Sandy Guinn

From: Jennifer Kuhn
Sent: Wednesday, March 14, 2007 2:48 PM
To: Cindy Baker; Sandy Guinn
Cc: Charleine Sell
Subject: FW: Wood Trails and Montevallo developments

EXHIBIT 64
PAGE 1 OF 37

From: AdeleTraverso [mailto:traversoalv@msn.com]
Sent: Wednesday, March 14, 2007 2:32 PM
To: Jennifer Kuhn
Subject: Wood Trails and Montevallo developments

Please submit this into the public record for the hearing examiner meetings on March 14 and 15. Thank you.

My name is Adele Traverso and I live just north of the King/Snohomish County line, east of 75th Ave. SE. My 600 foot long driveway intersects 75th Ave. and I am intimately familiar with the traffic patterns on 156th Ave. NE and 75th Ave. SE. I have lived at this address since 1993 with my husband and children, who attend Wellington Elementary and Leota Jr. High. Since 1993, there has been a gradual increase in the amount of traffic on our road, which increased rapidly after Costco opened. I object to the high-density development (greater than R-1) proposed for Wood Trails and Montevallo mainly based on the traffic problems it would cause for our road. I have to cross to the west side of 75th Ave. to retrieve mail from my mailbox. I have always felt like I had to take my life into my hands to do so, and would never let my children get the mail because of the speed of the traffic on that street, but since Costco opened I am unwilling to get my mail at all, except during the less busy traffic times of the day, between 10am and 3pm. I would never walk any distance on our street, ride my bicycle or allow my children to do either, due to the lack of sidewalks or shoulders, and the amount of fast-moving traffic. I think the groups of bicyclists who frequent our street on Sundays in the spring, summer, and fall are foolish to ride there. If there are high-density housing developments put in it at the Wood Trails and Montevallo sites, I expect the traffic to increase even more, and it is already at uncomfortable levels. I am not against development, but we need to be very careful to not overload our non-suburban streets with even more traffic. I consider this a safety issue in addition to the neighborhood character issue which has been addressed by others. Thank you for allowing me to submit these comments.

Sandy Guinn

From: Jennifer Kuhn
Sent: Thursday, March 15, 2007 8:52 AM
To: Cindy Baker; Sandy Guinn
Cc: Charleine Sell
Subject: FW:

EXHIBIT 64
PAGE 2 OF 37

Public Comments for your records.

-----Original Message-----
From: Kristi Thompson [mailto:kristi-thompson@verizon.net]
Sent: Wednesday, March 14, 2007 8:39 PM
To: Jennifer Kuhn
Subject:

To Whom It May Concern:

I would like to comment on the Wood Trails and Montevallo development projects. As I understand the situation, it is up to the developer to prove that an up zone is needed. Looking at the situation, I don't see how that is possible.

First and foremost, this proposed R4 development is absolutely, positively not needed in order for Woodinville to meet GMA goals. Woodinville has already met the GMA goals past the year 2020. The cities own Staff Report indicates the city has evaluated the need for additional housing, and has determined that R4 is not necessary at this time, or until at least 2022.

One area that I don't agree with the staff report is that an up zone from R1 to R4 would be consistent and compatible with the zoning of surrounding properties. Wood Trails and Montevallo would be placed in the middle of properties that are currently zoned R1, how in the world is that compatible? Also, the city's planning commission recently recommended to keep the entire Wellington neighborhood zoned R1, one of the key decisions to that was keeping the integrity of the neighborhood's character similar.

Thank you for your time,

Kristi Thompson

Sandy Guinn

From: Jennifer Kuhn
Sent: Thursday, March 15, 2007 8:52 AM
To: Cindy Baker; Sandy Guinn
Cc: Charleine Sell
Subject: FW:

Public Comments for your records.

EXHIBIT 64
PAGE 3 OF 37

-----Original Message-----
From: Kristi Thompson [mailto:kristi-thompson@verizon.net]
Sent: Wednesday, March 14, 2007 8:39 PM
To: Jennifer Kuhn
Subject:

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Thank you for your time,

Kristi Thompson

Sandy Guinn

From: Jennifer Kuhn
Sent: Wednesday, March 14, 2007 1:20 PM
To: Cindy Baker; Sandy Guinn
Cc: Charleine Sell
Subject: FW: emailing the city

EXHIBIT 64
PAGE 4 OF 37

Hi Cindy,

Just to let you know that Susan Huso has sent out an e-mails stating that the City Clerk's office will be excepting e-mails regarding the upcoming public hearings. I will pass these on to you for your exhibits.

Jennifer Kuhn

NOTE: This email is considered a public record and may be subject to public disclosure.

From: Huso, Susan [mailto:Susan.Huso@nordstrom.com]
Sent: Wednesday, March 14, 2007 1:01 PM
To: traversoalv@msn.com; kristi-thompson@verizon.net
Cc: Jennifer Kuhn
Subject: emailing the city

Hi guys,

Any emails you want to send to address the hearing examiner can be sent to:

jenniferk@ci.woodinville.wa.us

Just ask that she submit these into the public record for the hearing examiner meetings of Montavello and Wood Trails. They would need to be sent by noon tomorrow, since they have a very hard cutoff.

Thanks for taking the time!

Susan Huso

FIN SST

System Delivery

Nordstrom, INC.

206-233-6077

tieline 8-860-6077

Sandy Guinn

From: Jennifer Kuhn
Sent: Wednesday, March 14, 2007 2:48 PM
To: Cindy Baker; Sandy Guinn
Cc: Charleine Sell
Subject: FW: Wood Trails and Montevallo developments

EXHIBIT 64
PAGE 5 OF 37

From: AdeleTraverso [mailto:traversoalv@msn.com]
Sent: Wednesday, March 14, 2007 2:32 PM
To: Jennifer Kuhn
Subject: Wood Trails and Montevallo developments

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COPY

Susie McCann

From: Huso, Susan [Susan.Huso@nordstrom.com]
Sent: Wednesday, March 14, 2007 6:57 AM
To: Susie McCann
Subject: email address for WT/Montavello comments

EXHIBIT 64
PAGE 6 OF 37

Susie,

Is there a particular email address that comments for the hearing examiner should be sent?

Thank you,

Susan Huso

FIN SST

System Delivery

Nordstrom, INC.

