21-1407 on February 4, 2021 (enclosed) that commits the City to continue working with regional, county, and local planning agencies during the 2021 target setting process and in future years to begin narrowing the gap between anticipated growth and regional growth targets; to manage the impacts of the approved MPDs on neighboring communities and the regional transportation system; to avoid significant increases in development capacity beyond adopted targets; and to advance the integrity and mission of VISION 2040 and the Regional Growth Strategy through policies and implementation strategies adopted in the City's comprehensive plan and regulatory standards.

As explained in our Comments submitted to PSRC on December 20, 2021, the City continues to review and approve major developments over and above the two MPDs even though the Condition states: "*Avoid increases in development capacity that would significantly surpass adopted targets.*" In addition, even though the Condition states: "*The city's anticipated growth significantly exceeds its adopted growth targets,*" it's *newly* adopted growth targets, as part of the 2021 CPP Update, are grossly exceeded by the City's anticipated growth.

To make matters worse those *newly* adopted growth targets were increased when the City of Sammamish chose to not accept an increase in its growth targets and, during *redistribution* among the remaining jurisdictions in the *Cities and Towns* regional category, the cities of Black Diamond and Covington volunteered to take *additional* growth allocations.

The King County Council did not accept the City of Sammamish growth targets and, at its December 14, 2021, meeting approved the 2021 CPP Update and the Urban Growth Report, but *zeroed out* the City of Sammamish growth targets and called for the City of Sammamish to develop a set of revision numbers which is to be completed in 2022.

However, at the same time, the King County Council did not call for the City of Black Diamond (or the City of Covington) to reduce their growth targets, in concert, to maintain a balance (i.e., a net zero change to the total) in the growth forecast allocations to the *Cities and Towns* regional category.

Consequently, the City of Black Diamond sought and received higher growth target allocations, in direct opposition to the stated *intent* of GMPB's Condition 4.

The Black Diamond Planning/Community Development Committee, Planning Commission, and City Council developed the above revisions to address PSRC's concerns and recommendations. The Planning Commission held a public hearing on these plan amendments on December 1, 2020 and made a recommendation at their next meeting on December 8, 2020 to present the amendments to the City Council for final adoption.

We provided extensive testimony at those meetings and the City ignored every comment including the typos we identified. The City's *revised* Comprehensive Plan Update continues to ignore every one of those comments including the typos. As explained in our Comments submitted to PSRC on December 20, 2021, the City simply pays *lip service* to a Public Participation Plan.

Unfortunately, the City Council was unable to act on the plan amendments by the December 31, 2020 deadline, so the City requested, and with your assistance was granted, an extension until June 30, 2021. Staff's initial SEPA threshold determination of nonsignificance (DNS) was appealed and subsequently withdrawn by the City. Staff amended the SEPA checklist and reissued a revised DNS on May 26, 2021, which was appealed in June 2021. Because of the delays caused by the SEPA appeals, the City again sought your assistance in obtaining a further extension of the compliance deadline until December 31, 2021. The SEPA appeal hearing was held in September 2021, with the hearing examiner ruling in the City's favor to uphold staff's SEPA determination. The appellant then filed a motion for reconsideration on November 15, 2021 and the hearing examiner denied the motion on December 1, 2021, again upholding the staff's SEPA determination.

The City Council held a work study session on November 8, 2021 to consider the proposed 2020 updates and the Planning Commission's recommendation. At the work study session, I noted a concern with one of the plan changes proposed by the previous Director, which was included in the Planning Commission recommendation. Specifically, I advised the Council that the previous Director's and Planning Commission's recommendation to remove residential mixed-use development as a permitted use in the Community Commercial zone could significantly limit the City's ability to plan for and accommodate affordable housing needs with future comprehensive

plan updates. Accordingly, the City Council held an additional public hearing on the proposed amendments before taking action on December 2, 2021 and approving the 2020 comprehensive plan updates as proposed by staff.

The City appreciates the Growth Management Policy Board working with the City to provide for extensions to the previously established timelines to bring the 2020 Comprehensive Plan back to the PSRC for full certification. It's been a pleasure working with both you and Mr. Inghram to help the City navigate this process as well.

Please feel free to reach out to me should you need any additional clarification or if I can answer any questions.

