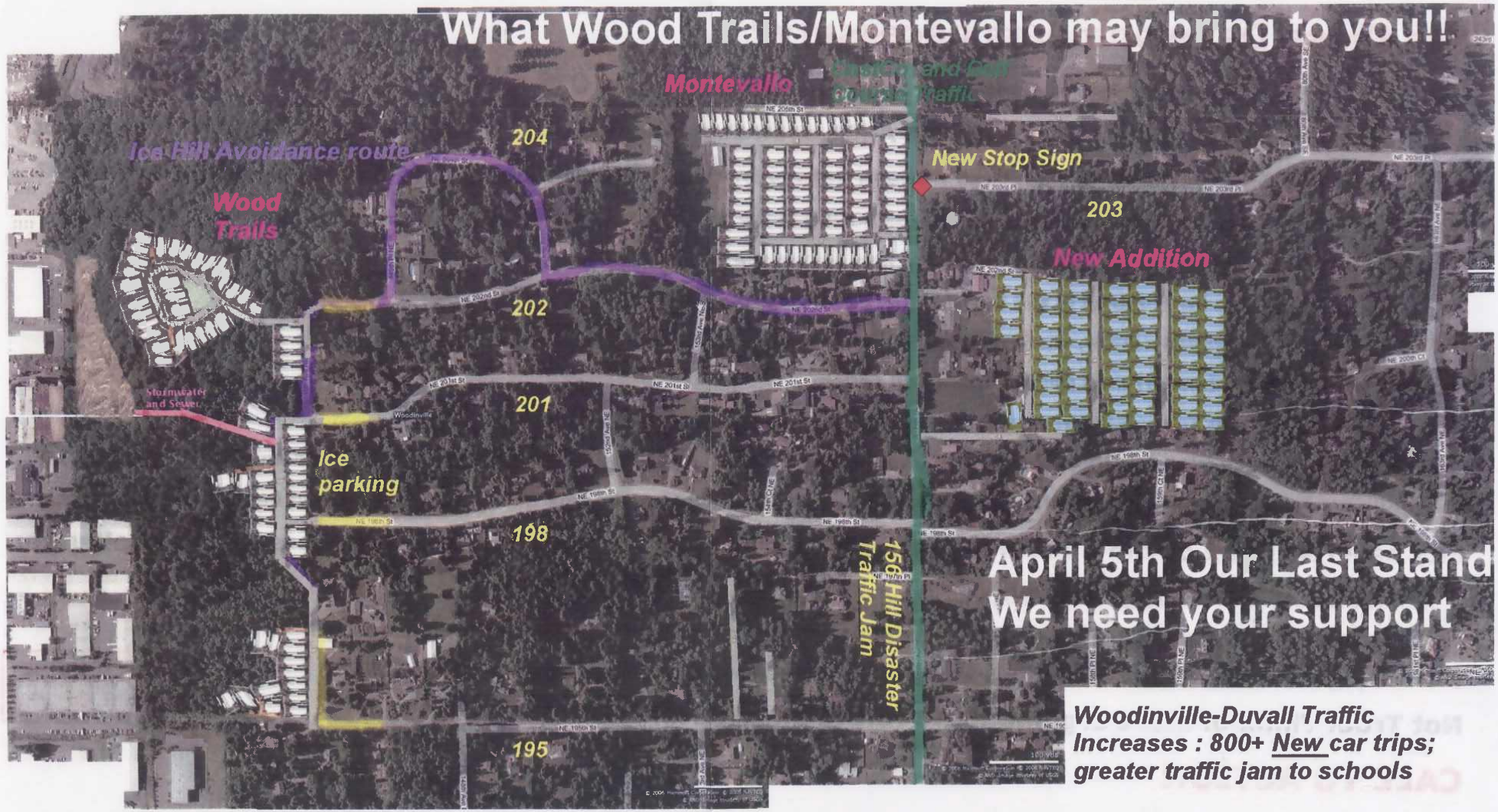

Woodinville-Duvall Traffic Increases : 800+ New car trips; greater traffic jam to schools

EXHIBIT 126
PAGE 1 OF 2

Are these Developments necessary?

No! The city never planned for high-density housing in these areas!

Additional subdivision will cause the ENTIRE AREA to be developed quickly. It will impact you in just a few years.

Do we want cramped, cookie cutter, row houses across from us? Do we want 3 story houses close to our homes?

Wood Trails vegetation and trees are Wind and Sound buffer; trees on adjacent properties will be gone with the next wind storm:

- **Local streets will function as unfair ice parking lots during the week(s) long icy road conditions;**
- **School bus access for children in the Wood Trails development will be ¼ to ½ miles away;**
- **Difficult fire and police access, secondary impact to existing residents**

Montevallo and the (potential) new development will cause:

- **202nd Street traffic to increase for an additional 130 homes , or an extra 500 car trips;**
- **156th Avenue and Woodinville traffic issues compounded; but road expansions impossible at steep and dangerous traffic hills;**
- **Adverse impact to the only wildlife drinking water site; water pollution to Little Bear Creek and salmon habitat; flooding wetland**

City asserts that 2 of the 3 rezoning criteria have been satisfied, and only item 1 is up for challenge:

1. *There is a demonstrated **need** for additional zoning of the type proposed;*
2. *The zone reclassification is **consistent and compatible** with uses and zoning of the surrounding properties and*
3. *The property is **practically and physically suited** for the uses allowed in the proposed zone reclassification.*

EXHIBIT 126
PAGE 2 OF 2

Not True! Think of more arguments to refute all criteria!

CALL TO ACTION

- **Please attend and sign up to comment on April 5, 2007 *to maximize citizen comments and force hearing to continue to a 4th session, http://www.ci.woodinville.wa.us to get e-mail notifications and participation***

4/5/2007

My name is Mike O'Grady and I live with my wife Michelle and our 2 sons at 14906 NE 204th St. in the Wellington Hills neighborhood. On March 14th and 15th there were many compelling arguments refuting the goal of Phoenix Development to re-zone the acreage west of the Wellington neighborhood, what they designate as Wood Trails and the area northeast of the Wellington neighborhood, what they designate as Montevallo from R-1 to R-4. I would like to quickly review the facts and data and then leave the City of Woodinville with a question.

Neighborhood character was stressed numerous times over the 2 days. The Comprehensive Plan was quoted to defend neighborhood character. Approval of this re-zone request would mean the comprehensive Plan is meaningless. The FEIS itself states that, the Northwest and Southwest Wellington neighborhoods are quote "Recommended for Neighborhood Character Protection." Wildlife protection was cited, traffic was cited, along with water quality, safety and geology then on Thursday the CNW team spoke. All of the speakers had credible expertise in their fields. They provided solid facts and data on:

1) The Growth Management Act – CNW's legal defense, among others, showed clear factual data that the GMA is in no way driving this decision.
2) Traffic – We heard from a Professional Engineer that the roads don't even meet current code requirements and 156th is so dangerous that the Northshore school district will not allow pick up from the opposite side of the street.
3) Wildlife – Addressed by a credible PhD in the field. A bobcat has been seen by multiple people and photographed. Pileated Woodpeckers are plentiful. Many people have seen them. They are on the watch list for an Endangered Species and literally thrive in these woods. On a personal note we have seen as many as 3 at once in and around our residence. Owls nest in the Wellington neighborhood, photos are available.
4) Water Quality – Incorporation of these neighborhoods will have a debilitating effect on Bear Creek, a salmon stream
5) Geology – Experts have stated, after studying the geology in the area, that this is a slide area and clearing of this area could have potentially deadly consequences.

The above information is documented. Notebooks backed up by solid facts and data were presented at the Hearing on March 15th.

So, what has Phoenix Development provided to convince the City of Woodinville that this request is indeed worthy of approval? Over that 2 day period in mid-March their prime argument was that their goal was to provide affordable housing. Let's look at the facts. Phoenix Development is a corporation. What is the number one goal of a corporation, be it Boeing or Microsoft or Top Foods or Phoenix Development? The number one goal of every corporation is to make money. If they don't, regardless of the service they provide, they are out of business. There is nothing wrong with that. The competitive nature of business in our society provides the high standard of living in this country that sets us apart from the rest of the world. No complaints there. What bothers me about their argument is their subtle intention to play the "Habitat for Humanity" card. "Habitat for Humanity" is a worthwhile cause but has nothing in common with Phoenix Development.

I believe Phoenix Development has chosen this particular project for 2 primary reasons both of which feed the bottom line. For the first reason let's discuss where the development is relative to

downtown. A couple of years ago, at our house, we had a garage sale with items in the driveway from the street to the garage. My 6 year old son at the time wanted a lemonade stand (yes, another lemonade stand analogy) which I set up about half way up the driveway. Within 20 minutes he noticed that not everyone came all the way down the driveway and asked me to move the stand out near the street. This is a 6 year old, on his own, in a 20 minute introduction to business, realizing that location is half the battle. The age old real estate axiom applies here...location, location, location. Phoenix Development is very aware that this identical development set up further from the city center would not generate as much return on their investment.

The second point I want to make concerns the cost of the project itself. Let's compare Phoenix Development's "production facility," the proposed neighborhoods, with a competitive manufacturing firm. After all Phoenix Development, like any developer, is manufacturing their product, i.e. building houses. Again, nothing wrong with that but let's look at what's in it for them vs. their claim that they are providing "affordable housing." Successful companies, and I have no reason to believe that Phoenix Development is not successful, are in the business of leaning out their manufacturing facilities to maximize their returns. There are a number of things they do to accomplish this. In the parlance of lean manufacturing they want to minimize movement of materials, score one for Phoenix Development, instead of moving materials over the entire site, due to steep terrain, by law, they can cram the equivalent number of houses onto the buildable acres and therefore only have to move their materials within that acreage. Reduce non-value added work; instead of turning over the entire acreage they only have to turn over the buildable acres. That means they don't need as many hours for earth moving equipment nor do they have to bear the cost of removing as much debris. Movement of personnel between their work locations; on a smaller site their personnel don't have to move as far to get between work locations; another benefit to the bottom line. Furthermore, per the law, this development is able to move a number of residences from Wood Trails to Montevallo; again, many houses in a tight location. The above scenario is a perfect business opportunity for any developer.

In summary I submit to you, per the laws, the ideal areas for development in the city, from the perspective of the developer, are steep hillsides near downtown with a few buildable acres. This maximizes the cost of the houses due to location and minimizes the cost of "building" the product, i.e. houses. Both in turn increase the bottom line. This has nothing whatsoever to do with "affordable housing." Frankly, I find Phoenix Development's argument somewhat disingenuous and certainly self serving.

I leave the City of Woodinville with one question. Considering the goals of Phoenix Development as stated above, i.e. it is *not* about affordable housing and, considering the facts and data presented by CNW and the commitments of the City of Woodinville to its citizens as defined in the Comprehensive Plan, are you here to protect us, tax paying citizens of Woodinville, or are you here to maximize tax revenue?

Thank you,
Mike and Michelle O'Grady
(425) 487-2724
Michael A. O'Grady 4/5/07

PHOENIX DEVELOPMENT INCORPORATED

EXHIBIT 128
PAGE 1 OF 2

April 5, 2007

Mr. Greg Smith, Hearing Examiner
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Re: Wood Trails and Montevallo – "Demonstrated Need Analysis"

Dear Mr. Smith:

This letter is in follow up to testimony offered by the opponents to the Wood Trails and Montevallo projects regarding the effect of the R-1 building permit moratorium on the findings I presented at the last hearing in the letter dated March 15, 2007. The inference made by the opponents was that the moratorium was the cause of the limited supply. That is simply not the case, for the following reasons:

1. The process cycle for a land use permit, other than a short plat, and then subsequent construction of the plat improvements is typically a 2 – 4 year cycle. The data from New Home Trends data services, as previously submitted, clearly shows that the City of Woodinville is virtually void of "unrecorded" applications in "One to Five Acre" development. And, in the 4000 SF to 9600 SF (R-4) analysis the City of Woodinville has just one other 12 lot plat being processed, based on the New Home Trends data. The absence of any real pipeline of development in the later stages of the application process, vested prior to the imposed ordinance, is actual verification that it is not the moratorium constraining development, but rather a scarce supply because of the constraints on R-4 development. The City's own Comprehensive Plan contemplated the need for R-4 development in the R-1 zone, and R-4 was required in code when services were available with our application.

2. The entire City of Woodinville was used in the New Home Trends data analysis, and not just the areas of the City of Woodinville in the R-1 zone(s). The scarcity of supply of both R-1 and R-4 densities is evidenced by the broad coverage of the analysis, as the moratorium only applied to the R-1 zone.

16108 Ash Way, Suite 201 • Lynnwood, WA 98087 • Telephone (425) 775-8661 • Fax (425) 742-8469

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This is not just a short term supply problem due to the moratorium imposed by the City of Woodinville. It is a problem of reliance on a rural "estate size" / R-1 density type development to achieve "urban densities" in the urban areas. The City of Woodinville is an urban area located in the I-405 growth corridor. Bellevue's work force is projected to almost double in the next 14 years, per the Hanley Wood Report. The reliance on R-1 zoning in an urban area, and then rationalizing it with condo and apartment zoning in the City core, does not sustain the necessary variety of new housing stock contemplated in the Growth Management Act. The jobs are coming, and people are coming to the urban areas. The need for R-4 is obvious, and should not be pushed off onto the neighboring communities surrounding Woodinville.

Sincerely,

Bob Vick
Senior Vice-President
Phoenix Development, Inc.

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PAGE 1 OF 6

The Transpo Group

MEMORANDUM

Date:	April 5th, 2007	**TG:**	04007.00
To:	Rich Hill, McCullough Hill, PS		
From:	Michael Swenson, The Transpo Group		
cc:	Loree Quade, Phoenix Development		
Subject:	Wood Trail/Montevallo - Review of Public Comments		

This memorandum provides responses and additional analysis related to issues raised at the March 15, 2007 public hearing by Roger Mason, representing the Concerned Neighbors of Wellington (CNW). Based on the testimony provided by Mr. Mason, the four primary issues raised include the following:

- Analysis of local roads providing access to Wood Trails
- Risk assessment of local roads (NE 195th St/NE 198th St/NE 201st St/NE 202nd St
- Sight distance analysis of the local road connections with 156th Avenue NE
- Actual Traffic Growth

Analysis of Local Roads Providing Access to Wood Trails

Included in both the draft and final environmental impacts statements prepared by The Transpo Group and Perteet Engineering, respectively, is a comprehensive analysis of the existing conditions; including a review of traffic operations, safety, and geometrics.

One issue raised by Mr. Mason is the existing sight distance deficiencies along the four local roadways providing access to the site. These roadways include NE 195th Street, NE 198th Street, NE 201st Street, and NE 202nd Street. This condition was acknowledged early on based on citizen comment. A detailed analysis of this condition was included in the DEIS and also included in Appendix T-5 of the FEIS.

As noted by Mr. Mason, there are several driveways along each of these four roadways that are located within the sight distance deficient zone. When considering the impacts to these locations, resulting from the increased level of traffic, it is important to consider the existing accident history and the forecast traffic volumes. The percent increase in traffic does not necessarily equal the increase in risk potential.

As with any increase in traffic, there exists the potential for an increase in the risks of accidents along these four roads. The accident data presented in the FEIS (Table 3.5-

4) shows that there is little to no accident history on the four access roads. Based on the minor increase in peak hour volumes and the past accident history, it is our opinion that the risk is low for an increase in accident potential.

In order to fully eliminate the existing deficiency, significant and costly road improvements would be required. This would undoubtedly impact the driveway locations and provide challenges with respect to grade as the road would be dropped in elevation. In this light, full elimination of the existing deficiency by the developer would not be proportional, as the cost and disruption of doing so would not be reasonable when balanced against the low risk for increase in accident potential.

Given that there is some, albeit low, potential increase in risk, there are several reasonable mitigation measures that can be considered through the design process with the City Engineer. As required through SEPA, the project is required to mitigate its impacts on the adjacent road system. In this case, the project applicant would be responsible to mitigate the increased risk that would result from the increased traffic levels. The increased risk at these sight deficient areas could be mitigated through localized road improvements. For example these improvements could include minor road widening, construction of dedicated pedestrian walkways, advance warning signs, and traffic calming measures. The installation of traffic calming measures along these streets has a precedent in the City, as traffic calming measures were installed on 152nd Avenue NE north of the crest of the vertical curve that does not accommodate the required sight distances. The traffic calming measures installed include signing and small speed bumps on the outside wheel paths.

Risk Assessment of Local Roads

Mr. Mason provided a detailed risk assessment of the potential for collisions along the four access roads in Table 5 (page 9 of 19) of the Transportation section of the CNW submittal. The results of his risk assessment indicated that with the proposed action, the risk potential will double along NE 195th Street, increase by 36 percent along NE 198th Street, increase by 53 percent along NE 201st Street, and increase by 56 percent along NE 202nd Street. As noted in Table 5, the risk factors applied to both the frequency and severity are based on engineering judgment and not a standard methodology.

As described in the previous section, when considering the future potential for accidents, it is important to note the historical trends as well as the increase in hourly volumes, relative to the capacity of the road. Based on these factors we believe the risk for future conflicts to be low. That being said, the applicant could construct improvements along the four access roads within the sight deficiency areas that would reduce the risk potential for collisions and offset the impacts associated with the increased traffic.

Sight Distance Analysis of the Local Road Connections with 156th Avenue NE

A sight distance analysis was conducted by Transpo staff to verify the results reported by Mr. Mason in Table 7 of the CNW submittal. Based on the analysis conducted by Mr. Mason, all four local roads are deficient with respect to the minimum entering sight distance recommendations. The notes identified in Table 7 indicate that the measurements were taken from the stop signs on the minor street approaches. The methodology outlined in A Policy on Geometric Design of Highways and Streets, 2004, published by American Association of State Highways and Transportation Officials (AASHTO) indicate that the measurements be taken from a point 14 feet back from the traveled way (A Policy on Geometric Design of Highways and Streets, 2004, published by AASHTO, page 657). AASHTO states that "The vertex (decision point) of the departure sight triangle on the minor road should be 4.4 m or 14.5 feet back fro the edge of the major traveled way" The manual goes on to state that field observations have shown vehicles stopping as little as 6.5 feet from the edge of the traveled way. As noted, the methodology used by Mr. Mason is different from the methodology highlighted in AASHTO, which is also the City of Woodinville's standard.

In general, stopping sight distance is the distance necessary to enable a motorist to stop before reaching a stationary object in its path. In contrast, entering sight distance is the distance necessary for a motorist to enter the traffic stream without causing traffic on the major street to reduce its travel speed. By definition, substandard stopping sight distance can affect traffic safety while substandard entering sight distance can affect traffic operations. A Policy on Geometric Design of Highways and Streets, 2004, published by AASHTO provides guidance and further definition of both the entering and stopping sight distance criteria. AASHTO is also referenced in the City of Woodinville's road standard as the applicable criteria.

A sight distance analysis was conducted at four intersections along 156th Avenue NE. The intersections include 156th Avenue NE / NE 202nd Street, 156th Avenue NE / NE 201st Street, 156th Avenue NE / NE 198th Street, and 156th Avenue NE / NE 195th Street. The posted speed along 156th Avenue NE is 35 mph, thus a design speed of 45 mph was used to calculate the stopping sight distance (SSD) and the entering sight distance (ESD). Sight distance standards were based upon the AASHTO. This includes the methodology used to measure the entering and stopping as well as the numerical requirements themselves.

Entering sight distance measurements were performed on the minor street approaches (NE 202nd Street, NE 201st Street, NE 198th Street, and NE 195th Street) with the decision point measured 14 feet from the edge of the major street travel way (156th Avenue NE). The driver height at the decision point was measured at 3.5 feet.

Stopping sight distance measurements were performed on the major street (156th Avenue NE) with the object located on 156th Avenue NE at each minor street approach. The driver height was measured at 3.5 feet and the object height was

measured at 2 feet. Table 1 summarizes the results of the stopping and entering sight distance analyses.

Table 1. Sight Distance Analysis along 156th Avenue NE

Entering Sight Distance	Measured[1]	AASHTO Standard	Standard Met?
NE 202nd Street			
RT to 156th Ave NE	560'	430	Yes
LT to 156th Ave NE	640	500	Yes
NE 201st Street			
RT to 156th Ave NE	600'	430'	Yes
LT to 156th Ave NE	490'[3]	500'	**No**
NE 198th Street			
RT to 156th Ave NE	550'[4]	430'	Yes
LT to 156th Ave NE	385'	500'	**No**
NE 195th Street			
RT to 156th Ave NE	600	430'	Yes
LT to 156th Ave NE	>600	500'	Yes
Stopping Sight Distance	**Measured[1]**	**Standard**	**Standard Met?**
NE 202nd Street			
To the North	>400'	360'	Yes
To the South	>400'	360'	Yes
NE 201st Street			
To the North	>400'	360'	Yes
To the South	>400'	360'	Yes
NE 198th Street			
To the North	>400'	360'	Yes
To the South	>400'	360'	Yes
NE 195th Street			
To the North	>400'	360'	Yes
To the South	>400'	360'	Yes

1. Rounded to nearest five feet; approximated based on field measurement
2. Based on 45 mph design speed
3. Could be improved with the removal of vegetation
4. Although mailboxes exist in the sight triangle, drivers can see beyond the mailboxes to the value reported.

Based on the analysis prepared by Transpo and highlighted in Table 1, all locations meet the entering sight distance requirements accept for the left-turn from NE 201st Street and the left-turn from NE 198th Street.

When addressing the issue of deficient entering sight distance, AASHTO offers the following guidance on page 655.

> *"Sight distance is also provided at intersection to allow the drivers of stopped vehicles a sufficient view of the intersecting highway to decide when to enter the*

> *intersecting highway or to cross it. If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then the drivers have sufficient sight distance to anticipate and* ***avoid collisions****. However, in some cases, this may require a major-road vehicle to stop or slow to accommodate the maneuver by a minor-road vehicle. To enhance traffic operations intersection sight distances that exceed stopping sight distances are* ***desirable*** *along the major road."* ***(emphasis added)***

Since in the case of both NE 201st Street and NE 198th Street the stopping sight distances are met, cars traveling along 156th Avenue will have adequate time to stop when a vehicle pulls out. Thus, while there may be some impact on travel speeds along NE 156th Avenue as vehicles pull out from either NE 201st Street or NE 198th Street, the intersection and turning movements are still considered safe based on AASHTO guidelines.

As noted in Table 1, the required 360 feet of stopping sight distance is met at all locations assuring that the access points can operate safely.

Actual Traffic Growth

Transpo has reviewed the discussion and analysis provided by Mr. Mason with respect to the actual growth rates occurring on NE 156th Avenue. We have identified two errors associated with his analysis. The first error relates to his calculation of a 16 percent annual growth rate, while the second, is his misunderstanding relative to the methodology used to establish the future baseline traffic volumes.

First, the data used by Mr. Mason to establish a 16 percent annual growth rate is based on just two traffic counts separated by only 20 months. However, it is general practice for professional transportation engineers, when establishing a growth rate, to utilize more than just two data points. The use of two data points will not address anomalies that can be caused by construction, accidents, or special events that could be ongoing. Such anomalies can skew results. In the case of Mr. Mason's calculation, it appears that this skewing has in fact occurred. For example, the analysis prepared by TSI for Costco, referenced by Mr. Mason, notes that caution should be used when interpreting the 16 percent growth rate identified, due to construction activity on SR 9. That construction artificially could have increased the traffic growth rate at the measured streets.

Secondly, Mr. Mason's discussion of the 2.5 percent annual growth rate is misleading. He is correct in his quotation of Section 3.5.1.3 Traffic Volumes. For purposes of establishing 2006 volumes 2004 traffic counts, data was increased at an annual rate of 2.5 percent. What has been excluded from his discussion is the methodology used to develop future baseline volumes. Per the direction of City staff, the baseline traffic volumes were developed by applying a 2.5 percent annual growth rate as well as the traffic associated with approved, but not yet constructed development projects. In total, 18 pipeline projects were included in the analysis (Section 3.5.2.2 Proposed Action Traffic Volumes). Based on comments received on the DEIS, Perteet included

traffic associated with the Costco development within the FEIS. With the inclusion of the annual growth rate and the pipeline projects, a comparison of the 2006 traffic volumes and the 2008 baseline traffic volumes at the NE 203rd Street/156th Avenue showed a 16 percent increase in traffic volumes along 156th Avenue. This equates to an annual growth rate of approximately 8 percent during the study horizon year of 2006 to 2008.

M:\04\04007 Wood trails\$EIS Analysis\WP\Mason Responses.doc

Michael Swenson, P.E.,P.T.O.E. | Senior Transportation Engineer

Mike is a lead engineer at Transpo in the area of microscopic simulation and traffic operations. He also has extensive experience in managing Transportation Impact Analyses prepared for private developments as well as general traffic operations projects. Responsibilities include review of operational impacts associated with proposed projects or particular design and a review of safety impacts related to proposed design or increase in traffic. The following lists several of the most recent operational studies or Transportation Impact Analyses performed by Mike or under his supervision.

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Traffic Operations

- SR 519 Intermodal Access Study
- Federal Way RTA Direct Access HOV
- S 272nd Street Widening Definition Study
- SR 522 Transit Signal Priority Analysis
- Franklin Road Interchange Design
- NW Market Street Optimization
- Washington State University – Stadium Way Corridor Analysis

Traffic Impact Analyses

- Numerous TIA's for projects in Snohomish County
- SPU Masterplan EIS
- Football Stadium & Exhibition Hall EIS's
- Quadrant – East Weyerhauser Corporate Campus, series of four commercial developments
- E&H Superblock
- Washington State University – Miscellaneous campus expansion projects

Education

B.S. Civil Engineering, Montana State University, 1997

Professional Affiliations

Institute of Transportation Engineers
Transportation Research Board – Highway Capacity/Quality of Service Committee (Friend and presenter)

Registration

Professional Engineer (Civil) Washington State, 2002 - # 38930
Professional Engineer (Civil) Oregon, 2002 - # 72260PE
Professional Traffic Operations Engineer (Institute of Transportation Engineers)

EXHIBIT 131
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Earth Solutions NW LLC

PREPARED FOR

PHOENIX DEVELOPMENT, INC.

EXHIBIT 131
PAGE 2 OF 12

April 5, 2007

ADDENDUM REPORT
GEOLOGIC HAZARDS
PROPOSED WOODTRAILS PROJECT
WOODINVILLE, WASHINGTON

ES-0067

Earth Solutions NW, LLC
2881 – 152nd Avenue Northeast, Redmond, Washington 98052
Ph: 425-284-3300 Fax: 425-284-2855
Toll Free: 866-336-8710

EXHIBIT 131
PAGE 3 OF 12

Earth Solutions NW LLC

• Geotechnical Engineering
• Construction Monitoring
• Environmental Sciences

April 5, 2007
ES-0067

Phoenix Development, Inc.
16108 Ash Way, Suite 201
Lynnwood, Washington 98087

Attention: Mr. Bob Vick

Subject: Addendum Report
Geologic Hazards
Response to Neighborhood Concerns
Proposed Woodtrails Project
Woodinville, Washington

Reference: Earth Solutions NW, LLC
Addendum Geotechnical Report
ES-0067, dated August 1, 2005

Earth Consultants, Inc.
Addendum Geotechnical Engineering Report
E-10683, dated February 14, 2005

Earth Consultants, Inc.
Geotechnical Engineering Study
E-10683, dated June 9, 2004

Dear Mr. Vick:

Earth Solutions NW, LLC (ESNW) has prepared this letter addressing issues raised by the community regarding geologic hazards. We would like to emphasize, however, the planned development as currently proposed is feasible from a geotechnical standpoint. There has been no evidence presented that refutes the findings and conclusions of the geotechnical report and subsequent addendum reports. The City of Woodinville, and their experts, in applying their code requirements, and as part of developing the Final Environmental Impact Statement (FEIS) for the project has determined the geotechnical reports meet the applicable code requirements.

2881 152nd Avenue NE • Redmond, WA 98052 • (425) 284-3300 • FAX (425) 284-2855 • Toll Free (866) 336-8710

EXHIBIT 131
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Landslide Hazard Areas

Landslide Hazard Areas are defined by the City of Woodinville Code (WMC 21.24.290) as areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. The code indicates that areas potentially subject to landslides may include, but are not limited to the following:

> (i) Areas of historic failures, such as areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey or Department of Natural Resources;
> (ii) Areas with all three of the following characteristics:
> (A) Slopes steeper than 15 percent; and
> (B) Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
> (C) Springs or ground water seepage;
> (iii) Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or that are underlain or covered by mass wastage debris of that epoch;
> (iv) Areas potentially unstable because of rapid stream incision, stream bank erosion, and undercutting by wave action;
> (v) Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
> (vi) Any area with a slope of 40 percent or steeper and with a vertical relief of 10 or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

The upland areas of the Woodtrails site where development is proposed are not a landslide hazard area, and development as proposed is feasible from a geotechnical standpoint. This conclusion is based on the following:

- Subsurface explorations including 45 test pits and two borings confirm the presence of soils that exhibit a high degree of soil strength and resistance to landslide activity. Experts within the geological community may debate over the exact boundaries between geologic units within the Woodtrails site. However, soil strength characteristics, a key to any geotechnical evaluation of landslide potential, are the most important measure (when combined with a knowledge of the geologic setting). Reference to the soil relative density (medium dense, dense, very dense) reported in the geotechnical reports, as well as the Standard Penetration Blow Count data obtained from the soil borings (which provides a measure of soil strength characteristics) demonstrate the high strength characteristics of the soils.

- As part of the geotechnical reports (referenced at the beginning of this letter) a total of 29 sieve analysis tests were conducted on samples collected at the test sites for purposes of classifying the soils. Throughout the site where development is proposed, sieve analyses classify the soils as silty sand, silty sand with gravel and silt. The silt content (defined as the percent of the sample passing the #200 sieve) ranged from approximately 15 to 75 percent. None of the tested samples, which were selected from varying depths within the test sites, classified as a "clean" sand that would meet the definition of a "relatively permeable sediment" (see above WMC 24.21.290 ii B). The absence of "relatively permeable sediment" was further confirmed in the original June 9, 2004 geotechnical report, where it is concluded that infiltration is generally not feasible at the site (see ECI Geotechnical Engineering Study E-10683, dated June 9, 2004). For the referenced geotechnical study to conclude otherwise, site specific geotechnical analysis would need to establish the presence of permeable sediments on a wide scale throughout the site.

- Important map resources that are used as a tool in performing an overall geotechnical engineering assessment of landslide potential were also utilized. These resources alone should not be relied on, but combined with site specific engineering analysis provide a more thorough and complete overall assessment of landslide hazards. The map resources included the Geologic Map of the Bothell Quadrangle, Minard 1985, Composite geologic map of the Sno-King Area, Booth, D.B., Cox, B.F., Troost, K.G. and Shinel, S.A., University of Washington, Seattle Area Geologic Mapping Project, 2004 and Chapter 12 Woodinville Comprehensive Plan, Figures A13-1 and A13-3, Critical Areas and Sensitive Geologic Areas In Woodinville. These map resources do not identify landslide hazards on the subject site.

- Aerial photographs provided an additional resource in evaluating the overall site stability and history of past developments. Consistent with map resources, aerial photographs are another tool, that when combined with site specific engineering analysis, provide a more thorough and complete overall assessment of landslide hazards. The aerial photographs, dating back to 1936, do not reveal evidence of large scale landslide activity on the site.

- The site was thoroughly traversed on two occasions by the undersigned in the company of the geological expert representing the City of Woodinville. Site observations of this nature are another component of an overall assessment of landslide hazards, and combined with site specific engineering analysis, as well as map and aerial photos, provide a more thorough and complete overall assessment of landslide hazards. The site observations yielded no evidence of conditions that suggest the site is inherently unstable, or that large scale landslide activity is ongoing and persistent throughout the site. This is not surprising given the high strength characteristics of the soils observed at the test pit and boring exploration sites.

- Another important component of any thorough geotechnical evaluation of landslide hazards is a recognition of adjacent developments and their position relative to the site. The addendum geotechnical study for the project (Earth Consultants, Inc., E-10683, dated February 14, 2005) identified an adjacent property immediately west and abutting the west property line of the Woodtrails site. The geotechnical report prepared by Nelson Couvrette and Associates (1999) for this property located at 20250 – 144th Avenue Northeast, describes dense to very dense (high strength characteristic) soils throughout the site. The report describes these soils as glacial drift (Qvd) deposits. This property is positioned within and along the base of the slope areas that comprise the westerly portions of the Woodtrails site. In 2000, the undersigned was engaged by the developer/contractor to perform geotechnical services during the excavation phase of the project. The 16 to 18 foot deep building excavation within the hillside along the margins of the Woodtrails site revealed very dense (high strength characteristic) silty sand with gravel soils. The soil conditions observed by the undersigned were consistent with the subsurface characterization provided in the Nelson Couvrette report. The very dense (high strength characteristic) soils observed during the excavation for the 20250 – 144th Avenue Northeast development are consistent with soil conditions observed throughout the Woodtrails site. These soils, exhibiting high strength characteristics, are not prone to landslide activity, and it is not surprising that the Woodtrails site and adjacent industrial areas are recognized as stable and not mapped as landslide deposits.

- The Final Environmental Impact Statement (FEIS) for the Woodtrails site concludes that there is a low susceptibility to large-scale and deep-seated landslide activity at the site (p. 3.1-14 of the FEIS).

With respect to the City of Woodinville Sustainable Development report, the authors conclude that the Hillside Drainages (part of which contains the Woodtrails site) should be characterized as a landslide hazard area. The report, however, bases this recommendation on the worst case geologic condition and worst case infiltration and slope stability analysis. Given these worst case assumptions, the authors specify that site specific studies should be required to refute or confirm the presence of hazards on a case by case basis (see p. 16 of the Hydrogeologic Analysis prepared by Golder Associates, Inc., for the Sustainable Development Report).

Given the findings of the site specific studies, the Woodtrails site exhibits good stability and soil strength characteristics. Numerous studies and an Environmental Impact Statement have addressed the site conditions and stability. These studies have all concluded that the site is stable, and development as planned is appropriate. Given the level of site specific study and the overall consensus that the site is stable, the Woodtrails site does not meet the definition of a landslide hazard area.

Erosion Hazard Areas

As indicated in the referenced geotechnical reports, the Soil Survey of King County identifies Alderwood Gravelly Sandy Loam deposits throughout the site and surrounding areas. These deposits are characterized as AgC 6 to 15 percent slopes and AgD 15 to 30 percent slopes. The Soil Survey of King County characterizes the erosion potential of AgC soils as moderate, and the erosion potential of AgD deposits as severe. The City of Woodinville Municipal Code (21.24.290.2a) classifies an erosion hazard area as those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service or identified by a critical area special study as having a severe to very severe erosion potential.

The various maps delineating areas of erosion potential are important resources and helpful tools in evaluating the erosion susceptibility of a site. From a geotechnical perspective, use of these map resources combined with site specific investigation and a knowledge of the proposed development activities provides a more thorough evaluation of a potential erosion hazard. With respect to the proposed Woodtrails development, the upland areas of the site (mapped as both AgC – moderate and AgD – severe) exhibit little evidence of widespread erosion and instability. Based on the geotechnical studies and FEIS prepared for the site, combined with multiple site visits to observe conditions, the erosion hazard throughout these upland areas can largely be characterized as moderate. The absence of severe erosion as evidenced by widespread areas of soil displacement, sedimentation, or deep rutting is the primary basis for this conclusion. The 40 percent or steeper portions of the site, which in our opinion would be characterized as having a severe erosion potential, also show little evidence of widespread erosion.

Given our understanding that the building sites will be located outside the limits of the 40 percent or steeper slopes, and provided Best Management Practices (BMP's) are utilized during site development activities, soil erosion can be managed such that impacts will be negligible. The FEIS (page 3.1-18) emphasizes that BMP's are required during site development, and concludes that short-term impacts to soils and overall site stability should be negligible. The FEIS also indicates that BMP's would be used to cover and stabilize soils during construction, and to manage runoff, minimizing sediment transport. Based on the observations of the undersigned and involvement during the subsurface investigations, there is no evidence of widespread areas of erosion that exist throughout the planned development areas. Additionally, through the use of BMP's during development activities, impacts to the site, steep slope areas, and neighboring sites will be negligible.

Seismic Hazards

The Woodinville Municipal Code (WMC 21.24.290.2c) defines seismic hazard areas as areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, surface rupture, or soil liquefaction. With respect to soil liquefaction and related settlements, the referenced geotechnical reports (Earth Consultants, Inc. E-10683, dated June 9, 2004 and Earth Consultants, Inc. E-10683, dated February 14, 2005) conclude that the site has a low susceptibility to liquefaction. The medium dense to very dense soil deposits encountered at the site are not prone to liquefaction. With respect to earthquake induced slope failure, the above referenced geotechnical report (Earth Consultants, Inc. E-10683, dated February 14, 2005) provides an assessment of estimated peak ground accelerations (PGA) at the site, given the maximum considered earthquake (2 percent probability of exceedence in 50 years). The report concludes that earthquake induced deep seated slope movements are not anticipated due to the very dense glacial deposits underlying the site, as demonstrated by the test pit and boring data.

With respect to ground shaking, the subject property is no more susceptible to earthquake induced damage than any adjacent or nearby development. Amplification of long period ground motions, which generally is a concern for important structures located over deep alluvial deposits, is not applicable because the planned development is located in an area of competent glacial deposits.

With respect to surface rupture, there is no documented evidence that surface ruptures or associated scarp features exist on the site. A relatively recent study titled Holocene Fault Scarps And Shallow Magnetic Anomalies Along The Southern Whidbey Island Fault Zone Near Woodinville, Washington (Sherrod, Blakely, Weaver, Kelsey, Barnett and Wells – USGS Open File Report 2005-1136, March 2005) studied a hypothesized southeastward extension of the South Whidbey Island Fault Zone (SWIFZ). One conclusion of the study is that strong evidence suggests that two fault strands in the Maltby-Woodinville area slipped multiple times in the Holocene (present day to approximately 11,500 years ago). The study also concludes that the overall hazards posed by the SWIFZ remain in question. Although it is the opinion of the undersigned that the above referenced SWIFZ report is an important study, evidence sufficient to characterize the subject site as a seismic hazard area in accordance with WMC 21.24.290.2c does not exist.

Stormwater Facility

As currently proposed, a stormwater facility will be constructed along the west side of the Woodtrails property. Limited alterations to the steep slopes in the area of the stormwater facility will occur. The extent of the alteration has not been completely defined at this time, as the stormwater facility is still in the conceptual stages of design. Nevertheless, an increased level of geotechnical investigation was committed to the overall area of the proposed stormwater facility. Two borings were drilled at the toe and top of the slope bordering the east side of the planned facility. Multiple deep test pit excavations were also completed. The results of these subsurface investigations support the conclusion that the soils exhibit a high degree of strength, and that alterations to the existing slope in the form of newly graded permanent slopes can be completed without compromising stability. This conclusion with respect to stability was provided as part of the addendum geotechnical report submitted for the project (ESNW, ES-0067, dated August 1, 2005).

With respect to alterations of geologically hazardous areas, the observed and documented soil strength characteristics are such that alterations to the steep slope adjacent to the planned stormwater facility will not increase the threat of the geological hazard to adjacent properties beyond predevelopment conditions; will not adversely impact other critical areas; and can be designed so that the hazard to the project is eliminated or mitigated to a level where there is no reasonable chance of harm to the project or its associated land use (WMC 21.24.300). During final engineering and development, the planned facility will need to meet the performance standards specified in WMC 21.24.310.1c (Design Standards).

Critical Area Study

As defined in the Woodinville Municipal Code (WMC 21.24.130 – Contents of Critical Area Special Study) the following shall apply:

The critical area special study shall be in the form of a written report and shall contain the following, as applicable:

- Using the best available science, identification and characterization of all sensitive areas on or encompassing the development proposal site;
- Using the best available science, assessment of the impacts of any alteration proposed for a critical area or buffer, assessment of the impacts of any alteration on the development proposal, other properties and the environment, and/or assessment of the impacts to the development proposal resulting from development in the critical area or buffer;
- Studies, which propose adequate mitigation, maintenance, monitoring and contingency plans and bonding measures;
- A scale map of the development proposal site; and
- Detailed studies, as required by the Planning Director.

It is our opinion that the level of study completed for the Woodtrails project more than satisfies the Critical Area Study requirements specified above. This reporting includes the three geotechnical studies referenced at the beginning of this report, a geotechnical report prepared by an expert representing the City of WoodInville and an Environmental Impact Statement.

Buffer Reduction

The original geotechnical engineering study (Earth Consultants, Inc. E-10683, dated June 4, 2004) specified a minimum building foundation setback of 25 feet from the top of existing slopes that are 40 percent or steeper. This specified setback considers a ten foot building lot line buffer distance from the top of 40 percent slopes, and a minimum building foundation setback of 15 feet from the edge of the buffer. The Woodinville Municipal Code (WMC 21.24.310.1c.ii) specifies that the buffer distance can be reduced to a minimum of 10 feet when a qualified professional demonstrates to the satisfaction of the Planning Director that the reduction will adequately protect the proposed development, adjacent developments and uses and the subject critical area. As demonstrated in the referenced geotechnical reports and subsurface investigations, the overall site exhibits good stability and high soil strength characteristics. Given these characteristics, a buffer reduction, as specified above and in accordance with the provisions of the code is appropriate.

Also, as stated in the above referenced geotechnical engineering study, in some cases the minimum building foundation setback from the ten foot buffer may be reduced to five feet. This setback distance would need to be confirmed by the geotechnical engineer on a case by case basis.

Groundwater Recharge

The FEIS (p. 3.2-28) concludes that groundwater recharge on the site is limited by glacial till (relatively impervious sediments) near the surface of the site. The findings of the geotechnical reports and related sieve analysis data support this conclusion. Relatively permeable soils, or soils conducive to infiltration, were not widely encountered throughout the site. It is recognized that the planned development and creation of impervious surfaces would cause a minor shift in the volume of water exiting the site in the form of groundwater. However, the FEIS concludes that the impact of this shift on groundwater would be insignificant.

We trust the above statements have clearly addressed the issues raised by the community.

Sincerely,

Earth Solutions NW, LLC

RAYMOND A. COGLAS
STATE OF WASHINGTON
36018
REGISTERED
PROFESSIONAL ENGINEER

4/5/07

7-29-2008

Raymond A. Coglas, P.E.
Principal

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At Earth Solutions NW Our Mission Is To

- Honor Our Commitments
- Provide Innovative Solutions That Create Value
- Recognize That Our Power And Effectiveness Lies With Our People
- Treat All Fairly And Honestly
- Dedicate Ourselves To Bringing Out The Best In Everyone
- Maintain An Atmosphere Of Professional, Friendly Customer Relations
- Continue To Seek Opportunities For Learning And Growth
- Maintain A Clean, Well Organized Work Environment
- Implement Consistent, Reliable Accounting Procedures
- Be A Resource To The Community

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Raymond A. Coglas, M.S., P.E.

Principal

Background:

Mr. Coglas has 14 years of experience in the geotechnical engineering field. His project experience includes: deep foundation designs, shored excavations, and site seismic response analyses. Prior to joining Earth Solutions NW, Mr. Coglas was acting manager of Earth Consultants Inc.'s geotechnical services division. His responsibilities included oversight of the geotechnical division, project coordination, design review, and management of soils laboratory analysis and QA/QC.