206-233-6077

tieline 8-860-6077

Susie McCann

COPY

From: Julia Poole [japoole1@earthlink.net]
Sent: Tuesday, March 13, 2007 1:29 PM
To: Susie McCann; Cindy Baker; Fred Green; Barbara Poole
Cc: Council
Subject: Error in City Staff Report to the Hearing Examiner RE the Montevallo Prelminary Plat and Rezone Application
Importance: High

EXHIBIT 64
PAGE 1 OF 37

Dear Ms. Baker and Ms. McCann,

In the Staff Report to the Hearing Examiner RE the Montevallo Preliminary Plat & Rezone Application (as posted on the city's web site), the recommendation made by the city on p. 12 to have "development of the same size lots immediately adjacent to the site compatible with existing Wellington neighborhood lots or plant a 50 foot (this is an increased width) Type I Full Screen Buffer per Chapter 21.16.040 (1)" was not included in the final Recommended Conditions of Approval on p. 27-32 of the Montevallo report. Apparently this was just an oversight, as this same recommendation was included in both the body of the report and in the Recommended Conditions of Approval (under Landscape and Tree Retention) of the Staff Report to the Hearing Examiner RE the Wood Trails Preliminary Plat & Rezone Application. Please correct this omission to the Staff Report to the Hearing Examiner RE the Montevallo Preliminary Plat & Rezone Application before the hearings tomorrow and Thursday.

Thank you very much for your assistance.

Sincerely,

Julia Poole
japoole1@earthlink.net
EarthLink Revolves Around You.

c: Concerned Neighbors of Wellington, Woodinville City Council, Barbara Poole

Susie McCann

COPY

From: Teddy Lopez [seattle_blues@hotmail.com]
Sent: Tuesday, March 13, 2007 12:16 AM
To: Susie McCann
Subject: Comments to the Draft EIS
Importance: High

EXHIBIT 64
PAGE 8 OF 37

To Whom It May Concern,

Greetings. I first saw Woodinville 10 years ago. Not so much development. A lot of vacant land full of trees and wild grass and flowers. And that was the image of Woodinville then that I have admired. And when I got the chance to buy a house, I decided to choose Woodinville as my first home in Washington. And so last 2001, I moved to Woodinville and have grown to love it. However, rapid developments in the city have changed my opinion about it. Before, I could see deers grazing the vacant land and one time were roaming the street but NOT anymore. Before, there were heavily forested but NOT so much anymore. Before, I could get out of my driveway so easily without waiting for so much traffic on the street but NOT anymore.

Quality of life is NOT the same anymore today as compared to 5 or 10 years ago. And the proposed rezoning of the area from R1 to R4 is something that I am NOT in proposition. I have not against development as long as it is well thought of and planned. However, basing on the proposed land use, being a resident of Wellington with house along 156th Avenue NE, I have doubts about the rezoning. Unless I see more roads opened from East to West to accommodate the foreseen increase in traffic, I am strongly AGAINST the proposed plan.

I hope that you would reconsider revising your proposed plan to avoid serious negative impact on the quality of life here in Woodinville.

Best Regards,
Teddy Lopez

COPY

Susie McCann

From: doylefamily5@verizon.net
Sent: Wednesday, March 14, 2007 7:52 AM
To: Susie McCann
Subject: [Fwd: Wellington Housing Development]

EXHIBIT 64
PAGE 1 OF 37

Dear Ms. McCann:

The proposed housing development in Wellington hills raises some concerns for our family. If the new neighborhood is allowed to be built as a R-4 and the roads are all interconnected, it will pose grave traffic and safety problems. Additionally, an R-4 development will create more car noise and air pollution for our street, NE 195th.

The proposed 132 homes would equate to at least 264 cars driving through our neighborhood on a daily basis. Of all the roads servicing the proposed neighborhood, NE 195th Street is the closest to the main aterial and therefore will be the most direct and heaviest travelled. More cars travelling on NE 195th poses a threat to the safety of all concerned. Furthermore, we are worried that the intersection on NE 195th and 156th Street NE will become a bottle neck.

Limiting the size of the lots (R-1) and dividing up the traffic flow equally among all existing roads must be done and should address most of the concerns raised above.

Please help us protect our beautiful neighborhood and the lifestyle that made Woodinville an attractive place to raise our family.

Thank you for your consideration.

Sincerely,
The Doyle Family
15515 NE 195th

COPY

Susie McCann

From: Julia Poole [japoole1@earthlink.net]
Sent: Monday, March 12, 2007 3:51 PM
To: Susie McCann
Subject: question about Montevallo staff report
Importance: High

EXHIBIT 64
PAGE 10 OF 37

Dear Ms. McCann,

I noticed in the Montevallo staff report on p. 12 that there is a recommendation by the city that the Montevallo development put larger lot sizes or a 50 foot buffer planted with natural vegetation by the houses on the south border of Montevallo. I also noticed this recommendation was not in the final list of required recommendations at the end of the report on p. 27-32. Would you please tell me why this is, and if the recommendation by the city on page 12 would be binding, the same as the recommendations at the end of the report.

Thank you. Your assistance is much appreciated.

Sincerely,

Julia Poole
japoole1@earthlink.net
EarthLink Revolves Around You.

EXHIBIT 6A
PAGE 11 OF 37

March 15, 2007

Staff's Closing Request:

1. To continue the public hearing on Wood Trails April 5, 2007, 7 p. m. to allow for additional notification, correcting the site map and description to depict the proper boundaries.
2. Wood Trails Public Hearing video tape will be made available Monday 19, 2007.
3. Procedurally, Montevallo could be completed tonight but the record left open until after the completion of the continued hearing on Wood Trails. Montevallo does not need to be re-noticed.
4. Request that rebuttals and questions regarding Wood Trails occur at the continued hearing and not at the Montevallo hearing this evening.
5. Request that the public, applicant, others submit questions in writing at least one week ahead of time to allow staff to prepare to respond.

Cindy Baker, Interim Director
Development Services

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Other Information/Errata – Montevallo

Hearing Examiner Staff Report Dated 2/23/2007

The following changes are to be submitted to the Hearing Examiner as an exhibit:

1. **Page 9 of 34**
   Change address of Phoenix Development to 16108 Ash Way, Suite 201, Lynnwood, WA 98087, (425) 275-5306

2. **Page 22 of 34 –Schools: School Facilities**
   Change from Wood Trails site to Montevallo site. This inexactness is located twice in paragraph three.

3. **Page 23 of 34-Utilities & Stormwater: Drainage**
   Change King County Surface water Design Manual to 1998 Edition.