Sincerely,

Mona Davis

Mona Davis, Community Development Director City of Black Diamond

Cc: Paul Inghram, PSRC
David Linehan, City Attorney

Enclosures: Mark-up of 2020 comprehensive plan changes
Clean version of 2020 comprehensive plan update
Resolution 21-1407

Certification Letter—City of Black Diamond Comprehensive Plan

Attachment: E - Technical Advisory Team Public Comments, dated 12/22/21 (3334 : Black Diamond Comprehensive Plan)

Friends of Black Diamond

December 29, 2021

Subject: Black Diamond Failure to Meet Conditional Certification Requirements

To the Puget Sound Regional Council:

Our Black Diamond citizen group has provided comments to the PSRC multiple times since 2013 expressing support for environmental protection through focusing growth in high capacity transit communities and saving tax dollars through limiting road expansion in edge communities.

Our most recent letter of July 15, 2021 opposed Black Diamond's actions that will cause it to exceed its regional growth targets by 200%. We pointed out that in 2026, Black Diamond's major developer's permit will expire. The city can then include stronger requirements to manage growth and meet requirements like affordable housing goals.

The current focus of PSRC in Black Diamond is whether the city has met the 2020 PSRC Conditional Certification Requirements for its Comprehensive Plan. ***One condition required the Plan to be updated to reflect that the "transportation demand modeling and project list do not assume a widening of Highway 169."***¹

This condition has not been met. The 2020 Black Diamond Comprehensive Plan contains the same transportation analysis and project list as the 2019 Update. These assume a widening of parts of SR-169 to 4 lanes in the city, and to the north and south.

The continued existence of this SR-169 widening assumption has been documented by: city officials including the Public Works Director who worked on the 2019 update; the current city traffic consultant from Parametrix, the previous city traffic consultant DKS Associates who did the work on the 2019 Comprehensive Plan update; and several traffic engineers and technical consultants retained by Friends of Black Diamond who examined the city's modeling work and software inputs.

Black Diamond's hearing examiner reviewed this information and agreed that the Plan's Transportation Modeling assumes 4 lanes on SR-169. In addition, the Comprehensive Plan Project List² still includes an unfunded project to widen Highway 169 to 4 lanes although this conflicts with the PSRC condition.

¹ PSRC Black Diamond Comprehensive Plan Certification Report February 2020
<https://www.psrc.org/sites/default/files/eb2020feb27-agenda.pdf>

² AB21-088 CP Update Adoption <https://blackdiamondwa.civicclerk.com/Web/GenFile.aspx?ad=318> pg.A7-28

Black Diamond's 2020 amendments to its Comprehensive Plan did not address this fundamental error in its transportation demand model, as can be ascertained by reviewing the city's short document containing the 2020 updates³. This error gave rise to our SEPA appeal of the City's Comprehensive Plan Update.

At the appeal hearing, the City argued that changing its Plan to assume 2 instead of 4 lanes on SR-169 would not require analysis under SEPA. While the hearing examiner disagreed with our SEPA argument, we believe appeal to the Growth Management Hearings Board would likely require the City to conduct an accurate transportation study under SEPA and the GMA to support its Update. More importantly, the Examiner agreed the appeal was not about PSRC conditions and whether they had been met.

It is unfortunate that the City appears to have spent much more money defending its position than it would have spent on an accurate transportation study.

As it stands, Black Diamond's Comprehensive Plan Transportation Demand Model *does* assume a widening of 169, in total contradiction of the PSRC's certification condition.

This means that neighboring jurisdictions cannot reliably understand the transportation impacts that will occur as Black Diamond grows and where shortfalls need to be addressed, *and* Black Diamond does not have accurate information to address its future land use. Land use is the most effective way to address transportation impacts at the most reasonable cost, but Black Diamond does not have accurate transportation information to guide its future land use capacity decisions.

The PRSC can further regional goals and save time and money for all involved by reaffirming its prior guidance that the City's transportation plan should be based on accurate assumptions regarding SR-169.

The PRSC should withhold certification until the City performs its required work to accurately analyze its land use plan and transportation demand modeling.

Thank you,

Friends of Black Diamond
FriendsofBlackDiamond@comcast.net

³https://www.blackdiamondwa.gov/sites/g/files/vyhlf306/f/uploads/comp_plan_amendment_summary_cc_special_meeting_for_12-2-21_public_hearing.pdf



Puget Sound Regional Council

DISCUSSION ITEM

January 27, 2022

To: Growth Management Policy Board
From: Kelly McGourty, Director, Transportation Planning
Subject: **Regional Transportation Plan and Project Selection Process**

IN BRIEF

PSRC staff will brief the board on the draft Regional Transportation Plan, which has been released for a public comment period through February 28, 2022. Staff will also brief the board on key upcoming milestones for the 2022 project selection process for PSRC's federal funds.