Education:

M.S., Geotechnical Engineering, Oregon State University - 1998
B.S., Building Construction, University of Washington - 1991

Registration:

Professional Engineer, State of Washington

Professional Affiliations:

Member - American Society of Civil Engineers
Member - American Council of Engineering Companies

Employment History:

2005 - Present	Earth Solutions NW, LLC - Principal
2003 - 2004	Earth Consultants, Inc. - Manager of Geotechnical Services
2001 - 2002	Earth Consultants, Inc. - Project Manager
1999 - 2001	Earth Consultants, Inc. - Project Engineer
1995 - 1999	Earth Consultants, Inc. - Staff Engineer
1994 - 1995	Foundation Engineering, Inc., Corvallis, Oregon - Lab and Field Technician
1991 - 1994	Earth Consultants, Inc. - Field Technician

Related Project Experience:

INS, Dept. of Homeland Security
Tukwila, Washington
Four-story Office Building with three levels of underground parking. Geotechncial services included subsurface exploration, pile foundation design, retaining wall designs, and slope stability analyses. Construction monitoring services provided during the pile installation and retaining wall construction.

1540 Eastlake - Mixed Use
Seattle, Washington
Multi-story mixed use development with underground parking and shored excavations. Provided geotechncial consulting and construction monitoring services.

Zymogenetics Expansion
Seattle, Washington
Four-story Office and Laboratiory Facility. Primary geotechnical challenges included a temporary shoring design for a 30-foot excavation below the Interstate 5 viaduct. Slope stability analyses and field monitoring of slope movements were provided.

Villagio, 85th and Greenwood
Seattle, Washington
Multi-story mixed use development with underground parking and shored excavations. Provided geotechncial consulting and construction monitoring services. Monitored adjacent buildings.

Sewall Wetland Consulting, Inc.

1103 W. Meeker St. Suite 101
Kent, WA 98032-5751

Phone: 253-859-0515
Fax: 253-852-4732

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April 5, 2007

Hearing Examiner
City of Woodinville
17301 NE 133rd Avenue NE
Woodinville, WA 98072

RE: Applicant Response to Wellington Community Group Comments on Plants and Animals Section of Wood Trails/Montevallo EIS
SWC Job#A4-166

Dear Hearing Examiner,

The following is our response to the Wellington Community Group Executive Summary Comments on Wildlife issues associated with the Wood Trails/Montevallo EIS. Each response below is numbered based upon the Wildlife section in the Wellington Group s Executive Summary comment document.

2. Critical Areas/Native Growth Protection Easements

The comment states there is a stream north of the Wood Trails site that drains to Little Bear Creek and "*in the summer it may be the sole source of water for Little Bear Creek at this point. Therefore protection must be accorded this stream and its surroundings*".

The small Type 4 stream located off-site to the north is 100' away at its closest point to any proposed lot on Wood Trails. Type 4 streams typically have a 50' buffer width under Woodinville Code at the time the project was vested. Other than the proposed enhancement plantings as compensation for fill of the small wetland in the location of the storm pond, no work will occur anywhere near the stream. The stream drains into the lower 1 mile of Little Bear Creek. As detailed in the attached King County information on Little Bear Creek, this stream is 7.7 miles in length and has a contributing drainage basin of 10,000 acres. According to this information, approximately 80% of the creek is in Snohomish County and is located north of the site. The hydrologic input to Little Bear Creek from this stream, while important, is minimal and is not the sole source of water to Little Bear Creek in the summer. Many large riparian wetlands as well as numerous small feeder streams support Little Bear Creek above and west of the site.

Conclusion: The off-site stream is being protected as required by Code and no impacts to this feature are proposed. Enhancement plantings proposed along the riparian area will actually enhance this stream over existing conditions.

3. Wildlife Corridors

The newly proposed storm water vault on the Wood Trails project does away with the originally proposed rockeries and leaves 120' of undisturbed area east of the vault. This leaves a band of area that will allow wildlife passage through the site. The wildlife utilizing the site are adaptable as evidenced by their presence in yards, neighborhoods and the industrial park. These animals routinely pass over fences, small walls and around structures in the area surrounding the site. Wildlife will be able to pass through the site relatively unencumbered in this area. Any disturbed areas during construction or grading along the east and north side of the vault will be replanted as specified with appropriate native vegetation which will grow successfully based upon the soil moisture regime and slope aspect. This will restore a native plant community in this area. It will not interfere with vault maintenance as maintenance will be from the west near the industrial park. No future disturbance of the area on the east side of the pond will be needed or anticipated.

The area of the proposed wildlife corridor along the pond is vegetated with a thicket of exotic Himalayan blackberry and native upland plants and plants that live in drier areas. They are not wetland plants, so there are no changes proposed to this area as far as plant species composition and types. We are not planting upland plants where wetland plants once grew. The only wetland plants are in the area of the proposed pond which will be removed.

It should be noted that the wetland to be filled is a slope-type wetland with saturated soils during a brief period in the spring. *No standing water is ever present in this wetland.* This wetland does not offer any water source to wildlife in the area.

Conclusion: A wildlife passable corridor of native vegetation approximately 120' in width will remain between the Wood Trails lots and the stormwater facility.

4. Habitat Enhancement

As detailed in the Response to Draft EIS Issues dated August 2006 (page 4-67), State Law requires the EIS address probable, significant adverse environmental impacts. Significant impacts would generally occur to rare or vulnerable habitat and species with special State or Federal status. A detailed response to the impacts and mitigation are given in this Response to Draft EIS Issues document on page 4-69. To summarize; Pileated Woodpecker management guidelines developed by WDFW (Washington Department of Fish and Wildlife) were discussed and incorporated into the project as

mitigative measures. These are appropriate and typical for impacts in and around this species in Western Washington. The general comments by the Wellington Group that the mitigation consists only of dumping of "*large stumps in a pile*" does not accurately represent the proposed mitigation measures to enhance pileated woodpecker habitat. No stumps are proposed to be dumped in a pile, and this does not represent a way to dispose of clearing debris. Select trees based on size, species and location will be girdled to initiate the creation of a snag. Placement of stumps and logs throughout the site in a specific pattern will add woody material to the forest floor to increase foraging habitat for pileated woodpeckers over that which exists in the area of the log or stump placement.

Conclusion: The proposed enhancement is scientifically sound and will increase foraging habitat on the site for pileated woodpeckers in the remaining open space.

5 Wetland Mitigation

Wood Trails

The Wellington Group in their response believes that wetland mitigation does not work and that appropriate mitigation is not being provided. This comment has been answered previously in detail in the City of Woodinville's Response *to Draft EIS Issues* dated August 2006 on pages 4-64 and 4-65. To summarize, the isolated, slope type, Class 3 wetland can be filled per Code with appropriate mitigation. Appropriate mitigation as required by Code is proposed with the 8:1 enhancement of the riparian area north of the site. The comment in the Wellington Group response which states "*wetland mitigation is, at best, an inexact science*", is an *uninformed opinion*. Appropriately designed and implemented wetland mitigation is and has been utilized successfully to mitigate impacts to wetlands for decades. This is why it is an approved and adopted policy by local, state and federal regulators as well as the City of Woodinville. The proposed mitigation area will have a performance bond to guarantee the installation and success of this area as well as 5 years of monitoring of the mitigation site.

Montevallo

This comment has been previously detailed in the Response to Draft EIS Issues dated August 2006 on pages 4-61 and 4-63. All proposed impacts avoid the wetland. Temporary buffer impacts are proposed for the boring of the utility line as allowed by Code at the time this project was vested. A 50' buffer as required by Code is placed on the wetland and left intact. Some changes have been implemented to the plan to reduce impacts since the draft EIS. Boring (verses trenching) under the wetland is proposed to eliminate any impacts to the wetland. This is a standard procedure with utilities to avoid impacts to wetlands. The utility is bored or pushed through the soil below the impervious layer that perches hydrology in the wetland and thus avoids any impacts to the wetland. The wetland on the Montevallo site is a "perched" wetland, meaning it exists due to the

fact that hard, impervious layer of till material holds water on the surface creating a bathtub effect. Trees and shrubs growing in this type of wetland typically have very shallow root systems extending only to the impervious layer, which in this wetland would be a maximum of approximately 2'. Placement of the utility below this layer avoids any impacts to the wetland hydrology or vegetation. This is a routine tried and true method of avoiding impacts to wetlands and streams and is utilized on a routine basis by utilities with great success.

Stormwater facilities on the plat will discharge water to the wetland through dispersion trenches located outside the wetland and buffer. Water from these trenches will be clean treated water and will sheet flow to the wetland through the buffer. The plat and the stormwater system has been designed to mimic existing hydrologic inputs to the wetland on the site and should not change the hydrology of the wetland.

There are no impacts to this wetland proposed. There are no buffer impacts proposed to the 50' buffer except those temporary impacts for the sewer line installation. To restate, the wetland and its full 50' buffer will be left undisturbed following placement of the utility line.

Conclusion: The proposed minor buffer impacts and mitigation all meet the requirements of City of Woodinville Code.

5. Site Wildlife

The Wellington Group comments describe numerous songbirds reportedly observed near the site on birdfeeders as well as stating "*Of special interest, and acknowledged by the applicant , is the existence of at least one pair of nesting pileated woodpeckers in the proposed Wood Trails site*". This mis-states the facts in the EIS. A pair of pileated woodpeckers was observed by myself on the site. However, *no nest was ever observed on the site, nor was this pair observed utilizing a nest anywhere on the site.* We did acknowledge in our study that it was possible, but unlikely we overlooked a nest on the site.

Additionally, a list of species was included in the Wellington comments as well as several photographs.

The photographs depict a great blue heron on the edge of a roof of a structure. Additionally, a pileated woodpecker is shown at a birdfeeder. There is also a photograph of a bobcat and a band-tailed pigeon taken at an unknown location(s). Clearly the photographs of the pileated woodpecker and great blue heron were not taken on the site as no structures or birdfeeders are found on the site. There is also no appropriate habitat for a great blue heron on this site and no rookeries, nests or actual observations of great blue herons has occurred on the site.

The band-tailed pigeon is a WDFW Priority Game Species and still has a hunting season in September with a bag limit of 4 birds per hunter per season. Band tailed pigeons have no special protection afforded them by any agency other than the kill limits during the hunting season. Mineral seeps are a critical part of the habitat for band tailed pigeons during the breeding season for proper egg formation and crop milk production. WDFW limits hunting in and around these seeps and recommends limiting clearing or impacts to these seeps. There are only a limited number of mineral seeps that are known to exist in this state which have the proper high calcium mineral content for this species and WDFW believes it has mapped all of those other than potential sites in very remote locations. No mineral seeps have been observed on the site nor are any known by WDFW in the area of the site. Additionally, the geologic material of this area consists of glacial till and not based on high calcium, high pH parent material such as limestone, and, it would be unlikely any would exists in this area. Although band-tailed pigeons may pass through the site, it is not ideal habitat nor does the critical mineral seep exist on this site for this game species.

A photograph of a bobcat has been included in the comments and is reportedly seen in the neighborhood near the Wood Trails site. The bobcat is a game species with no special protection. The hunting and trapping season for this species in Washington State and King County runs from September 5-March 15 and there is no bag limit on harvesting these animals. Although it is an interesting and uncommon species to see in a suburban neighborhood, it is not rare and has no special protection.

A photograph reportedly of a spotted owl has also been submitted to the City and discussed in the submitted and spoken comments on the Wood Trails project. This issue is detailed on page 4-65, 4-66and 4-67 of the Response to Draft EIS Issues by the City of Woodinville (dated August 2006). The City's reviewer of the wildlife study, The Watershed Company, reviewed the photographs as well as showed it to Julie Stofel, wildlife biologist with WDFW. Ms Stofel determined the photograph was not of a spotted owl but of a barred owl, an eastern US species which has expanded its range into the Pacific Northwest. Ms. Stofel also stated "There is no likelihood of a pair of spotted owls nesting at the site in Woodinville" and that the site is not in spotted owl habitat.

To summarize, there are no rare, threatened or endangered species utilizing the site or the area immediately surrounding the site. All wildlife utilizing the site have been evaluated and given the protection that is required based upon local, state and federal regulations. These protections have been reviewed by independent reviewers (The Watershed Company), and the City and WDFW. The recommendations for management of the species utilizing the site as listed by WDFW have been implemented in the proposed project. This issue has been

previously responded to in pages 4-65 through 4-69 of Response to Draft EIS Issues by the City of Woodinville (dated August 2006).

Sincerely,
Sewall Wetland Consulting, Inc.

Ed Sewall
President/Senior Biologist

Little Bear Creek (Sites 0478 and S478)

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View current water quality data: 0478 S478

Stream Links:

Streams Home

Program History

Sampling Sites and Data

Water Quality Trends

Water Quality Index

303(d)

Sediment Monitoring

Related Links:

Lake Topics

Report Library

Hydrology Data

Freshwater Mussels

Insect Monitoring

Leeches

Freshwater Glossary

Salmon Watcher

King County Water Quality Monitoring

Since 1976 King County has been conducting monthly baseline monitoring at the mouth of Little Bear Creek. Station 0478 is located at State Route 522 East, Woodinville Way exit, near the Prairie Market. King County has been monitoring upstream at Snohomish 520 bridge since 2002 at station S478. (Click here for more information about Special Studies involving Little Bear Creek.)

Little Bear Creek Watershed

Little Bear Creek originates in Snohomish County, about 1.5 miles north of Clearview, and flows 7.7 miles southward where it empties into the Sammamish River near Woodinville. Little Bear Creek is placed in Ecology's Noncore Salmon/Trout Aquatic Use Category which sets criterion for the protection of spawning, core rearing, and migration of salmon and trout, and other associated aquatic life.

The drainage basin is roughly 10,000 acres, most of which is outside of urban growth boundaries in rurally zoned areas. Approximately 80 percent of Little Bear Creek is within Snohomish County. The basin remains roughly 40 percent forested, with a current total impervious area of about 37 percent (Kerwin 2002).

Land use in the upper basin is primarily rural with numerous horse farms, and several riparian wetlands with active beaver ponds (King County WLRD, 2001a). Below Maltby Road, land use is predominantly suburban with the riparian zone narrow and broken throughout. The lower mainstem of the stream runs parallel to State Route 522 and then through the commercial portion of downtown Woodinville before flowing into the Sammamish River. The lower portion of the creek is heavily impacted with poor quality riparian corridor and extensive suburban development (King County WLRD, 2001a).

The habitat quality of segments of Little Bear Creek were evaluated by King County staff from August to November 1999 (see Special Studies below). All segments except one were rated low to medium-low habitat quality, despite the presence of forested riparian buffers along many of the stream reaches. The dominance of deciduous forest in the corridor and/or the removal of large woody debris are thought to have contributed to the lower rating. Stream segment 3 (between 195th N.E. and the Snohomish/King County line) was the only reach that was rated medium-high habitat quality.

Little Bear Creek supports runs of chinook, sockeye, kokanee, and coho salmon, and coastal cutthroat trout. Steelhead/rainbow trout are presumed to use the sub-area (Kerwin 2002). Volunteers with the Salmon Watchers Program have observed coho, sockeye, and kokanee in 2000 and 2001 (King County WLRD 2001b, and June 2002). Juvenile coho

and cutthroat were sighted throughout all of the stream segments surveyed for the 1999 habitat study and spawning sockeye and coho were also observed (King County WLRD 2001a). One chinook redd was identified in Little Bear Creek in segment 3 during the 1999 King County WLRD spawning survey (King County WLRD 2000). Segment 3 of Little Bear Creek is the only segment of the creek where both percent pool area and riffle qualities were high (King County WLRD 2001a).

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Historically (1989) water quality in Little Bear Creek was characterized as "good" (Metro 1990) and would have received a "very good" rating except for the high bacteria counts. At that time Little Bear Creek was rated one of the better streams for dissolved oxygen.

Hydrology

King County maintains three streamflow gauges on Little Bear Creek: Little Bear Creek at SR 202 (30A), Little Bear Creek at 233rd PL SE, Snohomish County (30B), Little Bear Creek above tributary 0083, Snohomish County(30C) and one water temperature gauge: Little Bear Creek located on north side of bridge off Maltby Rd at RM 5 (30E).

Special Studies

Little Bear Creek Habitat Assessment

From August to November 1999 King County conducted habitat assessment on North, Swamp, and Little Bear creeks (King County WLRD 2001a). These streams are the three major northern tributaries to the Sammamish River. The Little Bear Creek habitat assessment took place from its confluence with the Sammamish River to 180th St. S.E. in Snohomish County and 371 meters of the Great Dane tributary.

The results of these habitat assessments indicate that the channel and habitat structure of a number of the segments in all three streams are frequently degraded relative to values from published "properly functioning conditions" for the Puget Sound or the Pacific Northwest region. These data provide important baseline information for any restoration projects that might occur in the basins, as well as for monitoring changes in habitat quality. These assessments may be used for limiting factor analysis for the threatened chinook salmon as well as other salmonid species in these basins.

Little Bear Creek Barrier Removal

The Adopt-A-Stream program is working on the removal of a culvert as well as construction of riparian and in-stream habitat improvements. This project is partially funded by a King County Waterworks Grant.

205th Street Culvert Repair

Snohomish County Surface Water Management will be improving fish survival through streambed erosion control measures, pool building and culvert repair. Fish cover and other habitat features will also be provided. This project is partially funded by a King County Waterworks Grant.

Small Streams Toxicity/Pesticide Study

In 1999, King County conducted a pesticide study on Lyon, Juanita, and Lewis creeks. In 2000 the study was repeated at Lyon, Swamp, and Little Bear creeks. In 2001, Big Bear and Issaquah Creeks were sampled. And in 2002, North, Little Bear, and the 124th street Creeks were sampled. Rock Creek was tested for pesticides in 1999 and then it was used

as the reference stream for toxicity testing during each year of the study. The County collected samples for pesticides, other organics, metals, suspended solids, and toxicity (*Ceriodaphnia dubia*, and *Selenastrum capricornutum*). For more information, visit the pesticide study Web site.

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Water Resources Inventory Area (WRIA) 8

In WRIA 8, citizens, scientists, businesses, environmentalists and governments are cooperating on protection and restoration projects and have developed a science-based plan to conserve salmon today and for future generations. Visit the WRIA 8 Web page to see how this creek is part of this WRIA 8 planning process.

For questions about the small streams monitoring program, please contact *Bob Brenner* or *Jonathan Frodge*.

For questions about stream sediment quality, please contact *Dean Wilson*.

For questions about the Department of Natural Resources and Parks Website, please contact *Fred Bentler*, webmaster.

Updated: July 8, 2005

Related Information:

The Watershed Page

Central Puget Sound Watershed

Sammamish Watershed

Links to external sites do not constitute endorsements by King County.
By visiting this and other King County web pages,
you expressly agree to be bound by terms and conditions of the site.
The details.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

Hunting Season Dates

FAQ

EXHIBIT 133
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Summary of General Hunting Season Dates

These seasons reflect the decisions made at the August 2005 and April 2006 Fish and Wildlife Commission meetings

Official regulations are available in the Big Game Pamphlet and the Migratory Waterfowl and Upland Game Pamphlet

[DEER] [ELK] [OTHER UPLAND GAME] [GROUSE, UPLAND BIRDS, TURKEY, RABBIT, HARE, CROW, BULLFROGS] [MIGRATORY GAME BIRDS]

SPECIES	AREA	2006 - 2007 SEASON DATES	BAG LIMIT ***
DEER (2006-2007)			
Modern Firearm	High Buck	Sept. 15 - 25	
	General	Oct. 14 *	
	Late Buck (eastside)	Nov. 6 - 19	
	Late Buck (westside)	Nov. 16 - 19	
Archery	Early Deer	Sept. 1 - 30 **	1
	Late Deer	Nov. 20 or 22 **	
Muzzleloader	High Buck	Sept. 15 - 25	
	Early Deer	Oct. 7 - 13	
	Late Deer	Nov. 20 or 22 **	
ELK (2006-2007)			
Modern Firearm	Eastern WA	Oct. 28 - Nov. 5**	
	Western WA	Nov. 4 - 13	
Archery	Early Elk	Sept. 8 - 21	1
	Late Elk	Nov. 20 or 22 - Dec. 8 or 15**	
Muzzleloader	Early Elk	Oct. 7 - 13	
	Late Elk	Nov. 20 or 22 **	
OTHER (2006-2007) **(A small game license is required for all small game except forest grouse and coyotes which can be hunted if the hunter has a big game or small game license)**			
BLACK BEAR	**Coastal** GMUs: 501, 504, 506, 530, 601, 602, 603, 607 - 621, 636 - 651, 658 - 663, 672 - 684	Aug. 1 - Nov. 15	
	Puget Sound **GMUs:** 407, 410, 454, 624, 627, 633, 652, 666, 667	Aug. 1 - Nov. 15	
	North Cascades GMUs: 418 - 450, 460	Aug. 1 - Nov. 15	
	South Cascades GMUs: 466, 485, 503, 505, 510 - 520, 524, 550 - 574, 653, 654	Aug. 1 - Nov. 15	
	Okanogan GMUs: 203, 209 - 243	Aug. 1 - Nov. 15	**Bag Limit:** Two (2) black bear

	East Cascades GMUs: 244 - 247, 249 - 251, 328, 329 - 368, 382, 388, 578	Aug. 1 - Nov. 15	per annual hunting season, only one of which may be taken in eastern Washington
	Northeastern A GMUs: 101 - 117	Sept. 5 - Nov. 15	
	Northeastern B GMUs: 121 - 130, 204	Aug. 1 - Nov. 15	
	Blue Mountains GMUs: 145 - 154, 162 - 186	Sept. 5 - Nov. 15	
	Columbia Basin GMUs: 133, 136, 139, 142, 248, 254, 260 - 290, 371 - 381	Aug. 1 - Nov. 15	
	Long Island GMUs: 699	Sept. 5 - Nov. 15	
COUGAR	Statewide, except portions of NE Washington	Aug. 1, 2006 - Mar. 15, 2007	2
LYNX		**Closed Statewide**	
BOBCAT	Statewide	Sept. 5, 2006 - Mar. 15, 2007	None Sealing of pelt required. See page 47.
RACCOON	Statewide (CLOSED on Long Island within Willapa National Wildlife Refuge.)	Sept. 5, 2006 - Mar. 15, 2007	None
FOX	Statewide (CLOSED within the exterior boundaries of the Mt. Baker - Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot national forests and GMUs 407 and 410.)	Sept. 5, 2006 - Mar. 15, 2007	None
COYOTE	Statewide	Open year round **	
		If hounds are used, season is: Sept. 5, 2006 - Mar. 15, 2007 (Except year round with hounds in Adams, Benton, Franklin, & Grant counties)	None

*** Ending dates vary.**
**** Dates vary by GMU**
***** Bag limits for big game are for calendar year and bag limits for small game are daily bag limits unless otherwise noted.**

GROUSE, UPLAND BIRDS, TURKEY, RABBIT, HARE, CROW, BULLFROGS (2006-2007)

SPECIES	AREA	SEASON DATES (inclusive)	DAILY BAG LIMIT	POSSESSION LIMIT
Forest Grouse (Blue, Ruffed, and Spruce)	Statewide	Sept. 1 - Dec. 31, 2006	3/day of any species	9 Straight or mixed bag
Sage and Sharp-tailed grouse, Ptarmigan		**Closed Statewide**		
Pheasant	Western Washington 8 a.m. - 4 p.m.	Sept. 23 - 24, 2006 (Youth Hunting Only)(a)	2 either sex	4 either sex
		Sept. 25 - 29, 2006 (Only for hunters 65 years of	2 either sex	10 either sex

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(see authorization requirements on p. 12 of 2006-07 regulation pamphlet	Skagit County	pre-season wintering population in Skagit County is below 6,000 (as determined by the early January survey), the brant season in Skagit County will be canceled.	2	4
	Pacific County	Jan. 11, 13, 14, 16, 18, 20, 21, 2007		
Band-tailed Pigeons (see additional requirements on p. 12 of 2006-07 regulation pamphlet)	Statewide	Sept. 15-23, 2006	2	4
Mourning Dove	Statewide	Sept. 1-15, 2006	10	20
Swans		**Closed Statewide**		

a. **Special youth hunting season open to hunters under 16 years of age (must be accompanied by an adult at least 18 years old who is not hunting).**

b. **Daily bag limit: 7 ducks – to include not more than 2 hen mallard, 1 pintail, 3 scaup, 1 canvasback, 2 redhead, 1 harlequin, 4 scoter, and 4 long-tailed ducks. Possession limit: 14 ducks – to include not more than 4 hen mallards, 2 pintail, 6 scaup, 2 canvasback, 4 redhead, 1 harlequin, 8 scoter, and 8 long-tailed ducks. Season limit: 1 harlequin (refer to sea duck authorization requirements on p. 10 of 2006-2007 regulations pamphlet).**

c. **Daily bag limit: 4 geese – to include not more than 1 dusky Canada goose, 1 Aleutian goose, and 2 cackling geese. Possession limit: 8 geese – to include not more than 1 dusky Canada goose, 2 Aleutian geese, 4 cackling geese. Season limit: 1 dusky Canada goose. A dusky Canada goose is defined as a dark-breasted [Munsell 10 YR, 5 or less] Canada goose with a culmen [bill] length of 40-50 mm. A cackling goose is defined as a goose with a culmen [bill] length of 32 mm or less.**

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E-mail <webmaster@dfw.wa.gov>

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TRIAD ASSOCIATES

MEMORANDUM

Date:	April 4, 2007
To:	Rich Hill
From:	Mark Keller, P.E.
Re:	Wood Trials and Montevallo Drainage
Triad Job No.:	03-208 and 03-248
Copies To:	Bob Vick, Loree Quade

At the time of the preliminary plat submittals for these projects, the City of Woodinville (COW) had adopted the 1998 King County Surface Water Design Manual (KCSWDM) as a means to provide an established set of requirements and standards for designing storm water management and water quality treatment systems within the City. These requirements and standards were developed and published by the Water and Land Resources Division of the King County Department of Natural Resources. This manual is updated occasionally and has been adopted by several jurisdictions within King County. The KCSWDM has established 8 core requirements to be considered with land development.

These core requirements are:
#1 – Discharge at the natural location
#2 – Offsite analysis
#3 – Flow control
#4 – Conveyance system
#5 – Erosion and sedimentation control
#6 – Maintenance and operation
#7 – Financial Guarantees & Liability
#8 – Water quality
In addition to the core requirements, there are 5 Special Requirments for consideration. They are:
Special Requirements
#1 – Other adopted requirements
#2 – Flood plain/flood way delineation
#3 – Flood protection facilities
#4 – Source control
#5 – Oil control

All of the core and special requirements have been considered with the preliminary applications of these projects. As is typical for projects of this type, the preliminary reports provide a basis for the reviewing agency to evaluate the approach to the

development of the project. As indicated in the KCSWDM (Section 2.1) *"preliminary plans and plot plans provide general information on the proposal, including location of sensitive areas, road alignments and right-of-way, site topography, building locations, land use information, and lot dimensions. They are used to determine the appropriate drainage conditions and requirements to be applied to the proposal during the drainage review process"* The reviewing agency in this case has reviewed the preliminary site plans and preliminary designs, has required an Environmental Impact Statement that included a section on water (Chapter 3.2 of the FEIS), and has provided its approval with conditions. I have reviewed the City's conditions of approval and believe that the conditions can be met through the final design and review process.

Following are issues raised in the public testimony and how they are dealt with:

- The SE corner of the Montevallo site lies within the Lake Leota Basin –
  There is a small sliver (approximately 0'-30' wide) that roughly parallels the south property line that lies within the Lake Leota basin. In the revised site plan this area remains undisturbed as it is within the new 50' landscape buffer. All impervious surfaces will drain to the proposal's storm water detention and water quality treatment facilities. None of the project's impervious surfaces will be within the Lake Leota basin.

- The completeness of the downstream capacity analysis for Wood Trails preliminary plat application –
  The preliminary analysis that has been completed is appropriate for this stage of review. This preliminary analysis has identified that there may be some capacity issues with the current piping, and has determined that an appropriate mitigation would be to upgrade the existing pipe system if needed based on final design information. It has also found that these improvements will fit within the existing right-of-way.

- Water quality impacts to Little Bear Creek -
  The KCSWDM has specific water quality requirments for the Little Bear Creek basin. Projects within this basin are required to apply the treatment systems from the Resource Stream Protection Menu (KCSWDM 6.1.3). For this project the treatment train option was selected. This consists of the basic water quality treatment provided by the dead storage in the vault and the addition of a leaf compost filter at the outfall of the vault.

  Per KCSWDM 6.2.1 "*Flow Volume to be Treated – When water quality treatment is required pursuant to the core and special requirements of this manual, it is intended that a minimum of* ***95% of the annual average runoff volume*** *in the time series, as determined with the KCRTS model, be treated. Designs using the WQ design flow (as described above) will treat this minimum volume.*" The designs will use the WQ design flows to determine the size of the water quality treatment facilites.

- Dispersion trenches above the 40% slopes -
  As part of the design review by the city, these roof dispersal systems are required to be at least 50' from the top of the 40% slopes. The revised site plan complies with this condition in that the roof dispersal systems will be either dispersed at least 50' from the top of slope, piped down the slope and dispersed outside the limits of the 40% slope, or piped to the detention facility.

- Snohomish County permits have not been pursued for storm water discharge – Per Core Requirement #1 of the KCSWDM (Discharge at the natural location), the Montevallo storm water vault discharges at the natural location, the on-site wetland. Therefore, Snohomish County permits are not required.

In conclusion, the City prepared a draft environmental impact statement (DEIS) that included a section (3-2) on water. Many comments were received and then addressed in the final environment impact statement (FEIS). Section 3.2.6 Significant Unavoidable Adverse Impacts states the following:

> *All of the development alternatives would result in unavoidable changes to the natural hydrologic regime by decreasing the amount of water that infiltrates the soil and recharges the groundwater. Because infiltration on the project sites is limited by impermeable materials, these changes would be minor. Nevertheless, there would be increased surface runoff from the new impervious surfaces on the sites. Required flow control measures would maintain existing discharge rates and durations under most conditions, although flows in the downstream systems for storms exceeding the 50-year recurrence interval would be slightly higher. Overall, water quanitity impacts would be insignificant. The quality of runoff water from the sites would be less than under existing conditions. With implementation of required storm water quality mitigation measures, however, these impacts would be reduced to a level of insignificance. Changes to groundwater conditions would be minimal.*

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MONTEVALLO

Proposed Revision to City Staff Drainage Condition Recommendations

p. 8 Deviation Request re WMC 21.24.340(6)

Revise the last sentence of City Recommendation or Decision, paragraph 2, to read as follows: "The proposed detention vault would likely intercept groundwater seeps and therefore a detention pond **or other detention design that promotes continued hydration of the wetland** is recommended."

(proposed additional language is in bold)

p. 30 Surface Water Condition 3

Revise to read as follows: "Tract B Detention Pond **or other detention system that promotes continued hydration of the wetland** – Shall be dedicated to the City of Woodinville after the required maintenance period has ended."

TRIAD ASSOCIATES

EXHIBIT 136
PAGE 1 OF 5

MEMORANDUM

Date:	April 4, 2007
To:	George Newman, Project Principal
From:	Erika Jensen
Re:	Woodtrails and Montevallo Hearing Rebuttal
Triad Job No.:	03-208, 03-248
Copies To:	file

The City has stated that the proposal has not demonstrated that the the criteria for a rezone WMC 21.44.070(1) which states "(1) There is a demonstrated need for additional zoning of the type proposed". Has been met. The City has defined "need" simply as whether or not additional capacity is needed in order for the City to meet its state mandated growth targets and provided a capacity analysis indicating that there is sufficient capacity in the R-4 zone.

The purpose of the following text is to demonstrate the City's analysis is flawed as to both the capacity analysis and limited scope of its definition of "need".

1. The capacity analysis provided by the City is inconsistent with the City's Comprehensive Plan and overstates capacity.

The City (on page 4 of the Montevallo staff report, page 6 of the Woodtrails staff report, and page 38 and 39 of the Neighborhood Character section of the Sustainable Development Report) has provided a capacity analysis that shows that there is excess capacity in all zones, and concludes that there is therefore no demonstrated "need" for the rezone. However, the method used to calculate the capacity is not consistent with the method used by the City's Buildable Lands Analysis found in Table A3-2 on pages 5 and 6 of Appendix three of the Woodinville Comprehensive Plan.

The 2001 dwelling unit capacity found in Table 2 on page 6 of the Woodtrails staff report is taken from the far right column of Table A3-2. The units permitted between 2001 and 2006 are then subtracted from the capacity. However, this incorrectly overstates the amount of capacity, because the capacity analysis in Table A3-2 is based on land available for development and the dwelling unit capacity in the far right column is based on an assumed density of 5.4 dwelling units per acre for the R-4 zone. By shortcutting the analysis and subtracting the units permitted between 2001 and 2006, without a corresponding analysis of land removed from the buildable lands inventory by the development of those units, the capacity is overstated. 2006 capacity stated in the staff report assumes that all of the development permitted in the R-4 zone between 2001 and 2006 happened at a density of 5.40 dwelling units per acre, even though the code only requires a minimum of 3 units per acre. In reality, with new stormwater detention requirements, better delineation of critical areas, and increased critical area buffers adopted after the 2001 capacity analysis, it is unlikely that all development occurred at a density of 5.4 dwellings per acre in the R-4 zone.

The analysis of available land is an important part of the buildable lands analysis that was skipped by the City. This can be illustrated by looking at the only area zoned R-4 in the City. It is located on the west slope of the Sammamish River Valley on the slopes above the Woodinville-Redmond Road. It is

designated Low Density Residential on the City's Comprehensive Plan Map and zoned R-4. Based on the City's capacity analysis, there is capacity for 420 dwelling units in this area. However, looking at the City's updated Sensitive Geological Areas Map dated 12/04/06, the R-4 area is now almost completely within overlapping erosion hazard, landslide hazard, steep slope areas AND contains multiple stream channels that feed into the Sammamish River. Based on new CAO regulations adopted pursuant to the GMA, it is unlikely that a new capacity analysis that includes an analysis of available land and updated critical areas data will result in a capacity of 420 dwelling units in this zone. The City's comprehensive plan implementation strategy recognizes the importance of tracking the inventory of vacant available land against the building permits (page 5, Chapter 4, Woodinville Comprehensive Plan).

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4.3.2 Monitoring Program

A program to monitor housing supply and affordability is essential to the successful implementation of the Housing Element. Woodinville should tie its efforts closely to monitoring efforts in King County and Snohomish County. King County has data on housing supply and costs, which it issues periodically as the Housing Monitoring Bulletin. The County developed a regional monitoring program known as Buildable Lands. The City should conform to that program when developed, since it provides the means for consistent tracking of activities throughout the county. In the interim the City should support the Buildable Lands program and other housing goals by continuing a monitoring program that includes the following:

1. Inventory vacant land available for housing including the number of units parcels are capable of holding in compliance with applicable zoning regulations,

2. Specify the number of low and moderate income households expected to reside in Woodinville at the end of the forecast period,

3. Track building and occupancy permits against the vacant land inventory,

2. The City's definition of "need" only addresses the need to accommodate its growth allocation. There are other City "needs" defined in its Comprehensive Plan related to affordable housing and providing a range of housing types and styles.

With only a very limited area of R-4 zoning in the City, and the R-1 zone making up nearly 30% of the zoning in the City (1,100 acres out of a total 3, 500 acres, page 1 of the Sustainable Development Study Executive Summary) it doesn't appear as though the City is providing the opportunity for a variety of housing types and lot sizes other than large "estate" lot development or apartment/condominium living in the Downtown or tourist districts. There is a "need" for additional R-4 zoning in order to provide a diversity of housing types for all economic segments of the City's population as stated in the City's Comprehensive Plan.

Goal H -1: To preserve existing housing and neighborhoods and provide a diversity of housing types that promote housing opportunities for all economic segments of the City's population.

H-1.1 Allow for a variety of housing types and lot sizes through mixed use development and small and large lot single family development, townhomes, duplexes, multiplexes, apartments, manufactured housing, mobile home parks, and accessory dwelling units.

LU-1.2 Encourage future development in areas:

1. With the capacity to absorb development (i.e., areas with vacant or underdeveloped land and available utility, street, park, and school capacity, or where such facilities can be cost effectively provided), and

2. Where adverse environmental impacts can be minimized; and where such development will enhance the area's appearance or vitality.

GOAL LU-3: To attain a wide range of residential patterns, densities, and site designs consistent with Woodinville's identified needs and preferences.

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PAGE 3 OF 5

LU-3.7 Permit a range of densities to encourage a variety of housing types that meet the housing needs of residents with a range of incomes.

3. The proposal satisfies a City "need" for efficiency and quality of utility service (Comprehensive Plan Goal U-1). The Woodtrails and Montevallo sites are located in one of the only areas located in the R-1 that can be served by gravity sewer (Sustainability Development Study, page 23), making R-4 development in this location particularly efficient to serve with sewer. This is also consistent with the City's "need" to meet growth management goals by locating urban development in areas that can be efficiently served by sewer.

GOAL U-1: To enhance the efficiency and quality of service from public and private utility providers through the coordination of utility, land use, and transportation planning so that utilities including water, sewer, storm water, solid waste, electricity, natural gas, telecommunications, cable television, and satellite transmission are available or can be provided to serve in a manner which is fiscally and environmentally responsible, aesthetically acceptable to the community, and safe for nearby inhabitants.

4. The proposal satisfies a City "need" to protect environmental resources by bring sewer to an an area that is currently served by septic systems.

Inadequate or poorly drained septic systems in the R-1 zone are currently the biggest threat to the critical aquifer recharge areas. The threat would increase with with more dense development on septic systems, but would decrease or eliminated by development accompanied by sewers serving new or existing development (page 25, column 1, Sustainable Development Study Executive Summary). The current city code allows continued development served by septic systems in the R-1 zone, but would require sewers with development in the R-4 zone. Thus R-4 zoning in a area that can be efficiently served by sewers satisfies a City "need" to protect environmental resources.

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Table A3-2 2001 Residential Carrying Capacity Under Existing Comprehensive Plan/Zoning Code

				City Method 1		Buildable Lands Method 2	
	Acres	Acres	X	Min. Density Factor	Housing Unit Capacity	Assumed Future Density	Housing Unit Capacity
Low Density Residential							
R-1 Vacant Gross Acres		114.83					
Critical Areas	(10.62)						
15% Rights-of-Way	(15.63)						
5% Public Purposes	(5.21)						
Total Reductions		(31.46)					
Net Acres		83.37					
15% Market Factor		(12.51)					
Adjusted Net Acres		70.86		1.0	71	0.97	68
R-1 Redevelopable Gross Acres		245.40					
Critical Areas	(18.92)						
10% Rights-of-Way	(22.65)						
5% Public Purpose	(11.32)						
Total Deductions		(52.89)					
Net Acres		192.51					
20% Market Factor		(38.50)					
Adjusted Net Acres		154.01		1.0	154	0.97	90
R-4 Vacant Gross Acres		128.93					
Critical Areas	(54.02)						
15% Rights-of-Way	(11.24)						
5% Public Purposes	(3.75)						
Total Deductions		(69.01)					
Net Acres		59.93					
15% Market Factor		(8.99)					
Adjusted Net Acres		50.94		3.0	153	5.40	275
R-4 Redevelopable Gross Acres		82.96					
Critical Areas	(16.79)						
10% Rights-of-Way	(6.62)						
5% Public Purposes	(3.31)						
Total Deductions		(26.72)					
Net Acres		56.24					
20% Market Factor		(11.25)					
Adjusted Net Acres		44.99		3.0	135	5.40	222
TOTAL NET ACRES		**320.80**					
TOTAL DWELLING UNIT CAPACITY LOW DENSITY RESIDENTIAL					**513**		**655**
Moderate Density Residential							
R-6 Vacant Gross Acres		16.26					
Critical Areas	(12.47)						
15% Rights-of-Way	(0.57)						
5% Public Purposes	(0.19)						
Total Decuctions		(13.23)					
Net Acres		3.03					
15% Market Factor		(0.45)					
Adjusted Net Acres		2.58		4.5	11.61	6.84	17
R-6 Redevelopable Gross Acres		159.47					
Critical Areas	(22.34)						
10% Rights-of-Way	(13.71)						
5% Public Purposes	(6.86)						
Total Deductions		(42.91)					
Net Acres		116.56					
20% Market Factor		(23.31)					
Adjusted Net Acres		93.25		4.5	420	6.84	581

	Acres	Acres	X	City Method 1 Min. Density Factor	Housing Unit Capacity	Buildable Lands Method 2 Assumed Future Density	Housing Unit Capacity
R-8 Vacant Gross Acres (Greenbrier Development)		21.68					
Critical Areas	(6.02)						
15% Rights-of-Way	(0.96)						
5% Public Purposed	0.00						
Total Deductions		(6.98)					
Net Acres		14.70					
15% Market Factor		(2.21)					
Adjusted Net Acres		12.49		6.8	85		170
TOTAL NET ACRES		**108.32**					
TOTAL DWELLING UNTI CAPACITY MODERATE DENSITY RESIDENTIAL					**517**		**768**
High Density Residential							
R-24 Redevelopable Gross Acres		0.68					
Critical Areas	(0.33)						
10% Rights-of-Way	(0.04)						
5% Public Purposes	(0.02)						
Total Deductions		(0.39)					
Net Acres		0.29					
20% Market Factor		(0.06)					
Adjusted Net Acres		0.23		16.8	4	20.00	4
R-48/O Vacant Gross Acres		24.14					
Critical Areas	(6.10)						
15% Rights-of-Way	(2.71)						
5% Public Purposes	(0.90)						
Total Deductions		(9.71)					
Net Acres		14.43					
15% Market Factor		(2.16)					
Adjusted Net Acres		12.27		31.2	383	42.36	520
TOTAL NET ACRES		**12.50**					
TOTAL DWELLING CAPACITY HIGH DENSITY RESIDENTIAL					**387**		**524**
TOTAL RESIDENTIAL NET ACRES		**441.62**					
TOTAL RESIDENTIAL CARRYING CAPACITY					**1417**		**1947**
Remaing GMA Allocation					**1149**		**1149**
Net Surplus					**268**		**798**

1. Assumes a minimum required number of units per acre per zone based on Woodinville Municipal Code Title 21.12.030.
2. Assumes future densities based on actual past development densities (See Table A3-3 for additional information)

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TRIAD ASSOCIATES

EXHIBIT 137
PAGE 1 OF 2

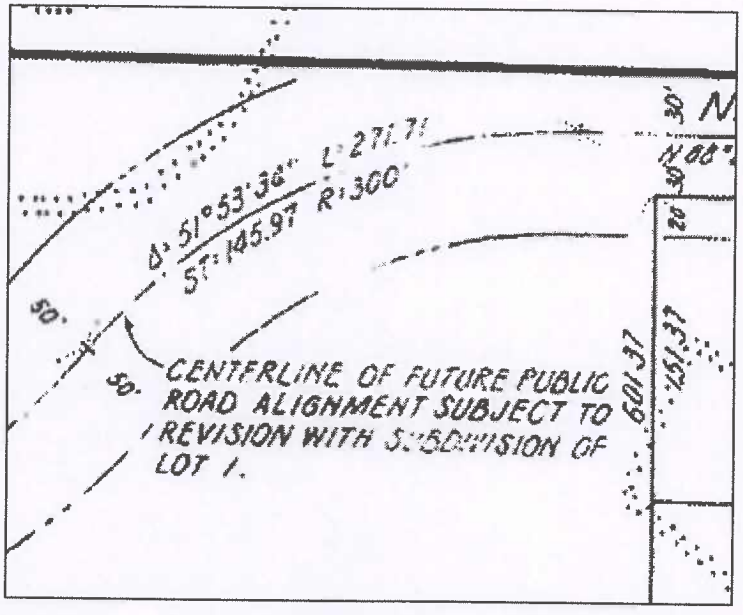
MEMORANDUM

Date:	April 4, 2007
To:	Rich Hill, McCullough Hill
From:	George Newman
Re:	Alleged Right-of Way on Montevallo
Triad Job No.:	03-248
Copies To:	Bob Vick, Loree Quade Phoenix Development

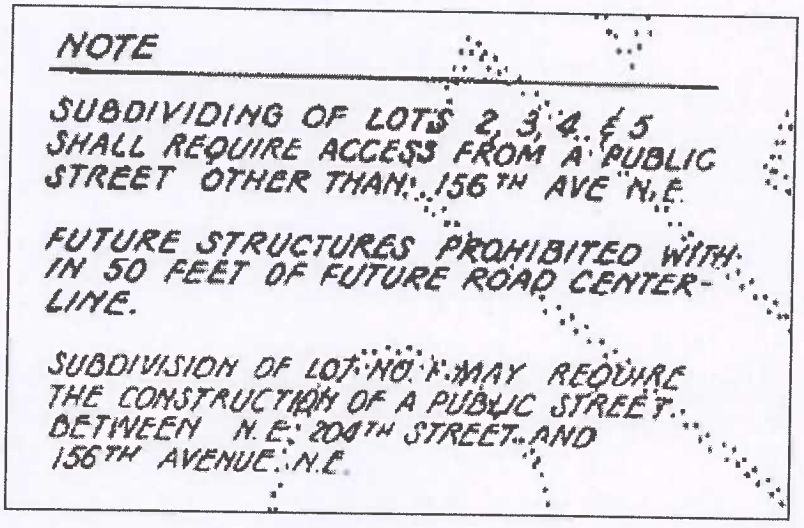
An issue raised at the March 15, 2007 public hearing by the neighborhood group regarding the underlying plat on Montevallo. It was alleged that there was an existing right-of-way running through the property as result of previous plat dedication.

