

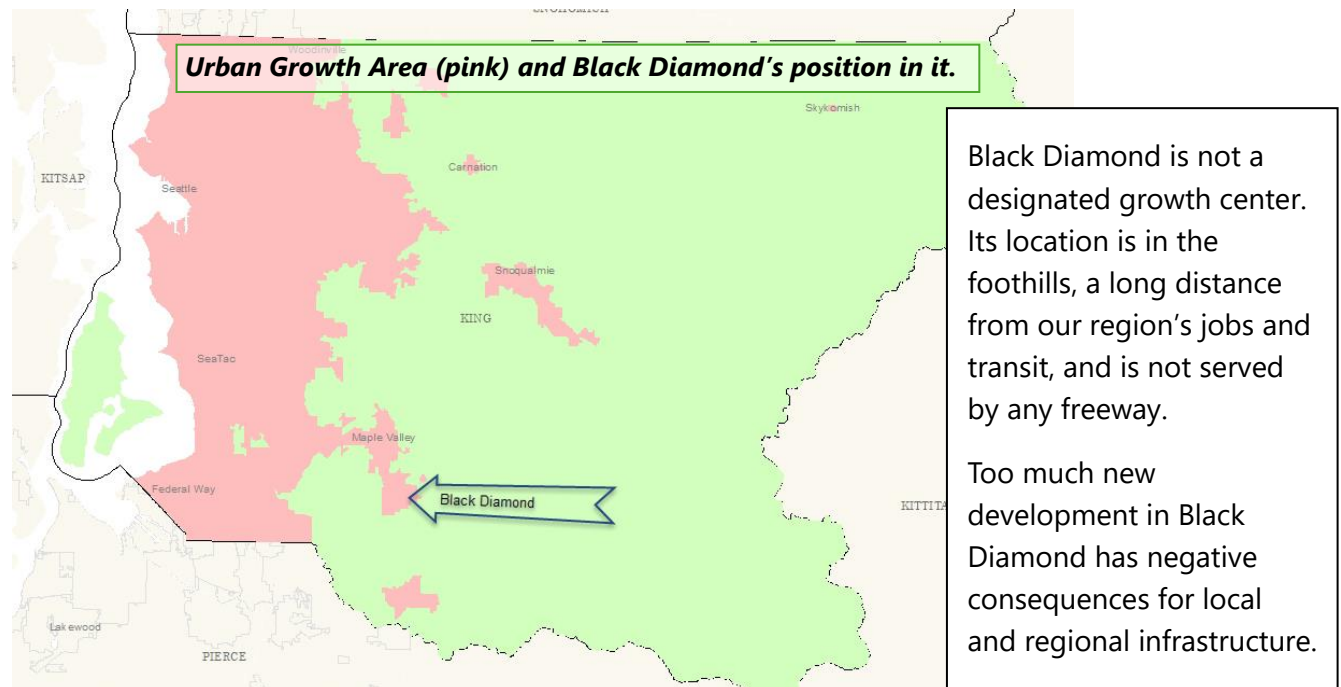
Friends of Black Diamond
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June 21, 2024

Subject: Growth Target Reconciliation and Black Diamond

To the Growth Management Planning Council,

On your June 26 agenda is reconciliation of Growth Targets for several cities including Black Diamond. GMPC's regional planning is important because every person deserves a safe place to live, job opportunities, a good education, and access to services they need to be healthy.



We ask the GMPC to decline to increase Black Diamond's Growth Targets. The GMPC was correct when it set the city's target, consistent with good public policy. The city was advised how to achieve Comprehensive Plan certification, but chose a conflicting path.

GMPC could instead help Black Diamond develop an economic plan that encourages industry other than auto-intensive, low-wage retail. The city's Comprehensive Plan should be updated with less residential growth, and to encourage environmental conservation.

We support housing in the right places. Historic Black Diamond has grown tremendously from about 1,600 units in 2010 to 2,800 units today. The city's *draft* 2024-2044 Comprehensive Plan proposes adding 6,000 more housing units, exceeding their target by 3,100. *However:*

1. Vesting for Black Diamond's planned developments expires in 2025.
2. 1996 Black Diamond Urban Growth Area Agreement conservation and infrastructure commitments have been broken.

