

**Four Creeks Unincorporated Area Council  
Regular Meeting Minutes – June 18, 2003  
Submitted by Gwendolyn High**

ADOPTED 7.2.2003

**Attending:**

David Rockabrand	Denise Jones
Gwendolyn High	Kelly Faoro
Cynthian Green	John Gillingham
Bette Filley	Paul Zucati
Marshall Brenden	Edie Jorgensen
Brian Thomas	

**Question Period Regarding May Creek Basin Action Plan**

- Questions were presented to and answered by Stephanie Warden (Director DDES), Daryll Grigsby (Division Director DNRP - Water and Land Resources Division (WLRD)), Randy Sandin (Supervisor DDES/LUSD - Site Development Services and Mary Maier (May and Issaquah Creeks Basin Steward).
- David R. opened by asking for brief introduction and history of each of the above listed County representatives.
- Stephanie Warden – Currently Director of DDES. 6 years in Land Use policy at Bellevue and 10 years at King County
- Daryll Grigsby – Previously managed water and sewer systems for San Diego and King County and also Director of Transportation at Seattle
- Randy Sandin – 18 years in Land Use/Permitting with King County including 8 years supervision of sensitive areas policy and 15 years in Code Enforcement. Currently focused on clearing and grading.
- Mary Maier – Basin Steward for May and Issaquah Creeks since March of 2002. Previously coordinated stream restoration at a non-profit watershed council in southern Oregon. Currently focused on facilitation of implementation of the May Creek Basin Plan.
- David R. asked for answers to the list questions and concerns submitted to and recorded by Connie Blumen during her May 7 presentation to the FCUAC.

Mary M. said that Connie had indicated that she had expected to email answers today.

David R. said that he had gotten an email from Connie that indicate she would not be able to attend tonight's meeting, and that she was waiting for one more document before forwarding all answers to all questions and concerns submitted May 7.

- Mary M. submitted copies of the status report of progress on Primary, Secondary and 164<sup>th</sup> Plan recommendations of the May Creek Basin Plan. This document is available for review: Page 1 and Page 2
- David R. asked for clarification of the term "flow obstruction" as related to MCBP Recommendation 5.

Daryll G. explained that the object of Recommendation 5 was to do everything that is allowed through current permits and regulations to remove obstruction in efforts to achieve minimization of the duration of seasonal flooding. He further explained that it was never the intent to eliminate all flooding because of the regulatory limitations under which the MCBP must be implemented. Recommendation 5 is intended to provide a Pilot project that would provide a prescriptive process for permit application and implementation that any property owner could follow. Specifically, there is no recommendation to secure Public Agency Utility Exception permits because that kind of permit can not be issued to an individual, but a PAUE was secured in order to do the work on the McFarland project (\$131,000) in an effort to make visible progress that owners could see. There is \$250,000 budgeted for a pilot project this year, but no property owner has agreed to allow any pilot to be implemented on their property. One of the major issues of opposition articulated to County staff by owners is in regard to mitigation requirements. D.G. said that he has asked his engineering staff to investigate what level of flexibility there is in regard to the types of mitigation that would be acceptable under the applicable permit processes.

- David R. asked why the Crane/Hanson property could not be the site for a pilot.

Daryll G. 1) The budgeted \$250K is insufficient to implement the scope and scale of the project as described by owners. 2) The work desired by owners would require a PAUE, which can not be granted to individuals, and thus would not meet the definition of Pilot as specified in the MCBP.

Stephanie W. reiterated the PAUE permit issue as outside the scope and intent of Recommendation 5.

- Gwendolyn H. said that is sounded like the goal of Recommendation 5 was for King County to bear the initial cost to test

and create a process that any owner could follow to be able to alleviate the flooding impacts on their own property. Since PAUEs can not be issued to an individual, any work that would require such a permit would actually be in violation of Recommendation 5. What is needed is a property owner willing to allow a real pilot to test the process.

Daryll G. agreed.

Brian T. asked what vision the county had and what metrics had been established by which the implementation of the MCBP was to be evaluated.