Attached is the recorded plat of Summers Addition which contains Lots 1,2,3,4 & 5 which we are proposing to subdivide into 55 lots as the plat of Montevallo. This issue is not new and we discussed with City of Woodinville staff at the TRC meetings in 2004. I have reviewed again with our project surveyor, Mark Harrison, PLS, and we both concluded that there is no road dedication and right-of-way was never created.

The applicable notes from the recorded plat map (Sheet 2 of 2) are as follows:



This conceptual "future public road alignment" is "subject to revision with the subdivision of Lot 1". The proposed plat of Montevallo with our proposed 55 lots and public road layout (looped 60-ft. wide public right-of-way recommended for approval by city staff), reflects this revision. Our resubdivision, once approved and the final plat recorded, would effectively supersede this old note.


NOTE

SUBDIVIDING OF LOTS 2, 3, 4, & 5 SHALL REQUIRE ACCESS FROM A PUBLIC STREET OTHER THAN 156TH AVE N.E.

FUTURE STRUCTURES PROHIBITED WITHIN 50 FEET OF FUTURE ROAD CENTER-LINE.

SUBDIVISION OF LOT NO. 1 MAY REQUIRE THE CONSTRUCTION OF A PUBLIC STREET BETWEEN N.E. 204TH STREET AND 156TH AVENUE N.E.

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Existing Lots 2-5, are also in the assemblage being subdivided. Our proposal meets the note requirement that all the proposed lots in Montevallo will take "access from a public street other than 156th Ave. N.E.". There will be restriction on the final plat map which will state no direct access to 156th Ave N.E.

The last note uses the phrase "may require" which is discretionary and not mandatory.

It was determined by the City of Woodinville through the lengthy pre-application process (three levels of technical review committee meetings prior to preliminary plat submittal), that the road connection to 204th Street NE would not be required due to wetlands and neighborhood concerns to the west. Therefore, the looped 60-foot public right of way as proposed meets the City of Woodinville design standard and provides for internal access for all lots within the subdivision. This design includes restricting direct driveway access to 156th Avenue NE.

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DATE: Thursday, April 05, 2007

TO: G. Richard Hill
Attorney at Law
McCullough Hill, PS
701 Fifth Avenue, Suite 7220
Seattle, Washington 98104

FROM: GARDNER JOHNSON LLC

SUBJECT: **WOOD TRAILS / MONTEVALLO PRELIMINARY PLAT & REZONE.**
Comments on "Analysis of Wood Trails Rezone & Preliminary Plat Application - Volume 2

GARDNER JOHNSON has been retained by MCCULLOUGH HILL, PS to consider the above analysis prepared by residents of Woodinville at al.

Although the above document was very ample and cited a plethora of publicly prepared documents it fails, among other things, to address one of the core issues that, from an economic standpoint, must be addressed.

A key in the hearing examiners' decision making must be to refer to the City's Housing Policies, including Goal H-1 and Policy H-1.1. Goal H-1 states:

"To preserve existing housing and neighborhoods and provide a diversity of housing types that promote housing opportunities for all economic segments of the City's population."

Policy H-1.1 states:

"Allow for a variety of housing types and lot sizes through mixed use development and small and large lot single family development, townhomes, duplexes, apartments, manufactured housing, mobile home parks, and accessory dwelling units."

119, FIRST AVENUE SOUTH, SUITE 410, SEATTLE, WA 98104
206/442-9200 206/442-9201 (FAX)

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One notes, in particular, the requirement to provide "a diversity of housing types." The City's Ordinance 431, adopted last month and included with the Neighbors' materials, concludes that development of Woodinville Village, the Serkin property and redevelopment of Canterbury Square will ultimately lead to the sale/leasing of 800 units therefore covering a substantial proportion of the City's required growth. This, however, flies in the face of the above Comprehensive Plan policies that require *diversity* in the development of the City's housing stock.

The growth figure of 1,869 housing units is derived from recommendations made by the Puget Sound Regional Council; however, population growth is expected to be 4,400 people and, therefore, an average household size of 2.34 people. Clearly attached housing such as that being developed at Woodinville Village, the Serkin property and Canterbury Square is not suited to most families with children.

Ultimately it is the City's obligation to abide by its own Comprehensive Plan and to allow a full range of housing options as mandated by Housing Policy H-1.1, not just large lot one-acre estate housing for the wealthy on the one hand, and multifamily housing in the Valley for everyone else on the other.

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About Gardner Johnson LLC

GARDNER JOHNSON, LLC offers a full range of real estate and economic advisory services, and has extensive experience in a wide range of land uses and development forms. The firm offers a highly qualified staff of professionals, with over fifty years of combined industry experience. The Firms' experience includes land use and regional economics, residential market analysis, commercial and industrial market analysis, periodic economic and market forecasting and financial analysis. Experience includes the following types of projects:

Land Use and Regional Economics

- *Economic Development Plans;*
- *Economic Impact Analysis;*
- *Fiscal Impact Analysis;*
- *Housing Need Assessment;*
- *Public Need Analysis;*
- *Development Fee Incidence Analysis;*
- *Litigation Support/Expert Witness Testimony;*
- *Target Industry Analysis*

Residential Market Analysis

- *Rental Apartments;*
- *Urban mid-rise and high-rise;*
- *Redevelopment;*
- *Mixed-use development programs;*
- *Public policy advisory;*
- *Detached Single Family;*
- *Condominiums/Townhomes;*
- *Retirement Communities;*
- *Master Planned Communities; and*
- *Public-private partnerships;*

Periodic Economic and Market Forecasting

Commercial/Industrial Market Analysis

- *Speculative Office Space;*
- *Retail Shopping Centers;*
- *Business Parks, Including Flex Space;*
- *Hotel/Motel & Conference Center*

Financial Analysis

- *Financial Feasibility Analysis;*
- *Tax Credit Underwriting;*
- *Residual Land Value Analysis;*
- *Highest and Best Use Analysis; and*
- *Least Cost Location Analysis.*

Strategic Planning

Fiscal & Economic Impact Analysis

The Firm has been actively involved in the development of many of the largest and most complex developments in the Pacific Northwest, and is regularly retained by the region's most prominent developers to complete market and financial feasibility studies in the Northwest. In addition, we work for many of the region's lenders on a retainer basis to monitor local real estate markets.

GARDNER JOHNSON has extensive experience forecasting land needs for jurisdictions as well as private-sector clients. The Firm has developed a series of proprietary models that allow for land demand forecasts to reflect market realities. These are used for land use forecasting, as well as for short-term forecasting by our institutional and banking clients. Our models are dynamic, and allow for variation in the profile of growth and development activity as a result of policy inputs and inter-regional shifts.

The Firm serves a diverse mix of clients, including government and public agencies, corporations, developers, institutional investors, financial institutions and non-profit organizations. The diversity of our client base has allowed us to approach the development process from a wide range of perspectives. As a result, we have developed a comprehensive understanding of the factors necessary to encourage, facilitate, and direct the development process in support of public policy objectives. We have been among the leading consultants to private sector developers in the region, are viewed as the primary source of real estate market evaluation by the area's largest commercial lenders. GARDNER JOHNSON regularly melds public policy with market and financial realities, producing accurate, reliable and realistic advice.

Our hallmark as action-oriented professionals is to provide our clients with clear and definitive recommendations that can be readily implemented. Our recommendations are driven by, and based upon, grounded creativity regarding market, economic, physical, and political realities that influence a given real estate asset, portfolio, or geographic sphere.

About Matthew Gardner

Mr. Gardner's career started as a Land Agent for Cluttons, an international firm of Chartered Surveyors, where he advised clients such as the British Royal family and the Church of England in their real estate matters. As a Principal of GARDNER JOHNSON, Mr. Gardner specializes in residential and commercial analysis, and is particularly passionate about urban housing needs. Mr. Gardner is a regular speaker on the regional economy as it pertains to real estate and economic matters.

PROFESSIONAL AFFILIATIONS

Washington State University Center for Real Estate Research – Trustee
Building Industry Association of Washington – Director
Urban Land Institute – Technical Assistance Panel Member
Pacific Real Estate Institute – Member
National Association of Business Economists - Member

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LIST OF SELECTED CLIENTS

Private Sector

Albertsons, Inc.
Amstar Properties, Ltd.
Archstone Smith Trust
Associated General Contractors
Associated Grocers
Avalon Bay Real Estate Investment Trust
B.C.R.A.
Bank of America
Bank of the West
Bank of Tennessee
Bank United
Beacon Capital Partners
BRE Properties
Camwest Development
Capital Realty
Capstone Homes
Carmel Partners
Cascadia Development Corporation
Catapult Community Developers
Centex Homes
Chaffey Corporation, The
Citation Inc.
Coldwell Banker Bain
Collins Woerman
CBB - Builder Resource Group
Concord Group, The
Cressey Development Corporation
D.A.S.H.
Del Webb Corporation
DUC Housing Partnership
Equity Residential
Essex Property Trust
Fairfield Residential
Fortune Group, The
First Horizon Construction Lending
GE Capital Corp.
General Motors
Glacier Fish Company
Harbor Properties
Hudson Advisors
ING Clarion
Insite Group, The
Integral Northwest
Intracorp
Intrawest Corporation
Jenamar Communities
John F. Buchan Homes
Jones Lang LaSalle
J.P.I
J P Morgan
Justen Company, The
Keller CMS
Key Bank of Washington
Kimco Realty Corporation
LaSalle Investments
Legacy Partners
Lorig Development
Lowe Enterprises Northwest
Madison Homes
Marcus & Millichap
Master Builders Association
Meridian Group of Companies
M.J.R. Development
Milliken Development
Multi-Capital
Nike, Inc.
Nitze Stagen & Co. Inc.
Opus Northwest
Pacific Real Estate Institute
Pacland
Paul G Allen Charitable Foundation
Polygon Northwest
Portland Development Commission
Quadrant
R.C. Hedreen Co.
Ryness Company
Samis Land Co.
Schnitzer Northwest
Seattle Mariners, The
Seattle Seahawks, The
Seattle Art Museum
Security Properties
Segale Business Parks
Shea Homes
Simpson Housing Partnership
S.R.M. Development
Stafford Homes
Tarragon Development
Trammell Crow
Trammell Crow Residential
Trendwest Resorts
Triad Development
Triad Engineers
TriMet Development
The Trust for Public Lands (TPL)
United Properties, Vancouver B.C.
US Bancorp
Unico
United Dominion Realty Trust
Urban Visions
Vulcan Real Estate Inc.
Wal-Mart
Wasatch Property Management
Washington Mutual Bank
Wells Fargo Bank
Weyerhaeuser Real Estate Company
Windermere Real Estate
Windermere Builder Services
WRECO Land Management
Yarrow Bay Development

Public Sector

Bellevue Community College
City of Auburn, WA
City of Bellevue, WA
City of Bremerton, WA
City of Hillsboro, OR
City of LaGrande, OR
City of Marysville, WA
City of North Plains, OR
City of Portland, OR
City of Redmond, WA
City of Seattle, WA
City of Tukwila, WA
City of Vancouver, WA
Clackamas County, OR
Clark County Housing Department
Downtown Seattle Association (DSA)
Housing Authority of Portland
HUD
King County (D.D.E.S)
King County Housing Authority
Metropolitan Service District
Multnomah County , OR
Oregon Department of Transportation
Port of Hood River
Port of Portland
Port of Seattle
Port of Tillamook Bay
Portland Development Commission
United States Federal Government

Sustainable Development Study – R-1 Zone: Executive Summary

Sustainable Development Study R-1 ■ City of Woodinville ■ February 20, 2007

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Sustainable Development Study – R-1 Zone: Executive Summary

Prepared for:

City of Woodinville

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Prepared by:

Jones & Stokes
11820 Northup Way, Suite E300
Bellevue, WA 98005
Contact: Lisa Grueter
425/822-1077

And
City of Woodinville Development Services Department

January 2007
Revised February 2007

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This document should be cited as:
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Attachments

Attachment	Report Name	Prepared By:
Attachment A: Environmental Report	City of Woodinville Sustainable Development Project: R-1 Area Environmental Report	Steward & Associates and City of Woodinville
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Attachment A: Appendix B	Lake Leota Analysis for City Of Woodinville Sustainable Development Program	C. Michael Falter, Ph.D
Attachment A: Appendix C	City of Woodinville R-1 Zone Wetland Inventory C-1 Woodinville Additional Wetland Reconnaissance Survey C-2. Woodinville Wetland Survey C-3. Citizen Advisory Panel Supplied Map	C-1 Jones & Stokes C-2. Cooke Scientific C-3. Citizens Advisory Panel
Attachment A: Appendix D	Woodinville Sustainable Development Study	Perteet Inc.
Attachment B: Neighborhood Character in the R-1 Zone Report	Neighborhood Character in the R 1 Zone, City of Woodinville	City of Woodinville Development Services Department
Attachment C: Transportation Report	Transportation, City of Woodinville	City of Woodinville, Development Services Department, Perteet Inc.
Attachment D: Capital Facilities and Utilities Report	Capital Facilities and Utilities in the R-1 Area	City of Woodinville Community Development Services Department
Attachment E: Moratorium Ordinances	Moratorium Ordinances 419, 424, and 427	City of Woodinville
Attachment F: Other Information/Errata	Reserved for added or corrected information by various authors as appropriate	Various Authors

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Sustainable Development Study: R-1 Zone Executive Summary

Issue

The City of Woodinville determined that a review of zoning densities needed to occur on lands currently classified as R-1, where the minimum size for new parcels is one unit per acre. Under current Woodinville Municipal codes, the R-1 zone density can be increased to R-4 only upon approval of a rezone. R-1 to R-4 in the Woodinville's Comprehensive Plan is considered Low Density. This document is called the Sustainable Development Study and includes four individual studies: environmental, neighborhood character, transportation, and capital facilities. The study was initiated after a Moratorium was established to limit development until the results of the study were available. The Moratorium is anticipated to end in March 2007.

The residential zones in the city make-up approximately 60% of the city's 3,500 acres, with the R-1 zone encompassing approximately 30% or 1,100 acres. One of seven major neighborhoods, the R-1 neighborhood is located on the northeastern uplands of the city (see Figure ES-1), and is referred to as the Leota and Wellington Neighborhoods. R-4, R-6, R-8, and five multifamily residential designations comprise the remainder of the city's residential area.

Viewed in the abstract, R-1 zoning has been inconsistent with past decisions by the Central Puget Sound Growth Management Hearings Board (Board) regarding minimum urban densities, but recent Court and Board decisions indicate that such densities are not necessarily required in all urban areas as an absolute rule. The Board and related case law guide decisions where densities may be allowed other than those the Board considers "compact urban." In addition, the GMA calls for ensuring "the vitality and character of established residential neighborhoods," and past Board decisions have explicitly authorized lower urban densities when they provide added or necessary protection for critical areas that are **large in scope, complex in structure and function, and of a high rank order.** (These criteria are known as the "*Litowitz* test," following the name of the plaintiff in the case where they were first identified[1].) Factors used in supporting lower densities are the same as those evaluated in this Sustainable Development Study:

- Environmental – what levels of density can the land support and maintain and protect important critical areas?

[1] *Litowitz v. Federal Way*, CPSGMHB Case No. 96-3-005 (July 22, 1996).

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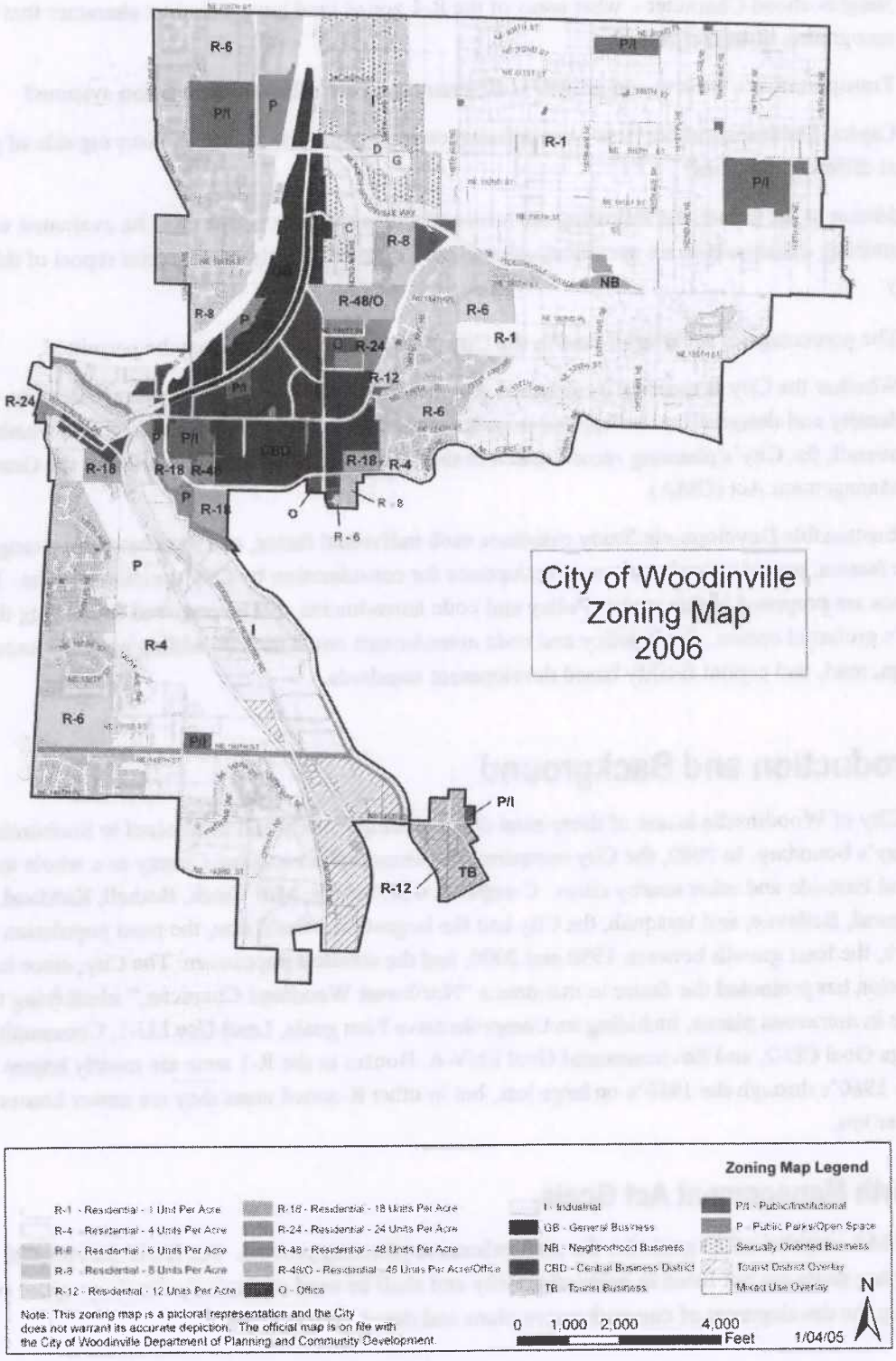

Figure ES-1. Zoning Map

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- Neighborhood Character – what areas of the R-1 zoned land have a distinct character that requires recognition through zoning?
- Transportation – how would growth at different densities affect transportation systems?
- Capital Facilities and Services – are infrastructure systems and public services capable of growth at different densities?

In addition to the above, the following are relevant contextual factors that must be evaluated when determining densities and are specifically discussed in the neighborhood character report of this study:

- The percentage of the overall land in the City where lesser densities may be permitted,
- Whether the City is meeting its assigned growth target, the City's overall average density, what density and designations are applied to undeveloped/unplatted areas of the City, and whether, overall, the City's planning record indicates that it is meeting its obligations under the Growth Management Act (GMA).

The Sustainable Development Study examines each individual factor, and then based on a range of these factors, provides zoning alternatives/options for consideration by City decision-makers. Four options are proposed in this study. Policy and code amendments will be prepared supporting the City's preferred option. Such policy and code amendments could include adding environmental, design, road, and capital facility based development standards.

Introduction and Background

The City of Woodinville is one of thirty-nine cities in King County and is adjacent to Snohomish County's boundary. In 2002, the City compared its demographics to King County as a whole and several Eastside and other nearby cities. Compared with Seattle, Mill Creek, Bothell, Kirkland, Redmond, Bellevue, and Issaquah, the City had the largest household size, the most population under age 19, the least growth between 1990 and 2000, and the smallest population. The City, since its inception has promoted the desire to maintain a "Northwest Woodland Character," identifying that desire in numerous places, including its Comprehensive Plan goals, Land Use LU-1, Community Design Goal CD-2, and Environmental Goal ENV-6. Houses in the R-1 zone are mostly homes built in the 1960's through the 1980's on large lots, but in other R-zoned areas they are newer homes on smaller lots.

Growth Management Act Goals

The GMA established 13 goals for the comprehensive planning process. Per RCW 36.70A.020, the following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

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- **Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- **Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- **Transportation.** Encourage efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- **Housing.** Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- **Economic development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans; promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons; promote the retention and expansion of existing businesses and recruitment of new businesses; recognize regional differences impacting economic development opportunities; and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- **Property rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- **Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- **Natural resource industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- **Open space and recreation.** Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- **Environment.** Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- **Citizen participation and coordination.** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.
- **Public facilities and services.** Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- **Historic preservation.** Identify and encourage the preservation of lands, sites and structures that have historical or archaeological significance.

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Of particular interest in the R-1 study are goals to reduce sprawl, protect the environment, and provide housing choices.

Growth Management and Urban Densities

In 1995, the Central Puget Sound Growth Management Hearings Board established a "general rule" of four net dwelling units per acre as a minimum density for urban areas under the GMA. Calling this standard a "bright line," the Board stated:

> Any residential pattern at that density, or higher, is clearly compact urban development and satisfies the low end of the range required by the Act. Any larger urban lots will be subject to increased scrutiny by the Board to determine if the number, locations, configurations and rationale for such lot sizes complies with the goals and requirements of the Act, and the jurisdiction's ability to meet its obligations to accept any allocated share of County-wide population. Any new residential land use pattern within a UGA [Urban Growth Area] that is less dense is not a compact urban development pattern, constitutes urban sprawl, and is prohibited.

The next year, the Central Board identified the criteria it would use to determine whether environmental factors could justify a lower density in urban areas:

> The Board holds that when environmentally sensitive systems are large in scope (e.g. a watershed or drainage sub-basin), their structure and functions are complex and their rank order value is high, a local government may also choose to afford a higher level of protection by means of land use plan designations lower than 4 du [dwelling units]/acre.

These criteria have come to be known as "the *Litowitz* test," following the name of the plaintiff in the case. The criteria have not changed, nor have they been substantially clarified, under subsequent Growth Board decisions. This leaves many important details somewhat ambiguous. Watersheds and drainage sub-basins can be identified across a wide range of sizes, from a large river system like the Columbia River to an individual wetland or small stream. To some degree, the structure and functions of nearly all natural systems are complex. The meaning of "rank order value" is also unclear and depends on scale. A particular stream or wetland, for example, could rank of high importance within a small jurisdiction or small drainage basin but of much less importance when considered at larger geographic scales. Nevertheless, it is clear that critical areas that are not of high relative value within the larger natural systems in the surrounding vicinity or within an individual jurisdiction would be unlikely to pass the *Litowitz* test.

In a later case, *Fuhriman v. Bothell,* the Board acknowledged "a possible expansion of *Litowitz* analysis," where lower densities might be allowed to protect critical areas that do not, strictly speaking, meet the *Litowitz* test. It noted that critical areas that are linked hydrologically could have "unique geologic or topographical features that would also require the additional level of protection of lower densities in those limited geologically hazardous landscapes." Such areas might, for example, provide sources of cool water for streams and rivers, wildlife habitat, and other ecological

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functions. The Board has never explicitly addressed whether it would support reduced densities solely to reduce the public safety threat of geologic hazards, which generally can be addressed through other means (e.g., setbacks, vegetation retention, appropriate stormwater management, and site-specific conditions on development).

Complicating this legal context further, in 2005 the Washington State Supreme Court held that the Growth Boards do not have the legal authority to set "bright line" rules that are not contained within the GMA. And, it suggested that local conditions, such as the existence of private covenants restricting density, could be taken into account by local governments in planning under the GMA. In March 2006, a King County Superior Court judge cited this Supreme Court ruling in voiding a Central Board decision against the City of Normandy Park, where the City had adopted a GMA plan which retained the existing zoning which is generally well below four units per acre. Judge Bruce Hilyer found that, both under the Supreme Court case and under his own independent reading of the GMA, Growth Boards do not have the authority to impose "bright line" rules of their own construction, heightened scrutiny tests, or uniform minimum residential densities. Judge Hilyer emphasized that, under the GMA, deference must be given to a local government's decision regarding appropriate urban densities, based on local circumstances. The fact that the City's plan met its growth allocations and that the City had no UGA appear to have been among key factors in the Normandy Park case.

Several parties have appealed and asked the Supreme Court to accept direct review of Judge Hilyer's decision. Thus, it is not absolutely certain what criteria might be applied to judge the validity of Woodinville's R-1 zoning, should it be challenged to the Central Board or the courts. It is worth noting, however, that the GMA provides for a "broad range of discretion" in local planning. The Act's housing goal explicitly promotes "a variety of residential densities and housing types, and encourage[s] preservation of existing housing stock." (RCW 36.70A.020(4)) The Act also calls for housing elements in local Comprehensive Plans that ensure "the vitality and character of established residential neighborhoods" (RCW 36.70A.070(2)).

While there may be less certainty about urban and rural densities, the GMA goals that must be balanced remain. By reviewing a range of important planning issues – environmental, neighborhood character, transportation, and capital facilities – the City intends to achieve a balance of GMA goals appropriate to local conditions in Woodinville.

Growth Targets

In addition to meeting GMA goals, the City must plan for its fair share of population growth in accordance with GMA provisions. Under the King County population allocation process performed under the GMA, the City of Woodinville is required to provide up to 1,869 new housing units by the year 2022. In an extensive public process, the City has strategically evaluated where and how it could locate its population growth with the goal of preserving its woodland community character. The City did this through creation of a Central Business District zone for the downtown, which allows a base density of 36 units per acre, up to a maximum of 48 units per acre. With development standards that

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encourage high density housing and transit- oriented design, the City's buildable land analysis shows that the City has sufficient capacity under its current zoning to accommodate at least 1,947 new housing units, 78 more than are needed to meet its 2022 population allocation (see Attachment B for more information). Therefore, during review of the R-1 zone, the primary concern is protecting critical areas without concern for the City's ability to meet its growth forecast.

Public Participation

Another GMA goal involves ensuring public participation. To that end, a citizen's advisory panel was appointed. In addition, the Planning Commission conducted meetings. *As of February 20, 2007*, the following meetings have been conducted:

CAP Meetings

- July 12, 2006: Discussion of Issues & Scope of Work; Develop Tentative Meeting Schedule
- July 19, 2006: Introduction of Subject Experts; Technical Expert Presentations; Stormwater, Hydrogeology, Limnology, Other
- August 2, 2006: Legal Issues; Technical Experts Continued; Data Needs; Critical Areas Definitions; Goals Discussion
- August 23, 2006: Goals Discussion; Data Needs; Critical Areas; Neighborhood Character
- September 6, 2006: Discussion Of One Sentence Purpose of Being a Member; Continuation of Goals Discussion
- September 14, 2006: Continuation Of Goals Discussion
- September 19, 2006: Continuation of Goals Discussion
- October 12, 2006: Environmental Studies Presentation, Consultants; Miscellaneous; Continuation of Goals Development; Transportation Issues Mailed
- November 15, 2006: Draft Environmental Report Presentation; CAP Final Goals and Policies Recommendation
- December 27, 2006: Draft Environmental Report Status; Housing-Neighborhood Character Study; Comp. Plan & Regulatory Amendment Strategies
- January 3, 2007: Draft Environmental Report Status; Housing-Neighborhood Character Study; Comp. Plan & Regulatory Amendment Strategies
- January 10, 2007: Open House Sustainable Development
- January 18, 2007: Open House Sustainable Development: Schedule Of Sustainable Development Project: Housing-Neighborhood Character Study: Other Reports of Project
- January 24, 2007: Review Draft Sustainable Development Report with Consultants
- January 30, 2007: Review Draft Sustainable Development Report

Planning Commission Meetings

- June 7, 2006: Appointment of CAP Members
- August 16, 2006: Status Report On Environmental Studies
- September 20, 2006: Status Report On Sustainable Development
- November 15, 2006: Joint Meeting With CAP & Consultants Re: Environmental Report
- January 3, 2007: Comprehensive Plan, Zoning Code And Regulatory Amendment Proposal Discussion
- January 18, 2007: Open House Sustainable Development
- January 24, 2007: Joint Meeting with CAP and Consultants; Review Draft Sustainable Development Report
- January 31, 2007: Public Hearing
- February 14, 2007: Public Hearing and Deliberation

The City Council is conducting additional public meetings and hearings through March 2007. Please see www.ci.woodinville.wa.us for more information.

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Analysis

Table ES-1 outlines the reports prepared and used for this Study. Each report is summarized below and in Table ES-2. In addition, each report is provided as an attachment to this Executive Summary.

Table ES-1. Report Preparation Matrix

Attachment	Report Name	Prepared By:
Attachment A: Environmental Report	City of Woodinville Sustainable Development Project: R-1 Area Environmental Report	Steward & Associates and City of Woodinville
Attachment A: Appendix A	Hydrogeologic Analysis for City Of Woodinville Sustainable Development Program and Preliminary Assessment of Hillside Drainages Infiltration	Golder Associates, Inc.
Attachment A: Appendix B	Lake Leota Analysis for City Of Woodinville Sustainable Development Program	C. Michael Falter, Ph.D
Attachment A: Appendix C	City of Woodinville R-1 Zone Wetland Inventory C-1. Woodinville Additional Wetland Reconnaissance Survey C-2. Woodinville Wetland Survey C-3. Citizen Advisory Panel Supplied Map	C-1 Jones & Stokes C-2. Cooke Scientific C-3. Citizens Advisory Panel
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Environmental

Two critical areas in the R-1 zone appear to meet the *Litowitz* test that allows for lower densities in urban areas to protect large scope, complex and high rank order critical areas – Cold Creek and Lake Leota. These two critical areas are linked: the Lake Leota basin is the primary headwaters for Cold Creek. The outlet stream of Lake Leota is, in fact, Cold Creek, but for the majority of time the lake does not flow out through this stream, but instead discharges into groundwater, which reaches Cold Creek through seeps and springs to the east of the R-1 zone. Cold Creek's unusual reliance on groundwater is why it provides a steady flow of cold, clean water to the Bear Creek system downstream. Bear Creek is a large producer of naturally spawned salmon for a stream its size in western Washington, and, according to the Environmental Report, Cold Creek plays a very important role in that. The Lake Leota basin comprises approximately 40% of the entire R-1 zone (see Figure ES-2 for a map of drainage basins in the R-1 zone).

The Environmental Report (Attachment A) recommends that the **Lake Leota basin** is best suited for lower densities that preserve and protect Lake Leota and Cold Creek. For the most part, R-1 is expected to produce the best results. The report also mentions a number of other recommendations for the lake's protection, including stormwater and channel improvements upstream, continuance of the current no-engine rule for boats, best management practices for lakeside property owners and others in the wider lake basin, improvements in monitoring, and changes in how the lake's outlet is controlled. For the long-term, the Environmental Report recommends a lake management plan.

In the **School Basin**, which drains directly to Cold Creek and is immediately east of the Lake Leota Basin, the Environmental Report recommends extensive use of low-impact development regulations (LID) and improved mapping of streams and wetlands, to help protect the creek. The basin does not require the need for R-1 densities.

In the **Upper Woodin Creek Basin** in the southwestern portion of the R-1 zone, the Environmental Report identifies geologic hazard areas that require specific engineering and geotechnical protection. In addition and where appropriate, careful use of LID (which, if inappropriately constructed, could destabilize hazard areas) could provide beneficial effects. In the **Golf Course Basin,** and **the Hillside Drainages Basin**, which ultimately flow to Little Bear Creek, and in the Upper Woodin Creek Basin, the Environmental Report recommends tightlining stormwater in fuse-welded pipe (e.g. HDPE pipe) near geologic hazards to below areas of instability. The Environmental Report also includes a hydrogeologic modeling of a worst-case scenario to determine how the geologic hazards in both of these areas may be affected by stormwater infiltration and what setback would be required if the worst case actually existed. Such infiltration might provide benefits to Lake Leota but could increase potential threats to these hazards. The southwest portion of the Upper Woodin Creek basin has complex, steep terrain that would best be served by lesser density, but the upper flatter portion of the basin could allow for greater density. (See Figure ES-3 for a topography map based on LIDAR imaging; note that the red boundary identifies the areas of 15% slopes or greater.)

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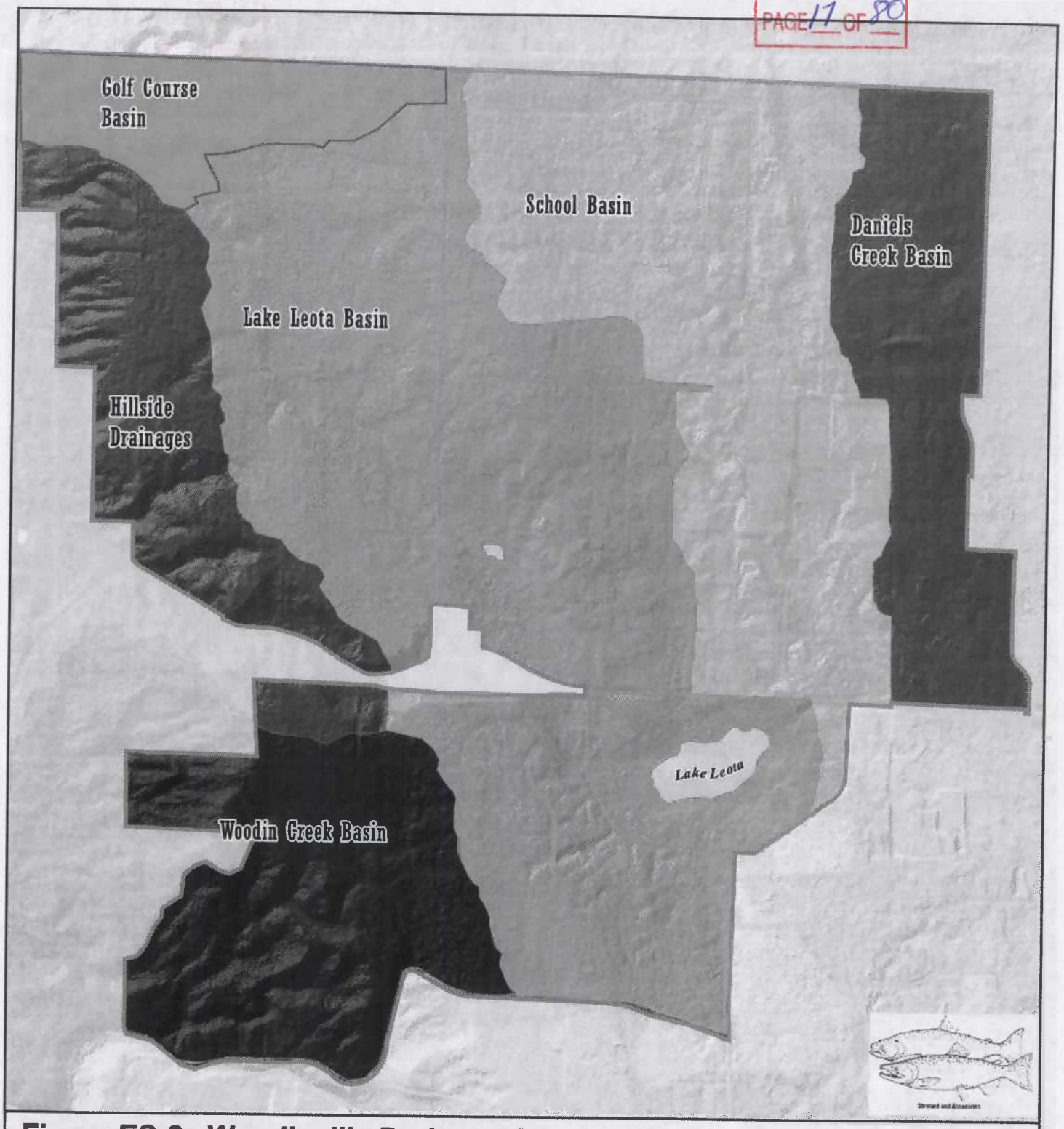

Figure ES-2. Woodinville Drainage Areas

Drainage areas

- Hillside Drainages
- School Basin
- Daniels Creek Basin
- Woodin Creek Basin
- Lake Leota Basin
- Golf Course Basin
- R-1 boundary
- Waterbodies

0 0.5 Miles

N W E S

1:13,500

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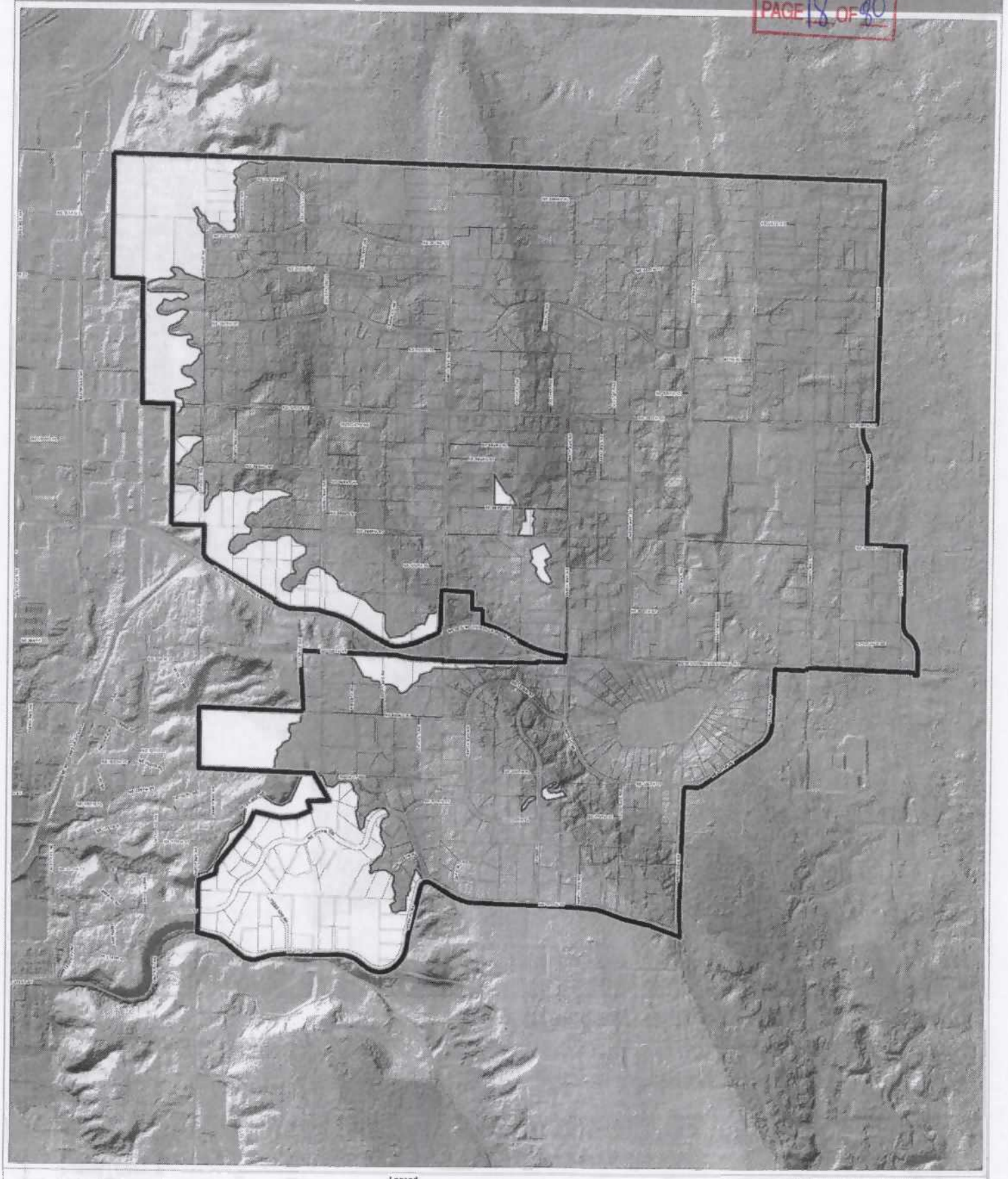

Figure ES-3. 2004 Topography of the City of Woodinville, Revision 2
Lidar Source: King County
Identifies Slopes Greater than 15% in R-1 Study Area

Legend

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Based on environmental factors, the conclusions of this study differ for different areas of the R-1 zone, primarily because of complex patterns of surface water drainage and groundwater flow and the special needs to protect Leota Basin and Cold Creek that cannot be accomplished by the standard requirements of the city's Critical Areas Ordinance. The data collected for this study has been used to determine a broader planning level analysis that identifies whether or not different zoning densities could improve the protection of important critical areas in the city. Taking into account that individual developments are required to protect on-site critical areas such as streams, wetlands, steep slopes, aquifer recharge areas, and others by complying with the Woodinville Municipal Code, Critical Areas Ordinance, Chapter 21.24, the conclusions of this study determined that Lake Leota and Cold Creek required additional protection through decreased densities. In summary, the Environmental Report finds that one particular basin encompassing much of the R-1 zone area, the Lake Leota Basin, meets the CPSGMHB *Litowitz* criteria allowing for additional environmental protection through zoning densities. Other implementing development regulation measures are recommended in other basins to protect environmental quality.