4. **Page 27 of 34 – Conclusions: Number 16**
   Change paragraph to read: A note shall be placed on the final plat that requires the proper flow control BMP for roof drains as approved by the City.

5. **Page 28 of 34 – Recommended Conditions of Approval, General: Number 5**
   Change "At the end of the bonding period..." to read "During the bonding period..."

EXHIBIT 604
PAGE 13 OF 37

EXHIBIT 55
PAGE 1 OF 16

J. RICHARD ARAMBURU
JEFFREY M. EUSTIS
Attorneys at Law
Suite 209, College Club Building
505 Madison Street
Seattle Washington 98104
Telephone: (206) 625-9515
Fax: (206) 682-1376

RECEIVED
FEB 14 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICES

FAX COVER SHEET

To: Cindy Baker
Interim Director, Department of Community Development, City of Woodinville

FAX NO.: 425-489-2756
EMAIL: cindyb@ci.woodinville.wa.us

From: J. Richard Aramburu
Client/Matter: Wood Trails / Montevallo proposals
Date: February 13, 2007

CC: Zach Lell, Ogden Murphy Wallace, City Attorney
FAX 447-0215 / Email zlell@omwlaw.com
Client

DOCUMENTS	NUMBER OF PAGES
Letter	**6**

COMMENTS:

PLEASE DO NOT REPLY TO THIS FAX/EMAIL ADDRESS!!
If you received this message via email and wish to reply, please reply by fax to (206) 682-1376 or be certain your e-mail response is to:
rick@aramburu-eustis.com

The information contained in this facsimile message is information protected by attorney-client and/or the attorney/work product privilege. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by facsimile. If the person actually receiving this facsimile or any other reader of the facsimile is not the named recipient or the authorized employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.
* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT 206-625-9515.

EXHIBIT 64
PAGE 14 OF 37

J. RICHARD ARAMBURU
ATTORNEY AT LAW
SUITE 209, COLLEGE CLUB BUILDING
506 MADISON STREET
SEATTLE, WASHINGTON 98104
(206) 625-9515 · FAX (206) 682-1376

J. RICHARD ARAMBURU
JEFFREY M. EUSTIS

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February 13, 2007

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PAGE 2 OF 16

Ms. Cindy Baker
Interim Director
Department of Community Development
City of Woodinville
17301 - 133rd Avenue NE
Woodinville WA 98072

Re: Public Hearings on the Wood Trails and Montevallo Rezones and Plats

Dear Ms. Baker:

As you know, this office represents Concerned Neighbors of Wellington (CNW), a local neighborhood organization concerned with the Wood Trail and Montevallo rezone and plat proposals (collectively known as "WT/M"). CNW also has pending an appeal of an interpretation made by the City concerning the procedures for the hearing.

Yesterday, this office received two notices of hearing for the WT/M proposals, stating that the public hearings for these proposals would be separated, with the Wood Trails proposal being heard on Wednesday, February 28 and the Montevallo proposal being heard on Thursday, March 1. We strenuously object to bifurcating these proceedings and request that hearings on these two proposals be combined for the reasons set forth below. (Please note this position does not reflect an abandonment of the interpretation appeal we

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have filed that demonstrates that there can be no consideration of the preliminary plats for either Wood Trails or Montevallo until the rezone applications to R-4 are approved.)

First, the recent notices are entirely contrary to substantially every communication with the public and the CNW concerning these hearings. The community has been told for a long period of time that the hearings will be consolidated, with the staff and applicant presentations to be heard on Wednesday, February 28 with full opportunity for public presentations on March 1. Steve Munson explained to CNW members as late as last week that this procedure would be followed. In fact, in a conversation in December, you told me the same thing. Indeed, the City has prepared a consolidated draft and final EIS on the two proposals. Specifically, the FEIS stated in the introductory letter signed by you:

> The City will forward the applications, the Final EIS, a staff report and applicable codes to the Hearing Examiner. A public hearing will be scheduled before the Hearing Examiner, who will receive public comments, deliberate and make a decision on the preliminary plat applications.

Based on the verbal and written representations, CNW members have been preparing presentations based on a combined hearing on both proposals. This eleventh hour change in procedures is entirely unjustified. CNW demands that you rescind the recent notices and issue notices for a combined hearing as the local citizens have been told for months.

Second, these two proposals are sufficiently interconnected that separate hearings are not legally permissible. As is apparent, the two proposals are owned by the same owners and present a common development scheme. The Wood Trails proposal calls for approval of R-4 zoning on a 38.7 acre parcel. However, the applicant proposes to construct 66 homes on that site, and to

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transfer 19 units to the Montevallo project. On the other hand, the Montevallo project also requires a rezone to R-4. Even if R-4 zoning is achieved, the Montevallo property is only 16.48 acres which would yield only 47 units. The Montevallo plat proposal for 66 units specifically contingent on not only the Wood Trials rezone to R-4, but the approval of the density transfer. In short, the proposals are dependent upon one another and cannot be separated for public hearing or deliberation purposes by either the city staff or the Hearing Examiner. This is made clear by Chapter 21.36 of the City of Woodinville Municipal Code.

The interconnected nature of these two proposals is also evident from the combined EIS that was prepared. Further, separate review in two hearings and two decisions ignores the fact that these are essentially one proposal. Washington law has repeatedly rejected piecemeal decision making in the manner contemplated here. Thus, in *Merkel v. Port of Brownsville,* 8 Wn. App. 844, 851, 509 P.2d 390, 395 (1973) our Court of Appeals noted "the frustrating effect of such piecemeal administrative approvals upon the vitality of law intended for environmental protection."

With two separate hearings, it is clear that there would be insufficient time to allow for public input. By the time staff and the applicant, bearing the burden of proof on both the rezone and plat portions of the hearing, make their presentations (with cross examination by interested parties), it is likely to be late in the evening before the public will have the opportunity to make presentations. There is substantial public interest in this project, indeed there were 900 individual comments on the draft EIS from 116 sources identifying 77 individual issues. If anywhere near this number of persons attend these hearings, the hearing could last virtually all night. This is not only patently unfair, it appears intended to stifle and limit public comment. Of course, with the City's late decision to have separate hearings, members of the public will have to attend two hearings instead of one. There will of course be substantial difficulty in testifying concerning the several

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cumulative impacts of the proposals, including such matters as traffic impacts.