DISCUSSION

Regional Transportation Plan

At the October 2021 meeting, the Growth Management Policy Board was briefed on the work conducted to date for the development of the [Regional Transportation Plan \(RTP\)](#), including extensive data collection efforts and the development of an existing conditions visualization tool, as well as discussions by the Transportation Policy Board on key policy focus areas. These include safety, equity, access to transit, climate, local needs, and future visioning of the system. Information was also provided on public outreach, the plan's financial strategy and preliminary performance results.

As a reminder, the RTP - required to be updated every four years – responds to the priorities and growth strategy identified in VISION 2050. The plan describes how the region will address existing needs and expected growth and improve all aspects of the system for the safe and efficient movement of people and goods. The RTP implements the policies and goals identified in VISION 2050, and given the timeframe there is a unique opportunity to provide robust data and guidance to assist and inform the local planning to be undertaken by cities and counties as they develop their comprehensive plans by 2024.

The draft plan document - including information on each aspect of the system, proposed future investments, and system performance measures including the impact to equity focus areas – has been released for a public review and comment period through February 28. Adoption by the General Assembly is scheduled for May 2022.

Project Selection Process

PSRC is also responsible under federal law for selecting projects to receive funds from several programs under the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). The programs have distinct requirements and project eligibilities, and on average the total amount per year distributed is approximately \$250 million.

PSRC conducts a competitive process every two years to distribute these funds, based on adopted regional policies and state and federal requirements. Prior to each process a Policy Framework is adopted that lays out in detail the policies and procedures under which the process will be conducted. The Policy Framework is refined and updated each cycle, to address new emphasis areas, requirements, or policy direction.

The next project selection process for PSRC's federal funds will be conducted in 2022, to award federal fiscal year 2025 and 2026 funding. A Project Selection Task Force consisting of representatives from PSRC's boards met over eight months in 2021 to review the project selection process and propose revisions based on the goals and emphasis areas as detailed in VISION 2050.

Given the emphasis in VISION 2050 on equity and safety, the Task Force focused on improvements to the evaluation criteria for these two elements. While they were included in the existing set of criteria, revisions are proposed to significantly strengthen these elements by 1) strengthening criteria language, elements, and guidance; 2) increasing the point values; and 3) identifying them as stand-alone criteria rather than embedded within other categories.

In addition to the strengthened criteria, it is also recommended that PSRC work with the Equity Advisory Committee to develop a new Equity Pilot Program. It is proposed that 5% (\$6 million) of FHWA Surface Transportation Block Grant Program funds be set aside for this pilot, and for PSRC to work with the Equity Advisory Committee on the development and parameters of this program beginning in July 2022. This will allow the committee to evaluate the outcomes of the 2022 project selection process with the revisions above in place, and to use that information in consideration of the pilot and any recommendation for future improvements.

The Executive Board is scheduled to take action on the Policy Framework at their meeting on January 27, 2022. Subsequently, the project selection process will be launched and a Call for Projects released. The Policy Framework will contain extensive information on project eligibility, deadlines, evaluation criteria and the overall process.

At the February 3 meeting, staff will provide a brief overview of the RTP and project selection processes, including the key milestones and schedules for both.

For more information, please contact Kelly McGourty, Director of Transportation Planning, at 206-971-3601 or kmcgourty@psrc.org.



Puget Sound Regional Council

DISCUSSION ITEM

January 27, 2022

To: Growth Management Policy Board
From: Paul Inghram, Director of Growth Management
Subject: **Economic Development District Update**

IN BRIEF

At its February meeting, the Growth Management Policy Board will hear an update on the adopted the 2022-2026 Regional Economic Strategy and focus areas for implementation in 2022.

DISCUSSION

The Central Puget Sound Economic Development District (EDD) is responsible for updating the region's Comprehensive Economic Development Strategy (CEDS) every five years. The economic strategy is designed to build capacity and guide the economic prosperity and resiliency of a region, building off other regional planning efforts. Implementation of the economic strategy is accomplished by a broad set of regional stakeholders, highlighting important ongoing economic development programs and initiatives as well as identifying new opportunities for implementation. Adoption of a regional economic strategy enables local jurisdictions and eligible organizations to qualify for funding under U.S. Economic Development Administration programs.