Neighborhood Character

Based on urban design principles, 12 theoretical neighborhoods were identified and evaluated for distinct neighborhood characteristics in the "Neighborhood Character in the R-1 Zone Report" found in Attachment B. These conceptual neighborhoods are identified on Figure ES-4 and below:

- **Northwest Wellington.** The neighborhood is heavily wooded, has excellent spatial order and building texture, cohesive circulation, and is visually cohesive in terms of buildings, block patterns, and streets that together crisply define neighborhood boundaries.
- **Southwest Wellington.** Accessibility and lot configuration largely define this neighborhood. External access is limited, which makes for an enclave-like place. The wooded setting adds immensely to a sense of place.
- **North Wellington.** With few exceptions, this neighborhood is defined by its location in a physiographic plain and by the degree of road connectivity. External accessibility also defines boundaries and encloses the neighborhood.
- **Central Wellington.** There is only one major access into this neighborhood, NE 195th Street. Other minor roads connect from different directions and are closed off or dead end. Central Wellington is somewhat more defined by adjacent neighborhoods than it is unto itself.
- **South Wellington.** This area is commonly accessed off of 156th Avenue NE. It contains many unimproved or private roads that are the result of short plat activity. Its boundaries, similar to those of Central Wellington, are easily defined by adjacent neighborhoods.
- **Northeast Wellington.** This is a neighborhood defined primarily by the constricted nature of access. There is only one way in and one way out via 168th Avenue NE. It is further isolated by school property occupying the major portion of its southern extremity.

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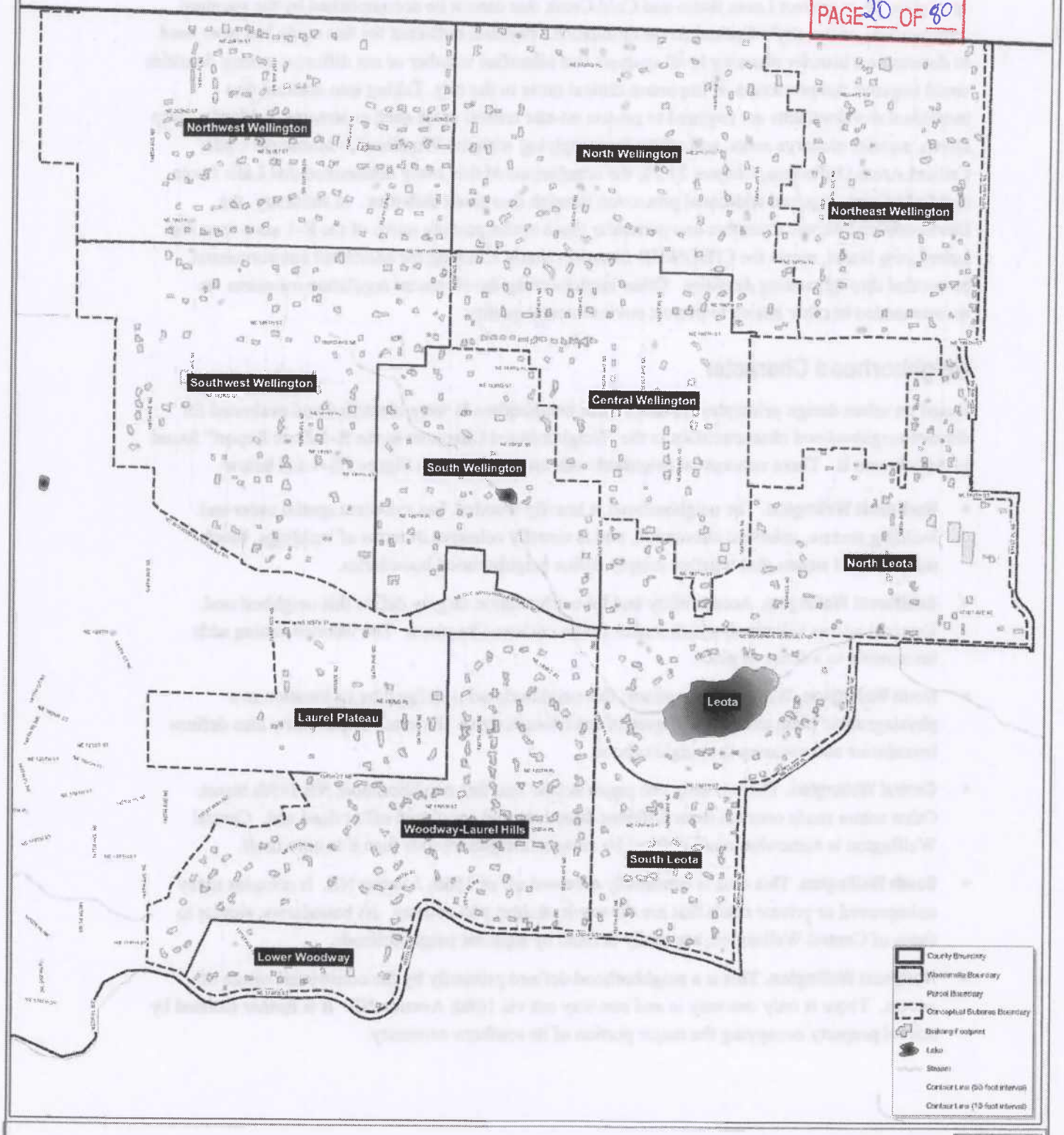

Figure ES-4. Conceptual Subareas

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- **North Leota.** North Leota is characterized by its adjacency to Woodinville-Duvall Road and by its broad range of lot sizes. There is no connectivity in any sense of the term, but this neighborhood occupies the greatest extent of the Leota outwash plain niche.
- **Leota.** This neighborhood is the best defined in the study area. Common views, common access, lot configuration enclosure, and wooded nature make this one of Woodinville's most distinct places.
- **South Leota.** This is a well-defined neighborhood, all on an even grade, facing northeast, shaded in the afternoon, wooded slope. Political boundaries and transportation network provide strong elements to boundary definition.
- **Laurel Plateau.** Terrace-flat topography defines this neighborhood. Steep slopes and formal subdivision boundaries confine this area into one neighborhood.
- **Woodway-Laurel Hills.** This neighborhood predominantly consists of two formal subdivisions that have similar street networks and topography. Ridge and slope topography characterize its common physiographic niche, and its richly manicured landscape amidst tall woods creates a common definitive sense of place.
- **Lower Woodway.** This neighborhood located in the southwest fringe of the study area has common access off of NE 173rd Street. Steep slopes are common throughout. Its identity is defined by its adjacency to its neighbor and by its isolation because of topography and access limitations.

Each neighborhood was evaluated by methods of character identification that included visual surveys and overlay mapping iterations of human-made, physical, and environmental phenomena. See the Neighborhood Character Report (Attachment B) for details. This analysis was performed with the intent of identifying neighborhood character and validating its importance as a vital element in certain neighborhoods of Woodinville.

Based on the evaluation, the Neighborhood Character report identifies five neighborhoods with distinctive character that could be diminished if redevelopment occurred within them at different than existing densities, whether lower or higher:

- Northwest Wellington
- Southwest Wellington
- North Wellington
- Leota
- Woodway-Laurel Hills

These five neighborhoods were recommended to receive "neighborhood character recognition" through maintaining existing common density in the neighborhood. The neighborhood analysis concluded that neighborhood character has an important place along with environment, transportation, and capital facilities in the Woodinville R-1 Area.

Transportation

The R-1 study area was reviewed for transportation conditions; please see Attachment C. Results show the majority of the roadways within the R-1 zone were developed under King County prior to the City's incorporation. With the exception of newer roads constructed under the City's design requirements, the local streets in the R-1 zone do not meet the City's road cross-section standards. Under the Fire Department Access standard, requiring a minimum paved width of 20 feet, only a few short sections of roadways do not meet this standard.

Future road improvements, for the arterial and collector classified roads, have been identified in the City's long-range capital improvements program (CIP) and will be systematically reviewed and considered for improvements. It is likely improvements will be performed in several phases along each of these classifications of roadways and as need dictates and development warrants. On local streets, these are likely to occur under special projects (such as a special district for sidewalks) or under development mitigation.

The 156th Avenue NE corridor in the R-1 area was used to review operational projections for LOS at public road intersections. Using a very conservative traffic circulation model (with 50% of the existing R-1 zone redeveloping at a higher density, an annual growth of 2.5%, and assuming no road improvements) the analysis identified two intersections that would exceed the City's adopted LOS E by 2028. At both locations, the LOS could be brought back into compliance with widening improvements within the existing public right-of-way. The analysis assumptions included the Institute of Transportation Engineers (ITE) Trip Generation manual, 7th edition. It is an international guideline used by traffic engineers and other professionals who are responsible for meeting mobility and safety needs.

For vehicle capacity, both the City's "Low-Density" and "High-Density" road standards, provide the same vehicle trip capacity. If additional capacity were needed, due to physical restrictions within the roadway (such as the need to address a narrow road section), adequate right-of-way currently exists to allow for any needed improvement to address deficiencies.

Several local streets, and one minor arterial, have been identified with vertical sight distance conditions. These instances are under review by the City for possible mitigation measures. Road grades within the entire R-1 zone are all within the City's acceptable standards (under 15%).

Pedestrian and bike facilities are very limited within the entire R-1 zone area. Only Woodinville-Duvall Road has designated shared pedestrian and bike facilities along both sides of the roadway. Most of the developments following incorporation of the City (in 1993) do provide pedestrian facilities. However, these make up a very small portion of the R-1 zone. Of the remaining streets, it is estimated that less than 20% have any type of pedestrian facility and travel by non-motorized means must utilize the edge of the pavement or shoulder area.

In summary, transportation conditions can be mitigated under different densities, and transportation is not a distinguishing factor in the R-1 study. However, one area in the southwest portion of the Upper

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Woodin Creek Basin, with particularly difficult terrain for transportation improvements, may be a candidate for less density (pers. com. Mick Monken, Public Works Director, January 19, 2007).

Capital Facilities

A range of capital facilities and services are evaluated in the Capital Facilities report (see Attachment D). Results are similar for all R-1 zoned areas for police and fire services, schools, and water services. Differences are found in relation to sewer services as described below.

- **Police and Fire Services.** Projected increases in housing units due to zoning ranging from R-1 to R-4 would not affect response time for the police and fire service providers. Population and housing increases may require additional personnel and facilities (vehicles), but response time is not expected by increases in density, unless access is restricted.
- **Schools.** Student populations are currently in the decline and an excess capacity exists in the R-1 area; therefore, increasing density would not create an effect on schools.
- **Water.** Increases in R-1 area zoning to R-4 over buildable parcels, would result in an increase in demand for 4,312 gallons per day in the entire study area, considered by Water District officials to have no major impact to the current capacity of supply or facilities.
- **Sewer.** The western portion of the R-1 zone has gravity access to the existing sewer facilities and is physically better suited for R-4 zoning. The eastern area of the basin is more difficult to serve due to severe grade changes that would involve pump stations and major expenses. The Capital Facilities report indicates that the eastern portion is better suited for lower densities only as it relates to sewer until such time as sewer facility economics becomes feasible. Figure ES-5 identifies the "break" between the areas more easily sewered than those areas less easily sewered at the present time.

Overlay of All Study Topics

Based on each individual study topic, the following results were found:

- **Environmental:** Two critical areas in the R-1 zone appear to meet the *Litowitz* test that allows for lower densities in urban areas to protect large scope, complex and high rank order critical areas – Cold Creek and Lake Leota. These two critical areas are linked: the Lake Leota basin is the primary headwaters for Cold Creek. Applying these environmental study results alone, this would mean that R-1 zoning is an appropriate application in the Lake Leota Basin in addition to existing critical areas regulations. Other implementing development regulation measures are recommended in other basins to protect environmental quality. The Lake Leota basin appears on Figure ES-2 in green shading, and is also identified in Figure ES-6. A zoning option that focuses on the environmental results alone is presented later in this report – Figure ES-8 illustrates R-1 zoning for the Lake Leota Basin. See Attachment A for more information.

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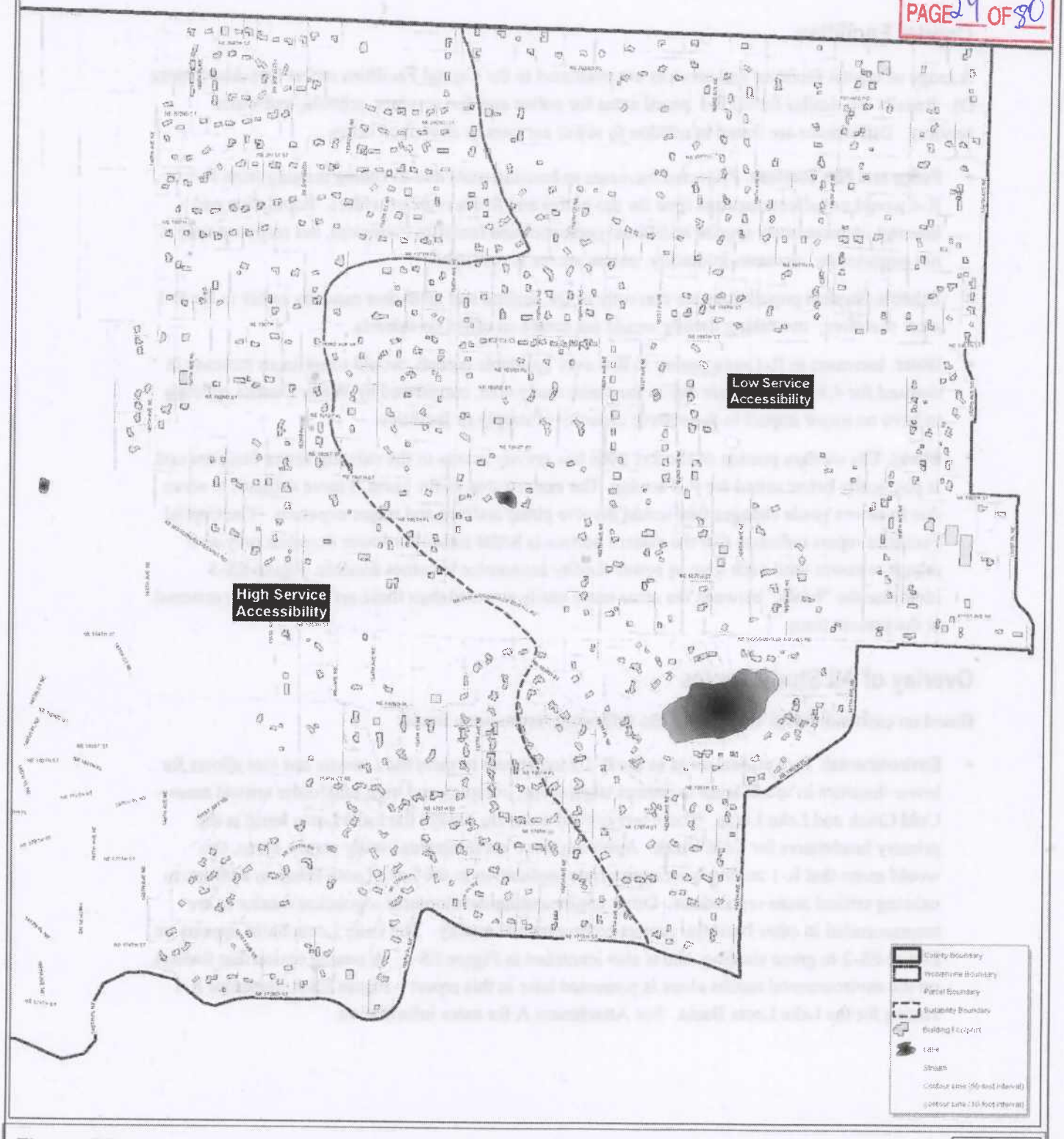

Figure ES-5

Sewer Service Accessibility

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- **Neighborhood Character:** Based on the evaluation, the Neighborhood Character report identifies five neighborhoods with distinctive character that could be diminished if redevelopment occurred within them at different than existing densities, whether lower or higher: Northwest Wellington; Southwest Wellington; North Wellington; Leota; and Woodway-Laurel Hills. These five neighborhoods were recommended to receive "neighborhood character recognition" through maintaining existing common density in the neighborhood. These neighborhoods are identified on Figure ES-4 as well as highlighted on Figure ES-6. If considering the Neighborhood Character analysis by itself, the densities that would help maintain existing common density patterns vary in the five neighborhoods from R-1, R-2 and R-3. See Attachment B, Figure 19, for more information.

- **Transportation:** Transportation conditions can be mitigated under different densities, and transportation is not a distinguishing factor in the R-1 study. However, one area in the southwest portion of the Upper Woodin Creek Basin, with particularly difficult terrain for transportation improvements, may be a candidate for less density. Figure ES-6 illustrates the portion of the Upper Woodin Creek Basin where the slope system would likely inhibit more transportation improvements.

- **Capital Facilities:** Generally, public safety (police and fire services), school services, and water services can accommodate additional growth under R-1 or R-4 densities. The western portion of the R-1 zone has gravity access to the existing sewer facilities and is physically better suited for R-4 zoning. The eastern area of the basin is more difficult to serve due to severe grade changes that would involve pump stations and major expenses. The Capital Facilities report indicates that the eastern portion is better suited for lower densities only as it relates to sewer until such time as sewer facility economics becomes feasible. Figure ES-5 identifies the "break" between the areas more easily sewered than those areas less easily sewered at the present time. Figure ES-6 also shows sewer accessibility in conjunction with the other environmental, neighborhood, and transportation conclusions.

Figure ES-6 presents an overlay map showing environmental basins, neighborhood subareas identified as having high character, an area where future transportation improvements would be more difficult due to complex steep slopes, and areas where sewer service is more or less accessible. The zoning options presented below emphasize one or more of the four topics – environmental, neighborhood character, transportation, and capital facilities.

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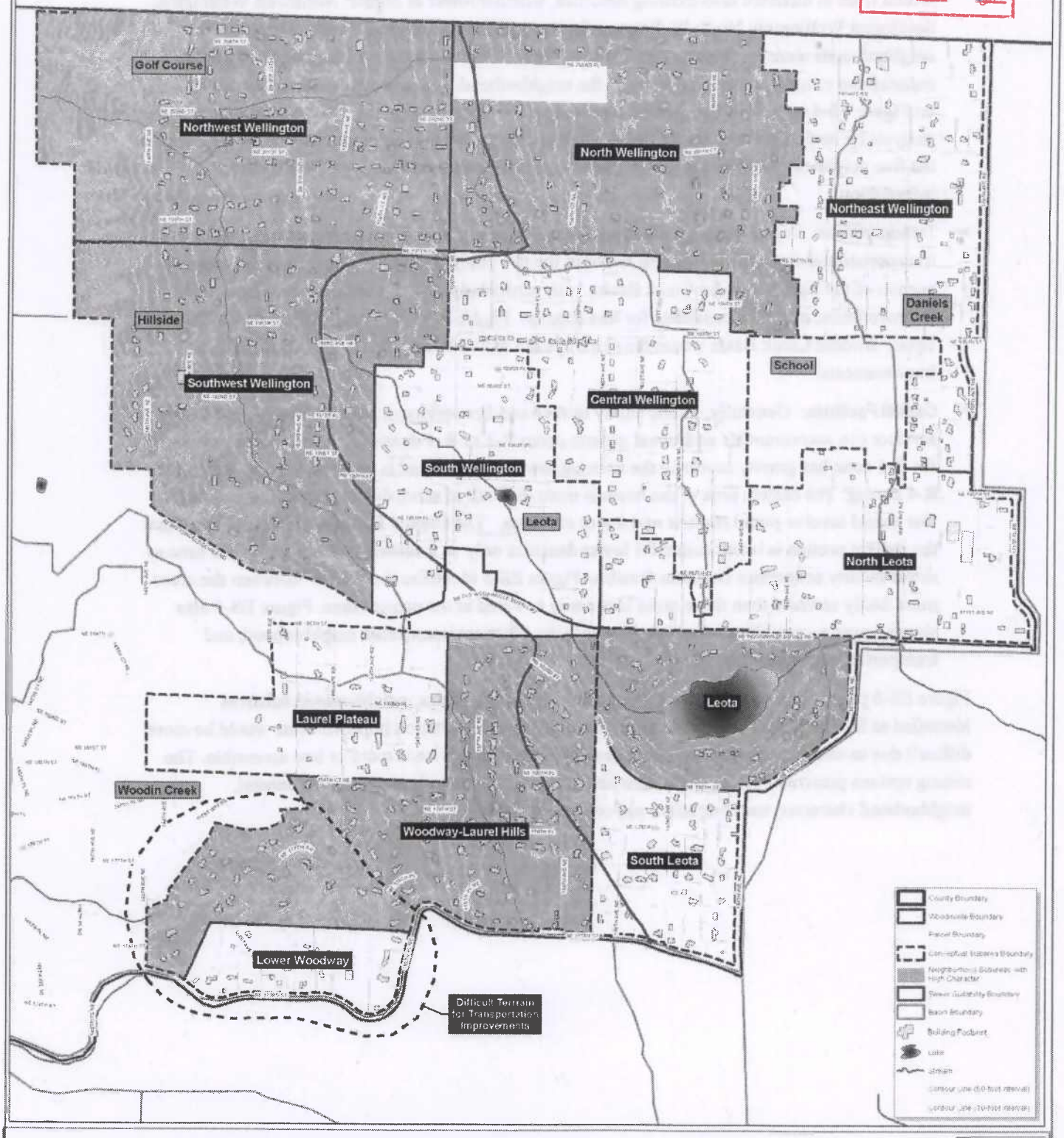

Figure ES-6. Composite Basin, Neighborhood Subarea, Transportation and Sewer Suitability Map

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Table ES-2. Sustainable Development Report Summary Matrix

Location/Boundary	Environmental	Neighborhood Character	Transportation	Capital Facilities	Summary
Lake Leota Basin	Conclusions: ▪ R-1 zoning provides substantial, long-term environmental benefits not solely achieved by requirements of the Critical Areas Ordinance. ▪ Even if increased density is necessary to provide sewer service, there would be a net environmental benefit directly surrounding the lake. ▪ Require Low-Impact Development (LID) as part of stormwater regulations throughout basin. LID performs best at lower densities. Technical Findings: ▪ Lake Leota and Cold Creek meet *Litowitz* criteria; lake is part of Cold Creek headwaters which flows to Bear Creek, high spawning tributary in Western Washington. ▪ Lake is at risk of accelerating eutrophication; which would worsen with increased development density. ▪ Lake is growing shallower, becoming more polluted. ▪ Trends pose long-term risks to Cold Creek, Bear Creek system. ▪ Goal: minimize eroded sediments from stormwater entering lake. ▪ Reducing net nutrient inputs by replacing septic systems directly adjacent/around lake with sewer would probably be positive even if accompanied by other impacts on water quality from increased density. ▪ Septic systems should be upgraded to increase nutrient removal. ▪ Limited Steep Slopes – per mapping ▪ Wildlife – no protected species documented, many birds and mammals exist in an urban setting.	Contains all or part of the following conceptual neighborhood sub-areas: ▪ Northwest Wellington ◄ ▪ Southwest Wellington ◄ ▪ North Wellington ◄ ▪ Central Wellington ▪ South Wellington ▪ Leota ◄ ▪ South Leota ▪ Woodway-Laurel Hills ◄ ◄= identified for neighborhood character recognition through zoning measures A description of the sub-areas follows: ▪ Northwest Wellington: The neighborhood is heavily wooded, has excellent spatial order and building texture, cohesive circulation, and is visually cohesive in terms of buildings, block patterns, and streets that together crisply define neighborhood boundaries. ▪ Southwest Wellington: Accessibility and lot configuration largely define this neighborhood. External access is limited, which makes for an enclave-like place. The wooded setting adds immensely to a sense of place. ▪ North Wellington: With few exceptions, this neighborhood is defined by its location in a physiographic plain and by the degree of road connectivity. External accessibility also defines boundaries and encloses the neighborhood. ▪ Central Wellington: There is only one major access into this neighborhood, NE 195th Street. Other minor roads connect from different directions and are closed off or dead ends. Central Wellington is somewhat more defined by adjacent neighborhoods than it is unto itself. ▪ South Wellington: This area is commonly accessed off of 156th Avenue NE. It contains many unimproved or private roads that are the result of short plat activity. Its boundaries, similar to those of Central Wellington, are easily defined by adjacent neighborhoods. ▪ Leota: This neighborhood is the best defined in the study area. Common views, common access, lot configuration enclosure, and wooded nature make this one of Woodinville's most distinct places. ▪ South Leota: This is a well-defined neighborhood, all on a hillside grade, facing northeast, shaded in the afternoon, wooded slope. Political boundaries and transportation network provide strong elements to boundary definition. ▪ Woodway-Laurel Hills: This neighborhood predominantly consists of two formal subdivisions that have similar street networks and topography. Ridge and slope topography characterize its common physiographic niche, and its richly manicured landscape amidst tall woods creates a common definitive sense of place.	▪ **North of NE Woodinville-Duvall Road (System A):** Roads have asphalt pavement with some areas of gravel shoulders and a mixture of open ditch or open shoulder drainage. The layout is typically long block sections with some gentle curves. Only a very small portion of streets in this area have curb and gutter or sidewalk sections. Internal circulation is possible in the northwesterly and northeasterly neighborhoods. Some vertical sight distance conditions have been identified in this area in the northwesterly neighborhoods. ▪ **South of NE Woodinville-Duvall Road (System C):** The general characteristics of these roads are asphalt pavement with some areas of paved shoulders along one side and a mixture of open ditch or open shoulder drainage. No streets were identified in this area to have curb and gutter of sidewalk sections. Internal circulation is fair. No sight distance concerns have been identified in this area. ▪ **Intersection Levels of Service 156th Ave NE:** 156th Avenue NE at NE 198th Street and NE 195th Street would exceed adopted levels of service. However, it is likely that the LOS can be improved by the addition of turn lanes on both the arterial and local roadways and/or by the installation of a traffic control device such as a 4 way stop. Both NE 195th and NE 198th have sufficient right-of-way to allow for the lane widening.	▪ The western edge of the Lake Leota Basin has gravity access to the existing sewer facilities and may be physically suitable for R-4 zoning. ▪ The eastern area of the basin is more difficult to sewer due its location, which would involve pump stations and major expense. The eastern portion should remain at R-1, until such time as sewer facility economics become feasible.	▪ R-1 zoning appropriate for environmental protection, and meets *Litowitz* test. ▪ Five neighborhoods have high commonality and are recommended for neighborhood character recognition; the dominant density in these neighborhoods would be kept consistent. ▪ Transportation system would be somewhat impacted with higher density, but can be mitigated. Neutral issue for zoning. ▪ Western edge of basin has greater ability to be sewered at R-4 densities due to gravity flow.

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Location/Boundary	Environmental	Neighborhood Character	Transportation	Capital Facilities	Summary
School Basin	Conclusions: ▪ R-1 zoning benefits Cold Creek, but with minimal effect on its most important attributes; maintaining low density in this part of R-1 Zone is not as important as in Lake Leota Basin. ▪ R-4 could have negative impact without LID. ▪ Emphasis in this area is requiring LID through stormwater performance standards for new development. This provides greatest benefit at lower densities but, ironically, they may be more important at higher densities, where the potential impacts to downstream resources would be greater without such extra effort. Technical Findings: ▪ Surface water from basin drains to Cold Creek; provides relatively small contribution to Cold Creek flows. ▪ Groundwater drains west, bypassing Cold Creek. ▪ Stormwater impacts have little effect on contribution of cold, steady summer flows downstream. ▪ Cold Creek remains important system to protect in its own right, supporting five salmon species. ▪ Limited Steep Slopes – per mapping ▪ Wildlife – no protected species documented, many birds and mammals exist in an urban setting.	Contains all or part of the following conceptual neighborhood sub-areas: ▪ North Wellington ◄ ▪ Northeast Wellington ▪ Central Wellington ▪ North Leota ◄= identified for neighborhood character recognition through zoning measures A description of the sub-areas follows: ▪ North Wellington: With few exceptions, this neighborhood is defined by its location in a physiographic plain and by the degree of road connectivity. External accessibility also defines boundaries and encloses the neighborhood. ▪ Northeast Wellington: This is a neighborhood defined primarily by the constricted nature of access. There is only one way in and one way out via 168th Avenue NE. It is further isolated by school property occupying the major portion of its southern extremity. ▪ Central Wellington: There is only one major access into this neighborhood, NE 195th Street. Other minor roads connect from different directions and are closed off or dead ends. Central Wellington is somewhat more defined by adjacent neighborhoods than it is unto itself. ▪ North Leota: North Leota is characterized by its adjacency to Woodinville-Duvall Road and by its broad range of lot sizes. There is no connectivity in any sense of the term, but this neighborhood occupies the greatest extent of the Leota outwash plain niche.	▪ **North of NE Woodinville-Duvall Road (System A):** Roads have asphalt pavement with some areas of gravel shoulders and a mixture of open ditch or open shoulder drainage. The layout is typically long block sections with some gentle curves. Only a very small portion of streets in this area has curb and gutter or sidewalk sections. Internal circulation is possible in the northeasterly neighborhoods including part of the School Basin area.	▪ The basin is more difficult to sewer due to its location, which would involve pump stations at major expense.	▪ R-4 possible with environmental mitigation such as stormwater management. ▪ R-2 appropriate for neighborhood character recognition in North Wellington; a range of R densities (2 to 4) identified in other sub-areas. ▪ Lesser transportation network exists, but standards in place for development will address growth at any level including R-4. Neutral issue for zoning. ▪ Grade change and associated sewer cost limit higher densities at this time.
Daniels Creek Basin	Conclusions: ▪ R-1 zoning provides minor benefits to Daniels Creek, minimal benefits to Bear Creek system. ▪ LID would provide some benefit, but lower priority than elsewhere. Technical Findings: ▪ Surface water from area is small part of Daniels Creek basin; groundwater drains to west. ▪ Cottage Lake attenuates impact of Daniels Creek Basin on rest of Bear Creek system. ▪ Limited Steep Slopes – per mapping ▪ Wildlife – no protected species documented, many birds and mammals exist in an urban setting.	Contains all or part of the following conceptual neighborhood sub-areas: ▪ Northeast Wellington ▪ North Leota ◄= identified for neighborhood character recognition through zoning measures A description of the sub-areas follows: ▪ Northeast Wellington: This is a neighborhood defined primarily by the constricted nature of access. There is only one way in and one way out via 168th Avenue NE. It is further isolated by school property occupying the major portion of its southern extremity. ▪ North Leota: North Leota is characterized by its adjacency to Woodinville-Duvall Road and by its broad range of lot sizes. There is no connectivity in any sense of the term, but this neighborhood occupies the greatest extent of the Leota outwash plain niche.	▪ **North of NE Woodinville-Duvall Road, East of 164th Avenue NE (System B):** The general characteristics of these roads are asphalt pavement with some areas of gravel shoulders and a mixture of open ditch or open shoulder drainage. The layout is typically long straight aligned block sections. Only a very small portion of streets in this area has curb and gutter or sidewalk sections. Internal circulation is possible but is poor as there is only one route possible in all cases without having to enter onto a major arterial. One vertical sight distance concern has been identified in this area.	▪ The basin is more difficult to sewer due to its location, which would involve pump stations at major expense. The area should remain at R-1, until such time as sewer facility economics becomes feasible.	▪ R-4 possible with environmental mitigation. ▪ No conceptual neighborhood sub-areas identified for neighborhood character recognition; R-4 density possible. ▪ More limited access options, but internal circulation possible including R-4. Neutral issue for zoning. ▪ Grade change and associated sewer cost limit higher densities at this time.

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Location/Boundary	Environmental	Neighborhood Character	Transportation	Capital Facilities	Summary
Upper Woodin Creek Basin	Conclusions: ▪ R-1 zoning provides some protection to geologic hazards, minor benefits to Woodin Creek. ▪ Stormwater management is key to protecting geologic hazard areas; fuse-welded tightlines (e.g. HDPE pipe) for discharge of stormwater. ▪ Infiltration near slopes would threaten geologic hazard areas. ▪ Sewer service is needed for densities greater than R-1, to prevent slope instabilities and groundwater contamination. ▪ LID would provide some downstream benefit to Woodin Creek, but infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city. Technical Findings: ▪ Woodin Creek probably does not meet *Litowitz* criteria, especially above fish blockages. ▪ R-1 area is relatively small part of basin. ▪ Native Growth Protection Easements (NGPEs) provide valuable protection that remains regardless of zoning. ▪ Geologic hazards are common and significant. ▪ HDPE fuse-welded tightlines and tanks or vaults, not ponds, should be adequate to protect slopes from adjacent stormwater. ▪ Groundwater surcharge from increased infiltration or denser septic discharges would pose risk to geologic hazards; infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city. ▪ Large underdeveloped parcel may have geologic hazards and wetland, is headwaters of North Tributary. ▪ Wildlife – no protected species documented, many birds and mammals exist in an urban setting.	Contains all or part of the following conceptual neighborhood sub-areas: ▪ Laurel Plateau ▪ Woodway-Laurel Hills ◄ ▪ Lower Woodway ◄= identified for neighborhood character recognition through zoning measures A description of the sub-areas follows: ▪ Laurel Plateau: Terrace-flat topography defines this neighborhood. Steep slopes and formal subdivision boundaries confine this area into one neighborhood. ▪ Woodway-Laurel Hills: This neighborhood predominantly consists of two formal subdivisions that have similar street networks and topography. Ridge and slope topography characterize its common physiographic niche, and its richly manicured landscape amidst tall woods creates a common definitive sense of place. ▪ Lower Woodway: This neighborhood located in the southwest fringe of the study area has common access off of NE 173rd Street. Steep slopes are common throughout. Its identity is defined by its adjacency to its neighbor and by its isolation because of topography and access limitations.	▪ **South of NE Woodinville-Duvall Road (System C):** The general characteristics of these roads are asphalt pavement with some areas of paved shoulders along one side and a mixture of open ditch or open shoulder drainage. The terrain has gentle to moderate (hill slope) grade changes. Some grades in this section appear to be at the 15% grade slope standard. The layout is typically long block sections with gentle to moderate curve sections. No streets were identified in this area to have curb and gutter of sidewalk sections. Internal circulation is fair. No sight distance concerns have been identified in this area. ▪ **Southwest portion of basin:** One area in the southwest portion of the Upper Woodin Creek Basin, with particularly difficult terrain for transportation improvements, may be a candidate for less density due to sloped terrain adjacent to the roadway making it less feasible to be improved.	▪ The basin has gravity access to the existing sewer facilities and may be physically suitable for R-4 zoning.	▪ R-4 possible with environmental mitigation. ▪ R-2 appropriate for neighborhood character recognition in Woodway-Laurel Hills; up to R-4 possible in other sub-areas. ▪ Except in southwest part of basin, lesser transportation network exists, but standards in place for development will address growth at any level including R-4. The southwest portion of basin, with particularly difficult terrain for transportation improvements, may be a candidate for less density. ▪ Basin has greater ability to be sewered at R-4 densities.
Hillside Drainages	Conclusions: ▪ R-1 zoning provides some protection to geologic hazards, minor benefits to Little Bear Creek. ▪ Stormwater management is key to protecting geologic hazard areas; fuse-welded tightlines (e.g. HDPE pipe) for discharge of stormwater. ▪ Infiltration near slopes would threaten geologic hazard areas. ▪ Sewer service is needed for densities greater than R-1, to prevent slope instabilities and groundwater contamination. ▪ LID would provide some downstream benefit to Little Bear Creek, but infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city; ▪ Other forms of LID still encouraged. Technical Findings: ▪ Hillside Drainages are relatively small part of Little Bear Creek basin flows. ▪ HDPE tightlines would be adequate to protect slopes from adjacent stormwater. ▪ Groundwater or perched water surcharge from increased infiltration or denser septic discharges would pose risk to geologic hazards. ▪ Along the northwestern portion of the basin, a large undeveloped	Contains all or part of the following conceptual neighborhood sub-areas: ▪ Northwest Wellington ◄ ▪ Southwest Wellington ◄ ◄= identified for neighborhood character recognition through zoning measures. A description of the sub-areas follows. ▪ Northwest Wellington: The neighborhood is heavily wooded, has excellent spatial order and building texture, cohesive circulation, and is visually cohesive in terms of buildings, block patterns, and streets that together crisply define neighborhood boundaries. ▪ Southwest Wellington: Accessibility and lot configuration largely define this neighborhood. External access is limited, which makes for an enclave-like place. The wooded setting adds immensely to a sense of place.	▪ **North of NE Woodinville-Duvall Road (System A):** Roads have asphalt pavement with some areas of gravel shoulders and a mixture of open ditch or open shoulder drainage. The layout is typically long block sections with some gentle curves. Only a very small portion of streets in this area has curb and gutter or sidewalk sections. Internal circulation is possible in the northwesterly neighborhoods. Some vertical sight distance conditions have been identified in this area in the northwesterly neighborhoods	▪ Majority has gravity access to the existing sewer system facilities and may be physically suitable for R-4 zoning.	▪ R-4 possible with environmental mitigation. ▪ R-1 and R-2 appropriate for neighborhood character recognition in Northwest and Southwest Wellington. ▪ Lesser transportation network exists, but standards in place for development will address growth at any level including R-4. Neutral issue for zoning. ▪ Basin has greater ability to be sewered at R-4 densities.

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Location/Boundary	Environmental	Neighborhood Character	Transportation	Capital Facilities	Summary
	forested hillslope runs north-south, connecting to a large vegetated area in the adjacent golf course to the north and an industrial area below. Although there are no documented protected species (threatened, endangered) in this area, the area provides a place for urban species to forage, nest, drink and move into adjacent open areas. Pileated woodpeckers are a "State Candidate" species without specific or designated protection, and are not expected to be impacted by future development. The industrial area and highway, limit the ability to support wildlife species that are not tolerant of substantial human disturbance.				
Golf Course Basin	Conclusions: ▪ R-1 zoning provides some protection to geologic hazards, minor benefits to Little Bear Creek, helps minimize erosion in Golf Course Creek; ▪ Stormwater management is key to protecting geologic hazard areas; fuse-welded tightlines (e.g. HDPE pipe) for discharge of stormwater; ▪ Infiltration near slopes would threaten geologic hazard areas; ▪ Sewer service is needed for densities greater than R-1, to prevent slope instabilities and groundwater contamination; ▪ LID, especially in headwaters of basin, could provide significant benefits to Golf Course creek; infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city. Technical Findings ▪ Golf Course Basin is relatively small part of Little Bear Creek basin flows. ▪ HDPE tightlines would be adequate to protect slopes from adjacent stormwater. ▪ Groundwater or perched water surcharge from increased infiltration or denser septic discharges would pose risk to geologic hazards. ▪ Golf Course creek may be perennial, provides important source of water for wildlife in area. ▪ Golf Course creek carries high sediment load from eroding ravine, which could be exacerbated by development in headwaters area without stormwater management focused on minimizing erosive discharges.	Contains all or part of the following conceptual neighborhood sub-areas: ▪ Northwest Wellington ◄ ◄= identified for neighborhood character recognition through zoning measures. A description of the sub-areas follows: ▪ Northwest Wellington: The neighborhood is heavily wooded, has excellent spatial order and building texture, cohesive circulation, and is visually cohesive in terms of buildings, block patterns, and streets that together crisply define neighborhood boundaries.	▪ **North of NE Woodinville-Duvall Road (System A):** Roads have asphalt pavement with some areas of gravel shoulders and a mixture of open ditch or open shoulder drainage. The layout is typically long block sections with some gentle curves. Only a very small portion of streets in this area has curb and gutter or sidewalk sections. Internal circulation is possible in the northwesterly neighborhoods. Some vertical sight distance conditions have been identified in this area in the northwesterly neighborhoods	▪ Area has gravity access to the existing sewer system facilities and may be physically suitable for R-4 zoning.	▪ R-4 possible with environmental mitigation. ▪ R-1 and R-2 appropriate for neighborhood character recognition in Northwest and Southwest Wellington. ▪ Lesser transportation network exists, but standards in place for development will address growth at any level including R-4. Neutral issue for zoning. ▪ Basin has greater ability to be sewered at R-4 densities.

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Location/Boundary	Environmental	Neighborhood Character	Transportation	Capital Facilities	Summary
Multiple Basins	▪ No wetlands in the R-1 zone are of a high rank order; few, if any, could be argued to be large in scope or complex in structure and function. ▪ No stream within the R-1 zone beside Cold Creek is of a high rank order. Woodin Creek, while arguably large in scope (at least within the City's jurisdiction) and complex in structure and function, does not support fish in the R-1 zone and supports very few spawning salmon downstream. ▪ Increased density in the R-1 zone would likely have only small impacts on all affected streams beside Cold Creek. These impacts could be further minimized by appropriate stormwater management and mitigation. The portions of the R-1 zone that drain to these other streams (including Little Bear Creek, Woodin Creek, and Daniels Creek—an upper tributary of the Bear Creek system) is small relative to their overall basins. Moreover, existing NGPEs in the upper basin of the stream most potentially impacted, Woodin Creek, would significantly reduce potential downstream impacts. ▪ Protection of geologically hazardous areas in and adjacent to the R-1 zone depends primarily on proper development practices and stormwater management, not maintenance of R-1 zoning. ▪ To the extent that critical aquifer recharge areas within the R-1 zone are threatened by contamination, the greatest current threat is from inadequate or poorly maintained septic systems. This threat would increase with more dense development on septic systems, but would decrease or be eliminated by development accompanied by sewers serving new and existing development.\ ▪ Wildlife – no protected species documented, many birds and mammals exist in an urban setting.		▪ The majority of the roadways within the R-1 zone were developed under King County development standards prior to the City's incorporation. With the exception of newer roads constructed under the City's design requirements, the local streets in the R-1 zone do not meet the City's road cross-section standards. ▪ Under the Fire Department Access standard, requiring a minimum paved width of 20 feet, only a few short sections of roadways do not meet this standard. ▪ Future road improvements, for the arterial and collector classified roads, have been identified in the City's long range Capital Improvement Program and will be systematically reviewed and considered for improvements. ▪ On local streets, improvements are likely to occur under special projects (such as a special district for sidewalks) or under development mitigation. ▪ Two intersections on 156th Street would exceed the City's adopted LOS E by 2028 assuming R-4 development levels (conservative estimates). At both locations, the LOS can be brought back into compliance with widening improvements within the existing public right-of-way. ▪ In regard to vehicle capacity, both the City's "Low Density" and "High Density" road cross-section standard provide the same vehicle trip capacity. If additional capacity were needed, due to physical restrictions within the roadway, such as the need to address a narrow road section, adequate right-of-way current exists to allow for any needed improvement to address any deficiencies. ▪ Several local streets, and one minor arterial have been identified with vertical sight distance condition. These are currently being taken under review by the City for possible mitigation measures. ▪ Road grades within the entire R-1 zone are all within the City's acceptable standards (under 15%). ▪ Pedestrian and bike facilities are very limited within the entire R-1 zone area. Only Woodinville-Duvall Road has designated shared pedestrian and bike facilities along both sides of the roadway. Most of the developments following incorporation of the City (in 1993) do provide pedestrian facilities. However, these make up a very small portion of the R-1 zone. Of the remaining streets, it is estimate that less than 20% have any type of pedestrian facility and travel by non-motorize means must use the edge of the pavement or shoulder area.	▪ Police and Fire Services: projected increases in housing units due to zoning changes from R-1 to R-4 would not affect response time for the department. Population and housing increases may require additional personnel and facilities (vehicles), but response time is not usually affected by increases in density, unless access is restricted. ▪ Schools: Suitability for R-4, due, in part, to minor projections in student population that may result from R-4 density increases in the R-1 area, and due to the District's ability to charge impact fees. ▪ Water: Increases in R-1 area zoning to R-4 over buildable parcels, would result in an increase in demand for 4,312 gallons per day in the entire study area, considered by Water District officials to have no major impact to the current capacity of supply or facilities.	

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Density Options

Based on the environmental, neighborhood character, transportation, and capital facilities reports, a range of zoning options for the R-1 study area were prepared for Planning Commission, City Council, and public review:

- R-1 Only – Retains existing R-1 zoning for entire study area without the option for R-4 (or could have option R1(a): No Action with allowance for rezone to R-4);
- R- *Litowitz* (Based on current Growth Management Hearings Board Decisions) – Retain R-1 zoning only for the Lake Leota Basin. R-4 zoning surrounding Leota drainage basin;
- R- Multiple Factors – Combination of R-1, R-2 and R-4 zoning based upon the combination of the *Litowitz* test, neighborhood character analysis to ensure the vitality and character of existing residential areas, transportation and capital facilities; and
- R-4 Only – R-4 zoning for the entire study area.