In addition, because the approval of the TDRs from the Wood Trails site is dependent on rezone, preliminary plat and TDR approvals, no hearings on the Montevallo proposal - dependent on the transfer of development rights - can proceed until the Wood Trail proposal is decided by the Hearing Examiner and City Council. Holding hearings on the Montevallo proposal, obviously inconsistent with not only the current R-1 zoning, but even the proposed R-4 zoning if no TDRs are approved, is a ridiculous and illegal proposition. See *Loveless v. Yantis*, 82 Wn. 2d 754, 760-61, 513 P.2d 1023 (1973) (preliminary plat must be rejected if it contains clear zoning violations).See also *Friends of the Law v. King County*, 123 Wn. 2d 518, 528, 869 P.2d 1056 (1994).

In addition, CNW is concerned that the city staff is attempting to make decisions that belong to the Hearing Examiner, as a quasi-judicial official. For example, CNW has filed, and paid the filing fee for, an appeal of an interpretation decision made by the City. However, as far as we know, the City is sitting on this application and it has not been placed in the hands of the Hearing Examiner to begin the appeal process. This has been a pattern of City staff who refused to issue an interpretation on the procedural issues for months.

Further, the notice for the separate public hearings stated that:

> The hearing examiner will make a final decision on the preliminary plat, and any approval of the preliminary plat will be expressly conditioned and contingent upon the City Council's approval of the rezone.

The ultimate decision on these legal matters is not up to the City staff, but to the Hearing Examiner, unless there has been some direction given to the Hearing Examiner by the staff which has not

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been made public. Further, you now seem to be directing a result that resolves the issue of our interpretation appeal in the City's and applicant's favor.

Indeed, in recent messages that you have sent to members of the public concerning these issues, you have stated:

> Because the preliminary plats are separate proposals the hearing examiner will make separate decisions. However, he will assess all impacts during his deliberations, including cumulative impacts from both projects. He will not miss items because they are separated. I will talk with the hearing examiner about this issue-- there are a number of ways he can overcome the dilemma.

(Emphasis supplied.) This apparent attitude that the city staff can have ex parte communications with the Hearing Examiner is an obvious violation of the appearance of fairness doctrine and due process requirements.

In summary, the procedures for the hearing as set forth in recent notices and procedures followed by the city staff are contrary to law and to the responsibility owned by the City to provide fair hearings for its citizens. The manner in which these proposals are being handled by the City now appears to violate due process and appearance of fairness standards. Accordingly we demand that city staff take the following actions:

> a) rescind the public notices recently issued and reissue notices that call for consolidated hearings on the WT/M proposals;
>
> b) provide sufficient hearing time, with sufficient notice to the public, to accommodate staff, applicant and public presentations during reasonable hours (not into the middle of the night);

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CITY OF WOODINVILLE
DEVELOPMENT SERVICES

c) that the city staff cease making decisions on procedure and substance that are properly within the jurisdiction and authority of the Hearing Examiner;

d) that the city staff immediately engage the Hearing Examiner to address the previously filed interpretation request and other procedural issues concerning the hearing;

e) that if the staff does not rescind its notices for separate hearing, the hearings now scheduled be continued to a future date allow sufficient time for presentation; and

f) that if the staff does not rescind its notices for separate hearings, the hearing for the Montevallo proposal be continued to determine if the rezone, plat and TDR proposals for Wood Trails are approved, and if not, to cancel such hearings and plat review.

Thank you in advance for your prompt attention to these important issues.

Sincerely,

J. Richard Aramburu

JRA/py
cc: Zach Lell, City Attorney
Concerned Neighbors of Wellington

RECEIVED
FEB 02 2007
City of Woodinville
10:48 a.m.
Jennifer Kuhn.

J. RICHARD ARAMBURU
JEFFREY M. EUSTIS
Attorneys at Law
505 Madison Street, Suite 209
Seattle, Washington 98104
(206) 625-9515 Fax: (206) 682-1376

EXHIBIT 64
PAGE 20 OF 37
EXHIBIT 55
PAGE 8 OF 16

February 1, 2007

City of Woodinville Hearing Examiner
Attn: Cindy Baker
17301 - 133rd Avenue NE
Woodinville WA 98072

Re: Appeal of Interpretation dated January 30, 2007 to City of Woodinville Hearing Examiner and Request for Expedited Review or Continuation of Public Hearings.

Dear Hearing Examiner:

This office represents Concerned Neighbors of Wellington (CNW), a Washington non-profit corporation consisting of residents and property owners concerned with the Wood Trails and Montevallo rezone and plat application. On November 28, 2006, CNW filed a request for interpretation (attached hereto as Attachment A) relating to the interpretation of city ordinances regarding the processing of rezone and subdivision applications. On January 30, 2007, the City issued an interpretation concerning the CNW request which generally rejected the position taken by CNW. See Attachment B.

This letter is CNW's appeal to the City Hearing Examiner of the interpretation decision of January 30, 2007. Appeal of interpretation decisions, as Type II decisions, are allowed to the Hearing Examiner by WMC 17.07.030.[1] CNW has standing to appeal the January 30, 2007

[1]The City confirmed that administrative interpretations are appealable in its November 1, 2006 interpretation regarding FEIS appeal procedures under "VI. APPEAL:"

> This interpretation is issued as a Type II project permit pursuant to WMC 17.07.030, and is subject to appeal before the City of Woodinville Hearing Examiner. Any notice of appeal must be filed within 14 days of November 6, 2006."

File Copy

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PAGE 9 OF 16
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PAGE 21 OF 37

"Citizens, business and local government; a community commitment to our future."

February 21, 2007

J. Richard Aramburu, Attorney At Law
Suite 209, College Club Building
505 Madison Street
Seattle, WA 98104

Re: Response to Purported "Appeal" Regarding Wood Trails / Montevallo Proposals

Dear Mr. Aramburu:

This letter responds to your February 1, 2007 correspondence regarding the rezone and preliminary plat applications currently pending for the proposed Wood Trails and Montevallo development projects. Your February 1, 2007 letter purports to "appeal" the City Attorney's January 30, 2007 response to your previous request for an administrative interpretation concerning the decisional process that will be utilized for the above-referenced development proposals.

By both its plain terms and the surrounding context, the City Attorney's January 30, 2007 letter was not an appealable determination. Pursuant to WMC 17.07.080 and WMC 21.02.090, the Planning Director — *not* the City Attorney — is vested with the exclusive authority to issue official interpretations of the City's development regulations. As the City Attorney's letter clearly explained, the staff reports created for the Wood Trails/Montevallo proposals will contain the Planning Director's construction of the hearing and decisional procedures applicable to these projects. The City declines to issue a formal interpretation of these procedures separate and independent from the Wood Trails and Montevallo staff reports.