At its December meeting, the region's Economic Development District Board adopted the 2022-2026 Regional Economic Strategy as the region's CEDS. The strategy aims to address the current challenges of the COVID-19 pandemic and looks ahead to what needs to happen to support the region's long-term economic success. The strategy is organized around three overarching goals: expanding economic opportunity, maintaining global competitiveness, and sustaining the region's high quality of life. New and expanded regional challenges identified include equity, health, childcare, regional job distribution, broadband, housing, business recovery, and industry resilience. The adopted strategy is available on [PSRC's website](#).

The Economic Development District Board also approved a set of focus areas, which will be used as a work plan to guide board and staff efforts to implement the Regional Economic Strategy in 2022. These focus areas identify ways that the EDD can utilize its regional role to advance economic development efforts and build economic development capacity in the region. These roles include analysis and strategy development, technical assistance, and amplifying important regional economic development efforts that align with the adopted strategy.

The Growth Management Policy Board will be provided a briefing on the new Regional Economic Strategy and EDD workplan for 2022.

For more information, please contact Jason Thibedeau, Economic Development Program Manager, at 206-389-2879 or jthibedeau@psrc.org.



Puget Sound Regional Council

DISCUSSION ITEM

January 27, 2022

To: Growth Management Policy Board
From: Paul Inghram, Director of Growth Management
Subject: **Open Space, Rural, and Resource Lands Conservation Toolkit**

IN BRIEF

In response to VISION 2050 and Growth Management Policy Board direction, PSRC staff is working to develop a toolkit of regional open space conservation and other rural and resource lands protection strategies. PSRC staff will brief the board on the toolkit and ask for additional direction.

DISCUSSION

VISION 2050 includes ambitious expectations for protecting open space and reducing the growth pressure in rural and resource lands. In general, growth in rural and resource areas can lead to increased transportation and environmental impacts compared to other locations for growth. Conservation programs and techniques can help protect the region's important open space areas, manage rural growth, and reduce growth pressures on farms and forests. While recognizing that rural areas have existing development potential, there are tools and strategies available to help manage rural growth and protect the most valuable natural areas.

VISION 2050 includes an action on rural growth and conservation tools:

RGS-Action-4 PSRC, together with its members and stakeholders, will explore and implement, as feasible, opportunities for local, regional and state-wide conservation programs to reduce development pressure in rural and resource areas to conserve valuable open space areas:

- Establishing a regional structure for Transfer and Purchase of Development Rights and open space markets.

- Publishing a toolkit of open space conservation and other rural protection strategies.
- Working to facilitate city and urban development consistent with VISION 2050 that reduces rural development pressure.

Last year, the Growth Management Policy Board and Executive Board provided direction on the development of a toolkit of open space conservation and other rural protection strategies. The toolkit will build on the [Regional Open Space Conservation Plan](#), which seeks to identify and protect the most important open space resources in the region. Consistent with RGS-Action-4, the goal is for the toolkit to aid county and city conservation efforts, including during the upcoming comprehensive plan update cycle.

Transfer of Development Rights (TDR) is specifically mentioned in RGS-Action-4 and will be incorporated into the toolkit. TDR is a market-based mechanism that encourages the voluntary transfer of development rights from places where a community would like to see less growth to places where development can be better supported by infrastructure and is consistent with local plans. TDR has been enabled in all four counties and is already in use by several cities. However, cities are just beginning to look at the potential for using TDR across county boundaries and most cities have yet to participate in a TDR program. The upcoming periodic update of comprehensive plans provides an opportunity for jurisdictions to incorporate or strengthen TDR programs.

The toolkit includes sections with policy, planning, and regulatory tools, acquisition and easement tools, stewardship tools, and data and mapping tools. Policy, planning, and regulatory tools in the toolkit include watershed management plans, future land use designations, and zoning and development codes. Acquisition and easement tools include conservation futures programs, TDR, open space bonds, and community forests. Stewardship tools include conservation district programs, public benefit rating systems, and Shore Friendly programs. Data and mapping tools include ParkScore, Open Space Assessment Tool, and Tree Equity Score Mapper.

PSRC staff has been engaging with counties, resource agencies, and other stakeholders to develop the toolkit. A draft is expected to be available for review this spring.