Figures 7 through 10 present the options. A summary of the effects of each option is provided in Table ES-3. Each option considers the four study topics differently as described in the table.

After a Planning Commission public hearing on January 31 and February 14, 2007, the Planning Commission recommended that R-1 be retained in the study area and that development regulations be considered regarding infill development, including but not limited to, density transfers to downtown, and shadow platting to ensure the ability to develop to greater densities in the future if warranted. The City Council will consider the Planning Commission recommendations together with the above options at public meetings and a hearing as well.

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Sustainable Development Project

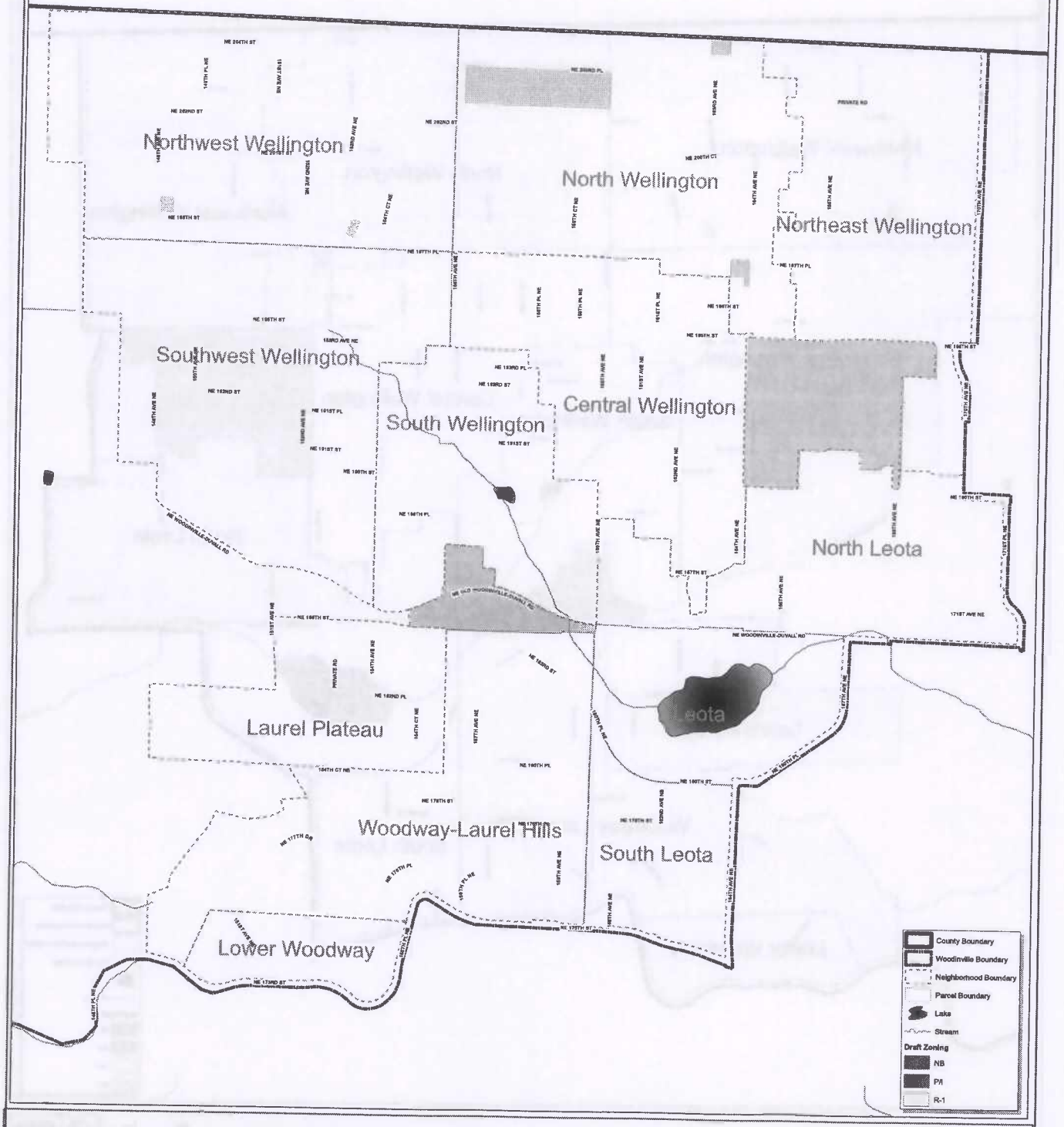

Figure ES-7. Zoning Option 1
All R-1

0 500 1,000
Feet

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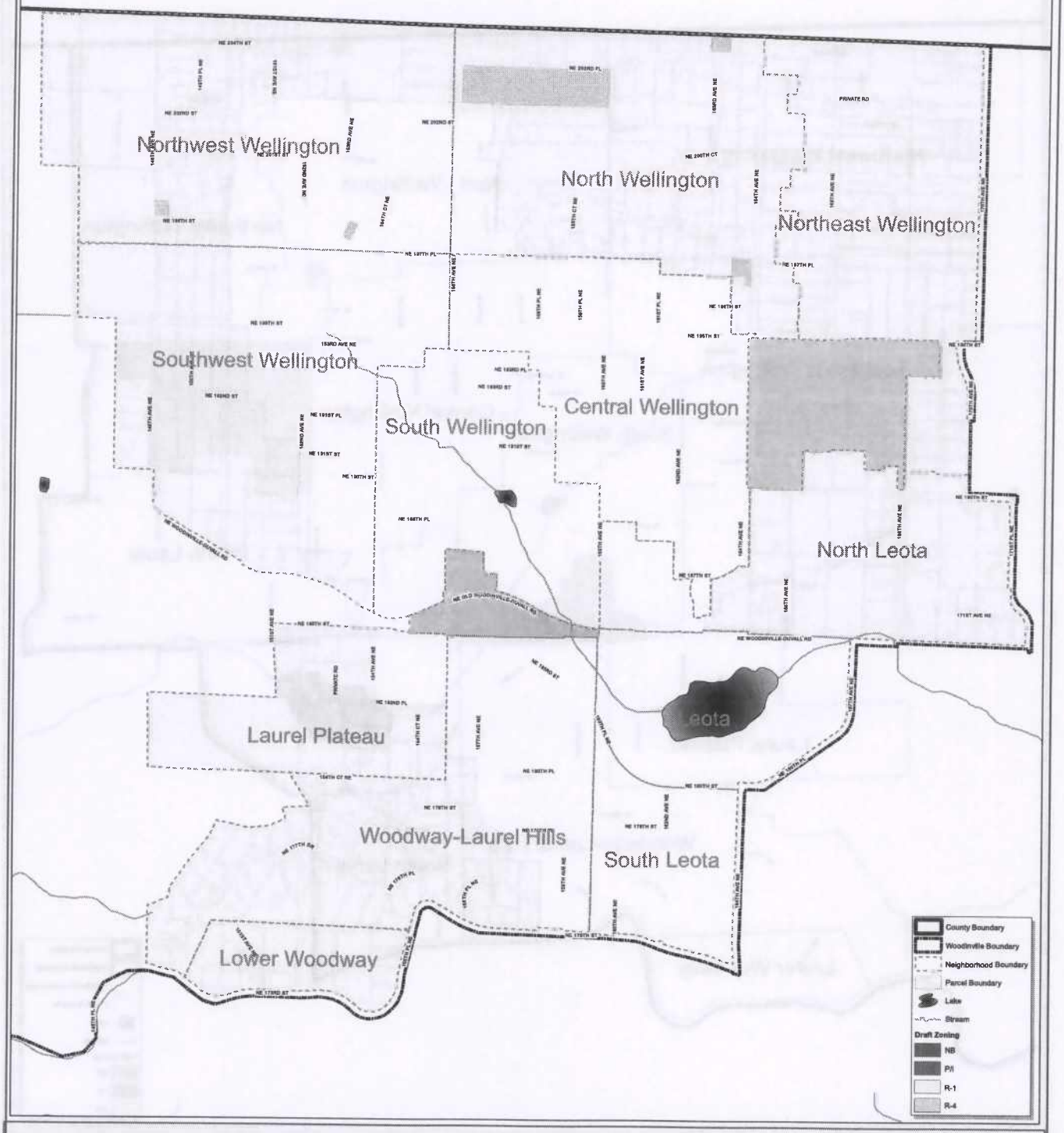

Figure ES-8. Zoning Option 2
R-Litowitz

0 500 1,000
Feet

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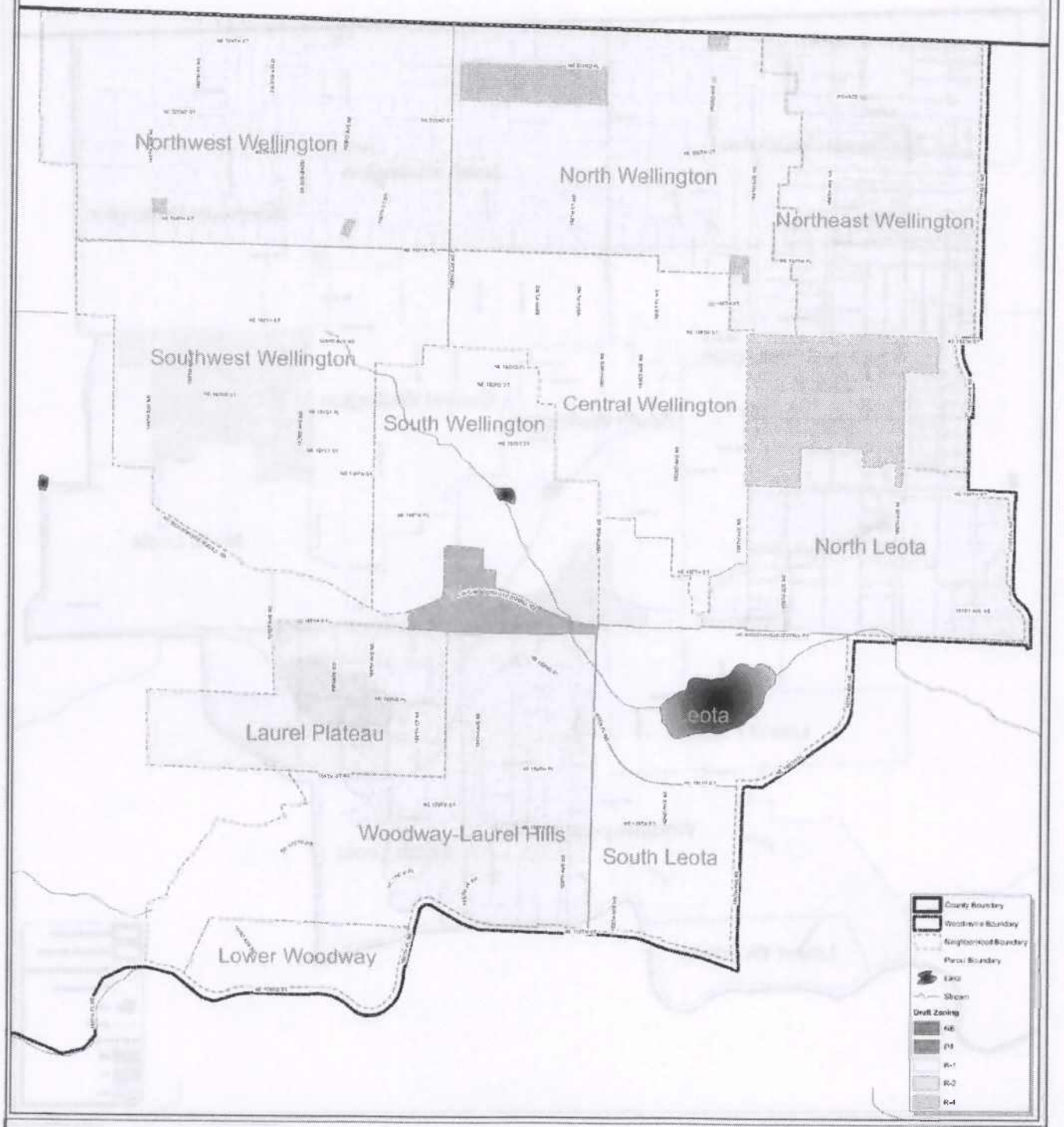

Figure ES-9. Zoning Option 3
R-Multiple Factors

0 500 1,000
Feet

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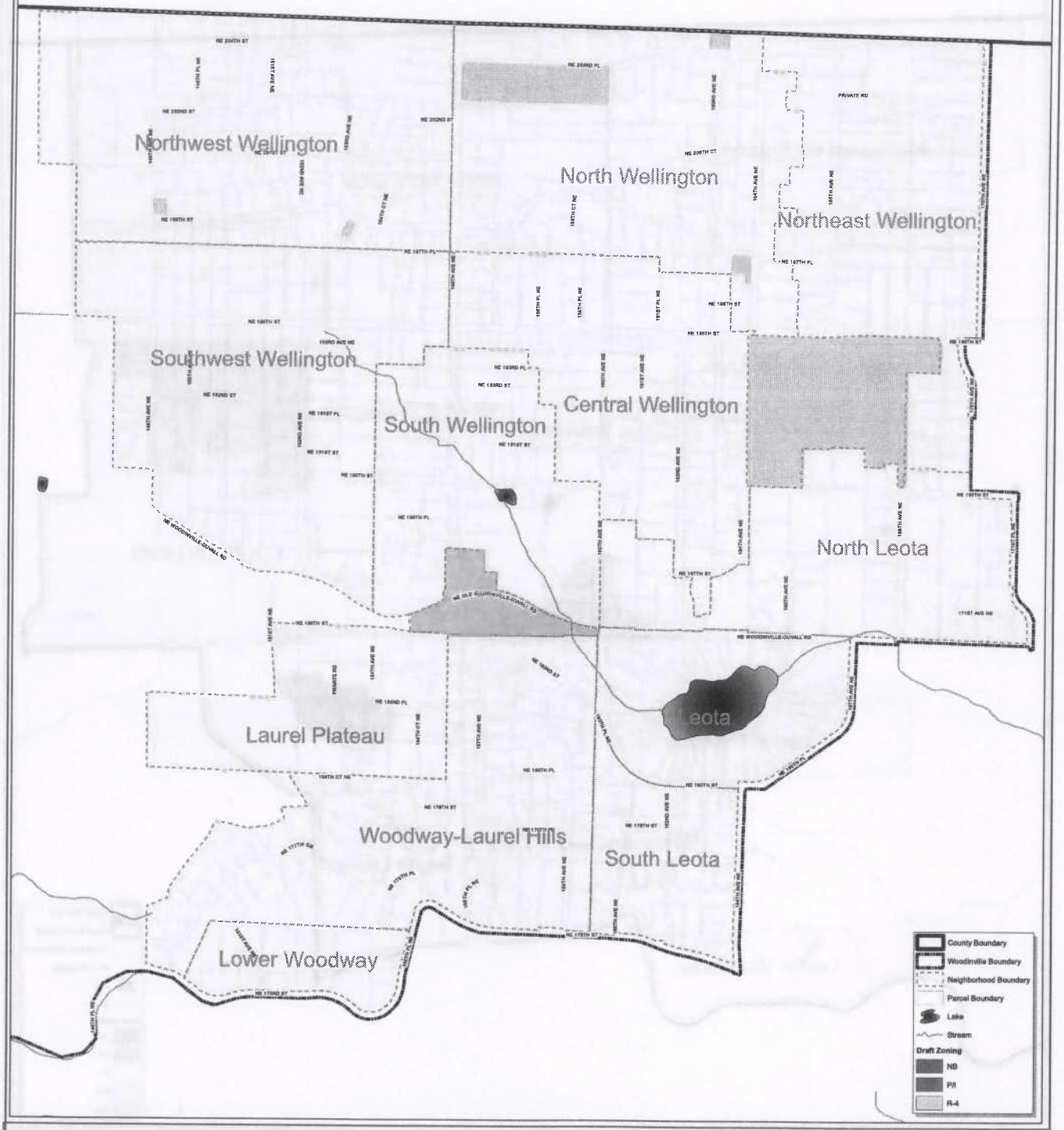

Figure ES-10. Zoning Option 4
All R-4

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Table ES-3. RESIDENTIAL DENSITY OPTIONS TABLE

OPTIONS	R-1 Only	R- *Litowitz* (Based on current Growth Management Hearings Board Decisions)	R- Multiple Factors	R-4 Only
DESCRIPTION	Retains existing R-1 zoning for entire study area without the option for R-4. (or could have option R1(a): No Action with allowance for rezone to R-4)	Retain R-1 zoning only for the Lake Leota Basin. R-4 zoning surrounding Leota drainage basin.	Combination of R-1, R-2 and R-4 zoning based upon the combination of the *Litowitz* test, neighborhood character analysis to ensure the vitality and character of existing residential areas, transportation and capital facilities.	R-4 zoning for the entire study area
EFFECT OF OPTION				
Environmental	Has the least impact on Cold Creek & Lake Leota	Recognizes the most environmental critical element within the study area that meets *Litowitz* test (large in scope, complex structure and functions, and high rank order): Lake Leota and Cold Creek. Requires consideration of lower densities beyond Critical Areas regulations. Other critical areas in other basins – wetlands, geologic hazard areas, fish and wildlife habitat do not meet *Litowitz* criteria, but continue to be protected by Critical Areas regulations.	Lake Leota Basin would be protected at R-1 density, with a relatively small exception in the upper basin. That area has high neighborhood character and already has an existing common density of R-2; therefore, the small area was identified for R-2.	Could have the most impact on Cold Creek & Lake Leota. Engineering and critical areas regulatory requirements would mostly mitigate impacts to the environment in all other areas.

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OPTIONS	R-1 Only	R- *Litowitz* (Based on current Growth Management Hearings Board Decisions)	R- Multiple Factors	R-4 Only
Neighborhood Character*	No Change	In the Leota Basin, the current existing density is mostly R-1 to R-2. And the majority of the neighborhoods in the basin have lower neighborhood character commonality. Therefore, the Basin would remain nearly the same and therefore the neighborhood character the same. Outside the basin, R-4 could change the neighborhood character, because the high commonality areas would not be maintained.	The 5 high-order neighborhood character areas outside the Leota Basin were maintained under this option, with two exceptions: in the southwest portion of Woodway-Laurel Hills (some of the Woodin Creek Basin), where R-1 rather than R-2 would be most appropriate. Although the geologically hazardous area in the Woodin Creek basin is not identified as meeting the *Litowitz* criteria, there is a complex steep slope system, and associated constraints to future road improvements, making future development less feasible.	Does not recognize neighborhood character analysis.
Transportation	No Change	Transportation operation impacts can be mitigated under different density scenarios with one exception in SW corner of the study area.	Transportation operation impacts can be mitigated under different density scenarios with one exception in SW corner of the study area.	Transportation operation impacts can be mitigated under different density scenarios with one exception in SW corner of the study area.
Public Facilities	Police & Fire Service: Zoning density changes from R-1 to R-4 would not affect response time for police and fire service providers. Public safety services are neutral factors for purposes of this review. Schools: Student populations are currently in the decline. R-1 could perpetuate the decline. Water Service: R-1 zoning would not impact water service. Sanitary Sewer Service: Sewers would not be required for R-1. In addition, the western portion of the R-1 area has gravity access.	Police & Fire Service: Zoning density changes from R-1 to R-4 would not affect response time for police and fire service providers. Public safety services are neutral factors for purposes of this review. Schools: Student populations are currently in the decline and excess capacity exists. The R-4 zoning densities surrounding the Leota Basin could slow the decline in student population. Water Service: Buildout to R-1 in the basin and R-4 surrounding would not appreciably impact water	Police & Fire Service: Zoning density changes include a range of densities and would not affect response time for police and fire service providers. Public safety services are neutral factors for purposes of this review. Schools: Student populations are currently in the decline and excess capacity exists. Zoning densities would not impact the schools. Water Service: Buildout in the multiple factor option would not appreciably impact water service. Sanitary Sewer Service: The	Police & Fire Service: Zoning density changes from R-1 to R-4 would not affect response time for police and fire service providers. Public safety services are neutral factors for purposes of this review. Schools: Student populations are currently in the decline and excess capacity exists. Zoning densities could improve conditions Water Service: Buildout to R-4 would not appreciably impact water service. Sanitary Sewer Service: The western portion of the R-1 area has

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OPTIONS	R-1 Only	R- *Litowitz* (Based on current Growth Management Hearings Board Decisions)	R- Multiple Factors	R-4 Only
	Economic feasibility would likely have an effect on providing sewer in the eastern portion.	service. Sanitary Sewer Service: Sewers would not be required in the Leota Basin (see exception directly surrounding the Lake). Economic feasibility would likely have an effect on providing sewer in the R-4 area outside the Leota.	western portion of the R-1 area has gravity access to existing sanitary sewer facilities and is physically better suited for R-4 zoning. The eastern portion is better suited for lower densities only until such time that it becomes economically feasible to provide pump stations to this area. The eastern portion of the study area is identified for R-4 zoning because of the lack of environmental constraints and high order neighborhood character. Sewer service did not outweigh other factors. R-4 densities would be phased in when service is available.	gravity access to existing sanitary sewer facilities and is physically better suited for R-4 zoning. The eastern portion is better suited for lower densities only until such time that it becomes economically feasible to provide pump stations to this area. The eastern portion of the study area is identified for R-4 zoning due to this option's focus as the upper density range approach. R-4 densities would be phased in when service is available.

Note: *The existence of covenants may further support neighborhood character conclusions.

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Attachment A Environmental Report

Sustainable Development Project R-1 Area: Environmental Report
(Steward & Associates and City of Woodinville)

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CITY OF WOODINVILLE
SUSTAINABLE DEVELOPMENT PROJECT
R-1 AREA

ENVIRONMENTAL REPORT

January 2007
Revised February 2007

Steward & Associates

With revisions by the City of Woodinville

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A. Hydrogeologic Analysis for City of Woodinville Sustainable Development Program, Golder Associates

B. Lake Leota Analysis for City of Woodinville Sustainable Development Program, C. Michael Falter

C. Wetland Evaluation for City of Woodinville Sustainable Development Program

   C-1. Woodinville Additional Wetland Reconnaissance Survey, Jones & Stokes

   C-2. Woodinville Wetland Survey, Cooke Scientific

   C-3. Citizen Advisory Panel Supplied Map

D. Low-Impact Development Analysis for City of Woodinville Sustainable Development Program, Perteet Inc.

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Executive Summary

This report was commissioned by the City of Woodinville in June 2006 to help the City evaluate environmental conditions that could potentially affect zoning densities and development standards in its R-1 zone. The Growth Management Act (GMA) (RCW 36.70A.070(2)) calls for ensuring "the vitality and character of established residential neighborhoods" and past Central Puget Sound Growth Management Hearings Board (Board) decisions have explicitly authorized lower urban densities when they provide added or necessary protection for critical areas that are large in scope, complex in structure and function, and of a high rank order. (These criteria are known as the "*Litowitz* test," following the name of the plaintiff in the case where they were first identified[1].) This environmental report is one of four reports included in the analysis of Sustainability Study. The other three parts include neighborhood character, transportation, and capital facilities.

The city's R-1 zone, where the minimum size for new parcels is one acre, encompasses approximately 30% of the City's area and is located in the City's northeast corner. Under current codes, the R-1 zone density can be increased to R-4 only upon approval of a rezone. R-1 to R-4 in Woodinville's Comprehensive Plan is considered Low Density.

Viewed in the abstract, R-1 zoning has been inconsistent with past decisions by the Board regarding minimum urban densities, but recent Court and Board decisions indicate that such densities are not necessarily required in all urban areas as an absolute rule. The following are relevant contextual factors when determining densities and are specifically discussed in the neighborhood character report:

- The percentage of the overall land in the City where lesser densities may be permitted; and
- Whether the City is meeting its assigned growth target, the City's overall average density, what density and designations are applied to undeveloped/unplatted areas of the City, and whether, overall, the City's planning record indicates that it is meeting its obligations under the Growth Management Act (GMA).

One of the purposes of this environmental report is to evaluate whether there are any critical areas—including wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and critical aquifer recharge areas—in or adjacent to the R-1 zone that meet the *Litowitz* test and if so, how they likely would be affected by different zoning densities. This report also advises the City on how it can best meet its overall environmental goals in this zone under a variety of densities, from R-1 to R-4. It is important to note that this study evaluates environmental issues at a planning level. At any future density, developments would be required to protect critical areas through the provisions of the Critical Areas Ordinance (WMC 21.24) and the Stormwater Manual (WMC 14.09), e.g., protective buffers, detention and discharge to safe locations.

In summary, we identify two critical areas in the R-1 zone that meet the *Litowitz* test: Cold Creek and Lake Leota. These two critical areas are linked via the Lake Leota drainage basin, which is the primary headwaters for Cold Creek. The outlet stream of Lake Leota is, in fact, Cold Creek, but for the majority of time the lake does not flow out through this stream, but instead infiltrates into groundwater, which reaches Cold Creek through seeps and springs to the east of the R-1 zone. Cold Creek's unusual reliance on groundwater is why it provides a steady flow of cold, clean water to the

[1] *Litowitz v. Federal Way*, CPSGMHB Case No. 96-3-005 (July 22, 1996).

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Bear Creek system downstream. Bear Creek is the largest producer of naturally spawned salmon for a stream its size in western Washington, and Cold Creek plays a very important role in that.

Maintaining R-1 zoning within the 505-acre basin that drains to Lake Leota would help protect the lake from increasing phosphorus inputs from stormwater, which is crucial for the lake's future water quality. The Lake Leota basin comprises approximately 40% of the entire R-1 zone (see Figure ES-1 for a map of drainage basins in the R-1 zone). See Table ES-1 for a more detailed summary of our recommendations and technical findings.

Overall Conclusions

Based on environmental factors, the conclusions of this study differ for different areas of the R-1 zone, primarily because of complex patterns of surface water drainage and groundwater flow and the special needs to protect Leota Basin and Cold Creek that cannot be accomplished by the standard requirements of the city's Critical Areas Ordinance. The areas include six approximate drainage basins identified in Figure II-2: Lake Leota Basin; the School Basin; the small part of the R-1 zone that drains to Daniels Creek; the upper Woodin Creek Basin; the Hillside Drainages along the slopes of the northwest section of the zone; and the Golf Course Basin in the far northwest corner of the zone. The data collected for this study has been used to determine a broader planning level analysis that identifies whether or not different zoning densities could improve the protection of important critical areas in the city. Taking into account that individual developments are required to protect on-site critical areas such as streams, wetlands, steep slopes, aquifer recharge areas, and others by complying with the Woodinville Municipal Code, Critical Areas Ordinance, Chapter 21.24, the conclusions of this study determined that Lake Leota and Cold Creek required additional protection through decreased densities.

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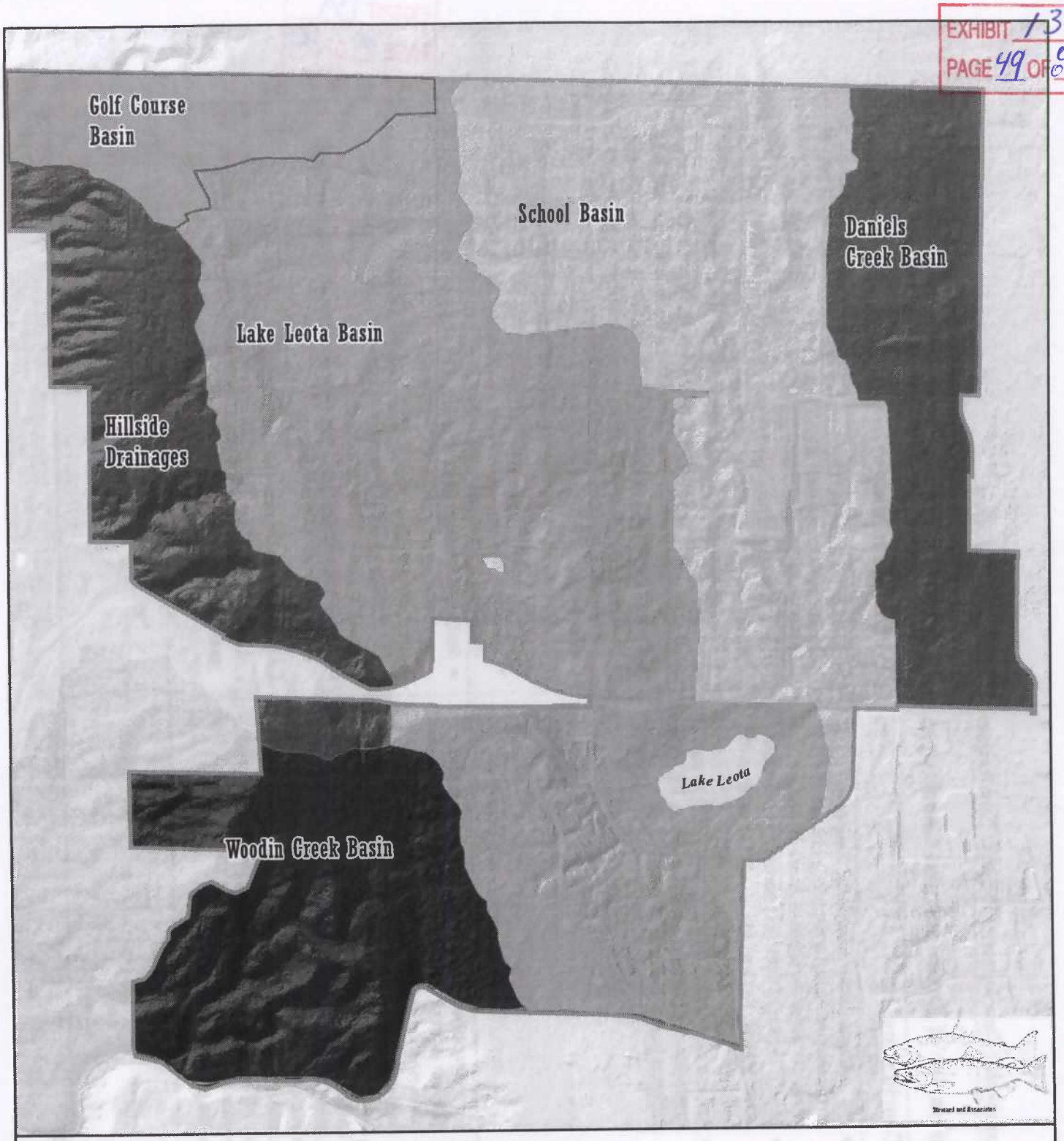

Figure ES-1. Woodinville Drainage Areas

Drainage areas

- Hillside Drainages
- School Basin
- Daniels Creek Basin
- Woodin Creek Basin
- Lake Leota Basin
- Golf Course Basin
- R-1 boundary
- Waterbodies

0 0.5 Miles

N W E S

1:13,500

Table ES-1. Summary of Environmental Conclusions and Technical Findings

Area	Conclusions	Technical Findings
Lake Leota Basin*	• *R-1 zoning provides substantial, long-term environmental benefits not solely achieved by requirements of the Critical Areas Ordinance* • Even if increased density is necessary to provide sewer service, there would be a net environmental benefit directly surrounding the lake • Require Low-Impact Development (LID) as part of stormwater regulations throughout basin. LID performs best at lower densities.	• Lake Leota and Cold Creek meet Litowitz criteria; lake is part of Cold Creek headwaters which flows to Bear Creek, high spawning tributary in Western Washington • Lake is at risk of accelerating eutrophication; which would worsen with increased development density • Lake is growing shallower, becoming more polluted • Trends pose long-term risks to Cold Creek, Bear Creek system • Goal: minimize eroded sediments from stormwater entering lake • Reducing net nutrient inputs by replacing septic systems directly adjacent/around lake with sewer would probably be positive even if accompanied by other impacts on water quality from increased density • Septic systems should be upgraded to increase nutrient removal • Limited Steep Slopes –per mapping • Wildlife – no protected species documented, many birds and mammals exist in an urban setting.
School Basin	• *R-1 zoning* benefits Cold Creek, but *with minimal effect on its most important attributes; maintaining low density in this part of R-1 Zone is not as important as in Lake Leota Basin* • *R-4 could have negative impact without LID* • Emphasis in this area is requiring LID through stormwater performance standards for new development. This provides greatest benefit at lower densities but, ironically, they may be more important at higher densities, where the potential impacts to downstream resources would be greater without such extra effort.	• Surface water from basin drains to Cold Creek; provides relatively small contribution to Cold Creek flows • Groundwater drains west, bypassing Cold Creek • Stormwater impacts have little effect on contribution of cold, steady summer flows downstream • Cold Creek remains important system to protect in its own right, supporting five salmon species • Limited Steep Slopes –per mapping • Wildlife – no protected species documented, many birds and mammals exist in an urban setting.

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Table ES-1. Summary of Environmental Conclusions and Technical Findings

Area	Conclusions	Technical Findings
Daniels Creek Basin	• *R-1 zoning provides minor benefits to Daniels Creek, minimal benefits to Bear Creek system* • LID would provide some benefit, but lower priority than elsewhere	• Surface water from area is small part of Daniels Creek basin; groundwater drains to west • Cottage Lake attenuates impact of Daniels Creek Basin on rest of Bear Creek system • Limited Steep Slopes –per mapping • Wildlife – no protected species documented, many birds and mammals exist in an urban setting.
Upper Woodin Creek Basin	• *R-1 zoning provides some protection to geologic hazards, minor benefits to Woodin Creek* • Stormwater management is key to protecting geologic hazard areas; fuse-welded tightlines (e.g. HDPE pipe) for discharge of storm water • Infiltration near slopes would threaten geologic hazard areas • Sewer service is needed for densities greater than R-1, to prevent slope instabilities and groundwater contamination • LID would provide some downstream benefit to Woodin Creek, but infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city.	• Woodin Creek probably does not meet Litowitz criteria, especially above fish blockages • R-1 area is relatively small part of basin • NGPEs provide valuable protection that remains regardless of zoning • Geologic hazards are common and significant • HDPE fuse-welded tightlines and tanks or vaults, not ponds, should be adequate to protect slopes from adjacent stormwater • Groundwater surcharge from increased infiltration or denser septic discharges would pose risk to geologic hazards; infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city. • Large underdeveloped parcel has geologic hazards and wetland, is headwaters of North Tributary • Wildlife – no protected species documented, many birds and mammals exist in an urban setting.

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Table ES-1. Summary of Environmental Conclusions and Technical Findings

Area	Conclusions	Technical Findings
Hillside Drainages	• *R-1 zoning provides some protection to geologic hazards, minor benefits to Little Bear Creek;* • Stormwater management is key to protecting geologic hazard areas; fuse-welded tightlines (e.g. HDPE pipe) for discharge of stormwater; • Infiltration near slopes would threaten geologic hazard areas; • Sewer service is needed for densities greater than R-1, to prevent slope instabilities and groundwater contamination. • LID would provide some downstream benefit to Little Bear Creek, but infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city. • Other forms of LID still encouraged.	• Hillside Drainages are relatively small part of Little Bear Creek basin flows • HDPE tightlines would be adequate to protect slopes from adjacent stormwater • Groundwater or perched water surcharge from increased infiltration or denser septic discharges would pose risk to geologic hazards • Along the northwestern portion of the basin, a large undeveloped forested hillslope runs north-south, connecting to a large vegetated area in the adjacent golf course to the north and an industrial area below. Although there are no documented protected species (threatened, endangered) in this area, the area provides a place for urban species to forage, nest, drink and move into adjacent open areas. Pileated woodpeckers are a "State Candidate" species without specific or designated protection, and are not expected to be impacted by future development. The industrial area and highway, limit the ability to support wildlife species that are not tolerant of substantial human disturbance.
Golf Course Basin	• *R-1 zoning provides some protection to geologic hazards, minor benefits to Little Bear Creek, helps minimize erosion in Golf Course Creek;* • Stormwater management is key to protecting geologic hazard areas; fuse-welded tightlines (e.g. HDPE pipe) for discharge of stormwater; • Infiltration near slopes would threaten geologic hazard areas; • Sewer service is needed for densities greater than R-1, to prevent slope instabilities and groundwater contamination;	• Golf Course Basin is relatively small part of Little Bear Creek basin flows. • HDPE tightlines would be adequate to protect slopes from adjacent stormwater. • Groundwater or perched water surcharge from increased infiltration or denser septic discharges would pose risk to geologic hazards. • Golf Course creek may be perennial, provides important source of water for wildlife in area. • Golf Course creek carries high sediment load from eroding ravine, which could be exacerbated by development in headwaters area without stormwater management focused on minimizing erosive

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Table ES-1. Summary of Environmental Conclusions and Technical Findings

Area	Conclusions	Technical Findings
	• LID, especially in headwaters of basin, could provide significant benefits to Golf Course creek; infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city.	discharges.

*While zoning densities and development regulations are crucial to the long-term health of Lake Leota, there are additional actions that could provide both short-term and long-term benefits to the lake. These include constructing new stormwater management facilities and channel improvements to reduce erosion into the lake, as well as providing education and technical assistance to property owners—especially lakeside property owners—regarding best management practices for landscaping, septic system maintenance, and other issues.

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I. Introduction

This report, commissioned by the City of Woodinville in June 2006, evaluates potential impacts on critical areas from different zoning densities in the City's R-1 zone (see Figure I-1) and provides recommendations to protect the functions and values of those areas. It also provides general recommendations concerning how the City can best meet its overall environmental goals in this zone under a variety of potential densities, from R-1 to R-4. The GMA (36.70A.070(2)) calls for ensuring "the vitality and character of established residential neighborhoods" and past Central Puget Sound Growth Management Hearings Board (Board) decisions have explicitly authorized lower urban densities when they provide added or necessary protection for critical areas that are large in scope, complex in structure and function, and of a high rank order. (These criteria are known as the "*Litowitz* test," following the name of the plaintiff in the case where they were first identified[2].) This environmental report is one of four reports included in the analysis of Sustainability Study. The other three parts include neighborhood character, transportation, and capital facilities.

At 1,258 acres, the R-1 zone is the largest contiguous residential area in the City, encompassing 30% of the City's total geographic area. Based on current zoning, it represents about 11% of the future residential development capacity in the City (B. Wuotila, City of Woodinville, personal communication). "R-1" refers the minimum size of one acre for new parcels in the zone. Past subdivision has created some smaller parcels than this; the median existing parcel size in the zone is 0.9 acre (Wuotila, personal communication). The City inherited one-acre zoning in this area from King County, when Woodinville incorporated in 1993. Most homes in the zone are twenty to thirty years old and were built under King County regulations. According to the City's 2002 Comprehensive Plan, 89% of the housing stock in the R-1 zone is ranked as either "good" or "very good." Most roads in the R-1 zone have narrower widths of 20 feet, no shoulders, and no sidewalks. All homes in the zone are served by septic systems. The zone is within the Woodinville Water District. In the eastern part of the study area, sewer service would be more expensive given topographic constraints, distance from existing sewer mains, and need for pump stations, which is generally more costly. (See Attachment D of the overall R-1 review report, "Capital Facilities and Utilities in the R-1 Area.") Under WMC 21.04.080(1)(a), development can proceed in the R-1 zone at densities up to R-4 (four units per acre) if adequate infrastructure can be provided. Change from the R-1 zone classification to R-4 would require a rezone.

The R-1 zone contains the following critical areas:

- Lake Leota, the largest lake in the City and part of the headwaters of Cold Creek, an important tributary to Bear Creek, a large producer of naturally spawned salmon for a stream its size in Western Washington;
- Steep slopes and other geologic hazards, which run along much of the zone's western border;
- Probably more wetlands than any other part of the City, although no Category I wetlands or wetlands with high habitat value;
- The headwaters of Woodin Creek, a salmon-bearing tributary to the Sammamish River;
- Aquifer recharge areas, some of which are designated as highly susceptible to pollution.

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[2] *Litowitz v. Federal Way*, CPSGMHB Case No. 96-3-005 (July 22, 1996).

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City of Woodinville

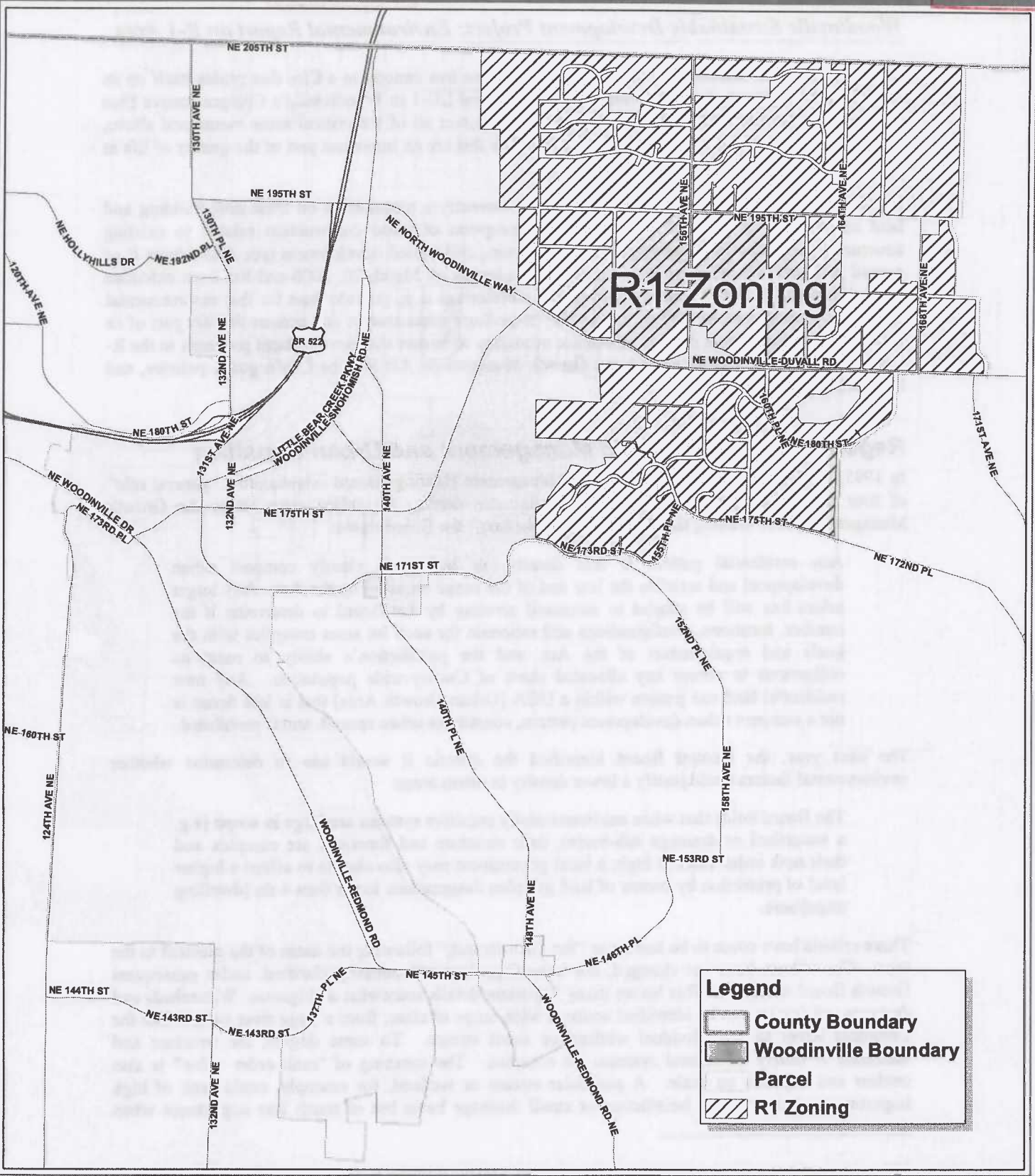

Figure I-1. R-1 Zoning

1 inch equals 2,200 feet

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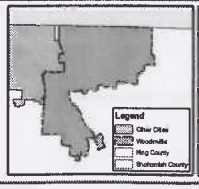

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The R-1 zone also contains the most mature and dense tree canopy in a City that prides itself on its "Northwest woodland character" (for example, see goal LU-1 in Woodinville's Comprehensive Plan in the Land Use Element). This tree canopy helps protect all of the critical areas mentioned above, and also provides habitat for birds and other wildlife that are an important part of the quality of life in the R-1 neighborhoods and the City as a whole.