Please find enclosed the appeal fee that was included with your February 1, 2007 letter, which the City is hereby returning to you in full.

This letter is <u>not</u> an appealable decision.

Sincerely,

Susie McCann

Susie McCann, Development Services Manager
City of Woodinville

cc: Zach Lell, City Attorney
Rich Hill
Hearing Examiner
Wood Trails Record
Montevallo Record

17301 133rd Avenue NE • Woodinville, WA 98072-8534
425-489-2700 • Fax: 425-489-2705, 425-489-2756

cc: Kay
Zach
Jennifer
Admin File

Concerned Neighbors of Wellington

"Dedicated to Preserving the Character of the Wellington Neighborhood"

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PAGE OF

March 2, 2007

City of Woodinville
EXHIBIT 204
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Cindy Baker, Interim Development Services Director
City of Woodinville
17301 - 133rd Ave NE
Woodinville, WA 98072

RE: Request for Public Records

Ms. Baker,

The Concerned Neighbors of Wellington (CNW) are requesting that a representative of our organization be allowed to attend any meetings between City Staff (yourself) and the applicant (aka Rich Hill and Phoenix). Our involvement would simply be to listen and observe, not to necessarily provide comment.

We are also formally requesting that we receive (via either hard paper copies or forwarded email) any future emails and correspondence between the applicant and City Staff. We are making the request so that we remain in the loop about what issues are being discussed and/or resolved between the City and the applicant prior to the Public Hearings. Please be sure these are forwarded and faxed immediately. In addition to future correspondence, please forward any correspondence that has taken place since the city has issued their staff report on the Wood Trails and Montevello Hearings.

My Contact Information:

Phone: Business Hours: 425-821-1111, Cell: 206-795-0608
Fax: 425-821-3587
Email: Fred@GreenFinancial.com

Sincerely,

Fred A. Green
President, CNW

cc: Richard Leahy, City Manager
Richard Aramburu, Attorney at Law

EXHIBIT 64
PAGE 23 OF 37

Susie McCann

From: Kerry Kunnanz [kerryk2@verizon.net]
Sent: Sunday, March 11, 2007 9:56 PM
To: Susie McCann
Subject: Proposed development in the Wellington neighborhood

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PAGE 1 OF 4

Hello,
I live in the Wellington neighborhood. My address is 24306 80th Ave. SE, Woodinville.
I am concerned about the proposed development in the Wellington neighborhood.
My chief concern is the amount of traffic that will be generated if 100+ homes are allowed to be built in this neighborhood. The streets are 2-lane, and some do not have adequate shoulders. There is inadequate road design to accomodate this amount of additional traffic.
I am also concerned about the loss of wetlands, trees, and wildlife.
Rezoning would be a detriment to our environment.
The city of Woodinville does not need to rezone this area in order to be compliant with the Growth Management Act.

Please consider these factors.

Sincerely,

Kerry Kunnanz

COPY

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ORIGINAL
WT/MT FILE
SD FILE

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To: Council Members; City Planners of the Basin Boundaries: Mick Monken and Cindy Baker
From: Robert A. Harman, resident geologist 14949 N.E. 202nd St.
Topic: Basin Boundaries do not follow drainage divides that would form the basis of engineering, hydrologic & geologic planning concerns

The use of DRAINAGE DIVIDES are important in assessing ditch & street water flow directions, erosion & sedimentation directions, potential gravity sewer flows, and reasons for observed wetlands. Attached are two maps that show your map does not follow the observable & topographic slopes or drainage divide ID's. **The Lake Leota-School Basins have a major errors in the extension into the opposite side of their divide (down 90 feet) and the unjustified large area around Lake Leota that really belongs to the School Basin.** This does not lessen the importance of the Leota Basin since the greater pressure gradients caused by adjacent hills increase the discharge flow rates into Lake Leota compared to the School Basin. If Lake Leota is given consideration for a R-1 density than so should the School Basin and Golf Course Basin.

I'm not sure why you call the basin Golf Course Basin when your map includes only the Wellington Hills area. **You have excluded on your map the smaller area of the Golf Course area that extends into Snohomish County**. The residents of the 202nd Street area dug through their park wetland a drain 32 years ago to help create several homes with adequate septic tank flow. A sediment fill had to be placed on the two of the nearest to the park homes. The city does not know that the **low point is in the back area of our park and your basin divide going through the park center only represents a basin rise**. We were planning to route the pipe to 153rd Ave in order to insure a dry park but log debris discouraged this longer path. I've told residents to observe the ditch flow on 153rd Ave that **goes in the opposite direction that your city map shows**. All you have to do is go to the intersection of 202 & 153 and you will observe the downhill direction. Also, a walk from the western 201 St towards 153 you will notice the elevated homes that slope towards 202 but change when the divide bisects east of the 201-153 intersection (despite **ditch flows towards the park** where street floods have occurred).

Also enclosed are photos of the **Golf Course Canyon wetland creek that can have the highest discharge rates with cobble beds in the moratorium area**. The consultants who have never made any measurements of Little Bear Creek or the Golf Course Canyon creek exclaimed they could not except the third comparison of its rate for the January 26th flows. The 68 cfs Little Bear Creek compared to the projected maximum of the wetland 20 cfs is 30%. This comparison was made nearly a month after of no rainfall when major stream discharges are low. If measurements are made during the same time that the projected maximum was made the 30 % would probably be reduced to less that 5 percent. The **reason for this comparison was to demonstrate that large discharges can take place in the wetland creek that would then disrupt culverts or introduce excess sediment into the industrial park that then may impact Little Bear Creek**, an important fish run stream like Cold Creek.

The consultant reports or FEIS do not illustrate the Golf Course Wetlands. The wetlands have not been classified by their expert or the D.O.E. wetland experts. This site has a larger area than the Lake Leota lake-fringe area, also impacts salmon, and is critical to the survival of wildlife during the dry summer months for drinking water. This wetland should be classified as a class 1 wetland.

The enclosed map of the wetland should have development setbacks due to the wetland and the adjacent erosion- landslide hazard steep slope areas. The FEIS does not explain why slopes suddenly increase exactly where the dense water loving cedar increase and blue clays appear to be important as earthquake stimulated landslide slip surfaces. A geophysical study should be made on the Hillside Basin areas since such topographic features are present.