Discussion questions for the board include:

- Are there TDR or other conservation strategies that have worked well at the local level?
- Are there regional open space or rural conservation strategies that your community is interested in?
- Where can PSRC improve support for open space and rural land conservation?

PSRC staff welcome hearing from the board about the strategies and additional types of resources and tools that PSRC could provide to support jurisdictions' conservation work.

NEXT STEPS

PSRC will continue to work with stakeholders to develop the toolkit and will provide an update and review draft to the board this spring.

For more information, contact Erika Harris, Senior Planner, at eharris@psrc.org, or Paul Inghram, Director of Growth Management, at pinghram@psrc.org.



Puget Sound Regional Council

DISCUSSION ITEM

January 27, 2022

To: Growth Management Policy Board
From: Paul Inghram, Director of Growth Management
Subject: **Stormwater Parks Update**

IN BRIEF

PSRC staff will provide an update to the Growth Management Policy Board on work to provide technical assistance and help catalyze the development of new stormwater parks in the region.

DISCUSSION

Puget Sound recovery is one of the key strategies of [VISION 2050](#). Stormwater pollution and changes in the hydrology of runoff patterns are among the biggest threats to Puget Sound water quality. Land use and transportation development practices have the potential to either degrade or improve water quality and hydrology. Policy MPP-En-18 seeks to reduce stormwater impacts from transportation and development through watershed planning, redevelopment and retrofit projects, and low-impact development.

Developing stormwater parks is one innovative strategy for Puget Sound recovery that can fix legacy stormwater problems in an efficient way by both treating stormwater from a larger area and providing recreational opportunities. For example, [Manchester Stormwater Park](#) in Kitsap County doubles as a regional stormwater treatment facility and a public park.

PSRC was awarded a Puget Sound National Estuary Program grant to help catalyze the development of new stormwater parks. The project has three main parts:

- Share lessons learned from already-built stormwater parks
- Identify opportunities for stormwater park retrofits regionwide and provide technical assistance for the planning of new stormwater parks
- Develop a guidance document on planning for stormwater parks

The project started in mid-2020 with the board providing direction on the work plan. In January 2021, during the discussion of Puget Sound Recovery, the board helped to identify stormwater parks in the region that could be profiled. PSRC prepared fact sheets on seven stormwater parks in the region, highlighting their approach to integrating water quality and park features, which have been posted on [PSRC's stormwater parks webpage](#). At the July meeting, the board heard about Kitsap County's stormwater parks and the opportunity for technical assistance for early planning of stormwater parks.

Recently, the National Estuary Program awarded the project additional funding, which increased the number of potential stormwater parks to receive technical assistance from four to six. Jurisdictions selected so far for the technical assistance include Kirkland, Kitsap County, Lynnwood, Marysville, and Woodinville. Work with those jurisdictions and the consulting team, AHBL, is underway. Services such as feasibility studies and conceptual design is being provided.

Ideally, the technical assistance would be provided to jurisdictions in all four PSRC counties. There is still an opportunity for a Pierce County jurisdiction to receive technical assistance to round out the group. Pierce County jurisdictions can contact Erika Harris for information.

A regionwide analysis to identify suitable locations for stormwater parks was conducted last fall. The analysis helped with the discussions with jurisdictions considering stormwater parks. Analysis criteria included pollutant load, salmon benefit, park access, and relative location within a watershed. Data from the analysis is available upon request.

The findings from this work will be summarized in a guidance document on planning for stormwater parks that it is hoped will facilitate additional stormwater park development in the region. The guidance is expected to be available this fall.

NEXT STEPS

Pierce County jurisdictions are encouraged to consider the technical assistance opportunity.

Late this year, PSRC staff will share with the board the progress in planning the new stormwater parks. Lessons learned, such as overcoming funding and institutional barriers, will be incorporated into the guidance on planning for stormwater parks, which will also be shared.

For more information, contact Erika Harris, Senior Planner, at eharris@psrc.org.

2022

GROWTH MANAGEMENT POLICY BOARD MEETINGS

(published October 2021)

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No Meeting in December						

Communication: 2022 Growth Management Policy Board Calendar (Information Item)

Meetings held at regular time from 10:00 a.m.-12:00 p.m.

As the need arises, the Transportation Policy Board and the Growth Management Policy Board meet in joint session to coordinate activities and make decisions/recommendations.

Meeting dates & times are subject to change. If a meeting is changed or cancelled, members & alternates will be notified.

Current meeting schedule is available on PSRC's website at www.psrc.org.