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DEVELOPMENT SERVICES



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GREG SMITH

March 8, 2007

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Re: Pre Hearing Issues on Wood Trails and Montevallo Public Hearings

Dear Ms. Baker and Counsel:

On February 26, 2007, we had a pre-hearing conference by conference call and the decision was made to continue both the Wood Trails and the Montevallo public hearings. The hearings were scheduled for February 28, and March 1, 2007, and they were to be continued until March 14 and 15, 2007. The continuance was in response to a complaint by Mr. Aramburu that the public notice was defective and also that the staff report was not available for public review seven days before the hearing as required by ordinance. I appeared in person on February 28th and March 1, 2007, and opened both hearings and then announced that they were to be continued. The City sent out a notice continuing the hearings but the first notice contained the wrong legal description for Wood Trails. I was told that a second notice was being sent out to correct that error. The hearing on Wood Trails is now set for Wednesday, March 14, 2007, beginning at 7:00 p.m. The Montevallo hearing is scheduled for Thursday, March 15, 2007, beginning at 6:00 p.m. The Examiner will accept testimony on either proposal at either hearing and I stated that in my remarks last week.

Also, I received a letter dated February 22, 2007; from Mr. Aramburu listing several concerns he had regarding the upcoming hearings. A response to that letter dated February 23, 2007, was received from Mr. Hill. I have reviewed both letters and the attachments and will respond to each of Mr. Aramburu's issues in order.

The first issue was in reference to conversations I've had with Woodinville City Staff regarding this hearing. The only conversations I had were in regard to logistics surrounding

the hearing dates, hearing room and past procedures that the City has followed. This is the first hearing I have held for the City of Woodinville and I wanted to find out what procedural history existed. We had no conversations regarding the substance of the two proposals and I don't believe that any procedural discussions we had violated the Appearance of Fairness Doctrine.

The second issue related to time limits for speakers. I stated in a previous letter that I would limit speakers to three minutes; unless they were representing a group then I would give them five minutes. I also stated that Mr. Aramburu, as attorney for a large group of homeowners, would be given a longer period to present his clients position. I still intend to put a time limit on speakers. The time limit will depend on the number of people who sign up to testify. Doing this is fair to other speakers and will allow the greatest number of people to testify. I will let people come back and testify again if time allows and, of course, I will take comments in writing up to and including the date of the hearing.

The third issue raised was in regard to an appeal filed by Mr. Aramburu of a purported interpretation of the City's code regarding the decision to combine the rezone hearing with the plat hearing for each application. The City takes the position that the letter from the City Attorney outlining the hearing procedure was not an interpretation and not subject to appeal. If that is the City's decision, then no appeal hearing will be held on that issue.

Counsel also objects to the process of allowing the applicant and staff to comment on public testimony, thereby having the last word. Mr. Hill has stated that his client would have no objection to leaving the record open in order to allow the public to comment, in writing, on the applicant and staff's response to public testimony. Mr. Hill also, however, wants to be allowed to comment on any such written public comment and it has always been my procedure to give the applicant the last word since the applicant has the burden of proof and so we will proceed in that fashion.

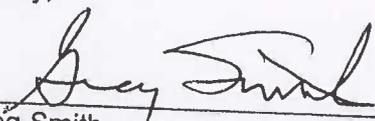
I believe the fifth issue raised by Mr. Aramburu has been cured by the latest notice sent by the City. At both hearings on February 28 and March 1, 2007, before continuing them, I stated that people would be allowed to testify at either hearing on either project and that was put in the City's amended notice.

I plan to issue two decisions, one on each project. While the projects are related in some ways they are also separate proposals and I will treat them as such.

The issue regarding the staff report has been cured by the two-week continuance. I have been told that the new notice which has been mailed out has also amended the legal description of the Wood Trails proposal so that it is now correct.

I believe all issues have been addressed. The hearings will be conducted in accordance with this letter and my February 20, 2007, letter, previously sent. I will see you all at the hearings on these two proposals next week.

Sincerely,



Greg Smith
City of Woodinville Hearing Examiner pro tem