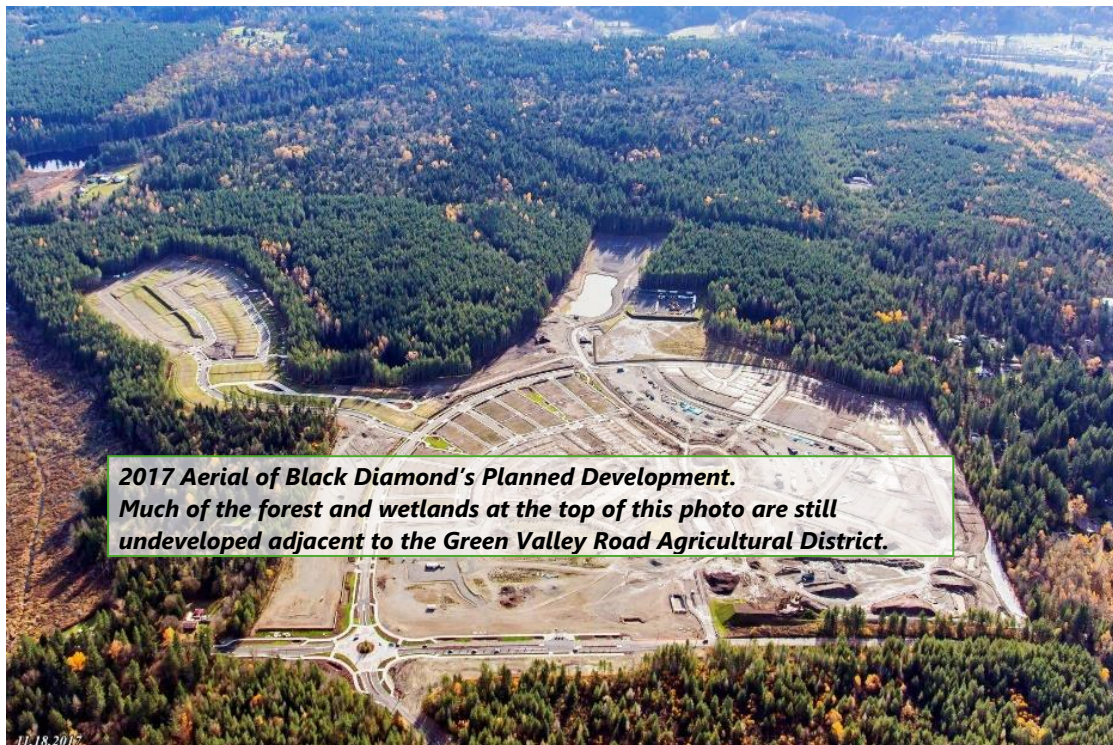
3. The 2011 vested development agreement commitments for road projects, fire station(s), sports fields, and environmental protection are years late or not met.
4. Black Diamond does not have the funding or votes to build 5 new schools.
5. There is no likelihood of the city meeting its Emergency Housing requirements.
6. The city chose not to follow PSRC's 2020 recommendation to not further exceed targets.

1. Vesting for Black Diamond's planned developments expires in 2025.

The GMPC June 26 packet indicates vesting of Black Diamond's planned developments may be reason to increase the growth target. However, this vesting expires in 2025¹. In 2010, the developer vested a fifteen-year agreement to quadruple the city with 6,000 new housing units. The city must let the developer build plats approved prior to the expiration of this vesting, but the city is free to designate undeveloped land for a different *future* use. After 2025, land not already platted will be subject to the new designations.

According to a recent count by city staff, approximately 1,800 housing units in the planned developments have been platted. Vesting for most of the remaining 4,000+ residential units and commercial/retail will expire in 2025, undeveloped.

To put it plainly: Past vesting is no reason to increase Black Diamond's targets, because far fewer units are vested than the current 2,900 growth target for 2044.



¹ Master Planned Development Approval 2010, Ordinances 10-946 and 10-947.

Black Diamond Code 18.98.195 Vesting (https://librarystage.municode.com/wa/black_diamond/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.98MAPLDE_18.98.195VE).

Staff comments June 11, 2024, Planning Commission meeting.

This is an extraordinary opportunity for Black Diamond and the region. Were it not for decisions made decades ago, there is no reasonable basis today to allocate such high growth targets and infrastructure resources to this remote part of King County (see map page 1).

However, if the GMPC now increases the city's growth target, then Black Diamond, despite not having a vested development, will be obligated to zone for that growth.

2. 1996 Black Diamond Urban Growth Area Agreement (BDUGAA) violated.

The 1996 Black Diamond Urban Growth Area Agreement² greatly expanded the city limits, in exchange for promised infrastructure. These promises are not being kept.

- A. The city, along with the benefitting landowner, committed to conserving a "50 acres in-city forest" in exchange for the 50-acre city limit East Expansion Area (section 3.4). Now, instead of insisting on the required conservation, the city proposes rezoning the 50-acre forest to 4 houses per acre, and the 50-acre east expansion to 8-12 houses per acre.³
- B. The BDUGAA (section 6.5) required a new east-west "pipeline" road to accommodate expansion of the southwest city limits, over a mile from State Route 169. Now, the landowner says the commitment to deed the road right-of-way is expired, and so far, has refused to sell the land.⁴ All traffic to and from the new development will continue to disrupt existing neighborhoods on old roads built to rural standards.

3. Developer Infrastructure Commitments violated. The city's 2011 vested Development Agreement commitments for road projects, fire station(s), sports fields, and environmental protection are years late or not met.

Many members of the community have voiced concerns⁵ over violations of the city Development Agreement Ordinance 11-970⁶ and its promises of well-managed growth. Just some of the issues:

- a. Degraded Fire/ EMS service. The city accepted 2014 and 2021 developer fiscal analyses that overestimated tax revenue, then failed to enforce requirements for developer to fund increases in fire, EMS, and police staff (Ord 11-970, Section 13.6).
- b. Failed to take action to resolve current deficiencies in Fire/EMS response, where only 34% of calls are responded to within 6 minutes⁷. The population continues to increase with no increase in Fire/EMS service. The city now expects to send a tax increase to the voters⁸.

