

August 2, 2010 Meeting Minutes

7:00 PM

Call to Order
Pledge of Allegiance
Roll Call
Public Comment on topics which are not listed on the Agenda
Review and Approve Agenda
Approval of minutes

A note from Warren: The Fire Department would like to attend our September meeting.

Steve Neugebauer, a citizen in the community

Steve is a licensed Geologist who is in environmental and critical area studies. He came to speak to us about the CAO, and was asked to attend our meeting by Councilmember Jim Callow. He specifically wanted to speak to us about the best practices in science. Steve said that in 1990 the theory in changing the Critical Area requirements was to make development easier. Later the clean water act provided that best available science be used in conjunction with the Growth Management Act (GMA). The problem with the GMA and CAO is that there wasn't any best available science at the time. Steve encouraged us to research the document released by Attorney General Rob McKenna, Advisory Memorandum: *Avoiding Unconstitutional Takings of Private Property, December 2006*. It discusses the taking of land, and cautions against violating the 14th and 15th amendment and state law. The issue Steve and Councilmember Jim Callow have is that there isn't any best available science on the Puget Sound Lowlands, and many of the studies are done in the forest. Steve also provided a document from Paul R. Adamus PH.D, Best Available Science for Wetlands of Island County, Washington: Review of Published Literature, November 2007. He is concerned that the government is taking land without backing it up by a police action. He also provided the Citations of Recommended Sources of Best Available Science For Designation and Protecting Critical Areas, March 2002. Steve's point is that there isn't a science specifically for buffers. Our wetlands do not correspond to any wetlands throughout the world yet we are governed by rules that should not apply to our area. Steve stated that there is not "Best Available Science for Designating and Protecting Critical Areas"; therefore the CAO should not be supported.

Steve's other point is that the above documents are used by Municipalities to draft their own critical area ordinances. He is concerned about people's rights being taken away from them. He feels that if you are going to take people's land away, then you should be compensated. There are people arguing that buffers should be different in different places. A member of the community stated that pure science should be used, but it seems to be difficult to use pure science. Steve said that upland filtering needs to be part of the plan, but it's difficult to get people to see that we need to make a change. Councilmember Dave Fields was part of the original CAO planning, and he said the studies cited don't apply to our area. Another member brought up the fact that the knotweed is being removed from the Shoreline, and there is no plan to replant the area. This impacts the Cedar River yet this doesn't seem to be an issue with those that support the CAO.

7:10 PM

Joint Forum Review

A thank you went out to Councilmember Rob Morris for letting us use the Hobart Church for the Joint UAC meeting, and to Councilmember Warren Iverson who did the food. A suggestion was made that we separate the urban and rural UAC's; however, other members thought it would be a good idea to get keep them together. The message that should be sent to the King County Council is that we're very diverse. We are a non-profit business entity, and there was a discussion on becoming an Association. There was also a discussion on the best way to communicate. Members were impressed that so many people from the County were in attendance. It was also suggested that we take advantage of the County people in attendance, and possibly have a question and answer period at the next joint UAC meeting.

7:30 PM

Black Diamond MPD Hearing Update

Councilmember Peter Rimbo gave us an update on the Black Diamond hearings. He reviewed the history for those who are new to our meetings. On July 14 the closing statements were made by Yarrow Bay. One of the major problems that occurred is that Yarrow Bay stated that King County supported their midterm reviews. They are saying that they do not want to do a new model, and that they will be a midpoint review at 3,000. At the closing statement they backed off from the original plan to

2,000 homes, but not to revamp the model up front. The concern is that Matthew Nolan stated one thing at the hearing, but his intention was different than his testimony. Peter called into a radio station that Dow Constantine was on, and questioned the County's perspective. Matthew's words were misinterpreted by Yarrow Bay and the public. King County has been asked to send a clarification to the Mayor because the Mayor is not bound by the same gag order. Lauren Smith was the point-of-contact; however, she is on vacation. Peter requested that Dow Constantine personally contact the Major of Black Diamond stating that King County believes the traffic model should be done up front. It is believed by some that Black Diamond needs a new traffic model; they need to validate it, and come up with new mitigations. If King County does not contact Black Diamond there is a fear that the MPD will be approved without the appropriated transportation mitigation.

The other issue is whether or not the County will approve a retention pond outside the city. Yarrow Bay is now looking at placing the pond in the city because King County opposes putting it in the Unincorporated Area. There is also a plan to drain into Lake Sawyer, and that is being opposed by the city.

The schools in the rural area that need to be permitted are also an issue with the exception of the elementary school.

The City Council had three closed sessions where they discussed the legal issues in relationship to the City, and they also reviewed all the things the attorney's thought they could be sued on. There is concern that the housing will not be affordable because of all the homeowners associations and the community settlement districts that are being planned. Yarrow Bay is not funding the infrastructure. It is predicted that Yarrow Bay will sell the rights to build to developers. There are TDR's internal to the city that are being planned, but none of the TDR's are coming from the incorporated area. Monday at 4 p.m. at the City Council Chambers there will be public deliberation where the Council will present. There will be no questions, and the deliberation will last for approximately 4 nights. The 5 Councilmember's will be talking to each other. There will be more open record hearings in front of the same Hearing Examiner possibly this fall. There will be an opportunity to bring in new evidence on the development itself. A proposal has been made to take the Hearing Examiner out of the process, which is possible if they change their city code.

7:45 PM **KC Code Recommendations**

Peter outlined the three month process for our code review. An email package was sent to members this weekend, and Peter recommended that we vote on what we want to recommend to King County. We found that in general the code was good; however, King County isn't following the code. Peter debriefed the document he sent out, and committee members voted on each agenda item.

9:00 PM **Other Council Business**

Warren brought up the road closure August 2 through October 15. The signs went up July 30th, and the Issaquah Hobart is closed at highway 18. The wall is washing out, and now it needs to be repaired. The road is closed southbound, and only northbound is open. Warren made some calls, and found out this is a state project. King County DOT is not in the loop on the closure, and there is concern with the closure of the southbound lane of the Issaquah-Hobart Road. Warren asked why there isn't a flagger, and the comment was that a flagger would be expensive. Flaggers are provided for other parts of Issaquah/Hobart road, and the question was asked "Why aren't Flaggers provided to the Unincorporated Area?"

9:40 PM **Adjourn**