Daryll G. said that the MCBP does not specify actual quantitative metrics. The MCBP indicates that the goal is to achieve lessened duration of flooding within the restraints of the existing regulations and permit processes without adverse consequences to any other portions of the May Creek Basin's hydrological system.

Brian T. stated that it would be helpful to have a metric goal defined.

Daryll G. agreed that he would like to have such a quantitative metric, but there are none defined in the plan as it has been adopted, and such a metric would be virtually impossible to define considering the variation in weather patterns year to year and the lack of solid historical numbers to which future number could be compared. The challenge is now to repair the damage that has happened over time as best can be done in order to reduce the duration of flooding and that is the goal.

- Jim Osborne said that the mitigation method of planting trees along the stream is a problem – that such mitigation "goes backward" and that woody debris is the same thing. His other source of frustration is that none of the county personnel currently dealing with the MCBP were involved when the plan was being developed.

David R. agreed that the shifting staff makes it hard for the residents. They have to start over every time there is a change.

Mary M. said that the MCBP is itself the best mechanism to address this issue. It is the record of all the work done by all parties and the plan for action agreed to by all parties – including endorsement by MVEC. Now the task is to implement the plan that we have all agreed. She said that the MCBP is not all that is possible. Owners are free and encouraged to propose projects on their own. King County can even provide technical assistance to facilitate such proposals. She reiterated that the recommendation for a pilot was never a commitment to remove all obstructions from May Creeks or that the owners would not have to pay for the work.

John G. asked: What are the fees an average citizen would pay to do work in the creek? What happens in the case that one owner pays the fees and fixes his section of the stream, but the owner downstream did not, so that the situation was no better due to continued downstream obstruction? Since all residents pay the Surface Water Management fees, why don't these fees pay for all the work to correct the flooding?

Randy S. explained that the purpose of the pilot was to create a menu of requirements (permits, mitigations, solutions, etc.) so that the permit costs would be reduced because the process had been tested and standardized based on what the county would learn. This would make the permitting process go faster, and thus be cheaper as well.

Daryll G. said that the cost of the McFarland project, the property buyout funds and the \$250K in the budget for pilot work this year were directly from the Surface Water Management fees that all residential property owners pay. He said that he had presented how to apply for grants through the Rural Community Partnership program to the last MVEC meeting he had attended. He said that the mitigations concerns would best be addressed and acceptable alternatives developed through the pilot project.

Stephanie W. stressed that the first round of permits would be the most time consuming and expensive, and that was why King County had agreed to pay for that round in order to minimize the cost of subsequent project to property owners.

- John G. asked what scale of project was anticipated to be carried out by owners – backhoes or shovels?

Unidentified comment – Reed canary grass has choked a section of the stream that was previously 4 foot deep such that the channel is full of silt and only 6 inches deep. Removal of the reed canary grass without removal of the silt will do no good.

- Dave Dahlin asked: What is the King County vision for our property? He expressed that Mary M. is obligated to report any code violations of which she becomes aware in the course of her duties as Basin Steward. He asserted that this puts her at a disadvantage in her efforts to build relationships with property owners. He asked Stephanie W. for a suspension of that duty.

Stephanie W. said that they are charged with the implementation of the MCBP, and that it would be irresponsible to that duty to turn a blind eye to code violations since such violations could very well be exasperating conditions elsewhere in the basin.

- Rick Spence said that in the past the steward basin and code enforcement officers had been perceived as "double teaming" in the basin. He said that this history of distrust prompts the current concern. He said that he thinks that Daryll G. is working

to bridge the trust gap and that there is no specific issue at the moment, but that such a situation should be avoided in the future.

Stephanie W. replied that she would be willing to discuss any specific cases in which code enforcement activity was counterproductive to MCBP implementation.

Marshall B. commented that it appears that the pilot is to set up a system of permits, but he thinks that is doomed because the cause of the flooding is not the individual owners so it is not right that they should be held responsible to fix the problems.