² BDUGAA available as King County Ordinance 12534

³ Draft Black Diamond Comprehensive Plan, and <https://engage.ahbl.com/BD2024/BD-map-comparison>

⁴ May 15, 2023, Letter from developer OakPointe to City dated May 15, 2023, "... PCC believes the BDUGAA and the consideration provisions contained therein for the Pipeline Road right-of-way, have terminated."

⁵ Comprehensive Plan public hearings, Planning Commission, and Council meetings, Oct 2019 through Jun 2024

⁶ <https://www.blackdiamondwa.gov/master-development-review-team/files/ordinance-11970>

⁷ Mountain View KCFD44 - 2019 Annual Report.pdf

⁸ June 20, 2024, City Council Agenda Item 10) AB24-045 - Continued Discussion of Levy Lid Lift.

- c. Required developer-built fire station is now 3 years late (Ord 11-970, Section 13.4), with no funding for a fire truck or aid car for the station.
- d. Failure to provide softball and soccer fields as required by 800 housing units (Ord. 11-970, Section 9.5).
- e. Delayed construction of transportation mitigation and concurrency projects in violation of Development Agreement Ord. 11-970 requirements⁹.
- f. Road projects required by the Development Agreement near salmon streams have failed to protect riparian buffers and failed to appropriately treat stormwater¹⁰.

4. Black Diamond does not have the funding or votes to build 5 new schools.

The planned developments would need 5 new schools, all in the Enumclaw School District. In 2023, the city rezoned for more housing that could necessitate a 6th school. Voters rejected a school bond in Black Diamond with a 75% vote against¹¹. Surveys repeatedly show lack of voter support for building new schools, with community frustration over too much development burdening school district families.

5. Black Diamond Won't Meet its Emergency Housing Requirements

According to County-Wide Planning Policies (policy H1) every jurisdiction must provide a proportionate share of new emergency housing. With its current growth target of 2,900 new residential units, Black Diamond will need 554 Emergency housing units¹². However, the city has not discussed or made any plans to provide these units. Increasing Black Diamond's Growth Target would increase the Emergency Housing share in a city that is unprepared.

6. The city failed to follow PSRC's 2020 recommendation to not further exceed targets.

The Puget Sound Regional Council (PSRC) Report¹³ on Black Diamond's current (2019) Comprehensive Plan said that the city is not doing enough to mitigate impacts from growth in excess of targets, including impacts on neighboring jurisdictions¹⁴.

The Report also cautioned Black Diamond to not zone for residential growth that would further exceed targets. Yet, the city pushed forward a rezone of 75 acres to 8-12 houses per acre that

⁹ City *Ordinance 11-970* Section 11.4: "Occupancy of an Implementing Project that exceeds the construction threshold is allowed after the necessary Regional Facility has been permitted. This ensures that necessary off-site Regional Facilities are provided to serve Implementing Projects as they occur." And April 28, 2020 "Revised completion schedule for the Intersections and related improvements along the SR169 corridor."

¹⁰ Roberts Drive project near Rock Creek drainage issues. SR169/Roberts Dr roundabout project cut the required 150-foot Ginder Creek buffer to 30 feet or less.

¹¹ <https://aqua.kingcounty.gov/elections/2023/feb-special/results.pdf>

¹² https://cdn.kingcounty.gov/-/media/king-county/depts/executive/performance-strategy-budget/regional-planning/cpps/kc_2021_cpps_ord_19660_113021.pdf page 40. Black Diamond Targets.

¹³ PSRC Plan Review Report <https://www.psrc.org/media/2477>

¹⁴ Minutes Growth Management Policy Board February 3, 2022, <https://www.psrc.org/media/5160>

was previously zoned light industrial. The city said that transportation and other mitigation would happen at the future permit level. This decision to “deal with it later” is not planning. It is also in direct conflict with what PSRC recommended, and what the City Council said via resolution¹⁵ that the city would do.

Closing and Request

There is no good reason to increase Black Diamond’s Growth Targets. As described above, there is not enough vested development to exceed the 2,900 residential unit target.

The reconciliation process can be used to help Black Diamond by revising the city’s housing and land use plans to support resident concerns and regional goals. The region should not make exceptions and costly accommodations for Black Diamond.

Regionally, we support growth targets that put new population in cities that have school capacity and transit capacity, and that have more jobs than people. Housing *without* jobs, infrastructure, and environmental protection is not beneficial to the residents.

Thank you for considering this information,

Friends of Black Diamond

and Angela Fettig, Renee Mix, William Bryant, Gary Jones, Sherrie Jones, Lisa Winters, Philip Acosta, Kristen Bryant, Gary Kohl

¹⁵ Black Diamond Resolution 20-1358 Adopting a Work Plan for Full Certification by the Puget Sound Regional Council of the updated City of Black Diamond Comprehensive Plan