By City Ordinances 419, 424, and 427, there is currently a moratorium on most new building and land use permits in the R-1 zone, with the exception of some construction related to existing structures, public facilities, accessory living quarters, and vested development (see Attachment E of overall R-1 review). This moratorium was first adopted on March 20, 2006 and has been extended through March 20, 2007. The purpose of the moratorium is to provide time for this environmental report to be completed, as well as for the City to perform other studies and actions that are part of its Sustainable Development project, which are necessary to ensure that development proceeds in the R-1 zone in a manner consistent with the Growth Management Act and the City's goals, policies, and legal requirements.

Regulatory Basis: Growth Management and Urban Densities

In 1995, the Central Puget Sound Growth Management Hearings Board established a "general rule" of four net dwelling units per acre as a minimum density for urban areas under the Growth Management Act.[3] Calling this standard a "bright line," the Board stated:

> Any residential pattern at that density, or higher, is clearly compact urban development and satisfies the low end of the range required by the Act. Any larger urban lots will be subject to increased scrutiny by the Board to determine if the number, locations, configurations and rationale for such lot sizes complies with the goals and requirements of the Act, and the jurisdiction's ability to meet its obligations to accept any allocated share of County-wide population. Any new residential land use pattern within a UGA [Urban Growth Area] that is less dense is not a compact urban development pattern, constitutes urban sprawl, and is prohibited.

The next year, the Central Board identified the criteria it would use to determine whether environmental factors could justify a lower density in urban areas:

> The Board holds that when environmentally sensitive systems are large in scope (e.g. a watershed or drainage sub-basin), their structure and functions are complex and their rank order value is high, a local government may also choose to afford a higher level of protection by means of land use plan designations lower than 4 du [dwelling units]/acre.

These criteria have come to be known as "the *Litowitz* test," following the name of the plaintiff in the case. The criteria have not changed, nor have they been substantially clarified, under subsequent Growth Board decisions. This leaves many important details somewhat ambiguous. Watersheds and drainage sub-basins can be identified across a wide range of sizes, from a large river system like the Columbia River to an individual wetland or small stream. To some degree, the structure and functions of nearly all natural systems are complex. The meaning of "rank order value" is also unclear and depends on scale. A particular stream or wetland, for example, could rank of high importance within a small jurisdiction or small drainage basin but of much less importance when

[3] *Bremerton v. Kitsap County*, CPSGMHB Case No. 95-3-0039c (October 9, 1995).

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considered at larger geographic scales. Nevertheless, it is clear that critical areas that are not of high relative value within the larger natural systems in the surrounding vicinity or within an individual jurisdiction would be unlikely to pass the *Litowitz* test.

In a later case, *Fuhriman v. Bothell*[4], the Board acknowledged "a possible expansion of *Litowitz* analysis," where lower densities might be allowed to protect critical areas that do not, strictly speaking, meet the *Litowitz* test. It noted that critical areas that are linked hydrologically could have "unique geologic or topographical features that would also require the additional level of protection of lower densities in those limited geologically hazardous landscapes." Such areas might, for example, provide sources of cool water for streams and rivers, wildlife habitat, and other ecological functions.[5] The Board has never explicitly addressed whether it would support reduced densities solely to reduce the public safety threat of geologic hazards, which generally can be addressed through other means (e.g., setbacks, vegetation retention, appropriate stormwater management, and site-specific conditions on development).

Complicating this legal context further, in 2005 the Washington State Supreme Court found that the Growth Boards do not have the legal authority to set "bright line" rules that are not contained within the GMA.[6] In March 2006, a King County Superior Court judge found that this Supreme Court ruling voided a Central Board decision against the City of Normandy Park, where much of the existing zoning is well below four units per acre.[7] Judge Bruce Hilyer found that, both under the Supreme Court case and under his own independent reading of the GMA, Growth Boards do not have the authority to impose "bright line" rules of their own construction, heightened scrutiny tests, or uniform minimum residential densities. Judge Hilyer emphasized that, under the GMA, deference must be given to a local government's decision regarding appropriate urban densities, based on local circumstances.

The Superior Court case is currently on appeal. Thus, it is not absolutely certain what criteria might be applied to judge the validity of Woodinville's R-1 zoning, should it be challenged to the Central Board or the courts. It is worth noting, however, that the GMA provides for a "broad range of discretion" in local planning. The Act's housing goal explicitly promotes "a variety of residential densities and housing types, and encourage[s] preservation of existing housing stock" (RCW 36.70A.020(4)). The Act also calls for housing elements in local Comprehensive Plans that ensure "the vitality and character of established residential neighborhoods" (RCW 36.70A.070(2)).

Under the King County population allocation process performed under the GMA, the City of Woodinville is required to provide up to 1,869 new housing units by the year 2022. In an extensive public process, the City strategically evaluated where and how it could locate its population growth with the goal of preserving its woodland community character. The City did this through creation of a Central Business District zone for the downtown, which allows a base density of 36 units per acre, up to a maximum of 48 units per acre. With development standards that encourage high density housing and transit oriented design, the City's buildable land analysis shows that the City has sufficient capacity under its current zoning to accommodate up to 1,947 new housing units, 78 more

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[4] *Fuhriman v. Bothell*, known as "Fuhriman II," CPSGMHB Case No. 05-3-0025c (August 29, 2005).

[5] This decision drew on *Kaleas v. Normandy Park*, CPSGMHB 05-3-0007c (July 19, 2005).

[6] *Viking Properties v. Holm, et al*, 155 Wn.2d 112, 118 P.3d 322 (2005).

[7] *City of Normandy Park v. Central Puget Sound Growth Management Hearings Board et al*, King County No. 05-2-27090-0 KNT (March 30, 2006).

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than are needed to meet its 2022 population allocation. (See Attachment B for more information on the City's land capacity analysis.)

Refined Goals of This Report

At a minimum, this report evaluates and applies the *Litowitz* test and takes into account refined goals expressed by the City Council, City staff, the Planning Commission and the Citizen Advisory Panel (CAP). The following refined goals were evaluated for their achievability and appropriateness at a planning level analysis. During a City Council meeting, staff explained that completing a detailed "survey" of all wetlands and steep slopes could costs in the millions of dollars and would not provide proportionate benefit. The council determined that the level of analysis being proposed by staff was adequate to defend a planning level of analysis. Parentheses indicate the council's acceptance

- Inventorying critical areas that are in the R-1 zone or may be influenced by development in the R-1 zone (without conducting detailed surveys or identifying all wetlands);
- Identifying those critical areas that are "large in scope, complex in structure and function, and of a high rank order;"
- Evaluating how those critical areas may be impacted by different potential development densities in the R-1 zone, and the degree to which those impacts could be mitigated;
- Evaluating sustainable and low-impact approaches to development in the R-1 zone that could, under different potential densities, provide the greatest environmental benefits to residents of the R-1 zone, the City of Woodinville, and the ecosystems of which they are a part, at a reasonable public and private cost; and
- Developing recommendations to the City based upon environmental issues for appropriate development densities and regulations in the R-1 zone, to help the City meet its legal responsibilities and the full range of goals for the R-1 zone.

Chapter II of this report, together with Appendices A, B, and C, addresses the first three of these goals. A comprehensive inventory of all critical areas within the R-1 zone was not possible to the level of detail required of all development proposals. Chapter II also includes a detailed review of those critical areas in or adjacent to the R-1 zone that, in our judgment, meet the *Litowitz* test. The current status of these critical areas and potential threats to their functions and values from future development at different zoning densities were evaluated. This provides the technical basis for further discussion of recommended actions later in the report.

Appendix D addresses the fourth goal listed above for the report. It reviews different techniques and approaches to site and building designs, construction materials, and stormwater management that can reduce the environmental impacts of new development and redevelopment. This report collectively defines these techniques and approaches as "low-impact development" or "LID." Different zoning densities with different environmental constraints provide different capacities for LID, affecting the degree of benefit that LID techniques can provide, individually and collectively. We reviewed the feasibility and appropriate expectations for a wide range of LID techniques under different zoning densities. We also review special considerations for LID techniques to minimize impacts on specific critical areas within the R-1 zone.

Chapter III concludes with our recommendations, which are organized by drainage basin within the R-1 zone.

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Public involvement opportunities have been numerous and are listed in the Executive Summary of the overall R-1 Sustainable Development Review report.

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II. Critical Area Review

Inventory

Four different types of critical areas are found in or adjacent to the R-1 zone: fish and wildlife habitat conservation areas (which include streams); wetlands; geologically hazardous areas; and critical aquifer recharge areas. The other type of critical area that is identified in the Growth Management Act, frequently flooded areas, is not found in the zone. Our inventory discusses each of the other four types of critical areas in turn.

Fish and Wildlife Habitat Conservation Areas

The most important fish and wildlife habitat conservation area (FWHCA) in or adjacent to the R-1 zone is Cold Creek, a tributary to Cottage Lake Creek within the Bear Creek basin, which is predominantly to the east of the R-1 area. While Cold Creek's functions and values are affected by conditions in the R-1 zone, just how much they are affected is less clear. As discussed in Appendix A, groundwater from most of the R-1 zone appears to flow to the west, away from Cold Creek (see Figure II-1). The Lake Leota basin is part of the headwaters of Cold Creek, but the lake's outlet stream (which directly connects to Cold Creek, and on some maps is named Cold Creek) flows only intermittently, when the lake is high. Cold Creek is primarily fed by groundwater from a large receiving area to the north, as well as by groundwater discharge from Lake Leota, as discussed in Appendix A. Cold Creek's steady flow of cold water is most important to the Bear Creek system in the summer and early fall, when Cold Creek currently has little if any surface connection with Lake Leota. The lake is growing shallower, however, through a natural process of eutrophication, which has been dramatically accelerated by development within its drainage area. The implications of this change for Cold Creek are discussed later in this chapter. Appendix B describes the status and trends for the lake in detail.

There are three inlets to Lake Leota, from the south, north and west. The inlets from the north and south are essentially stormwater channels. They carry significant volumes of water and sediment during storms, but otherwise appear to be dry most of the year. The City has not mapped these inlets as intermittent streams, but based on their substrate and channel characteristics, they could potentially be mapped as such. The City has mapped the inlet to the west as a Type 4 (non-fish-bearing, intermittent) stream. This stream is called "Cold Creek" on at least one City map. The riparian corridor originates at the corner of 152nd Avenue NE and NE 195th Street and proceeds in a southeasterly direction before entering Lake Leota at its far western end (see Figure II-2). There is evidence that water flows through this corridor during the winter rainy season (no water was obvious in any stretch we could observe in August) to at least the area north of NE Woodinville-Duvall Road. Downstream of the road, the creek appears to have been dry for many seasons. There were no recent scour marks, algae layers, or any other indication that water had flown through this area in the recent past. The channel on the lot adjacent to the lake did show some patches of gravel habitat, but the channel was dry in August. The resident of the lot (Verna Zander) did not know if water flowed in the channel in the past few years. Prior to the 1980's, she reported it had flowed quite regularly for the entire year.

Woodin Creek, a Type 2 (fish-bearing, perennial) tributary to the Sammamish River, also has its headwaters at least partly within the R-1 zone. The mainstem of the creek originates near NE 177th Drive, in the southwest corner of the R-1 zone. The drainage basin for this upper reach of Woodin

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Creek extends further into the R-1 zone, including a substantial Native Growth Protection Area[8] that is established on either side of NE 177th Drive. Headwaters for the creek also include a larger area of unincorporated rural lands outside of the City boundary as well as an R-6 zone within the City that comprises most of the headwaters area for the two forks of Woodin Creek's North Tributary. No fish are found in the portions of Woodin Creek within the R-1 zone, due to substantial blockages downstream (Adolfson Associates 2004). Pileated woodpeckers, Pacific chorus frogs, and many other wildlife species are found in forested headwater areas (Adolfson Associates 2004). One of the largest developable parcels in the R-1 zone is part of the headwaters for the North Tributary.

Small, at least seasonal streams appear to be located at the base of some of the ravines along the northwest edge of the R-1 area. The largest of these streams, which may be perennial, is located in the far northwest corner of the R-1 zone, at the base of a particularly steep ravine that extends into the Wellington Hills Golf Course in Snohomish County. While this stream is unnamed, for purposes of this report we refer to it as "Golf Course Creek." This creek and the other streams along the northwest slope of the R-1 zone are piped under the industrial area to the west before entering Little Bear Creek. Golf Course Creek appears to be a significant source of water for wildlife in the vicinity. The other streams provide some localized habitat value within the ravines and presumably have some effect on flows and water quality in Little Bear Creek, but this effect is likely minor and not greatly impacted by development in the R-1 zone. While Golf Course Creek is the largest of all these streams, it likely also has only minor effects on flow and water quality in Little Bear Creek. However, small landslides or heavy erosion in the steep ravine in which Golf Course Creek is located could be a significant source of fine sediments in lower Little Bear Creek.

The City has designated Native Growth Protection Easements as FWHCAs, in recognition of their habitat value. By far the largest concentration of these easements in the R-1 zone is in the headwater drainage area for Woodin Creek discussed above. These easements cannot be developed, even if the underlying zoning is changed (D. Crawford, City of Woodinville, personal communication). Outside of upper Woodin Creek, there are only a few other such easements in the R-1 zone, in some cases associated with wetlands.

The R-1 zone contains the most extensive and mature tree canopy in Woodinville, a City that prides itself on its northwest woodland character. Forested areas in the R-1 zone include a mixture of coniferous and deciduous, young to middle-aged, second- to third-growth trees. Common species include western red cedar (*Thuja plicata)*, western hemlock (*Tsuga heterophylla*), big-leaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*), Douglas fir (*Pseudotsuga menziesii*), and bitter cherry (*Prunus emarginata*). Most appear to be approximately 60' to 70' tall and 15-19 inches in diameter at breast height (dbh). There is typically 40 to 75 percent canopy closure in the denser forested tracts. Our field review, although not exhaustive, noted 13 "heritage trees" (identified mostly by girth) dispersed across the north central portion of the R-1 zone. The density of homes and narrow streets made a determination of tree height difficult.

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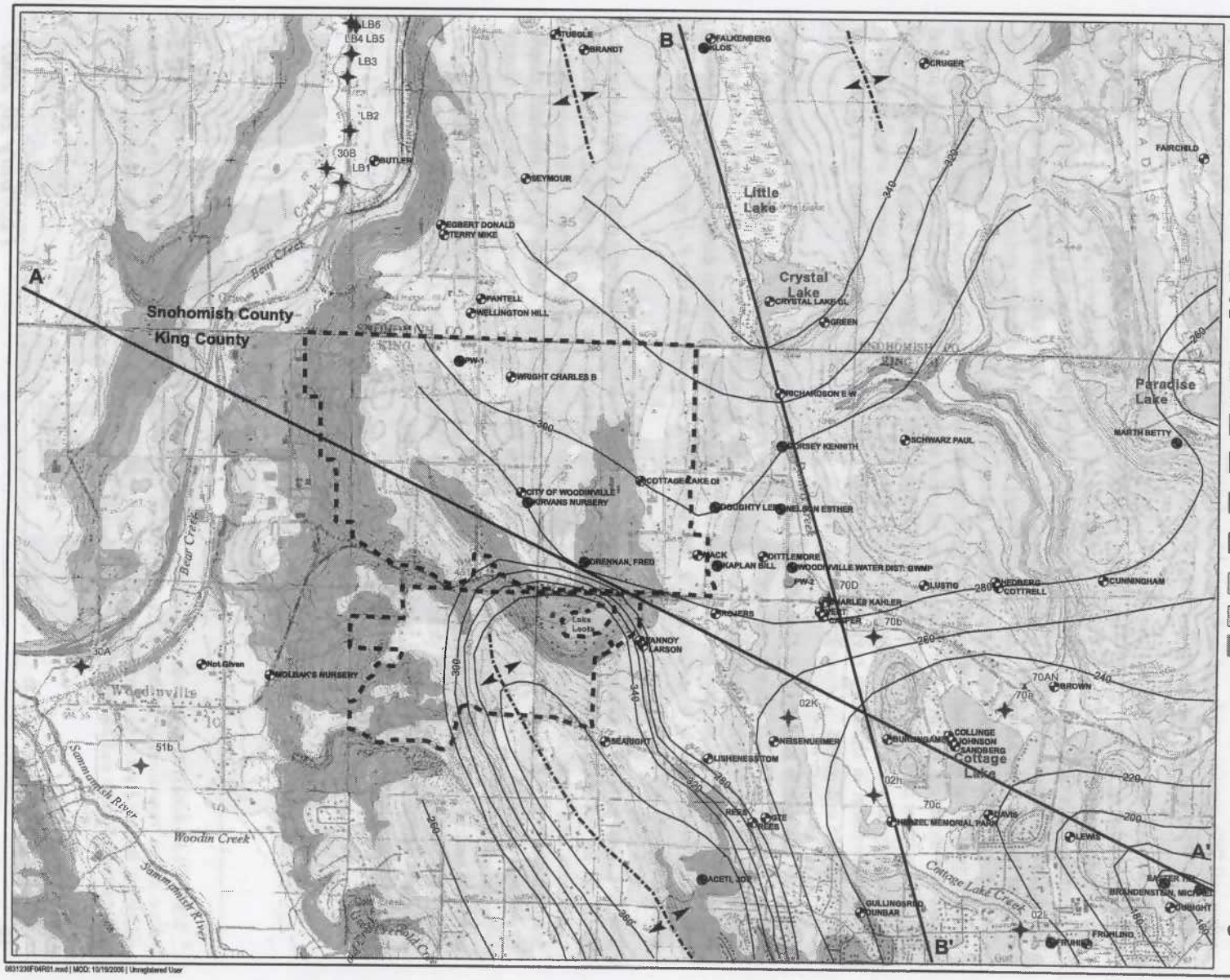
[8] WMC 21.06.406 Native growth protection area (NPGA). Native growth protection area (NPGA): an area where native vegetation is preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.



LEGEND

- Active Stream Gage
- Inactive Stream Gage
- Well
- Well with Water Level Data
- Stream
- Cross Section
- Water Level Contours (FT AMSL)
- County Boundary
- City of Woodinville R-1 Zoning
- Lake or Pond
- Swamp or Marsh

Geologic Units

- Qal -Alluvium
- Qmw - Mass wasting deposits (landslides)
- Qpf - Pre-Fraser undifferentiated sediments
- Qva - Vashon advance glacial outwash
- Qvr - Vashon recessional glacial outwash
- Qvt - Vashon glacial till
- m - Modified land

0 2000
Scale in Feet

N

Map Projection:
Washington State Plane,
North Zone, NAD 83, Feet
Source: USGS, King County,
NHD, WSDNR

This figure was originally produced in color. Reproduction in black and white may result in a loss of information.

FIG. II-1
GROUNDWATER CONTOUR MAP OF WOODINVILLE R-1 AREA
SA/WOODINVILLE HYDROGEO SVCS/WA

Golder Associates

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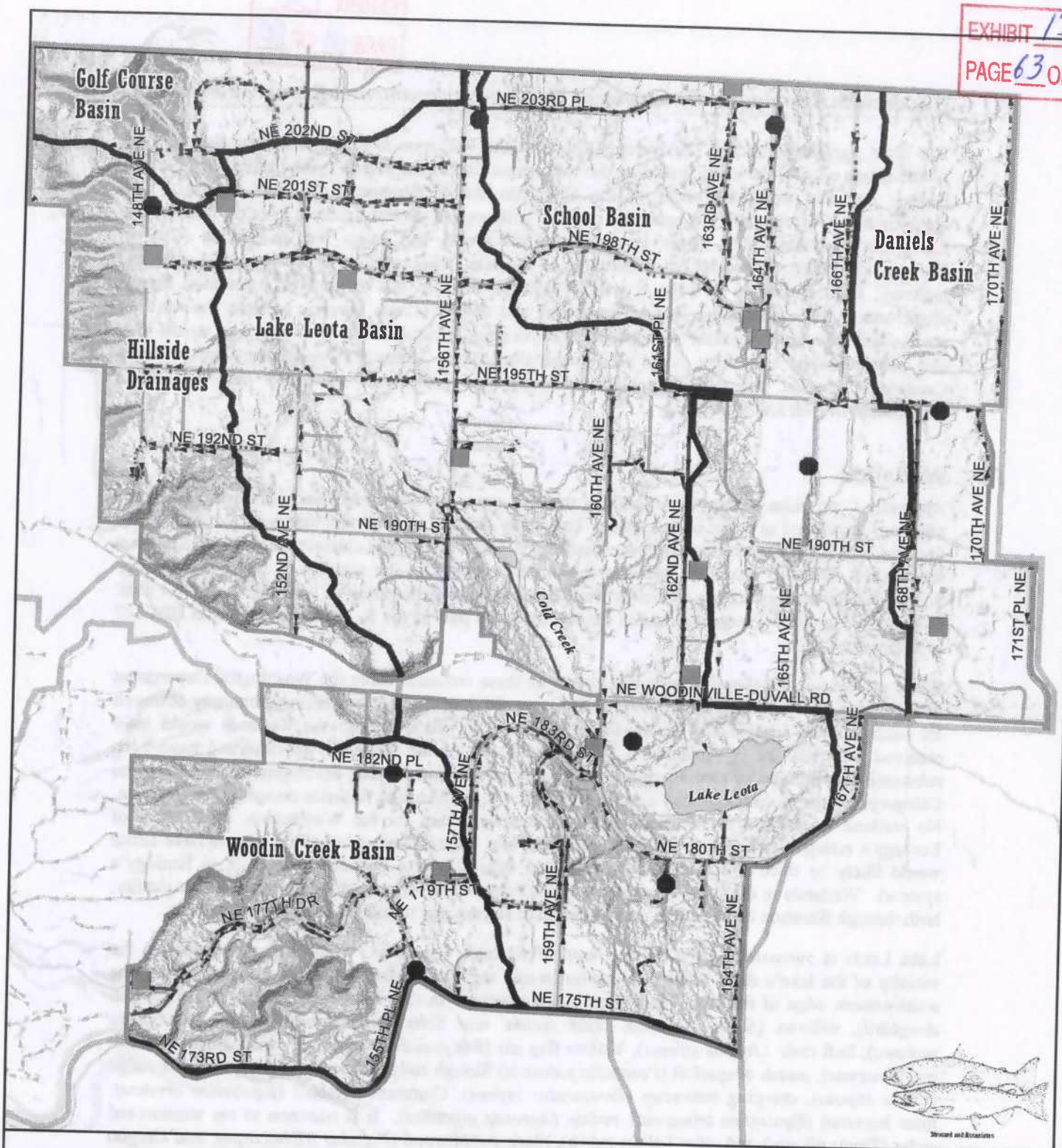

Figure II-2. Woodinville Slopes and Storm Drainage

R-1 Boundary

Slope information

- 0 - 15
- 15.1 - 40
- >40.1

Stormwater pond
Stormwater tank
Known streams
Potential streams
Waterbodies
City streets
Stormwater pipes
Open channel
Drainage area

Data for locations of stormwater pipes, ponds, tanks, known streams, open channels and drainage areas are from the City of Woodinville. The locations of potential streams are based on use of LiDAR data. These locations have not been field tested and do not necessarily represent the actual locations of intermittent or perennial flow. This method of identifying potential streams does not account for groundwater seepage.

0 — 0.5 Miles

N W E S

1:13,500

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The most significant tract of undeveloped forest in the R-1 zone is found along the slopes of the northwestern edge of the zone, including the western portion of the Wood Trails Preliminary Plat and Rezone site and extending north of the City into the Wellington Hills Golf Course. This approximately 75-acre parcel is generally covered with second- to third-growth trees, as described in the preceding paragraph. There is some downed wood, but snags are uncommon (City of Woodinville 2006). The size and character of the site, adjacent to a noisy industrial area and highway, limit its ability to support wildlife species that are not tolerant of substantial human disturbance. Mule deer (*Odoceoileus hemionus*) and coyote (*Canis latrans*) traverse the site in a north-south direction. Pileated woodpeckers (*Dryocopus pileatus*) have been observed on the site, and may possibly nest there (City of Woodinville 2006). Pileated woodpeckers are a "State Candidate" species, but without specific or designated protections issued by the Washington Department of Fish and Wildlife.

Wetlands

Appendix C provides a map of wetlands in the R-1 zone, that were identified with corrections and additions developed as a part of this study. This study focused on wetlands that were part of the area draining to Lake Leota, particularly those that have a direct hydrologic connection to the lake, at least seasonally. We also examined some of the larger wetlands in the vicinity of Leota Junior High School, where the City's maps generally show the greatest concentration of wetlands in the R-1 area. Lastly, we examined a large wetland in the northwestern part of the R-1 area (identified as BBC127 in Appendix C).

While we did not calculate formal rating scores on these wetlands using the Washington Department of Ecology's latest rating system (WDOE 2004), we did describe the vegetation community observed for each wetland studied and we made estimates of the likely ratings the wetlands would have received. Details are in Appendix C. In general, all of the wetlands we observed have been substantially degraded by past alterations and impacts from surrounding development. We found no Category I wetlands and none that were likely of great significance to fisheries resources downstream. No wetland in the R-1 zone has high habitat values, based on the Washington Department of Ecology's rating system (Hruby 2004); most have low habitat scores, but some around Lake Leota would likely be rated as having moderate habitat values (scores between 20 and 28 in Ecology's system). Wetlands in the Lake Leota basin are still important for protecting the lake's water quality, both through filtration of pollutants and detention of stormwater to reduce erosion downstream.

Lake Leota is surrounded by a narrow band of wetland vegetation, which expands further in the vicinity of the lake's three inlets and one outlet and in other localized areas, particularly along the southwestern edge of the lake. Dominant plants observed in this band are: Douglas spirea (*Spirea douglasii*), willows (*Salix sitchensis, Salix lucida, and Salix scouleriana),* Nootka rose (*Rosa nutkana*), Soft rush (*Juncus effusus*), Yellow flag iris (*Iris pseudacorus*), reed canarygrass (*Phalaris arundinaceae*), marsh cinquefoil (*Potentilla palustris*) Slough sedge (*Carex obnupta*), sawbeak sedge (*Carex stipata*), creeping buttercup (*Ranunculus repens),* Common horsetail (*Equisetum arvense),* giant horsetail *(Equisetum telmateia), redtop (Agrostis gigantea*). It is common to see western red cedar (*Thuja plicata*), red alder (*Alnus rubra*), black cottonwood (*Populus trichocarpa),* and Oregon ash (*Fraxinus latifolia*) near the shoreline. Bullfrogs appeared to be plentiful in the adjacent shallow water.

A portion of the wetland area along the lake's southwestern edge, as well as some of the riparian wetlands along the seasonal tributary to the lake from the northwest, have been delineated within the past decade. We have reviewed those delineations (Shapiro and Associates 1999; Pentec Environmental 2000) and found them still to be generally accurate. Appendix C provides more detail

from our further review of these two areas, which comprise two of the three largest extensions of the Lake Leota shoreline wetland system. We did not have access to the third large wetland area, along the lake's seasonal outlet stream.

We investigated the wetland at the toe of the slope in the northwestern portion of the R-1 zone (identified as BBC127 in Appendix C) from the uphill and downhill edges. We could not determine its toe-of slope boundaries because of a very dense thicket of blackberries that ran along both the upslope and downslope edges. We did verify the east-to-west portion of the wetland. This portion of the wetland is located within a steep-walled ravine and there is a stream in the bottom of the ravine. The vegetation in this corridor consists of devil's club (*Oplopanax horridus*), skunk cabbage (*Lysichiton americanum*), Cooley hedgenettle (*Stachys cooleyea*), piggy-back plant (*Tolmeia menziesii*), lady fern (*Athyrium filix-femina*), with an overstory of salmonberry (*Rubus spectabilis*), red alder (*Alnus rubra*), vine maple (*Acer circinatum*), and paper birch (*Betula paperifera*).

Geologic Hazards

The primary geologic hazards in and adjacent to the R-1 zone occur along the slopes of the zone's western edge, which extend into adjacent land use zones. Currently, City maps designate much of the slopes north of the intersection of NE North Woodinville Way and NE Woodinville-Duvall Road as an erosion hazard area, based on soil and slope conditions. They also indicate scattered steep slopes in the R-1 zone that would qualify as potential landslide hazards. More recent data, however, indicate that landslide hazards due to steep slopes may be more prevalent than this in the area north of NE North Woodinville Way, and that both erosion and landslide hazards likely extend along the slopes from NE North Woodinville Way south to the City limits. As discussed in more detail in Appendix A, these more recent data sources include an updated regional geology map developed through the University of Washington, topographical maps based on LIDAR, and citizen comments, with some brief visual confirmation we have made in the field. These data are further corroborated by geologic analysis performed for the Wood Trails/Montevallo FEIS (Nelson Geotechnical Associates 2006).

Groundwater seepage occurs in many locations along the slopes and ravines of the areas just described. While much of the R-1 zone and lands immediately to its north likely serve as sources for this groundwater, the most important sources are likely relatively close to the slopes, particularly where soils are porous. Activities that alter the hydrologic regime in these areas, such as increased infiltration or inappropriate storm water management practices, can cause changes to the hydrogeologic conditions that could destabilize slopes and enhance erosion.

Critical Aquifer Recharge Areas

The City has identified part of the area north of Lake Leota and Woodinville-Duvall Road as an area of high susceptibility to groundwater contamination, apparently based on earlier King County analysis (Wuotila, personal communication). However, the more recent University of Washington analysis identifies a considerably larger, V-shaped area with its base in the vicinity of Lake Leota as having porous glacial outwash geology (see Figure II-1 and II-3). This geology extends in a narrow band approximately along NE Woodinville Way until it reaches the western slopes of the R-1 zone, where glacial outwash geology is also characteristic. The southwestern edge of the "V" of porous geology and most of the porous geology in the Woodin Creek basin is also characterized by "somewhat excessively drained soils," based on maps from the Natural Resource Conservation Service (see Figure II-2). Where excessively drained soils overlie glacial outwash geology, aquifer recharge areas have a particularly high susceptibility to groundwater contamination.

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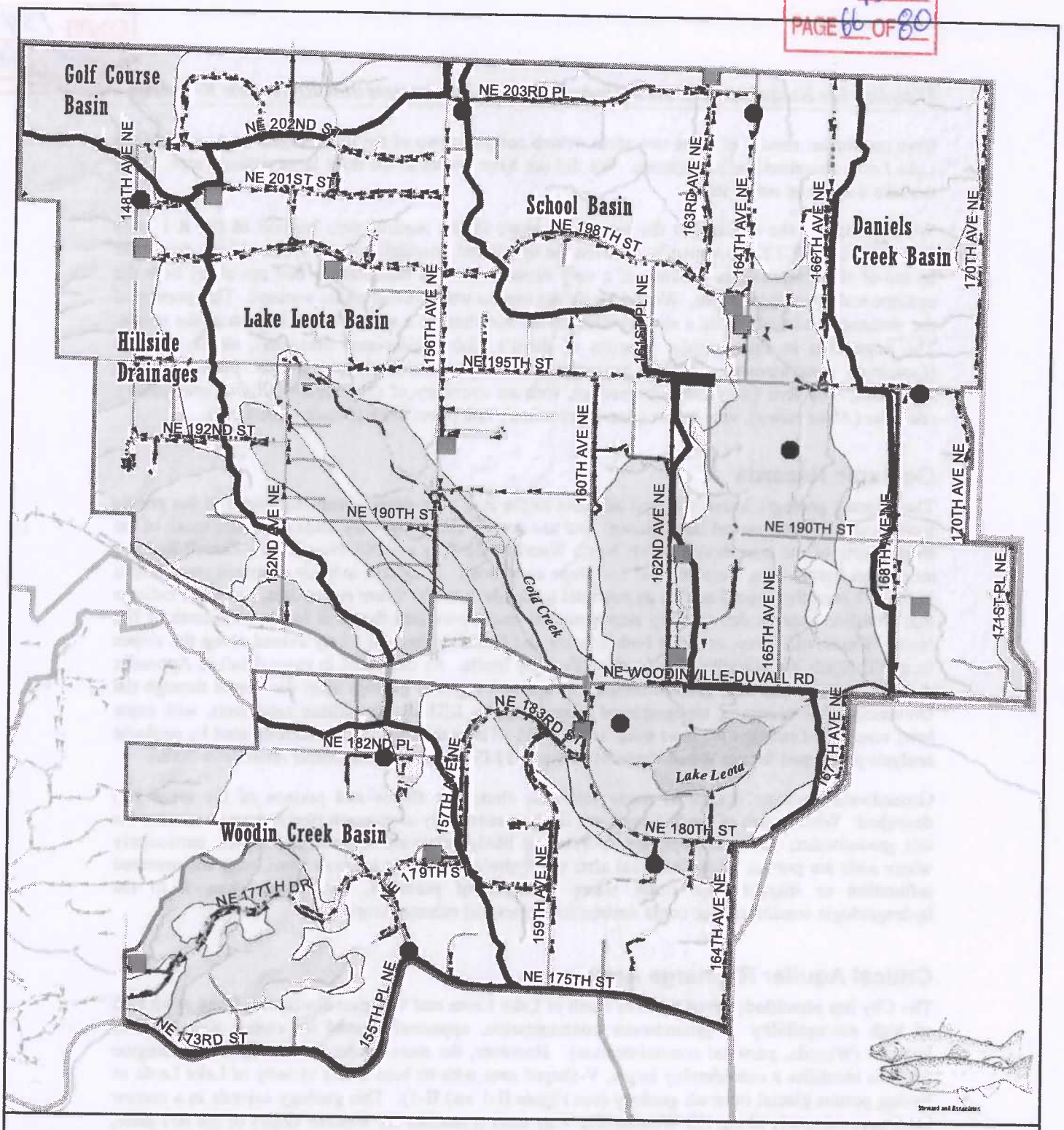

Figure II-3. Moderate & High Critical Aquifer Recharge Areas (CARAs)

CARAs

- Moderate
- High

- Stormwater pond
- Stormwater tank
- Known streams
- Potential streams
- Waterbodies
- City streets
- Stormwater pipes
- Open channel
- Drainage area

CARAs are identified wherever the underlying geology is glacial outwash, which is much more permeable then the glacial till found under the remainder of the R-1 zone. In CARAs with "High" susceptibility to contamination, this geology is overlain by "somewhat excessively drained" soils; CARAs with "Moderate" susceptibility to contamination are overlain by "moderately well drained" soils. Data is from Appendix A to this report.

0 0.5 Miles

N W E S

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Much of the rest of the "V" area with glacial outwash geology is also likely at least moderately susceptible to contamination. Because the entire R-1 zone is residential, the primary concern for aquifer contamination in this area would be from on-site sewage treatment systems. If such systems are properly maintained, the risk of groundwater contamination at current densities is relatively low. The risk could increase significantly, however, with denser development if it is not served by sewers. Groundwater from most of the R-1 zone flows to the southwest, toward the potentially geologically hazardous areas discussed above. Under normal conditions, this groundwater ultimately seeps out in ravines or serves as the source for streams with headwaters in these areas. As just discussed, however, activities that alter the hydrologic regime near these geologically hazardous areas could destabilize slopes and enhance erosion. That would be particularly true in areas with permeable soils or permeable underlying geology.

Litowitz Test

This section evaluates critical areas in the R-1 zone relative to the three *Litowitz* test criteria: whether they are large in scope, complex in structure and function, and of a high rank order. We also evaluate whether lower density zoning would substantially aid efforts to protect the functions and values of such areas.

The *Litowitz* criteria have generally been applied to wetlands, streams, and other fish and wildlife habitat conservation areas, because the importance of these critical areas often relates to their connections with larger systems. The criterion for complexity, however, has also considered whether such larger systems have included other types of critical areas, such as geologically hazardous areas, frequently flooded areas and critical aquifer recharge areas.

Based on the analysis in the last section, we believe there are two critical areas in or affected by the R-1 zone that meet the *Litowitz* criteria: Cold Creek and Lake Leota. Other critical areas were ruled out for the following reasons:

- No wetlands in the R-1 zone are of a high rank order; few, if any, could be argued to be large in scope or unusually complex in structure and function.
- No stream within the R-1 zone beside Cold Creek is of a high rank order. Woodin Creek, while arguably large in scope (at least within the City's jurisdiction) and complex in structure and function, does not support fish in the R-1 zone and supports very few spawning salmon downstream. Juvenile salmonids have been observed in the Woodin Creek's lowest reach, but these have likely been either salmon spawned elsewhere or cutthroat trout, which are common in urban streams and are, in fact, an important predator of salmon. We therefore do not believe that Woodin Creek is of a high rank order.
- Increased density in the R-1 zone would likely have only small impacts on all affected streams beside Cold Creek. These impacts could be further minimized by appropriate stormwater management and mitigation. The portions of the R-1 zone that drain to these other streams (including Little Bear Creek, Woodin Creek, and Daniels Creek—an upper tributary of the Bear Creek system) are small relative to their overall basins. Moreover, existing NGPEs in the upper basin of Woodin Creek would significantly reduce potential downstream impacts.
- Protection of geologically hazardous areas in and adjacent to the R-1 zone depends primarily on proper development practices and stormwater management, not maintenance of R-1 zoning. For example, conveying storm water via fuse welded HDPE pipe down steep slopes to a safe discharge point or detaining storm water in a detention vault or tank rather than a pond.

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- To the extent that critical aquifer recharge areas within the R-1 zone are threatened by contamination, the greatest current threat is from inadequate or poorly maintained septic systems. This threat would increase with more dense development on septic systems, but would decrease or be eliminated by development accompanied by sewers serving new and existing development.

Our evaluation of Cold Creek and Lake Leota against the *Litowitz* criteria follows.

Cold Creek

Large In Scope

The Bear Creek watershed, which covers approximately 50 square miles and includes 100 miles of stream habitat and over 30 different tributary systems (King County et al. 1989; Kerwin 2001), is certainly large in terms of its physical size and scope.

Cold Creek is one of the tributary systems within the Bear Creek watershed that also warrants a "large in scope" description. The outlet of Lake Leota is a seasonal contributor of surface flow to the perennially flowing, spring-fed portion of Cold Creek further downstream. Cold Creek is an integral part of the Bear Creek watershed in that it provides cold, clean water to Cottage Lake Creek and to subsequent reaches downstream in mainstem Bear Creek. The Bear Creek watershed is one of the largest producers of naturally spawned salmon for a stream its size in western Washington, primarily because of its large runs of sockeye and Chinook salmon (King County et al. 1989; Kerwin 2001). Conditions that allow the Bear Creek watershed to produce salmonids at a rate greater than other streams its size directly relate to quantity and quality of instream habitat, which is driven in part by the groundwater spring sources provided by Cold Creek. Water quality problems in the Bear Creek Basin include elevated water temperatures (Kerwin 2001). Temperatures in Cold Creek are consistently 5-7°C colder than other streams in the Bear Creek watershed due to its groundwater spring influence, allowing it to serve as a thermal refuge for salmonids (King County 2001a; Kerwin 2001). Although Cold Creek might present a small fraction of the total tributary flow to the Bear Creek Basin, its ability to provide a steady source of cold water to the system in the critical summer and fall months underscores its important influence on instream habitat and salmon production in the Bear Creek Basin and the Greater Lake Washington Watershed.

Complex in Structure and Function

Bear Creek supports populations of Chinook, sockeye, coho, and kokanee salmon, as well as steelhead and cutthroat trout (King County 2001a). Bear Creek is known to contain the largest freshwater mussel population in King County and also contains freshwater sponges, river otters, crayfish, and a good representation of aquatic insects (Kerwin 2001). The diversity and number of aquatic resources in the Bear Creek basin distinguish it as one of the top six natural resource basins in King County in the Waterways 2000 program.

Cold Creek flows through mixed-forested wetlands that include diverse instream structure and complex morphology. The stream contains pool and riffle habitat in its upper reaches with glide and riffle habitat very common in the lower gradient reaches further downstream. A diversity of cold-water macroinvertebrate fauna and salmonids, including cutthroat trout, coho salmon, and even Chinook salmon are present in the stream (King County 2001b). A field visit to Cold Creek in the summer of 2006 by project personnel noted the presence of a wide range of substrate types, including sand, pebble, and cobble. In addition, an abundance of large-woody debris was apparent in the riparian area, providing excellent wildlife habitat for many amphibian, small mammal, and bird species.

The Cold Creek watershed remains relatively undeveloped (King County 2004). Approximately 38% of the watershed is comprised of undeveloped forest, grassland, and scrub/shrub areas. The remaining 60% of the watershed is developed, but over 50% of that area is defined as low intensity development. Moreover, groundwater sources for Cold Creek extend further north, into an area that is almost completely zoned rural (the only exception being the Lake Leota area). Minimal development in the Cold Creek watershed has resulted in high quality biological conditions relative to other developed and developing watersheds in the Greater Lake Washington Watershed. This finding is corroborated by the results of macroinvertebrate sampling in 2002, 2003, and 2005 in the Greater Lake Washington Watershed (King County 2004; King County 2005).

The Cold Creek Natural Area, comprised of nearly 250 acres in the Bear Creek basin, is a very complex stream and wetland system located northeast of the City of Redmond, east of the City of Woodinville, and just south of the Snohomish County line (King County 2001a). The Natural Area contains high quality peat bog wetland habitat as well as reaches of Cold Creek, Daniels Creek and Cottage Lake Creek. Increased structural complexity provided by different vegetation types within the wetland and riparian habitats associated with Cold Creek optimizes potential breeding areas, escape, cover, and food production for the greatest number of species (Hruby et al. 2004).

High Rank Order

Cold Creek is of a high rank order both because of its ecological importance, discussed above, and because actions by the City of Woodinville will be a primary determinant of its future quality. In comparison, approximately 80% of the Little Bear Creek Basin is in Snohomish County and the stream only enters the City of Woodinville just prior to its confluence with the Sammamish River. As such, much of what the City can do to improve Little Bear Creek water quality and habitat pales in comparison to what needs to be done further upstream in the watershed. In contrast, much of what the City of Woodinville decides to do in relation to development in the R-1 zone will play a direct role in determining future water and habitat quality of Cold Creek.

The Bear Creek watershed and Cold Creek in particular rank high among other streams within the Lake Washington Watershed. Bear Creek is one of only two "Tier 1" streams (receiving the highest priority for salmon conservation) in WRIA 8, the other being the lower Cedar River (WRIA 8 2005). Cold Creek was specifically identified in the WRIA 8 Chinook Salmon Conservation Plan (2005) as a stream in need of protection due to its ability to reduce water temperatures in the Cottage Lake Creek/Bear Creek watershed. The WRIA 8 Plan (2005) also recommends that "growth within Woodinville should be managed to minimize impacts" to Cold Creek, further strengthening its importance and ranking related to other streams in the City and other streams in the larger watershed.

Lake Leota

Large in Scope

At 10.4 to 12.3 acres (depending on water level), Lake Leota is the largest lake within the City of Woodinville. Its 505-acre watershed comprises 40% of the R-1 zone and is almost completely contained within it (see Figure II-2). Considered within the City's jurisdictional area, the lake is clearly large in scope. At a regional level, the size and importance of the lake should be considered in the context of its being at the headwaters of Cold Creek. Seepage from the lake contributes to the cool summer water temperatures that are the primary basis for Cold Creek's importance within the Bear Creek system. The lake therefore plays an important role in the 50-square-mile Bear Creek system, which clearly is large in scope.