Daryll G. reiterated that he is doing his best to try what is in the Plan. The sooner progress can be made and pilots put in place, the sooner monitoring and evaluation can get under way.

- Gwendolyn H. agreed with Marshall B. that the present conditions are largely or even wholly the result of the consequences of development of the basin over time. She commented that the whole meeting's discussion had revolved around a single Recommendation, but that there are many parts to the plan. In particular, Recommendation 17 directs the tightening of drainage mitigation standards for all development which would channel water into the May Creek Basin. Many steps can and should be pursued to correct the situation.
- Jim ? asked if residents can remove reed canary grass and beaver dams by hand.

Randy S. reported that he had prepared a document about a year ago that listed activities that 1) require no permit 2) require permits that individuals can obtain 3) require PAUE. Owners can perform activities in the first and second instances as long as they conform to established guidelines. A copy of this document is available: [Page 1](#), [Page 2](#), [Page 3](#), [Page 4](#) and [Page 5](#)

He explained that the practices for mitigation standards for agricultural ditch best management practices did not apply in this case, and stressed that a pilot project provides the best opportunity to develop acceptable alternate mitigation practices.

- Claudia Donnelly talked about the process she has gone through to get greater consideration of the downstream (into May Creek) impacts from proposed developments. She has been able to ensure that Level 3 drainage mitigation will be required in two developments upstream from May Creek. She emphasized that participation on each project was crucial to the protection of the basin, not just actions in the stream.
- Rick Spence agreed that the conditions in May Creek were the cumulative result of development. He said that the fees should pay for fixing the problem. He said that "the silt has to go. Fish don't grow in silt". He also asked that the Basin Steward give notice before visiting.
- David R. asked why less mitigation is required of developers.

Stephanie W. said that the general drainage standards were applied to each application.

- Bette F. said that it seems like a simple problem. No wood stumps, no canary grass, no plug at the bottom of the stream and no quarry and the flooding would be solved. Why can the quarry get away with diverting the stream, when individual owners are ordered to pay fines and fix any code violations right away? \$250K is a lot of money. Wouldn't that pay for fixing the stream diversion?

Rick S. said that the situation with the quarry predated all regulations. The diversion happened before it was illegal, but the current operational permits were issued to Pacific Topsoil when the existing diversion was known. Why were they allowed to pave over the diversion instead of fixing it?

Randy S. said that there are no records of how much water was diverted or what the pre-diversion hydrological conditions were, so there is no legal standard to which the quarry can be held to account. He said that responsibility for the ultimate site reclamation plan is in the State jurisdiction. WLRD will probably do the eventual analysis. He said that there are larger issues related to the quarry, and that reclamation responsibility determination was being pursued by the State Attorney General's office.

Rick S. said that the stream diversion at the quarry was a big issue but that he thought the silt in the stream bed in May Valley was a bigger issue and where the focus should be.

- Dave D. asked if he were to agree to allow a pilot project on his property, would the obstructions to be removed include the silt.

Daryll G. said he didn't think so.

Dave D. asked what it would take to remove the silt.

Daryll G. said he thought it would require a Hydrologic Permit approval.

Randy S. said that and HPA was much more involved and expensive than a pilot project would cover.

- David R. thanked all the guests from the county for attending and answering questions. He repeated the frustrations and asked for a more apparent "Let's do it" attitude.

*BRIAN LEFT*

**Deputy Maxwell's Report:**

- Due to the schedule agenda arrangement, Deputy Maxwell was not able to stay and thus there was no police report.

**Minutes of Regular Meeting of May 21, 2003:**

Date Motion Description	Member	Motion Made By	Second	Aye	Nay	Abstain
2003.06.18  Adopt the Minutes for the May 21 Regular Meeting	David Rockabrand					
	Gwendolyn High			X		
	Tom Fisher					
	Cynthia Green					X
	Bette Filley			X		
	Marshall Brendan			X		
	Brian Thomas					
	Denise Jones		X	X		
	Kelly Faoro					
	John Gillingham			X		
	Matthew Hebb					
	Michele Fisher					
	Paul Zucati			X		
	Edie Jorgensen	X		X		
Result: PASSED				7	0	1

