

**CITY OF MAPLE VALLEY, WASHINGTON  
RESOLUTION NO. R-10-783**

**A RESOLUTION OF THE CITY OF MAPLE VALLEY, WASHINGTON,  
AUTHORIZING THE CITY MANAGER TO SIGN A MITIGATION  
AGREEMENT WITH BD VILLAGE PARTNERS, LP AND BD LAWSON  
PARTNERS, LP.**

WHEREAS, on May 28, 2009, YarrowBay submitted two applications to the City of Black Diamond (“Black Diamond”) for master planned developments (“MPDs”) known as The Villages and Lawson Hills; and

WHEREAS, on December 11, 2009, Black Diamond issued a Final Environmental Impact Statement (FEIS) for the MPDs; and

WHEREAS, the City participated as a party of record on the MPD open record hearings before the Examiner; and

WHEREAS, the City’s participation in the MPD open record hearings before the Examiner concerned a challenge to the traffic modeling and traffic analysis that were contained in the FEISs for each MPD, and submitted evidence of its traffic modeling and its traffic analysis requesting mitigations from Black Diamond based on its evidence of traffic impacts within the City attributable to the MPDs; and

WHEREAS, the Examiner found the FEIS’s for the MPDs to be adequate in decisions dated April, 2010; and issued recommendations on the MPDs in May 2010 for The Villages and Lawson Hills; and

WHEREAS, YarrowBay and the City began negotiations for mitigations on or about June 4, 2010 in an attempt to resolve the dispute regarding necessary traffic mitigation in Maple Valley attributable to the MPDs; and

WHEREAS, on June 21, 2010, the Black Diamond City Council convened its closed record hearings and heard oral argument from and considered written materials submitted by parties of record from June 24, 2010 to July 14, 2010; and

WHEREAS, the City participated as a party of record in the MPD closed record hearings conducted by the Black Diamond City Council; and

WHEREAS, on September 20, 2010, the Black Diamond City

Council adopted Ordinance 10-946 approving The Villages MPD and adopted Ordinance 10-947 approving the Lawson Hills MPD; and

WHEREAS, YarrowBay and the City desire to reach an amicable resolution to the dispute regarding necessary traffic mitigations from the MPDs in Maple Valley, and have mutually agreed to enter into a Mitigation Agreement and have agreed to work jointly to have this agreement become an Exhibit to the development agreements that implement the MPD ordinances by the City of Black Diamond City Council;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO RESOLVE AS FOLLOWS:**

Section 1. Authorization. The City Manager is authorized to execute the Mitigation Agreement with BD Village Partners, LP and BD Lawson Partners, LP and is directed to have the Mitigation Agreement recorded in the records of King County, Washington as soon thereafter as practicable, against the parcels of property identified in Exhibit A of the Mitigation Agreement. A copy of the Mitigation Agreement will be filed with the City Clerk and identified with Clerk's Receiving Number \_\_\_\_\_.

PASSED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AT A SPECIAL MEETING THEREOF THIS 6TH DAY OF OCTOBER, 2010.

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Noel T. Gerken, Mayor

ATTEST:

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Shaunna Lee-Rice, City Clerk