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CITY OF WOODINVILLE

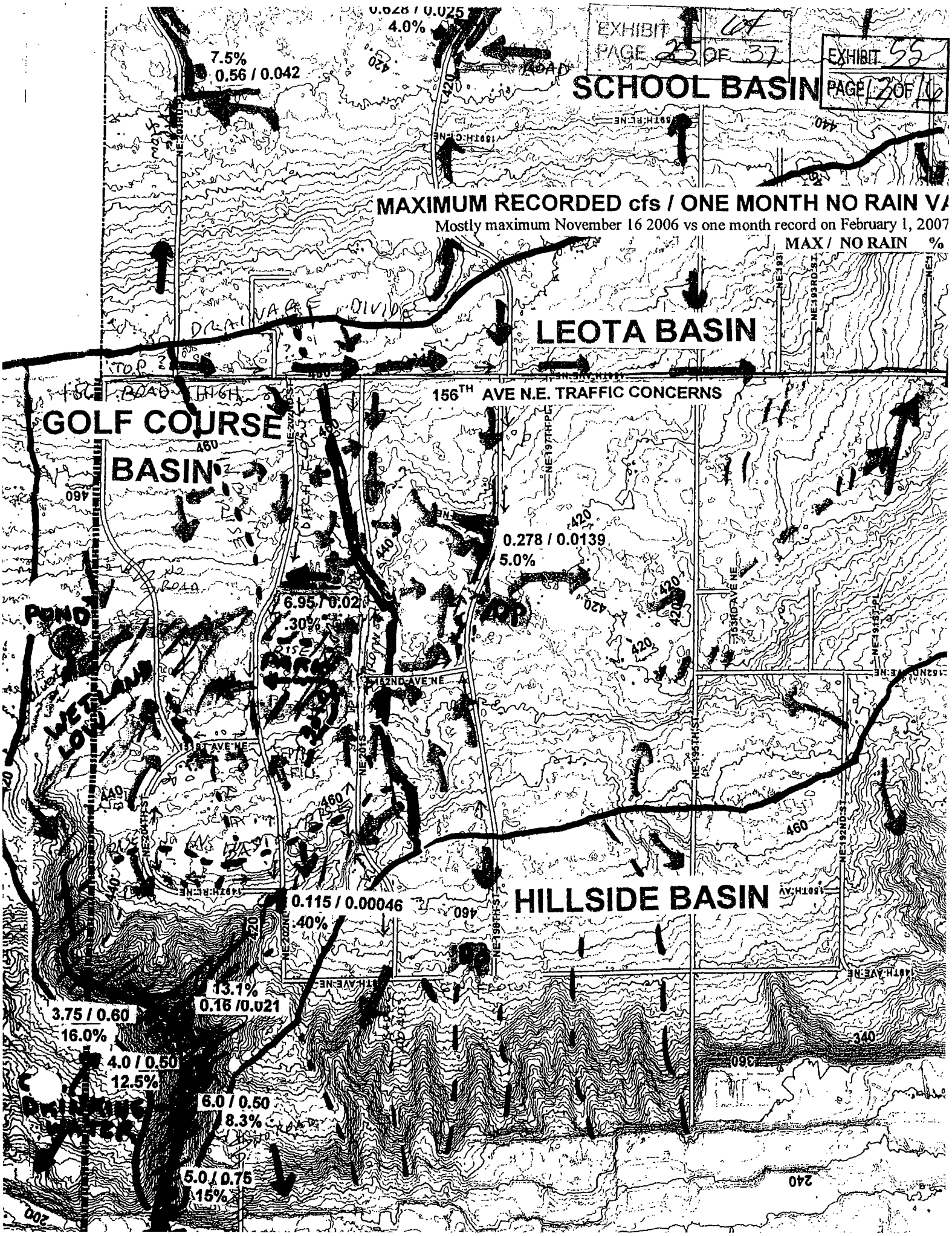
EXHIBIT 64
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EXHIBIT 55
PAGE 12 OF 16
SCHOOL BASIN
MAXIMUM RECORDED cfs / ONE MONTH NO RAIN VA
Mostly maximum November 16 2006 vs one month record on February 1, 2007
MAX / NO RAIN %
LEOTA BASIN
156TH AVE N.E. TRAFFIC CONCERNS
GOLF COURSE BASIN
HILLSIDE BASIN
0.628 / 0.025
4.0%
7.5%
0.56 / 0.042
0.278 / 0.0139
5.0%
6.95 / 0.02
.30%
0.115 / 0.00046
.40%
13.1%
0.16 /0.021
3.75 / 0.60
16.0%
4.0 / 0.50
12.5%
6.0 / 0.50
8.3%
5.0 / 0.75
15%
POND
WETLAND LOW
DRAINAGE DIVIDE
TOP
ROAD HIGH
152ND AVE NE
153RD AVE NE
NE 195TH ST
NE 192ND ST
NE 198TH ST
NE 201ST
NE 204TH ST
NE 197TH PL
NE 193RD ST
NE 203RD PL
420
440
460
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360
240
200