**Minutes of Special Meeting of June 4, 2003:**

Date Motion Description	Member	Motion Made By	Second	Aye	Nay	Abstain
	David Rockabrand					

2023.06.18

**Adopt the Minutes for  
the June 4 Special  
Meeting**

David Rockabrand					
Gwendolyn High			X		
Tom Fisher					
Cynthia Green					X
Bette Filley			X		
Marshall Brendan					X
Brian Thomas					
Denise Jones	X				X
Kelly Faoro					
John Gillingham			X		
Matthew Hebb					
Michele Fisher					
Paul Zucati			X		
Edie Jorgensen		X	X		
<b>Result: PASSED</b>			5	0	3

**Treasurer's Report:**

- \$98.51 in the checking account
- \$9574.10 in the King County account
- \$35.95 reimbursement check

**Committees' Reports:**

▪	David R. Asked for a motion to extend the meeting by 5 minutes. Passed unanimously.
▪	Committee Reports  Admin – Edie J., chair  Edie J. reported that Administration committee has met and is preparing for the upcoming election process. Nominating committee is required by the Bylaws and volunteers who will not be running for election are needed.
▪	Transportation – Gwendolyn H., chair  Gwendolyn H. reported that the City of Renton is proposing new improvements and standards under their NE 3 <sup>rd</sup> /4 <sup>th</sup> Ave Corridor Plan. The final Open House was tonight. Gwendolyn attended and brought copies of the documentation provided at the Open House. She will investigate further and report at the next meeting.
▪	Executive – David R., chair  Gwendolyn H. passed out latest versions on website and logo redesign and asked for a vote of adoption as soon

as possible. Council member asked for time to review the materials and submit comments. David R. said that we would address it at the next meeting and said that we would have a Special Meeting in two weeks.

Date Motion Description	Member	Motion Made By	Second	Aye	Nay	Abstain
2003.06.18  Reimburse Gwendolyn H. for \$12.27 for copies of web and logo redesign	David Rockabrand					
	Gwendolyn High			X		
	Tom Fisher					
	Cynthia Green			X		
	Bette Filley			X		
	Marshall Brendan			X		
	Brian Thomas					
	Denise Jones	X		X		
	Kelly Faoro					
	John Gillingham			X		
	Matthew Hebb					
	Michele Fisher					
	Paul Zucati		X	X		
	Edie Jorgensen			X		
Result: PASSED				8	0	0

- A check for the approved amount was issued.
- Land Use and Environment – Marshall B., chair

Gwendolyn H. again reported that Renton has proposals for extensive revision to their Comprehensive Plan regarding zoning, density and infrastructural requirements inside their Potential Annexation Area where it overlaps the Four Creeks Unincorporated Area. The final Open House is scheduled for July 1 at Lord of Life Lutheran Church - 12819 SE 160th St from 6:00pm to 8:00pm. She asked for clarification of the constraints under which she could attend on behalf of the Land Use and Environment committee, if any other members of that committee would be attending, and how possible action could be proposed to the FCUAC. She expressed serious concern that the apparent disinterest in these proposed legislative changes has caused her concern that any appropriate action may be delayed due to inattention by the committee. Much discussion ensued. The final consensus was that any FCUAC member may identify themselves as a member of the UAC, but must clarify that they do not speak for this body unless specifically authorized to do so in advance. Further, any proposed action is to be submitted for review and discussion to the appropriate standing committee, and the committee chair would be obligated to report any proposed action at the next UAC meeting during the committee reports period.

### Appointment of New Vice President

- David R. announced self nomination of Edie J. Marshall B. nominated John G. John declined. Marshall B. nominated Bette F. Bette declined. Bette F. nominated Marshall B. David R. called for a show-of-hands vote. Edie J. received 5 votes and Marshall B. received 3. Edie J. was appointed new Four Creeks UAC Vice President.

### Meeting was adjourned at 9:20pm.

Initially submitted via email to all UAC members, and posted on the website on June 21, 2003. gh