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Complex in Structure and Function

Lake Leota's advance towards eutrophy (high productivity, characterized in part by large and extended algae blooms) is evident by in-lake conditions in late summer/early fall measured in recent years. The lake's eutrophic status has evolved through the complex interaction of multiple factors:

1) Septic and landscaping seepage of nutrients, which has entered shallow peaty soils over glacial gravels of high hydraulic conductivity;

2) Storm runoff of sediments and nutrients *via* surface channels to the lake;

3) Lake shallowing by sediments delivered to the lake *via* surface runoff;

4) Lake shallowing by organic production from algae production, high production of near-shore submergent plants including the exotic Eurasian watermilfoil and/or its hybrid, and high production of near-shore emergent plants, such as the exotic white water lily as well as native yellow water lilies and cattails.

These environmental factors, which increase with greater urban development, have combined to increase nutrient supply to water column algae and rooted plant production, as sediments increasingly interact with well-lit, warm productive surface waters. Entrainment of nutrients from these shallow sediments is becoming an increasingly important nutrient source. Algae blooms, fed by high nutrient levels, are becoming more common.

The shallow band of near-shore rooted plants is now encroaching on open waters in the central lake basin. These plants will continue to make this band wider and more shallow around the lake until wetland conditions predominate across the lake. Continued external loading of sediments and nutrients will eventually transition the wetland to a wet meadow. At that point, lake outflow will be largely *via* a warmer *surface* channel with reduced groundwater seepage outflow from a lakebed sealed with deeper sediments. Cold Creek will have lost part of its cold, clear, high quality water source through the low flow summer/fall months, replaced with warm water that will reduce its capacity to benefit the entire Bear Creek system downstream.

Lake Leota appears to be moving into or is already in a phase when phosphorus (the nutrient that controls the lake's productivity) will regenerate on a self-sustaining basis, recycling nutrients stored in lake sediments. Under those conditions, even maintaining present levels of nutrient loading would likely lead to accelerating eutrophication. In time, a shallower, more eutrophic lake will discharge warmer water downstream to the Cold Creek system.

Heavy metals are also accumulating in lake sediments, well beyond regional background concentrations. Some metals, such as lead and nickel, are now much higher than "consensus" concentrations accepted to cause adverse environmental effects in at least 50% of bottom invertebrate fauna. Accelerating eutrophication will increase the time period each year when bottom sediments become anaerobic (oxygen-starved). This has the chemical effect of increasing the mobilization of these heavy metals from sediments into the water column and uptake by plant and animal communities both in Lake Leota and downstream in the Cold Creek system.

In short, Lake Leota is both complex in structure and function itself and in relation to Cold Creek. If current trends in Lake Leota continue, Cold Creek will become a warmer, lower flow stream in summer/fall, with higher heavy metals concentrations, significantly reducing its value to the entire Bear Creek system. The lake itself will also become a much less attractive amenity for surrounding property owners and the Leota neighborhood.

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High Rank Order

For all of the reasons discussed above, concerning both Cold Creek and Lake Leota, the lake clearly is of a high rank order, both within the City and in a regional context.

Implications for Development Densities

Lake Leota

There are a wide variety of actions, or combinations of actions, that could be taken to protect Lake Leota, as discussed in more detail in Chapter III of this report. These include low-impact development (LID) standards for appropriate development in the lake basin, providing sewer service to properties around the lake, controlling the lake outlet, dredging, an aggressive education program regarding best management practices for lakeside property owners and others within the basin, and stormwater and channel improvements upstream of the lake to reduce erosion and high flows. No one action will be sufficient to protect the lake, given the complex factors affecting its water quality, trophic status, and metals accumulation. Under any scenario, one factor that must be addressed for long-term success is to reduce sediment, nutrient, and heavy metal inputs into the lake from stormwater. Zoning density will play a significant role in determining the City's and the community's ability to accomplish this.

Increases in density will almost certainly increase runoff from impervious surfaces and therefore erosive pressures on stream channels. Stormwater management requirements on new development can mitigate this to a degree. But engineered stormwater facilities are short of 100% effective at removing nutrients (such as phosphorus) from stormwater (see Appendix D of this environmental report).

To an extent, stormwater impacts from increased density could be mitigated by requiring LID standards, provided that some developments were exempt from these requirements. But, as discussed in more detail in Appendix D, the potential benefits of low impact development techniques decrease with increased density, particularly above R-2 (two units per acre). Increased density necessarily removes tree cover and soils that the LID techniques rely on for successful stormwater control. Increased density also will impact groundwater quality unless it is served by sewers. Yet in the eastern part of the study area, sewer service would be more expensive given topographic constraints, distance from existing sewer mains, and need for pump stations, which is generally more costly In addition, LID techniques such as infiltration of storm water may not be advisable along steep slopes unless setback appropriately (see also Appendix A of this environmental report for the Golder Inc. "Preliminary Assessment of Hillside Drainages Infiltration").

In short, maintenance of R-1 zoning in the area that drains to Lake Leota—and even removing the possibility of rezones to R-4 with adequate infrastructure—would be a helpful and potentially necessary component of a strategy to maintain the lake's water quality and its supportive role in the regionally unique Cold Creek system. R-4 zoning most likely would lead to a significant increase in phosphorus inputs to the lake from stormwater, which would place a greater burden on other strategies to reduce other phosphorus inputs and on lake management strategies to respond to the results. In the worst case, the increased phosphorus inputs from stormwater would push the lake into a self-sustaining cycle of increased eutrophication, which would threaten serious damage to Bear Creek salmon runs in the long-term or require expensive and ongoing management interventions to avoid.

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There is one potential exception to these concerns over increased density in the Lake Leota Basin. As discussed in Appendix C, if sewer service were provided just to the properties around the lake (between NE Woodinville-Duvall Road and NE 180th Street and 160th Avenue NE and 167th Avenue NE), this would likely provide substantial benefits to lake water quality. Even optimally maintained septic systems release a substantial amount of phosphorus in their effluent, which the soils around the lake are poorly suited to remove. Effluent from septic systems further from the lake generally either flows away from the lake or loses more of its phosphorus as it passes through intervening soils before reaching the lake. The benefit to Lake Leota's water quality from connecting properties around the lake to a sewer system would likely be large enough to outweigh the likely increases in phosphorus from stormwater that would result from denser development there, assuming increases in density would be necessary to support the sewer service. However, the gain from sewer service would not outweigh the likely increases in phosphorus from stormwater if substantially more of the Lake Leota basin would need to become more dense to support the service.

An option to sewering near-lake residences would be conversion of existing near-lake septic systems to enhanced septic systems capable of greater nutrient removal. The most common form of these "super septics" is an elevated mound system, in which standard septic tanks discharge effluent to a drain field on an artificially created mound of layered absorbent soils. The built-up drain field distributes liquid effluent on these high quality absorbent materials and is structured to provide ideal porosity, which minimizes clogging yet provides high rates of selective nutrient removal before effluent reaches native soils. Elevated, artificial drain fields have been proven effective where native soils are either too porous or too readily clogged; in either case, the septic system will eventually fail to trap nutrients without this modification.

In the case of Lake Leota, near-lake septic systems probably fail more because of clogging, given the high clay and peat content of soils with anaerobic characteristics. This situation is probably worsened by the likelihood that many drainfields are very close to, or even in, shallow groundwater flows moving to the lake. In this situation, perched drainfields are particularly effective. Nutrient removal efficiency of such perched systems is easily monitored by sampling of groundwater flows downslope of the drainfields via shallow standpipes. Loss of drainfield function can then be surgically remedied by adjustment of fill in individual mounds. As with any septic system, the distance between drainfields and surface water should be maximized; in some situations, leachate could be pumped from the septic tank to drainfields constructed further upslope. Also as with standard septic drainfields, perched drainfields may be landscaped with non-woody plant cover.

School Basin

There is also a part of the R-1 zone that drains directly to Cold Creek (the surface outlet channel from Lake Leota). This 286-acre basin, which includes Wellington Elementary and Leota Junior High Schools (leading us to call it the "School Basin" in this report), has a substantially different relationship to Cold Creek compared to the Lake Leota basin. Based on our current understanding of groundwater flows, groundwater from almost all of the School Basin flows to the west, away from Cold Creek (see Figure II-1), even though its surface water flows to the creek. So the School Basin has little effect on Cold Creek's cold, steady flow in the important summer and early fall months. The basin also has no clearly defined channel through which its surface water flows into Cold Creek, at least as we were able to determine in relatively brief field visits. Much of the stormwater from the School Basin is piped, although there are open channels in parts of the basin (see Figure II-2).

Higher density in the School Basin could potentially have some negative impacts on habitat quality and channel stability in Cold Creek downstream, given the sort of stormwater impacts discussed above for Lake Leota. But Cold Creek is a predominantly groundwater fed stream, with a remarkably

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steady flow pattern (see Figure 7 in Appendix A), based on a contributing area considerably larger than the School Basin. Higher stormwater volumes and peak flows from the School Basin would therefore likely have relatively small impacts on habitat quality and channel stability in Cold Creek. From the perspective of the larger Bear Creek system, these are, in any case, less important features of Cold Creek than its steady flow of cold water, which would be largely unaffected by increased density in the School Basin. Higher stormwater flows from the School Basin would also not impact water quality in Cold Creek nearly as much as would higher stormflows from the Lake Leota basin, which would be warmer and carry higher loadings of nutrients and metals. Even in a worst case scenario, including R-4 zoning with no LID and no new public infrastructure to manage increases in stormwater, impacts to Cold Creek's steady flow of cold water would be minimal.

There is, therefore, a much weaker argument on strictly environmental grounds for maintaining R-1 zoning in the School Basin than in the Lake Leota basin. Stormwater management in the School Basin would be important to reduce impacts on downstream habitat quality and channel stability, but with appropriate stormwater management, densities up to R-4 would probably not cause substantial harm to downstream resources. LID, even with its more limited effectiveness at higher densities, would be a valuable component of stormwater management in this area.

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III. Conclusions

Based on environmental factors, the conclusions of this study differ for different areas of the R-1 zone, primarily because of complex patterns of surface water drainage and groundwater flow and the special needs to protect Leota Basin and Cold Creek that cannot be accomplished by the standard requirements of the city's critical areas ordinance. The areas include six approximate drainage basins identified in Figure II-2: Lake Leota Basin; the School Basin; the small part of the R-1 zone that drains to Daniels Creek; the upper Woodin Creek Basin; the Hillside Drainages along the slopes of the northwest section of the zone; and the Golf Course Basin in the far northwest corner of the zone. The data collected for this study has been used to determine a broader planning level analysis that identifies whether or not different zoning densities could improve the protection of important critical areas in the city. Taking into account that individual developments are required to protect on-site critical areas such as streams, wetlands, steep slopes, aquifer recharge areas, and others by complying with the Woodinville Municipal Code, Critical Areas Ordinance, Chapter 21.24, the conclusions of this study determined that Lake Leota and the Cold Creek required additional protection through decreased densities.

Lake Leota Basin

Maintenance of R-1 zoning in the Lake Leota Basin, ideally without allowing rezones to R-4 that are conditioned on adequate infrastructure, should provide substantial, long-term benefits to both Lake Leota and Cold Creek by minimizing erosion and other pollutants from stormwater entering Lake Leota. With this in mind, applicable low-impact development (LID) performance standards are encouraged in this area. LID techniques and performance standards are discussed in detail in Appendix D of this environmental report.

Other Considerations

In addition to R-1 zoning, improving stormwater and channel improvements upstream of the lake could address some of the long-term pressures of eutrophication of Lake Leota. These could include new stormwater ponds and treatment facilities to serve existing development, and channel stabilization and riparian improvements where erosion is currently occurring during high flows. A separate study and environmental inventory would be needed to identify these actions, and there necessary funding source.

The separate study could come in the form of a grant from the Washington Department of Ecology to develop a management plan for Lake Leota, which could review all potential actions to protect the lake and help prioritize them most cost-effectively. Sometimes management plans are funded at least in part by management districts, which involve annual pro-rated assessments on properties that potentially impact the resource, depending on the degree of impact.

However, the City need not wait for a lake management plan to take or continue other actions that would benefit the lake such as,

- Continue the current rule against boat engines on the lake. If allowed, propwash from powerboats could disturb the bottom of the shallow lake, which would increase entrainment of nutrients, sediments, and metals into the water column.
- Initiate education and technical assistance to property owners in the basin, particularly those along the lakeshore, regarding best management practices that can benefit the lake. These include:

- Regular maintenance of septic systems, including upgrading drain fields to enhance nutrient retention;
- Minimizing the use of fertilizer, particularly phosphorus-rich, artificial fertilizers used on lakeside lawns;
- Management of aquatic plants (all harvested material should be removed from the lake, to avoid releasing nutrients and metals taken up by the plants back into the lake);
- Other landscaping issues, including maximizing native vegetation and minimizing lawns near the lakeshore to enhance nutrient retention;
- Stopping all irrigation pumping from the lake, with or without a permit, to maximize water retention and volume in the lake, thereby maximizing groundwater seepage to Cold Creek;
- Limiting the size of docks on the lake and designing them to increase the amount of light reaching the water, which will improve the diversity of plant and animal communities near the shoreline; and
- Avoiding the use of laundry detergents that contain phosphorus, particularly for lakeside property owners.

- Work with King County and lakeside residents to improve monitoring of Lake Leota to better understand its status and trends and to help prioritize management actions. This could include, in order of increasing cost:
  - Monitoring oxygen levels in the lake's water column (particularly in deeper water) to evaluate oxygen deficits each summer and fall (the cost for this would be very low);
  - Monitoring days of anoxic sediments and the extent of the lake bottom that is anaerobic at the peak of summer/fall algae blooms each year, which would aid in evaluating the lake's trophic state;
  - Updating Lake Leota's bottom contour map to permit more accurate measures of the lake's volume;
  - Monitoring lake sediments for metals concentrations on a periodic basis; and
  - Monitoring surface channel inflows to establish water, sediment, nutrient and metals budgets for the lake.

A lake management plan could also help the City and the community further evaluate the potential benefits of:

- Connecting lakeside homes to sewer service – would reduce nutrient input by replacing septic systems with sewer directly around the lake and could create a positive net benefit to water quality even if the R-1 density was amended to R-4. However, modifying existing septic systems to provide extra nutrient removal could potentially provide similar benefits without increasing density.
- Dredging lake sediments – would require state and potentially federal permits.

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- Controlling the lake's outlet – is potentially the simplest way to increase the lake's depth, which would enhance seepage to the Cold Creek system, and reduce eutrophication, thus, improving both in-lake and downstream water quality. This action would require state and federal permits.

School Basin

Maintaining the R-1 density in this part of the R-1 Zone is not as important as in the Lake Leota Basin because the surface water flows are only a small portion of the overall flows to Cold Creek. In addition, groundwater from this basin flows to the west and not to Cold Creek or Lake Leota. The emphasis in this area is requiring LID through stormwater performance standards for new development, which would minimize stormwater impacts to Cold Creek. In this case, LID techniques are valuable no matter what zoning density is designated for this basin. They provide the greatest benefit at lower densities but, ironically, they may be more important at higher densities, where the potential impacts to downstream resources would be greater without such extra effort.

In addition, improvements in the City's identification of stream channels and wetlands are also probably more important in this basin than in any other in the R-1 zone. In this study, stream channels in this basin were cursorily identified and need to be further defined. Figure II-2 identifies potential streams based on LIDAR analysis, but they are approximate and need to be further verified. There were also a number of wetlands in this basin that were identified in this study and will need to be accurately located on the City's maps, as shown in Appendix C of this environmental report.

Daniels Creek Basin

The northeastern edge of the R-1 zone drains to Daniels Creek, as shown on Figure II-2. While LID and lower densities essentially always benefit downstream resources, they are less important here, given the considerably larger area that drains to Daniels Creek, all of which is zoned rural outside of Woodinville. Daniels Creek, moreover, flows into Cottage Lake, which attenuates stormwater impacts downstream. The lake's outlet stream, Cottage Lake Creek, is fed in the summer and early fall by the lake's warm upper layer of water, whose temperature is controlled primarily by air temperatures and solar radiation. Changes to the temperature of Daniels Creek therefore have essentially no effect on water temperature downstream of Cottage Lake. (Cottage Lake Creek depends on Cold Creek, which joins it less than ¼-mile downstream of the lake, to provide hospitable temperatures for salmon during the summer and early fall.)

Upper Woodin Creek Basin

LID and lower densities are more valuable here than in Daniels Creek, but not dramatically so, given the relatively small portion of the Woodin Creek basin within the R-1 zone, as well as the substantial Native Growth Protection Easements already in place on either side of NE 177th Drive. These easements provide valuable protection to the upper mainstem of Woodin Creek and, to a lesser extent, the North Tributary. This protection would remain regardless of changes in zoning density. The NGPEs also provide valuable protection for the landslide and erosion hazard areas within and below the easement areas.

Although at this time none of the upper Woodin Creek Basin is currently identified by the City as an erosion hazard area, this study does include these areas as erosion and landslide hazards based on geologic instabilities as well as steep slopes. With this study's review of LIDAR, the latest geologic maps available from the University of Washington, and field reconnaissance, the City's maps will be updated to include this most recent information after completion of the Sustainable Development

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Study. Geologic hazards in this area will limit the appropriateness of infiltration as a LID strategy near the steep slope part of the basin. Proper setbacks and stormwater management should address most issues, even at densities higher than R-1, although development of any particular site should receive its own, site-specific geotechnical evaluation. More detailed information is available in Appendix A of this environmental report.

In general, with the latest geotechnical information (see Appendix A of this environmental report), infiltration should be prohibited within 50' from top of slope, and within 50-500 feet should be thoroughly reviewed and supported by geotechnical reports and approved by the city. In addition, any development including single family building permits should be required to convey storm drainage over steep slopes to a safe location using appropriately sized HDPE (high density polyethylene) pipe[9] or similar fuse welded pipe. The pipe is typically installed above-ground and supported with metal collars with pins or some form of anchor to secure the tightline in-place. Above ground installation is preferred as it provides ready access to the pipeline if problems develop and makes for easy detection of leakage should it occur. If aesthetics or other issues are a concern, the pipeline may be buried. Burying the pipeline within a shallow trench will require additional measures such as trench breakers to minimize erosion and piping of the backfill. Some type of energy dissipater structure is necessary at the end of the tightline. Such structures could include a concrete vault with weirs and baffles or grouted or rip rapped open channels. Discharge from the tightline system could be tied into an existing storm water system if one is located in the vicinity, or some form of infiltration facility.

Development not served by sewers would raise similar concerns about effects on slope stability due to infiltration of sewage through on-site systems. R-1 zoning would minimize potential impacts to steep slopes, provided that drainfields are set back at least 50 feet based on geotechnical reports.

There is one large, developable parcel in the north part of this basin where the opportunity for LID is greatest. The 19.8-acre property, which drains to the North Tributary, includes steep slopes, a substantial wetland, and forest that provides valuable wildlife habitat. Whether or not this parcel remains in R-1 zoning, when it is ultimately developed the City should work with the property owner to maximize the potential environmental benefits from this site.

Hillside Drainages

This basin in the R-1 zone is comprised of a collection of many smaller, but steeply incised drainages located in the northwestern edge of the zone. All of the drainages ultimately feed to Little Bear Creek, in many cases passing through an extensive system of underground stormwater pipes after leaving the R-1 zone.

Geologic hazards along the slopes are the primary concern. More detailed information is available in Appendix A of this environmental report (in particular sub-appendix C of the Golder Inc. Hydrologic Study titled "Preliminary Assessment of Hillside Drainages Infiltration"). We would again recommend an update to the City's map of geologic hazards using LIDAR, the latest geologic maps available from the University of Washington, and field reconnaissance.

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[9] Fuse welded HDPE pipe has a smooth interior wall and a continuous welded seam between pipe sections. This method is preferred over bell and& spigot pipes because it decreases the potential of leakage at pipe joints and the pipe itself can withstand most tree falls or other impacts.

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All recommendations concerning slope stability, geologic hazards, and infiltration for the upper Woodin Creek Basin would also apply to the Hillside Drainages. See the discussion in the Woodin Creek Basin.

Golf Course Basin

As with the Hillside Drainages, all recommendations concerning slope stability, geologic hazards, and infiltration for the upper Woodin Creek Basin would also apply to the Golf Course Basin. See the discussion in the Woodin Creek Basin.

Golf Course Creek appears to provide a locally important steady source of water for wildlife in the vicinity. Citizen testimony and LIDAR analysis suggest that Golf Course Creek may be perennial. The steep ravine in which Golf Course Creek is located appears to be highly erodable with significant potential for slumps or at least small landslides, which could be significant localized sources of fine sediment in lower Little Bear Creek. Stormwater management in the part of Golf Course Creek's headwaters that is within the R-1 zone should therefore protect against discharges that would cerate additional erosion or further impact downstream systems that are already partially blocked and possibly undersized.

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FOCUS - 27 of 32 DOCUMENTS

CORRINE R. HENSLEY, Petitioner, v. CITY OF WOODINVILLE, Respondent.

Case NO. 96-3-0031

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD
STATE OF WASHINGTON

1997 GMHB LEXIS 354

February 25, 1997

JUDGES: Edward G. McGuire, AICP, Board Member; Joseph W. Tovar, AICP, Board Member; Chris Smith Towne, Board Member

OPINION:

[*1]
FINAL DECISION AND ORDER

I. PROCEDURAL HISTORY

On August 29, 1996, the Central Puget Sound Growth Management Hearings Board (the **Board**) received a Petition for Review from Corrine R. Hensley (**Hensley**). The matter was assigned Case No. 96-3-0031. Hensley challenges the City of Woodinville's (the **City**) Ordinance 157 (the **Ordinance**) adopting a comprehensive plan (the **Plan**), alleging that it violates provisions of the Growth Management Act (the **GMA** or the **Act**).

On October 1, 1996, the Board held a prehearing conference, and on October 8, 1996, entered its Prehearing Order, setting forth the issues to be determined, a schedule for motions and briefing, and a date for the hearing on the merits. On October 11, 1996, the Board issued its Order Modifying Case Schedule, changing the deadlines for filing motions to supplement the record and preliminary exhibit lists. On November 22, 1996, the Board issued its Order on Motion to Supplement and Second Order Modifying Case Schedule and Statement of Issues.

On November 25, 1996, the Board received Hensley's Prehearing Brief and Motion to Take Notice (**Hensley's PHB**), with exhibits. The Motion concerned [*2] an amendment to Snohomish County County-wide Planning Policy (**CPP**) UG-2 (Attachment A).

On December 9, 1996, the Board issued its Third Order Modifying Case Schedule, changing the hearing date to January 9, 1997.

On December 16, 1996, the Board received Respondent City of Woodinville's Prehearing Brief (**Woodinville's PHB**), with exhibits.

On January 3, 1997, the Board received Petitioner's Reply to Respondent's Prehearing Brief (**Hensley's Reply**).

On January 9, 1997, the Board held a Hearing on the Merits at its Seattle Office. Present were Board members Joseph W. Tovar, Edward G. McGuire, and Chris Smith Towne,

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presiding officer. Corrine R. Hensley appeared *pro se*, and the City was represented by Dawn L. Findlay. Also present for the City were Wayne Tanaka and Stephanie Cleveland. Court reporting services were provided by Cynthia LaRose of Robert H. Lewis & Associates, Tacoma.

II. FINDINGS OF FACT

The City of Woodinville is situated in north King County, east of Interstate Highway 405; its northern boundary abuts Snohomish County. Incorporated on March 31, 1993, its 1995 population was 9,614. Exhibit (**Ex.** [*3]) Core Document (**CD**) F; Woodinville Supplemental (**Supp.**) Ex. 1, at 3 (City of Woodinville's Prehearing Brief in *Sky Valley v. Snohomish County [**Sky Valley**]*, CPSGMHB Case No. 95-3-0068 (**City's Sky Valley PHB**)). The city limits contains an area of 6.1 square miles. Office of Financial Management, Forecasting Division, *Washington State 1995 Data Book* 287 (1995).

On June 28, 1995, the Snohomish County Council adopted Ordinance 94-125, enacting its GMA Comprehensive Plan (**Snohomish County Plan**).

The Snohomish County Plan did not designate an Urban Growth Area (**UGA**) for the Maltby area of south Snohomish County. *See* City's Sky Valley PHB, at 16.

The City has not entered into an Interlocal Agreement for GMA planning with Snohomish County. Woodinville's PHB, at 27.

The City appealed Snohomish County's (the **County**) comprehensive plan (the **County's Plan**), requesting UGA designation for the Grace Urban Area portion of the Maltby Industrial Area. Originally Case No. 95-3-0060, consolidated with *Sky Valley*.

On November 27, 1996, the Snohomish County Council adopted Amended Ordinance 96-073, establishing a UGA for the unincorporated Maltby [*4] Industrial Area. Woodinville's PHB, Supp. Ex. 2.

The City's Comprehensive Plan Final Environmental Impact Statement (**FEIS**) was issued on January 17, 1996. Ex. CD H.

Woodinville adopted its Plan on June 24, 1996, by passing Ordinance 157. Ex. CD F (Plan); Ex. CD J (Ordinance).

The Plan contains three planning area boundaries: the City limits, the Woodinville Planning Area (**WPA**), and the Woodinville Survey Area (**WSA**). Ex. CD F, Fig. 1-1, 1-2.

The WPA is a thirty-six square-mile area bounded on the west by Interstate Highway 405, on the north by Maltby Road in Snohomish County, on the east by Avondale

Road NE, and on the South by NE 124th and NE 122nd. The WPA is the area that the City anticipates will have some influence on the City's growth and development over the twenty-year planning period. Ex. CD F, Chapter 1, at 3 and Fig. 1-1.

The seven square-mile WSA includes all land within the City limits, as well as an area east of the Sammamish River (East Valley) in King County, and the Grace industrial area lying wholly within Snohomish County. The WSA was used to determine the carrying capacity and growth allocation [*5] needs as required by the Act. The WSA is divided into nine neighborhoods: Grace; The Wedge; North Industrial; Leota; Town Center; West Ridge; Valley Industrial; East Valley; and Tourist District. Ex. CD F, Chapter 1, at 3 and Fig. 1-2.

The Leota neighborhood is in the eastern portion of the city lying north of NE 175th Street, east of 148th Avenue, and west of 170th Avenue NE, and abutting the county line to the north. Ex. CD F, Chapter 1, Fig. 1-2.

The Plan graphically displays hydrologic areas (floodplains, wetlands, streams, and the Bear Creek Basin eastern boundary) for the WPA, and an accompanying chart describes the geographic extent of those areas. The text, under the heading The Natural Environment, further describes the areas. Ex. CD F, Chapter 1, at 12-16 and Fig. 1-5.

The Capital and Public Facilities element of the Plan discusses surface water management, and notes that:

> Completed basin planning affecting the Woodinville Planning Area has been limited to the Bear Creek Basin Plan. This is a multi-jurisdictional study which has developed a management policy and capital improvement plan for the basin. A portion of the Woodinville Planning Area is located within [*6] the cottage Lake and Bear/Evans sub-basins.
>
> Along with the other affected agencies in the region, the City of Woodinville will participate in any future river system planning for the Sammamish River and basins within the service area. These plans might identify programs or capital projects necessary to protect or restore aquatic habitat and water quality, prevent flooding, or correct storage and conveyance deficiencies. Until these basin or river system plans are adopted, the City will work to maintain the existing surface water system in accordance with local, state, and federal regulations. Ex. CD F, Chapter 10, at 1-2.

Goal U-4 of the Utilities element provides that:

> A watershed approach should be taken to surface water management, with responsibility shared among the counties and affected jurisdictions. This approach should emphasize prevention of water quality degradation through education programs and implementation of Best Management Practices to reduce pollution entering surface waters.

Eleven policies, U-4.1 through 4.11, provide more detailed analysis of that approach. Ex. CD F, Chapter 11, at 4-5.

III. MOTIONS [*7] TO SUPPLEMENT AND STRIKE

Hensley asks the Board to take official notice of amended Policy UG-2 of the CPPs. The City asks the Board to take official notice of County Ordinance 96-073, establishing the Maltby UGA. The Board will **take official notice** of amended CPP Policy UG-2 and Ordinance 96-073. The Board will also take official notice of the *Sky Valley* findings of fact related to the Maltby UGA.

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The Board **denies** Hensley's request to strike references by the City to the Maltby annexation petition. *See* Hensley's Reply, at 2.

The City's Supplemental Exhibit 1, City's Sky Valley PHB, is **admitted**.

IV. ABANDONED ISSUES

The Board's Prehearing Order reminds parties that issues not briefed will be deemed to have been abandoned. Hensley has not briefed Legal Issues 2 and 4. Also, at the hearing on the merits, Hensley conceded abandonment of these issues. **The Board holds that Hensley has abandoned Legal Issues 2 and 4.**

V. DISCUSSION AND CONCLUSIONS

A. LEGAL ISSUE NO. 1

Did the City violate RCW 36.70A.110(1), (2) and .040(3)(c) by designating an urban growth area (UGA) boundary differing from the boundary established by a county?

[*8]

Woodinville is located within King County. The City's northern border abuts the Snohomish County line. Snohomish County Ordinance 96-073 designated a UGA for the Maltby Industrial Area (**Maltby UGA**) in response to the Board's remand order in *Sky Valley*. Finding of Fact 6. The Maltby UGA abuts Woodinville. Woodinville, in its Plan, has planned for an area in unincorporated Snohomish County, a portion of which includes part of the Maltby UGA. Ex. CD F, Fig. 1-1, 1-2, 3-1, 3-2, and 3-3.

Hensley claims that Woodinville has violated the GMA by designating a UGA (the **Grace area**) that is outside of its city limits, and that is outside of Snohomish County's designated Maltby UGA. Hensley's PHB, at 5. Woodinville argues that it has only proposed this UGA and that it is appropriate to plan for the Grace area because residents within this area intend to annex to the City. Woodinville's PHB, at 2-4.

In designating UGAs, a county shall consult with the cities within its boundaries, and cities may propose the location of UGAs. RCW 36.70A.110(2); WAC 365-195-335(2). It is the county's duty to designate UGAs; cities have no authority to designate UGAs. RCW 36.70A.110(1); *see also,* [*9] *Agriculture for Tomorrow v. City of Arlington [AFT],*

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CPSGMHB Case No. 95-3-0056, Final Decision and Order (Feb. 13, 1996), at 19, *and* RCW 36.70A.040(3)(c). Even if Woodinville intended to designate a UGA extending beyond the boundaries of the Maltby UGA designated by Snohomish County, and even if the City and County agreed to such designation in an interlocal agreement, only the County is authorized by the GMA to take such action, not the City.

The Board holds that while a city may propose a UGA and consult on its designation, a city has no authority to designate UGAs under the Act.

Conclusion No. 1

Woodinville has not violated the requirements of RCW 36.70A.110(1), (2), or .040(3)(c) by proposing a UGA boundary different than the UGA established by the County, and in undertaking certain planning actions for the unincorporated areas external to the designated UGA.

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B. LEGAL ISSUE NO. 2

Did the City violate RCW 36.70A.040(2), (3)(b) and (d), and .060 by adopting a Plan for portions of a UGA within a county in which the city is not located?

Hensley did not brief or argue Legal Issue 2. At the hearing [*10] on the merits, Petitioner conceded that it had abandoned Legal Issue 2, therefore the Board will not consider it further.

Conclusion No. 2

Hensley has abandoned Legal Issue 2.

C. LEGAL ISSUE NO. 3

Did the City violate RCW 36.70A.070(1) by failing to provide in the land use element of its Plan a review of drainage, flooding, and storm water run-off in the area and nearby jurisdictions?

Each comprehensive plan must include a land use element. RCW 36.70A.070(1) provides in part:

> *Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions* and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. (Emphasis added.)

The Board has found this statutory provision applicable where a floodway and 100-year flood areas are within a city's planning area. *See AFT*, at 27. In the present case, the City's Plan shows that part of the Sammamish River floodplain and a portion of the Bear Creek Basin boundary are located within the City's planning area. Ex. CD F, at Chapter

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1, Figure 1-5. Therefore, RCW 36.70A.070(1)'s requirement to review drainage, flooding, and storm water run-off is applicable to Woodinville's Plan. The Board must now determine what this requirement is.

The Act does not define review; however, the dictionary definition of review is:

> 1. To study or examine again. 2. To consider retrospectively. 3. To examine with an eye to correction or criticism. *Webster's II New Riverside University Dictionary* 1006 (1988).

Therefore, in the context of RCW 36.70A.070(1), shall review requires jurisdictions to examine drainage, flooding, and storm water run-off. Section 070(1)'s subsequent language and provide guidance also suggests that this examination be with an eye to correction or criticism. The Board does not read .070(1) as necessarily requiring jurisdictions to conduct new studies to adequately review; the required review can be accomplished by considering studies already completed, and by referencing these studies in the land use element of the plan. Jurisdictions must review the area and nearby jurisdictions. This language reflects the fact that drainage, flooding, and storm water run-off are [*12] watershed basin concerns that are not confined by political or planning boundaries.

In addition to containing a review, the land use element of a comprehensive plan must provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. As Petitioner has not alleged that the Plan fails to provide guidance, the Board need not address whether the Plan provides the required guidance.

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Hensley's argument addresses the question of whether Woodinville's Plan contains the review of drainage, flooding, and storm water run-off that is required by .070(1). Petitioner claims that, although the Plan includes some goals and policies that apply to the Grace area, it contains no review of drainage, flooding, or storm water run-off for that area. Hensley's PHB, at 9.

In response, the City identifies a number of policies in its Plan that it asserts provide the required review. Woodinville PHB, at 11-13. The City cites several policies of the Plan's Land Use element as evidence of that review. These policies address future actions: LU-5.2 provide incentives; LU-5.3 work with; LU-5.5 protect; LU-5.6 [*13] enhance and protect; LU-5.10 study; LU-5.12 maintain. *See* Finding of Fact 14. While these cited policies evince the City's intent to address the protection of natural systems in the future, these policies do not provide evidence of the review required by .070(1). The City also argues that the Plan discusses surface water drainage issues in the Capital and Public Facilities chapter of the Plan. *See* Findings of Fact 14 and 15. This capital facilities element states that the Bear Creek Basin Plan has been completed, but that the Sammamish River basin has yet to be studied. Although the Bear Creek Basin Plan may provide adequate review of the Bear Creek basin, there is no evidence in the

record that the remainder of the City's drainage, flooding, and storm water run-off has been reviewed.

Woodinville's Plan does not contain an examination of drainage, flooding, and storm water run-off with an eye to correction or criticism; the Plan does not contain the review required by RCW 36.70A.070(1). **The Board holds that the City has not complied with the requirements of RCW 36.70A.070(1) because it has failed to provide in its land use [*14] element any indication that it reviewed drainage, flooding, and storm water run-off in the area and nearby jurisdictions.**

Conclusion No. 3

The City's Plan does not meet the requirements of RCW 36.70A.070(1) because it fails to provide a review of drainage, flooding, and storm water run-off in the area and nearby jurisdictions in its land use element. Upon remand, the City will be directed to do so.

D. LEGAL ISSUE NO. 4

Did the City violate RCW 36.70A.110(2) by including in its Plan certain areas outside its UGA?

Hensley did not brief or argue Legal Issue 4. At the hearing on the merits, Petitioner conceded that it had abandoned Legal Issue 4, therefore the Board will not consider it further.

Conclusion No. 4

Hensley has abandoned Legal Issue 4.

E. LEGAL ISSUE NO. 5

Does the Plan, specifically LU-1, LU-2, LU-3.6, LU-3.7, LU-12.1, Sections 3.3, 3.4, 3.4.1, Future Land Use Map. Section 3.5, Appendix, T-1, T-1.2, T-4, T-4.1, Tables; and CF-3, CF-3.1, CF-4, Tables, violate the coordination and consistency requirements of RCW 36.70A.070(1), (3)(e), (6), (6)(c)(iii), (d) and (e)?

Hensley argues that certain Plan provisions are inconsistent, [*15] in violation of RCW 36.70A.070. A comprehensive

plan shall be an internally consistent document and all elements shall be consistent with the future land use map (**FLUM**). RCW 36.70A.070. More specifically, the GMA provides that the capital facilities element must include a requirement to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. RCW 36.70A.070(3)(e).

The Board interprets internal consistency to mean that [plan] provisions are compatible with each other . . . . In other words, one provision may not thwart another. *West Seattle Defense Fund v. City of Seattle*, CPSGMHB Case No. 94-3-0016, Final

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Decision and Order (April 4, 1995), at 26. The question in the present case is whether there are provisions in the City's Plan that are incompatible, and thus thwart, other provisions in the Plan.

However, before answering this question, the Board must first address the GMA context of the challenged Plan provisions. One of the fundamental premises of the Act is that UGAs are to be designated with sufficient land and densities [*16] to accommodate the urban area portion of the projected twenty years of countywide population growth. RCW 36.70A.110(2). In making these UGA determinations, counties are to include the cities within the county UGAs, and have the duty and the authority to allocate population to the cities. *Edmonds v. Snohomish County*, CPSGPHB Case No. 93-3-0005, Final Decision and Order (Oct. 4, 1993), at 23, 28. The county, as to the unincorporated portions of the UGA, and the cities, as to their respective portions of the UGA, then have a duty to adopt comprehensive plans that accommodate that allocated growth over the twenty-year life of their plans, including the provisions of public facilities and services.

The principle that jurisdictions must accommodate urban growth is supported by several goals of the Act. RCW 36.70A.020(12) provides:

> *Ensure* that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards. (Emphasis added.)

The Board reads goals 1 and 2, and the other requirements [*17] of the Act, to direct cities to adopt FLUMs that show an urban pattern of growth over the twenty-year life of the plan. However, the GMA recognizes the importance of timing in accommodating urban growth. The Board reads Goal 12, and the requirements of RCW 36.70A.070(3) regarding capital facilities, to give cities the discretion to decide *which specific areas* of the city will be provided with public facilities and services to support development where and when such public facilities and services will be available, within the twenty-year planning horizon. Read together, these provisions of the Act clearly direct cities to plan for accommodating the allocated growth, including the provision of urban services, within the twenty-year planning period.

The Board holds that the Act creates an affirmative duty for cities to accommodate the growth that is allocated to them by the county. This duty means that a city's comprehensive plan must include: (1) a future land use map that designates sufficient land use densities and intensities to accommodate any population and/or employment that is allocated; and (2) a capital facilities element that ensures that, over the twenty-year life of [*18] the plan, needed public facilities and services will be available and provided throughout the jurisdiction's UGA.

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The Board has previously held that that which is urban (i.e., exhibits a land use pattern that meets the definition of urban growth RCW 36.70A.030(14)) should be municipal (i.e., within an incorporated city). *City of Poulsbo v. Kitsap County*,

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CPSGPHB Case No. 92-3-0009, Final Decision and Order (April 6, 1993), at 22. The corollary is that which is municipal must be urban, which is to say, must generally have residential densities at 4 du/acre or higher. The Act is clear in providing that urban governmental services are to be available and provided in urban areas. This is in keeping with the role of cities as the primary providers of urban governmental services (RCW 36.70A.110(4) and .210(1)) and the GMA's planning goals to encourage development in urban areas where adequate facilities exist or can be provided in an efficient manner and to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development. RCW 36.70A.020(1) and (2). Simply stated, Woodinville may not engender or perpetuate a [*19] near-term land use pattern (one-acre lots) that will effectively thwart long-term (beyond the twenty-year planning horizon) urban development within its boundaries. *See Robison v. Bainbridge Island*, CPSGMHB Case No. 94-3-0025, Final Decision and Order (May 3, 1995), at 30. Also, encouraging a pattern of new one-acre lots constitutes sprawl. *See Bremerton v. Kitsap County*, CPSGMHB Case No. 95-3-0039, Final Decision and Order (Oct. 6, 1995), at 49.

The Board has previously stated that the only absolute consequence of including within urban areas a net residential density below 4 du/acre is that the plan will be subject to increased scrutiny for justification. *Benaroya v. City of Redmond*, CPSGMHB Case No. 95-3-0072, Final Decision and Order (March 25, 1996), at 33. In scrutinizing the City of Federal Way's Plan, the Board held that adequate justification could arise where environmentally sensitive systems are large in scope, their structure and functions complex, and their rank order high. *Litowitz v. City of Federal Way*, CPSGMHB Case No. 96-3-0005 (July 22, 1996), at 12. Here, Hensley has focused the Board's scrutiny on the Woodinville Plan's use of 1 du/acre densities [*20] in the Leota neighborhood, an area which comprises a significant part of the City's land mass. Finding of Fact 12. No evidence or argument was presented by Woodinville that there was an environmental justification for such a widespread pattern of one-acre lots. Instead, the City points to Policy LU-3.6 to argue that, in effect, lack of service capacity serves as justification for a FLUM with densities significantly below 4 du/acre. The Board disagrees with the City.

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With this background, the Board now addresses Legal Issue 5. Hensley argues that at least three Plan provisions are inconsistent: the designation of the Leota Neighborhood as Low Density Residential (1-4 du/acre); Plan Goal U-3; and Plan Policy LU-3.6. Goal U-3, in the Utilities chapter of the Plan, provides:

> Require connection to the wastewater system when development or subdivision of land occurs, only for land that has a density greater than one unit per acre, except when the connection is not feasible. Ex. CD F, chapter 11, at 4.

Policy LU-3.6 provides:

> Allow densities higher than one dwelling unit per acre only when adequate services and facilities are available [*21] to serve the proposed development. Ex. CD F, Chapter 3, at 3.

The Act requires that urban services be made available and provided within UGAs. Generally, this means that cities will make available and provide those urban services. Therefore, to comply with the Act, Plan Goal U-3 must be read to mean that sewer service, an urban governmental service, will be provided throughout the City, except in those unusual circumstances where land is developed at a density of 1 du/acre or less. Goal U-3 recognizes the economic efficiency of providing sewer service only to those lots greater than 1 du/acre; this efficiency is encouraged by the Act. Because the Act requires that cities make available and provide urban services throughout their UGAs, the Board cannot construe Goal U-3 to perpetuate an inefficient pattern of one-acre lots. For the Board to conclude otherwise would sanction the inappropriate conversion of undeveloped land into sprawling low-density development, which would effectively thwart long-term urban development within the City's boundaries. *See* RCW 36.70A.020(2).

In light of this interpretation of Goal U-3, **the Board holds that LU-3.6 is inconsistent with Goal U-3.** [*22] **Policy**

LU-3.6 allows densities greater than 1 du/acre only where adequate services and facilities are available. This policy reads as though new development cannot exceed 1 du/acre unless sewer service is available -- this is inconsistent with Goal U-3 and the intent of the Act.

Conclusion No. 5

Policy LU-3.6 is inconsistent with Goal U-3, therefore, the Plan is internally inconsistent in violation of RCW 36.70A.070(1). Policy LU-3.6 will be remanded with instructions for the City to bring the Plan into compliance.

F. LEGAL ISSUE NO. 6

Did the City violate RCW 36.70A.070(2)(c) by failing to identify sufficient land for housing needs and/or to make adequate provisions for existing and projected needs of all economic segments of the community?

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The GMA mandates that comprehensive plans contain a housing element. RCW 36.70A.070(2) provides that this housing element must:

> identify sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and
>
> make[] adequate provisions [*23] for existing and projected needs of all economic segments of the community.

Hensley asserts that the City's plan . . . does nothing to identify how many, where, and financing available to the City to assist families in need, special needs, and other low income families. Hensley's PHB, at 16. Hensley argues that, although Policy H-1.1 allows manufactured housing and mobile home parks, the Plan violates .070(2) because the FLUM does not specifically identify where manufactured housing and mobile home parks are to be located. Hensley's PHB, at 15-16.