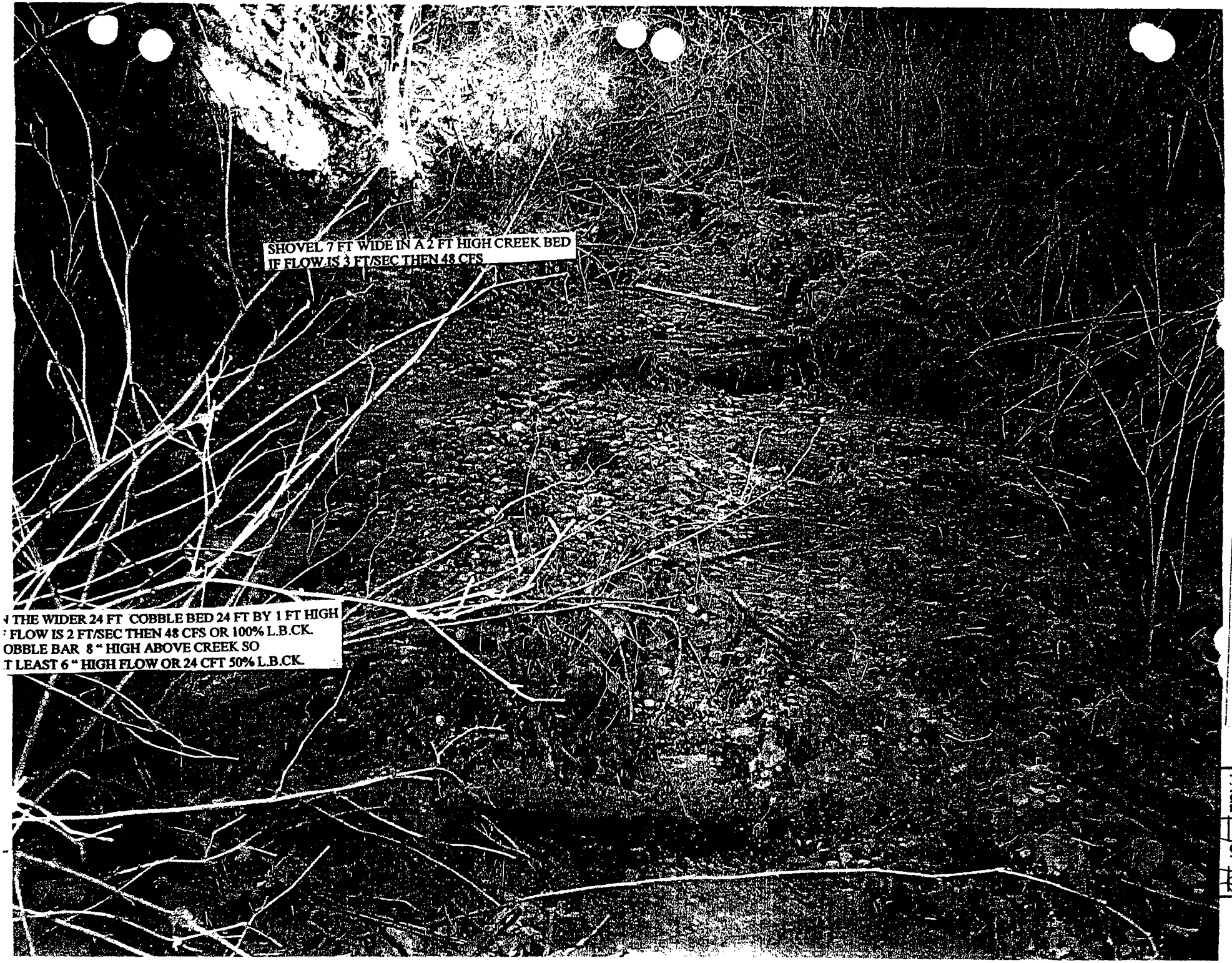

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EXHIBIT 4
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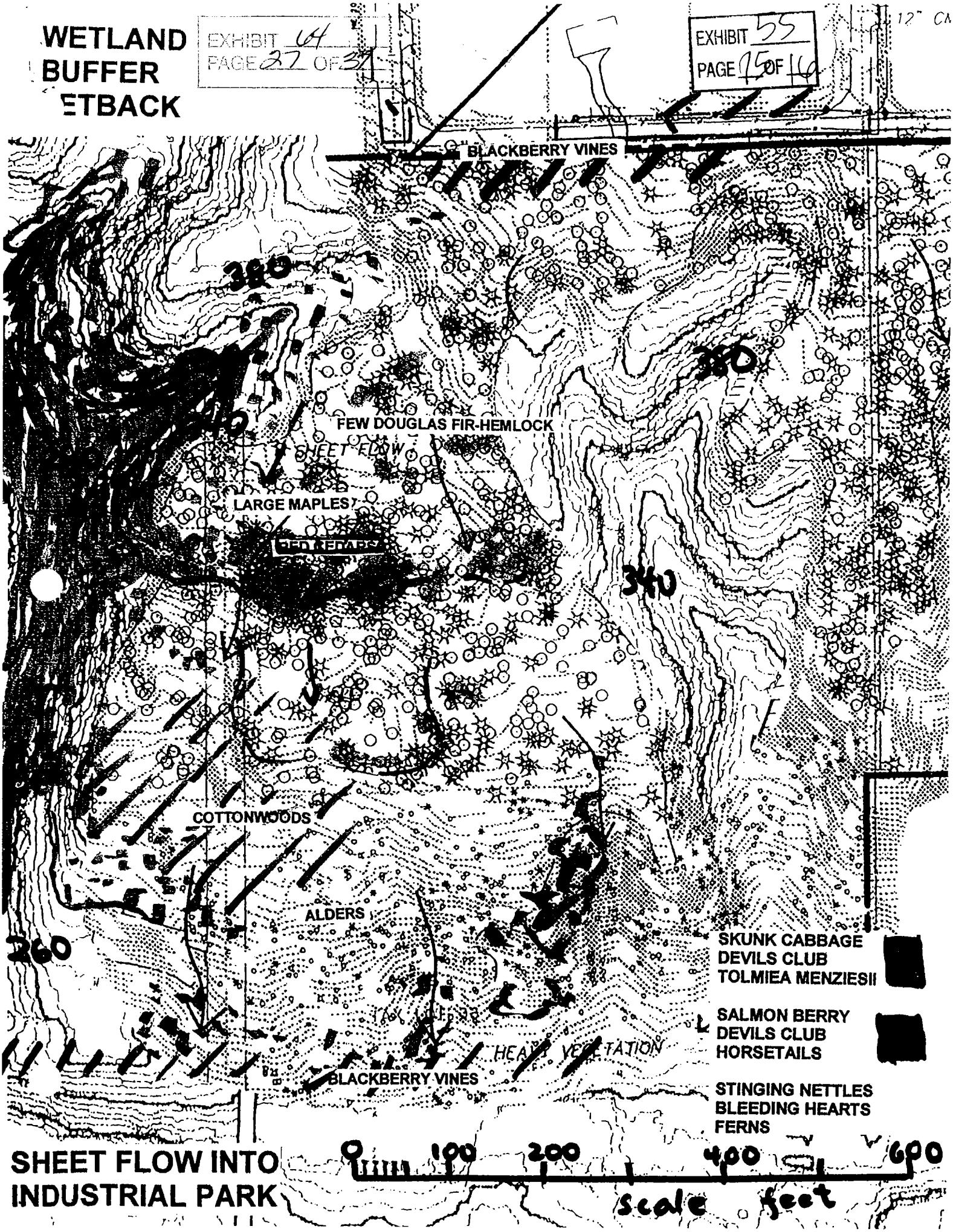
WETLAND BUFFER SETBACK



SHEET FLOW INTO INDUSTRIAL PARK

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EXHIBIT 6A
PAGE 29 OF 32

TRIAD ASSOCIATES

12112 115th Avenue NE
Kirkland, WA 98034-6923

425.821.8448
425.821.3481 fax
800.488.0756 toll free

www.triadassoc.com

Date: **March 14, 2007**

To: **Cindy Baker**
City of Woodinville
17301 133rd AVE NE
Woodinville, WA 98072

Job No: **03-248 / 03-208**

Project: **Montavello**
Wood Trails

Enclosed are:

- ☒ *Prints*
- ☐ *Copies*
- ☐ *Reproducibles*
- ☐ *Reports*
- ☐ *Documents*
- ☐ *Specifications*
- ☐ *Other*

These have been sent:

- ☒ *For Your Use*
- ☐ *For Your Review / Approval*
- ☐ *For Your Signature / Return*
- ☐ *At Your Request*
- ☐ *For Your Records*
- ☐ *For Your Information*
- ☐ *Other*

Quantity	Date	Description
2		Conceptual Site Plan (Montavello)
2		Conceptual Site Pla (Wood Trails

Remarks:

If you have any questions, please contact George Newman at 425-821-8448.

Thank You.

Sent By: Jasmine A Brothers

Jasmine A. Brothers
Administrative Assistant

Copies To:

Exhibit 64

Red Folder
Submitted by City of Woodinville

The Montevallo Conceptual Site Plan (2) (Pages 30, 31, 32 ~~33~~ of Exhibit 64) are available for review at City of Woodinville's Development Services's counter

Original Saved 3-21-07

EXHIBIT 64
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TRIAD ASSOCIATES

12112 115th Avenue NE
Kirkland, WA 98034-6923

425.821.8448
425.821.3481 fax
800.488.0756 toll free

www.triadassoc.com

Date: **March 9, 2007**

To: **Cindy Baker**
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

Job No: **03-208 / 03-248**

Project: **Wood Trails / Montevallo**

Enclosed are:

- ☒ *Prints*
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- ☐ *For Your Information*
- ☐ *Other*

Quantity	Date	Description
2	3/8/07	**Wood Trails Conceptual Site Plan**
2	3/8/07	**Montevallo Conceptual Site Plan**
1	3/8/07	**Memo from Phoenix Development regarding Montevallo**
1	3/8/07	**Memo from Phoenix Development regarding Wood Trails**
1	3/8/07	**Correspondence from Rich Hill**

Remarks:

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MAR 09 2007

CITY OF WOODINVILLE
DEVELOPMENT SERVICES

Sent By: H George Newman BHK

H. George Newman
Principal

Copies To: File
Rich Hill (w/out enc.)
Loree Quade (w/out enc.)

967424

967424

EXHIBIT 64
PAGE 35 OF 37

dxNOW

To:
CITY OF WOODINVILLE
17301 133RD AVE NE
WOODINVILLE,WA 98072

Attention: CINDY BAKER

From:
TRIAD ASSOCIATES
12112 115TH AV NE

KIRKLAND,WA 98034
(425)821-8448
Attention: FRONT DESK
Special Instructions: CALL TRIAD IF UNABLE TO DELIVER

Service: STANDARD VEHICLE
Return Service: 0
Pieces: 1
Weight: 0

Date: 03-09-07
Requested By: SARAH KOSKI
Reference: 03-208/03-248

Driver:

Delivery Time: _____

Delivery Date: ___/___/___

Received By:

X

Print Last Name:

A released value of the greater of $50 or $.50 per pound of shipment is automatically applied without charge. A declared value of up to $25,000 per shipment may be purchased at a cost of $.50 per $100 of declared value or fraction thereof in excess of the Released Value by notification to DYNAMEX upon request for service. If no notification is made, the Released Value shall automatically apply. All claims regarding loss or damage of any kind must be submitted in writing within 5 days after delivery of shipment to DYNAMEX. DYNAMEX shall not be responsible for shipments improperly packed or labeled or for loss or damage caused by delay, or for consequential or special damage whether or not DYNAMEX had knowledge such damages might be incurred.

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CITY OF WOODINVILLE DEVELOPMENT SERVICES

EXHIBIT 64
PAGE 342 OF 37

MEMO

Phoenix Development, Inc.

16108 Ash Way, Suite 201
Lynnwood, WA 98087

Phone (425) 275-5306
Fax (425) 742-8469

Floor plans, prices, and maps for homes, condos, and apartments available at *www.sundquisthomes.com*

TO: Cindy Baker

FROM: Loree Quade

DATE: March 7, 2007

SUBJECT: Staff Recommendations for Montevallo

In reviewing the staff recommendations I came upon a couple of errors that I would like to bring to your attention, so they can be corrected at the appropriate time.

Page 9, Applicant: - correct address for Phoenix Development is 16108 Ash Way, Suite 201, Lynnwood, WA. 98087 and the phone number is 425-275-5306

Page 23, Utilities & Stormwater, Drainage: - should be "1998 King County Surface Water Design Manual"

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MAR 09 2007

CITY OF WOODINVILLE
DEVELOPMENT SERVICES

McCULLOUGH HILL, PS

March 8, 2007

VIA HAND DELIVERY

PPA2004093

Cindy Baker, Interim Director
Community Development
City of Woodinville
17301 – 133rd Ave NE
Woodinville, WA 98072

Re: Wood Trails & Montevallo

Dear Ms. Baker:

This is on behalf of Phoenix Development ("Phoenix"). On February 23, 2007, you issued your staff reports and the Wood Trails and the Montevallo proposals. Each of the staff reports included recommended conditions regarding right of way widths, buffering, density, access, and drainage.

Phoenix has had an opportunity to review your staff reports and the recommended conditions. Enclosed with this letter are conceptual plans that depict how those recommended conditions could be implemented. We thought it would be helpful for you to have an opportunity to review these conceptual plans before the public hearings currently scheduled for March 14 and March 15.

These conceptual plans are all within the envelope of alternatives reviewed in the FEIS for the proposals. Phoenix understands, of course, that, in the event the preliminary subdivision and zoning map amendments are approved, the City will review these conceptual plans for compliance with City regulations and the conditions of approval.

Thank you for your consideration of these applications.

Sincerely,

G. Richard Hill

GRH:ldc

cc: Loree Quade
Zachary Lell

L:\Sundquis\303.011\corr\baker03.dot

REVISIONS RECEIVED
MAR 09 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICES

701 Fifth Avenue • Suite 7220 • Seattle, Washington 98104 • 206.812.3388 • Fax 206.812.3389 • www.mhseattle.com