The City argues that the Plan identifies sufficient land for housing: Woodinville has provided enough land zoned at higher densities (> 12 dwelling units/acre) for all low income and moderate income households anticipated for the City of Woodinville by King County in the countywide policies. Woodinville's PHB, at 21 (quoting Ex. CD F, Chapter 4, Section 4.1). Hensley has not shown that the Plan provisions cited by the City do not identify sufficient land for housing as required by RCW 36.70A.070(2).

In addition, Hensley argues that Plan Policy H-3.3 is in conflict with Plan Goal H-3. Hensley's PHB, at 16. Policy H-3.3 provides: [*24]

> Support development of housing that serves local residents and is located elsewhere on the Eastside.

Goal H-3 provides:

> To provide housing opportunities in Woodinville for people with special needs.

Hensley asserts that if the City is supporting special needs housing only outside of the City, then opportunities in Woodinville cannot be provided for people with special needs. The City points out that Policy H-3.3 is but one of several policies contained within Goal H-3. The City also points out that CTED's recommendations for meeting the

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requirements of the Act's housing element include recognition that in some cases, it may be appropriate for a jurisdiction to provide assistance for the location of affordable housing elsewhere. Woodinville's PHB, at 22 (quoting WAC 365-195-310(2)(f)) (emphasis omitted).

While Petitioner shows the desirability of having the County and City work together, it is not required by the Act. **The Board holds that Petitioner has not met its burden to**

show, by a preponderance of the evidence, that the City has failed to identify sufficient land for housing needs or to make adequate provisions [*25] **for existing and projected needs of all economic segments of the community.**

Conclusion No. 6

Petitioner has not met its burden to show, by a preponderance of the evidence, that the City has failed to comply with RCW 36.70A.070(2)(c) by failing to identify sufficient land for housing needs or to make adequate provisions for existing and projected needs of all economic segments of the community.

G. LEGAL ISSUE NO. 7

Does the Plan, specifically Chapter One, Introduction; Chapter Two, Overview of Policies and Guidelines Comparison; Chapter Three, Land Use Policies including future land use map; Chapter Eight, Community Design; Chapter Nine, Transportation; Chapter Ten, Capital and Public Facilities; and Chapter Eleven, Utilities, violate RCW 36.70A.100, requiring the City's Plan to be coordinated and consistent with the comprehensive plans of adjacent jurisdictions?

RCW 36.70A.100 provides:

> The *comprehensive plan* of each county or city that is adopted pursuant to RCW 36.70A.040 *shall be coordinated with, and consistent with*, the *comprehensive plans* adopted pursuant to RCW 36.70A.040 of other *counties or cities* with which the county or city [*26] has, in part, common borders or related regional issues. (Emphasis added.)

Section 100 requires coordination and consistency among *comprehensive plans*. The burden rests on a petitioner to identify those provisions of the challenged comprehensive plan that are uncoordinated or inconsistent. To do this, Hensley must identify the provision in the City's Plan and explain how it is uncoordinated with or inconsistent with a provision in the another jurisdiction's comprehensive plan.

Hensley complains that the City has not entered into an interlocal agreement with Snohomish County regarding the implementation of the GMA. Hensley's PHB, at 18-19. From a GMA perspective, such an agreement could establish a forum for discussion and coordination and would therefore be desirable. However, such an agreement is not required by the Act. Hensley also complains that the Plan is without coordination with

citizens and jurisdictions adjacent to the City. Hensley's PHB, at 19-20. However, RCW 36.70A.100 requires that comprehensive plans be coordinated and consistent; this provision does not require a jurisdiction's comprehensive plan to be coordinated [*27] with the desires of citizens living adjacent to the jurisdiction. Furthermore, Hensley has not identified specific provisions of the City's Plan that conflict with specific provisions of the County's Plan or the plan of another jurisdiction.

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Hensley asserts that the record contains almost no evidence of communication between Snohomish County and Woodinville and that this deficiency demonstrates uncoordinated planning. Hensley's PHB, at 22-23. Hensley also offers several other examples of uncoordinated and inconsistent planning. However, most of these examples are not plan-to-plan comparisons. Again, Hensley has not shown how the City's Plan is uncoordinated or inconsistent with the County's Plan in violation of RCW 36.70A.100.

The only plan-to-plan comparison offered by Petitioner is a comparison of how the City's FLUM and the County's FLUM describe an area of land within Snohomish County and outside of Woodinville's city limits. Hensley's PHB, at 23-36. Hensley offers five specific examples to show that the County and City FLUM's are uncoordinated and inconsistent. Hensley alleges that:

> the City's FLUM shows UGA boundaries within the County that are not shown on the County's [*28] FLUM;
>
> the City's FLUM shows an area as Public/Institutional where the County's FLUM shows the area as a mineral land site;
>
> the City's FLUM shows a certain area as low density residential where the County's FLUM shows the area as rural conservation;
>
> the City's FLUM shows a certain area as industrial where the County's FLUM shows the area as residential RC; and
>
> the City's FLUM includes Low Density Residential of up to 4 du/acre where the County's FLUM includes Low Density Residential of 4-6 du/acre.

A city may plan for areas outside of its city limits if it chooses to do so; however, such planning has no GMA effect. *See AFT*, at 8-9. The only planning of consequence, for implementation purposes, is the City's planning within its city limits. Even if the City of Woodinville and Snohomish County had an interlocal agreement regarding the unincorporated area outside the city limits, as Hensley urges, it would have no GMA effect unless and until the County designated the UGA. Clearly, the planning in this area must be coordinated and consistent between the jurisdictions. However, even in this situation, unless and until the area was annexed to the City, the area would be subject [*29] to the County's jurisdiction.

Nonetheless, to evaluate the coordination and consistency requirements of .100, it is necessary to compare the City's Plan within its city limits to the County's Plan for areas adjacent to the City. The City's FLUM shows industrial land immediately south of the

County's Maltby UGA. The County's FLUM shows urban industrial land in the Maltby UGA immediately north of the City's industrial land. Contrary to Hensley's allegations, a comparison of the two FLUMs does not reveal lack of coordination and consistency.

The Board holds that Petitioner has not met its burden to show, by a preponderance of the evidence, that the City's Plan is not coordinated and consistent with plans of adjacent jurisdictions as required by RCW 36.70A.100.

Conclusion No. 7

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Petitioner has not met its burden to show, by a preponderance of the evidence, that the City's Plan is not coordinated and consistent with plans of adjacent jurisdictions in violation of RCW 36.70A.100.

V. ORDER

Having reviewed and considered the above-referenced documents, having considered the arguments of the parties, and having deliberated [*30] on the matter, the Board orders:

> The City of Woodinville is **in compliance** with the requirements of the Growth Management Act, **except**:

The Land Use element does not provide a review of drainage, flooding, and storm water run-off in the area and nearby jurisdictions. The Land Use element is **remanded** to the City with direction to provide the required review by reference or other means consistent with the Act as interpreted by the Board's holdings and conclusions above.

Land Use Policy LU-3.6 is **remanded** to the City with instructions to delete or amend it consistent with the Act as interpreted by the Board's holdings and conclusions above.

Pursuant to RCW 36.70A.300(1)(b), the Board directs the City to comply with this Final Decision and Order no later than 5:00 p.m. on Friday, August 22, 1997. The City shall provide the Board with an original and three copies of a Statement of Compliance indicating what steps it took to comply with this Order, and serve a copy on Petitioner, by 5:00 p.m. on Friday, August 29, 1997.

So ORDERED this 25th day of February, 1997.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

Edward G. McGuire, AICP
Board Member

Joseph [*31] W. Tovar, AICP
Board Member

Chris Smith Towne
Board Member

Note: This Final Decision and Order constitutes a final order as specified by RCW 36.70A.300 unless a party files a Petition for Reconsideration pursuant to WAC 242-02-830.

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BEFORE THE HEARING EXAMINER
CITY OF WOODINVILLE

In the Matter of: **MONTEVALLO REZONE** **ZMA 2004-094** **MONTEVALLO PRELIMINARY PLAT APPLICATION** **PPA 2004-093**	**APPLICANT PHOENIX DEVELOPMENT'S REPLY MEMORANDUM**

1. INTRODUCTION

The Montevallo Proposal has certainly generated a hue and cry. What appears to be lost in the hubbub is the fact that the Proposal will be built at the **minimum** density allowed by Code, and at the minimum **urban** density acknowledged by most experienced city planners, by the Growth Management Hearings Board, and by virtually every other urban jurisdiction in the state of Washington.

The Montevallo Proposal is "low density residential," as defined in the Woodinville Municipal Code and in its Comprehensive Plan. Indeed, the City's Comprehensive Plan Policy LU-3.6 states that it is the City Council's adopted policy to "Encourage moderate (5-8 d.u.) and medium (9-18 d.u.) density housing **throughout** the community…" R-4 is of course much closer to

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moderate density housing than is R-1.

The Montevallo Proposal, then, did not come out of the blue. It arises from the very fabric of the City's land use code and Comprehensive Plan. R-4 zoning is the minimum zoning that results in a land use pattern "that will reduce consumption of land and concentrate development." King County Countywide Planning Policy CA-7.

Mandating development at R-1 densities, on the other hand, results in exclusivist, estate lot developments that create wasteful consumption of land and urban sprawl – the very poster child of unsustainable land use development. Not only is such development environmentally unsustainable. It is also exclusionary. As testimony at hearing showed, new homes on estate lots cost between $1,000,000 and $2,000,000. Such zoning, then, excludes virtually all young families with children from the community. Multi-family development, of course, is not generally the most desirable options for such families.

The City's Comprehensive Plan notes that Woodinville enjoys the highest median household income of all eastside cities, and is 29% higher than in unincorporated King County. Chap. 1, p. 10. It is likely that the City's current exclusivist land use densities contribute to that outcome. In contrast, the City's adopted land use policies, at least in theory, are much more welcoming. They promote the development of "a diversity of housing types to provide housing opportunities for all economic segments." Comprehensive Plan Policy H-1.

Approval of the Montevallo Proposal affords the City an opportunity to bring its land use decisions into harmony with its land use code and policies, to approve a low-density, yet still urban, development at R-4 density, that makes efficient use of infrastructure and scarce land resources, and provides housing types not otherwise available in the Wellington neighborhood, housing types more affordable than those that would be available if new construction was mandated at R-1 densities.

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This reply memorandum will address issues raised at the public hearings on this project relating to the Comprehensive Plan, the City's Sustainability Study, and the issues raised in Richard Aramburu's March 15, 2007 letter memorandum on behalf of Concerned Neighbors of Wellington ("CNW Memorandum"). Phoenix will present evidence at the hearing on April 5 that will answer questions raised regarding drainage, geology, transportation, wetlands and wildlife, and land use.

2. THE CITY'S COMPREHENSIVE PLAN POLICIES SUPPORT THE MONTEVALLO PROPOSAL

As the EIS concluded, the Montevallo Proposal is consistent with the City's Comprehensive Plan, which designates the Montevallo property as low density residential, 1-4 dwelling units per acre. See pp. 3.4-22 to 3.4-28 (several key pertinent policies discussed).

Moreover, the Comprehensive Plan makes it clear that the City has two separate and independent obligations under the Growth Management Act with respect to urban densities:

> The purpose of the [Buildable Lands] Program is for these local governments [including Woodinville] to compare anticipated growth against actual development over time to answer two basic questions: (1) Do local governments have suitable land to accommodate expected growth for the 20 year planning period? And (2) Are urban densities (four units to the acre and greater) being achieved in the Urban Growth Area?

Chap. 2, p. 7. In other words, accommodating expected growth is only the first of the City's obligations under state law and the City's Comprehensive Plan. The second obligation is to ensure that urban densities of four units to the acre and greater are being achieved in the Urban Growth Area. The Montevallo Proposal fulfills both of these obligations. An R-1 development on the property would not.

The City's Comprehensive Plan, as the Examiner knows, must be consistent with King County's Countywide Planning Policies, which mandate at FW-11 (cited in the City's Comprehensive Plan at Chap. 2, p. 8): "Require land use patterns that will reduce consumption of

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land and concentrate development." The Montevallo Proposal also fulfills this mandate. An R-1 development, by contrast, would increase consumption of land, and disperse development into rural lands.

The City's Comprehensive Plan Policy LU 3.6 is clearly designed to address the mandate of King County Countywide Planning Policy FW-11, when it states:

> Encourage moderate (5-8 d.u.) and medium (9-18 d.u.) density housing throughout the community where sufficient public facilities and services are available, where the land is capable of supporting such uses, and where compatible with adjacent land uses.

The emphasis in this land use policy on encouraging moderate and medium density housing **throughout** the community clearly is to pursue appropriate urban density wherever feasible. This is an appropriate goal to "reduce consumption of land and concentrate development." The Montevallo Proposal, at R-4, is not quite at the density recommended by this policy, but certainly approaches that density, while mandating development at R-1 would clearly frustrate this policy.

The City's Comprehensive Plan makes it clear that the Land Use Map is the City's explicit direction for future zoning, and is intended to allow the public to know in advance what land uses are encouraged and allowed:

> Under the Growth Management Act, all zoning actions and development regulations must be consistent with the community's adopted comprehensive plan. Since the Growth Management Act requires that a city's development regulations be consistent with its comprehensive plan, it is imperative that the Future Land Use Map be sufficiently detailed to enable the public to understand what the designations on the Future Land Use Map imply for future zoning and what land uses will be allowed in various locations.

Chap. 3, p. 7. The Low Density Residential designation is applied to the Montevallo property on the Future Land Use Map, which means that "the permitted density for this designation will not exceed 4 dwelling units per acre." Id. Accordingly, development regulations for this site must provide that up to 4 dwelling units per acre are allowable on the property. The Montevallo Proposal

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is consistent with this comprehensive plan provision.

The Comprehensive Plan is also inclusionary. It requires the City to: "Define land use regulations to allow for development that will accommodate a range of incomes by providing for a variety of housing types and cost. Regulations shall include provisions such as: 1. Requiring minimum densities for subdivisions to ensure full land use where urban services are provided." Policy H-1.4. This policy is of course exactly what led to WMC 21.04.080(1)(a): "Developments with densities less than R-4 are allowed only if adequate services can not be provided." Allowing densities of R-4, such as proposed by Montevallo, in lieu of R-1 fulfills this policy by accommodating a range of incomes not met by R-1 land uses, and also helps to ensure "full land use" where urban services are provided.

In a nutshell, then, the City's Comprehensive Plan policies fully support the level of densities proposed by Montevallo. An R-1 density project, on the other hand, would clearly frustrate several Comprehensive Plan policies.

3. THE SUSTAINABLE DEVELOPMENT STUDY SUPPORTS THE MONTEVALLO PROPOSAL

The City received a Sustainable Development Study on February 20, 2007. The Study was commissioned by the City to review zoning densities needed to occur on lands currently classified as R-1. It includes four individual studies: environmental, neighborhood character, transportation, and capital facilities.

Some witnesses at the public hearing suggested that information in the Sustainable Development Study supports their contention that the Montevallo Proposal should be denied. To the contrary, the facts set forth in the Study fully support development of the Montevallo property at R-4 densities.

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The Study reviews the legal status of GMA and urban densities at pp. 5-6. It concedes that the Growth Management Hearings Board has held that any new residential land use pattern within an urban growth area that is less dense than four units per acre "is not a compact urban development pattern, constitutes urban sprawl, and is prohibited." The Study also identifies the exception to the rule, known as the *Litowitz* test: when environmentally sensitive systems are large in scope, their structures and functions are complex and their rank order value is high, a local government may also choose to afford a higher level of protection by means of land use plan designations lower than four dwelling units per acre.

The Study also refers to a Supreme Court case questioning in dictum the authority of the Board to adopt a bright line rule, and a Superior Court case that is currently on appeal to the Supreme Court. The Study identifies no authority, however, that suggests that, absent facts that suggest lower density is necessary to protect environmentally sensitive systems, R-1 designations are lawful under the Growth Management Act.

The Study finds two critical areas in the R-1 zone that might meet the *Litowitz* test: Cold Creek and Lake Leota. No other areas in the Study were found to meet the *Litowitz* test. The Montevallo development site is neither in the Cold Creek nor Lake Leota basins. Accordingly, the Study cites no factual basis or legal authority that supports maintaining the Montevallo site in an R-1 designation.

The Study, finally, included a "neighborhood character" analysis, which involved sending out a planner from the City staff to drive through the neighborhoods and take notes on their characteristics. Based on those notes, the planner concluded that some of the neighborhoods should receive "neighborhood character recognition" through maintaining existing R-1 density. He concluded, with no analysis, that "five neighborhoods with distinctive character … could be

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diminished if redevelopment occurred within them at different than existing densities…"

This flimsiest of analyses was the sole basis in the Study identified as supportive of maintaining R-1 density at Montevallo. This conclusion is, of course, inconsistent with the City's zoning code and its Comprehensive Plan. Moreover, the Planning Director has mitigated any impacts of the Project's appearance on adjacent properties by requiring landscaped buffers where the Project abuts existing platted lots.

And finally, the Growth Management Hearings Board has already, in a case involving Woodinville, rejected "neighborhood character" as a basis to justify maintaining R-1 zoning:

> Simply stated, Woodinville may not engender or perpetuate a near-term land use pattern (one-acre lots) that will effectively thwart long-term (beyond the twenty-year planning horizon) urban development within its boundaries.

Hensley v. Woodinville, CPSGMHB Case No.96-3-0031 (February 25, 1997). *Accord, Master Builders v. Pierce County,* CPSGMHB Case No.02-3-0010 (February 4, 2002) (local government prohibited from perpetuation of "historic low-density residential" development pattern in UGA).

Subjective "neighborhood character" analyses, in the absence of environmental justifications, are inadequate grounds to maintain historic low-density residential development patterns in the Wellington neighborhood.

Since the Sustainability Study demonstrates that the Montevallo site does not meet the *Litowitz* test, the Study fully supports the proposal for R-4 density on the property.

4. THE PROPOSED REZONE AND PLAT ARE CONSOLIDATED

The CNW Memorandum begins by reiterating CNW's objection to the consolidation of the rezone and plat hearings. However, as both the City Attorney and the Planning Director have concluded, regulatory reform and the City's land use code (WMC 17.07.020) require consolidation of these hearings. *See* Staff Report at p. 2.

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5. MONTEVALLO MEETS ITS BURDEN OF PROOF ON THE REZONE

CNW asserts that the Montevallo Proposal fails to meet the general rules adopted by our courts for rezone. However, CNW misstates the courts' current rezone rules, by citing to a case decided in 1978, almost thirty years ago, well before the Growth Management Act was adopted. The current rule is set forth in the 2005 decision, *Woods v. Kittitas County,* 130 Wn.App. 573, 581, 123 P.3d 883 (2005): "Generally, the proponent of a rezone must show a substantial change in circumstances **or that the proposed rezone implements policies of the comprehensive plan"** (emphasis added).

In this case, as fully set forth in the Staff Report, the EIS, and in Section 2 above, the proposed rezone implements policies of the Comprehensive Plan.

Moreover, changed circumstances to justify the rezone also exist. The land use code specifically states that re-designations to R-4 are necessary when adequate services are provided. Here, the proponent will bring in sewer, which is a changed circumstance justifying the re-designation. In addition, Phoenix has demonstrated the substantial and ever-increasing market need for R-4 zoned housing, coinciding with the decreasing need, due to unaffordability, of R-1 zoned housing. This too is a changed circumstance supporting the rezone.

CNW cites a lack of public support as a basis to deny the rezone. It is clear however, that quasi-judicial land use decisions such as this may not be decided by a popularity contest. "Neighborhood opposition alone may not be the basis of a land use decision." *Henderson v. Kittitas County,* 124 Wn.App. 747, 755, 100 P.3d 842 (2004).

6. THE MONTEVALLO APPLICATION IS VESTED

The City initially assured Phoenix that the Montevallo application was vested in its notice of completeness on November 23, 2004. The City reiterated this conclusion in its Staff Report at p.

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2.

Phoenix's vesting analysis is set forth in its letter to the City Attorney dated March 29, 2006, a copy of which is attached to this memorandum as Exhibit A. That analysis will not be restated here.

CNW, however, disagrees, and asserts that because a zoning map amendment is required, that the Montevallo application has not vested. As authority for this proposition, CNW cites another hoary case, *Teed v. King County,* 36 Wn.App. 635, 677 P.2d 179 (1984). *Teed,* however, is not on point. In that case, the plaintiff sought a writ of mandamus to mandate approval of a rezone. The Court of Appeals held that a writ of mandamus would not issue, because a rezone, not being a ministerial act, was not subject to the Court's common law vested rights doctrine as it existed in 1984.

In this case, Phoenix agrees with the City that the decision to approve the zoning map amendment is quasi-judicial. The City must apply its codes and policies to determine whether the zoning map amendment should be approved, just as it must apply its codes and policies to determine whether the subdivision must be approved. Its discretion with respect to the zoning map amendment is no different than its discretion with respect to the subdivision. If the rezone, like the subdivision, complies with codes and policies, it is to be approved, as with any quasi-judicial decision.

Notably, *Hale v. Island County,* 88 Wn.App. 764, 946 P.2d 1192 (1997), a more recent decision cited by CNW, affirmed a holding that an applicant's rights were vested, despite the fact that a rezone was involved. *Accord, Association of Rural Residents v. Kitsap County,* 141 Wn.2d 185, 4 P.3d 115 (2000) (subdivision application vests applicant to current planned residential development code provisions, even though zoning map amendment required). Both of these cases

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apply the statutory vested rights doctrine of RCW 58.17.033, not the common law doctrine discussed in *Teed.* See additional analysis set forth in Exhibit A.

It should also be emphasized that Phoenix in this case is not asking for a new zoning designation. After the zoning map amendment, the Montevallo property will remain Low Density Residential R1-4. The only change is that the map will allow R-4 densities. See WMC 21.08.030, attached as Exhibit B.

7. PHOENIX HAS DEMONSTRATED NEED FOR R-4 DENSITY

CNW asserts there is no demonstrated need for R-4 density on the Montevallo site. Its sole argument in support of this assertion is the contention that the City is meeting its GMA 20 year growth projection.

This issue has been fully briefed in Phoenix' Hearing Memorandum and will not be repeated here. However, the following points are important to note.

First, it is far from clear that the City is meeting its GMA 20 year growth projection. As stated in the testimony of Matthew Gardner and the memorandum from Planner Erika Jensen that will be submitted on April 5, the capacity analysis provided by the City is inconsistent with the City's Comprehensive Plan and overstates capacity.

Second, as shown above and as amplified in the Erika Jensen memorandum, numerous Comprehensive Plan policies support the need to develop more affordable housing than is possible at R-1 densities, to concentrate development to avoid sprawl, to efficiently utilize land, and to provide a variety of housing types.

Third, as stated above and in Phoenix' Hearing Memorandum, the requirement to plan for urban densities is, both in the City's Comprehensive Plan and in Growth Management Hearings Board decisions, separate and apart from the duty to accommodate 20 year growth projections.

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Finally, although Phoenix cited numerous reported cases holding that "market demand" satisfies the "demonstrated need" requirement for rezones, CNW fails to cite a single case supporting its jaundiced interpretation of the phrase. In addition, CNW does not even attempt to distinguish the cases cited by Phoenix. Instead, the best argument CNW can muster is that the holdings of these cases are "absurd." CNW Memorandum, p. 5, n. 2.

8. THE MONTEVALLO PROPOSAL IMPLEMENTS THE COMPREHENSIVE PLAN AND IS THEREFORE NOT A SPOT ZONE

CNW asserts the Montevallo Proposal is a spot zone. However, the very authority cited by CNW indicates the paucity of this assertion:

> Spot zoning is an action by which an area is carved out of a larger area and specially zoned for a use totally different from, and inconsistent with, the surrounding land and not in conformance with the comprehensive plan.

Henderson v. Kittitas County, 124 Wn.App. 747, 757-758, 100 P.3d 842 (2004).

In this case, the Montevallo site is currently zoned Low Density Residential R1-4. See SMC 21.08.030, Exhibit B. Under the proposal the zoning designation will not change, but the zoning map amendment will indicate the property is allowed to be developed at four dwelling units per acre rather than one. Accordingly, the use is the same, although the density is increased. Moreover, both the EIS and the Staff Report have found the Proposal to be consistent with the surrounding land.

Second, the Proposal, as indicated above in Section 2, is fully consistent with the Comprehensive Plan, which designates the Property as Low Density Residential R1-4.

The Proposal is not a spot zone, but rather is consistent with the surrounding land use and in conformance with the Comprehensive Plan.

9. THE EIS SATISFIES CRITICAL AREA SPECIAL STUDY REQUIREMENTS

CNW misconstrues the Staff Report's summary conclusion on p. 38. The summary requires

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final design plans to confirm that all environmentally sensitive areas have been adequately preserved and buffered in light of specific sensitive area study. This is not to say that no specific sensitive area study has been completed. To the contrary, the Montevallo site sensitive areas have been studied more thoroughly than any other site in the history of the City. See EIS Appendices A-N. Those studies fully assess the impacts of alterations and mitigation of those impacts.

10. THE CITY MUST PLAN FOR URBAN DENSITIES

The City in its planning certainly has the flexibility to accommodate local needs. That flexibility, however, does not extend to avoidance of its mandate to plan for urban densities. That mandate is at the core of growth management. To ignore it is to vitiate the central tenet of the Act – to concentrate development where infrastructure is available to efficiently serve it, to ensure the efficient use of land, to avoid inefficient urban sprawl, and to protect rural lands.

The City's multifold obligation to plan for urban densities is described in detail in Phoenix' Hearing Memorandum at pp. 8-15. What is noteworthy is CNW's abject failure to confront honestly the legal universe that it inhabits – the universe of WMC 21.04.080(1)(a); the universe of *Hensley v. Woodinville,* of *Benaroya I, Benaroya II, Litowitz,* and *Abbey Road;* the universe of smart growth, sustainable development, and scarce land resources. None of these legal or planning issues are discussed, confronted, or addressed in the CNW Memorandum. Rather, CNW's argument boils down to this: The existing historic pattern of one-acre lots in the Wellington Neighborhood should be perpetuated, despite the fact that these lots result in the inefficient use of land and capital facilities, promote sprawl, and with respect to new construction will be unaffordable to the vast majority of families with children. This contention simply does not, and should not, pass muster in the year 2007. Furthermore, it is wholly inconsistent with the Growth Management Act and the City's own Comprehensive Plan.

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11. R-1 ZONING IS NOT APPROPRIATE FOR THE MONTEVALLO SITE.

CNW asserts that R-1 zoning is appropriate for the Montevallo site because it is "in well-established subdivisions of the same density." WMC 21.04.080(2)(a). However, that provision is subject to WMC 21.04.080(1)(a), which states that R-4 zoning is required if adequate services are provided. Here, adequate services are provided. Moreover, Montevallo is not in a "well-established subdivision" of R-1 density. Montevallo is largely undeveloped. Accordingly, WMC 21.04.080(2)(a) is not applicable to it.

In addition, as stated above, R-1 zoning is not appropriate for the Montevallo site for the additional reason that R-1 is not an urban density.

12. THE PROPOSAL IS CONSISTENT WITH THE REQUIREMENTS OF THE SUMMERS ADDITION PLAT

In its Memorandum, CNW suggests that the recording of the Summers Addition Plat resulted in "the dedication of a public street." However, as the April 4, 2007 memorandum from George Newman of Triad Associates makes clear, the Summers Addition Plat recording did not result in a road dedication. The notation on the Plat refers to a "future" road alignment "subject to revision with subdivision of Lot 1." The Montevallo Proposal road alignment constitutes that revision, and the road alignment in the Montevallo Proposal fulfills that condition of the Summers Addition Plat.

13. EIS ADEQUACY IS NOT BEFORE THE HEARING EXAMINER

CNW argues, based on *SAVE v. Bothell,* 89 Wn.2d 862, 576 P.2d 401 (1978) that the EIS is inadequate for failure to consider extra-jurisdictional impacts. However, as CNW knows, the issue of EIS adequacy is not before the Examiner. Accordingly, this issue must be raised in another forum. It is notable, however, that CNW does not identify any significant adverse impacts that this

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modest residential development will pose for unincorporated Snohomish County.

15. CONCLUSION

Phoenix respectfully asks the Hearing Examiner to approve the Montevallo preliminary subdivision and to recommend approval of the zoning map amendment of the Montevallo site to R-4 density.

DATED: April 5, 2007.

Respectfully submitted,

McCULLOUGH HILL, PS

G. RICHARD HILL, WSBA #8806
Attorneys for Applicant
Phoenix Development

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EXHIBIT A

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March 29, 2006

VIA FACSIMILE AND U.S. MAIL

Zachary Lell
Ogden Murphy Wallace
1601 5th Avenue, Suite 2100
Seattle, WA 98101

Re: Wood Trails / Montevallo

Dear Mr. Lell:

On March 20, 2006 the Woodinville City Council adopted Ordinance No. 419 imposing an emergency moratorium upon the receipt and processing of building permit and other land use development applications within the City's R-1 zoning district ("Moratorium Ordinance"). The Moratorium Ordinance, by its terms, states that it is intended to "apply prospectively only, and shall operate to prevent the acceptance and processing of any permit application submitted after the effective date hereof." It also states that it is not to be construed to infringe upon any permit applicant's vested development rights. Moratorium Ordinance, Section 4.

The question has arisen whether the Moratorium Ordinance is applicable to the proposed Wood Trails and Montevallo subdivisions, Application Nos. ZMA2004-053, PPA2004-054, SEP2004-055, ZMA 2004-094, PPA2004-093, and SEP2004-095, proposed by Phoenix Development ("Phoenix Proposals").

This letter seeks your confirmation that the answer to this question is that the Moratorium Ordinance is not applicable to the Phoenix Proposals. This is because (a) the Phoenix Proposals permit applications were submitted prior to the effective date of the Moratorium Ordinance; (b) under state law and City of Woodinville regulations, the Phoenix Proposals are vested; and (c) under the holding of *Nykriem v. Chelan County,* 146 Wn.2d 904, 52 P.3d 1 (2002), the City's 2004 vesting determinations on the Phoenix Proposals are final and now unappealable.

Factual Background.

***Hensley v. Woodinville* and WMC 21.04.080.** The City of Woodinville adopted its initial GMA comprehensive plan on June 24, 1996, by passing Ordinance 157. On August 29, 1996, Corrine R. Hensley submitted a petition for review to the Central Puget Sound Growth Management Hearings Board.

Among other things, Ms. Hensley challenged Policy LU-3.6, which provided: "Allow densities higher than one dwelling unit per acre only when adequate services and facilities are

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available to serve the proposed development." She focused the Board's scrutiny on the Plan's use of 1 du/acre densities in the Leota neighborhood, an area which comprises a significant part of the City's land mass (and which includes the Wood Trails and Montevallo properties). The Board stated:

> No evidence or argument was presented by Woodinville that there was an environmental justification for such a widespread pattern of one-acre lots. Instead, the City points to Policy LU-3.6 to argue that, in effect, lack of service capacity serves as justification for a FLUM with densities significantly below 4 du/acre. The Board disagrees with the City...
>
> Because the Act requires that cities make available and provide urban services throughout their UGAs, the Board cannot construe Goal U-3 to perpetuate an inefficient pattern of one-acre lots. For the Board to conclude otherwise would sanction the inappropriate conversion of undeveloped land into sprawling low-density development, which would effectively thwart long-term urban development within the City's boundaries...
>
> Policy LU-3.6 allows densities greater than 1 du/acre only where adequate services and facilities are available. This policy reads as though new development cannot exceed 1 du/acre unless sewer service is available – this is inconsistent with Goal U-3 and the intent of the Act...
>
> Policy LU-3.6 is inconsistent with Goal U-3, therefore, the Plan is internally inconsistent in violation of RCW 36.70A.070(1). Policy LU-3.6 will be remanded with instructions for the City to bring the Plan into compliance.

Hensley v. Woodinville, 1997 GMHB LEXIS 354, FDO at 9-10 (February 25, 1997).

Subsequently, the City amended its comprehensive plan and its development regulations to comply with the Board's directive. WMC 21.04.080 directly responds to the Board's order. In order to avoid "the inappropriate conversion of undeveloped land into sprawling low-density development, which would effectively thwart long-term urban development within the City's boundaries," WMC 21.04.080(1)(a) states clearly that **"[d]evelopments with densities less than R-4 are allowed only if adequate services cannot be provided"** (emphasis added). In other words, throughout the City, R-1 development is **prohibited** unless adequate services cannot be provided. An application for R-1 development in an area where adequate services **can** be provided would **not** comply with the City's zoning regulations.

Later in WMC 21.04.080, the City identifies the only two situations where R-1 zoning may be allowed. The first situation is "in residential areas designated by the Comprehensive Plan as... on or adjacent to lands with **area-wide** environmental constraints." WMC 21.04.080(2) (emphasis added). The second situation is "in well-established subdivisions of the same density..." Unless one or the other of these conditions is met, and unless adequate services cannot be provided, a proposed development at R-1 density is **not** consistent with the Woodinville zoning regulations.

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Wood Trails. In June 2004 Phoenix Development submitted a complete preliminary plat application to the City of Woodinville. In addition, Phoenix submitted a Zoning Map Amendment application and a SEPA application. The proposal is to subdivide a 38.7 acre parcel of property into 66 single-family residential lots, and to amend the zoning map for the property from R-1 to R-4. The Zoning Map Amendment component of the application was necessary to ensure the preliminary plat application was consistent with Woodinville zoning regulations, which, as stated above, provide that "[d]evelopments with densities less than R-4 are allowed only if adequate services cannot be provided." WMC 21.04.080(1)(a). In this case, adequate services can be provided, so a minimum of R-4 densities is required.

Montevallo. In November 2004 Phoenix Development submitted a complete preliminary plat application to the City of Woodinville. In addition, Phoenix submitted a Zoning Map Amendment application and a SEPA application. The proposal is to subdivide a 16.48 acre parcel of property into 66 single-family residential lots, and to amend the zoning map for the property from R-1 to R-4. As with Wood Trails, the Zoning Map Amendment component was required to ensure the application was consistent with Woodinville zoning regulations, because adequate services can be provided to the Montevallo property.

Notices of Completeness and Vesting. On July 8, 2004 the City of Woodinville Planning Department issued its notice of completeness and vesting for the Plat of Wood Trails. See attached **Exhibit A** ("Wood Trails Vesting Letter"). The City found "[t]he above applications have been deemed to be complete as of July 8, 2004." The City Planning Department continued as follows:

> A complete application results in two actions. First, it vests that application against future land use amendments: that is the land use regulations in effect as of the date of vesting are those that are used to review your application unless otherwise stated. **Any future change in regulations should not impact your application.** Second, the determination of completeness begins a one hundred twenty (120) day period in which the City must take action... (emphasis added)

The City specifically addressed the fact that the Wood Trails proposal included a zoning map amendment application, and described the procedure under which that component would be reviewed. The City emphasized that "the City Planning Department will review the proposed preliminary plat **within existing regulations** and write a staff report with recommendations to the Hearing Examiner," and that during the City's review of the proposal, although the City may request supplemental information, "**[s]uch a request does not affect the vesting of an application** but is used rather to determine whether or not development impacts have been investigated sufficiently" (emphasis added).

A similar letter was written by the City Planning Department on November 23, 2004 for the Plat of Montevallo. See attached **Exhibit B** ("Montevallo Vesting Letter"). The City stated that the Montevallo applications "have been deemed to be complete," and that the complete application vests the proposal "against future land use amendments," and that "[a]ny future change in regulations should not impact your application."

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Over the last 21 months, Phoenix Development justifiably relied on the Wood Trails and Montevallo Vesting Letters and the Woodinville zoning regulations described above with the understanding that its Proposals are vested. In such justifiable reliance, Phoenix has proceeded with preparation of an exhaustive environmental impact statement for the proposal. Development and property acquisition costs to date exceed the sum of $4,000,000.00. In fact, Phoenix, in justifiable reliance on the vesting assurances of Woodinville, has closed its purchase of many of the properties within the Wood Trails and Montevallo tracts.

Legal Analysis

A. The Moratorium Ordinance is Inapplicable to the Phoenix Proposals Because It Applies Prospectively Only.

Section 4 of the Moratorium Ordinance states that it "shall apply prospectively only, and shall operate to prevent the acceptance and processing of any permit application submitted **after** the effective date hereof" (emphasis added).

The Wood Trails and Montevallo permit applications were submitted 21 months and 16 months ago, respectively. The City found them to be complete in July 2004 and November 2004, respectively. Accordingly, by its own terms the Moratorium Ordinance is not applicable to the Phoenix Proposals. To apply the Moratorium Ordinance to the Phoenix Proposals would be to apply it retroactively, to land use permit applications that were submitted **before** the effective date thereof. Such an application would be inconsistent with the clear language and intent of the Moratorium Ordinance.

B. The Moratorium Ordinance is Inapplicable to the Phoenix Proposals Because They Are Vested.

Section 4 of the Moratorium Ordinance also states:

> Nothing in this ordinance shall be construed to extinguish, limit or otherwise infringe upon any permit applicant's vested development rights – as defined by state law and City of Woodinville regulations – with respect to any complete permit application submitted before the effective date hereof.

In this case, the City properly concluded in the Vesting Letters that Phoenix Development has vested development rights in the Wood Trails and Montevallo applications, which are complete and which were submitted before the effective date of the Moratorium Ordinance.

The state law of vesting pertinent to these subdivision applications is RCW 58.17.033, which provides that:

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> A proposed division of land... shall be considered under the subdivision ordinances, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision has been submitted to the appropriate county, city, or town official.

The City of Woodinville defines vesting at WMC 21.40.035:

> A complete application for a land use, building, site development, grading, or sign permit shall be deemed vested at the date of submittal; provided, that such application meets all codes in effect at the time of submittal.

In this case, as the City found in its Wood Trails and Montevallo Vesting Letters, the Wood Trails and Montevallo applications have been determined by the City to be complete and vested.

With respect to compliance with the City's zoning regulations, as pointed out above, WMC 21.04.080 **required** Phoenix to submit an application at R-4 densities, which it did. Phoenix intends to bring sewer to the Wood Trails and Montevallo properties. Since "adequate services can be provided," any density less than R-4 is **prohibited** by WMC 21.04.080(1). Furthermore, the City's comprehensive plan does not identify the Wood Trails or Montevallo properties as being "on or adjacent to lands with area-wide environmental constraints," (see Woodinville Comprehensive Plan, Figure A13-1). In addition, these properties are not in "well-established subdivisions." Accordingly, R-1 zoning is not allowed on these properties pursuant to WMC 21.04.080(2). In the case of the Phoenix Proposals, then, only an application that provided for R-4 densities would be consistent with Woodinville zoning regulations.

The fact that a component of the Phoenix Proposals applications was a zoning map amendment does not operate to prevent vesting. The Washington Supreme Court has stated:

> We conclude that when the Legislature extended the vesting rights doctrine to plat applications, it intended to give the party filing an application a vested right to have *that application* processed under the land use laws in effect at the time of the application.

Noble Manor Company v. Pierce County, 133 Wn.2d 269, 278, 943 P.2d 1378 (1997). Applying that conclusion to the facts of this case, Phoenix is entitled to have its application processed under the land use laws, including WMC 21.04.080, in effect at the time of application. *Accord, Association of Rural Residents v. Kitsap County,* 141 Wn.2d 185, 4 P.3d 115 (2000).

An analogous case is *Hale v. Island County,* 88 Wn.App. 764, 946 P.2d 1192 (1997). In that case, the Court of Appeals held that where local regulations provide that a rezone may be granted under a two-step procedure involving (1) preliminary use approval and (2) final site plan approval, a rezone applicant's rights vest upon preliminary use approval if preliminary use approval binds the local jurisdiction to the rezone decision, even though the actual zoning map amendment has not been authorized by the local jurisdiction.

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In this case, the City Council has provided a legislative determination in its zoning regulations that R-4 densities are required "if adequate services are provided." The Phoenix Proposals are consistent with that legislative determination. So long as its Proposals are consistent with the legislatively determined criteria for R-4 densities, the City has a non-discretionary duty to approve R-4 densities at Wood Trails and Montevallo. Denial of such densities by the City under such circumstances would be in violation of the City's zoning regulations.

Accordingly, under RCW 58.17.033 and WMC 21.40.035, and as already determined by the City, the Phoenix Proposals are vested. Pursuant to Section 4 of the Moratorium Ordinance, the Moratorium Ordinance is not applicable to it.

C. The Determinations Set Forth in the Vesting Letters Are Final and Unappealable.

"Land use decisions," as defined in the Land Use Petition Act ("LUPA"), include the following: "An interpretive or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of property." RCW 36.70C.020(1)(b).

The Vesting Letters are land use decisions, as defined by LUPA. They declare, with respect to the Wood Trails and Montevallo project applications, how the City's completeness and vesting rules apply. They declare that those project applications are both complete and vested.

Under the holding of *Chelan County v. Nykriem,* 146 Wn.2d 904, 52 P.3d 1 (2002), those declarations are final, because they were not appealed within 21 days of the date of their issuance. In *Nykriem,* the Court observed that:

> This court has "also recognized a strong public policy supporting administrative finality in land use decisions. In fact, this court has stated that "[i]f there is not finality [in land use decisions], no owner of land would ever be safe in proceeding with development of his property... To make an exception... would completely defeat the purpose and policy of the law in making a definite time limit..."'
>
> To allow Respondents to challenge a land use decision beyond the statutory period of 21 days is inconsistent with the Legislature's declared purpose in enacting LUPA. Leaving land use decisions open to reconsideration long after the decisions are finalized places property owners in a precarious position and undermines the Legislature's intent to provide expedited appeal procedures in a consistent, predictable and timely manner.

146 Wn.2d at 931-933 (citations omitted).

In *Nykriem,* a 14 month period intervened between the initial administrative land use decision and the County's effort to challenge it. In this case, 21 months and 16 months have intervened between the initial administrative land use decision and the adoption of the Moratorium Ordinance. In the intervening period, Phoenix has in good faith expended in excess of

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$4,000,000.00 in development and property acquisition costs, has prepared an exhaustive environmental impact statement, and has closed on many of the properties in the Wood Trails and Montevallo tracts. As in *Nykriem,* the Legislature's declared purpose in enacting LUPA to provide expedited appeal procedures in a consistent, predictable and timely manner in order to avoid placing property owners in a precarious position would be undermined if the Vesting Letters were found to be subject to reconsideration by the City at this late date.

Accordingly, the Phoenix Proposals are vested. The Vesting Letters are final and unappealable.

Conclusion

The Moratorium Ordinance is inapplicable to the Phoenix Proposals for three reasons. First, the Moratorium Ordinance by its terms is prospective only, and applies only to new permit applications. Second, the Moratorium Ordinance by its terms exempts vested proposals. As explained in detail above, the Phoenix Proposals are vested. Third, the Vesting Letters are land use decisions that were never appealed and, therefore, their determinations that the Phoenix Proposals are vested, are final and unappealable determinations upon which Phoenix is entitled to rely.

Please confirm that the Phoenix Proposals are vested. Thank you for your consideration of this matter.

Sincerely,

G. Richard Hill

GRH:ldc

cc: Loree Quade

Enclosures

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EXHIBIT A

July 8, 2004

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The city of WOODINVILLE

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

Loree Quade
Phoenix Development, Inc.
P.O. Box 3167
Lynnwood, WA 98046

RE: Application ZMA2004-053 Zoning Map Amendment for the Plat of Wood Trails
Application PPA2004-0054 Preliminary Plat for Woods Trails
Application SEP2004-055 SEPA for the Plat of Wood Trails

Dear Ms. Quade;

This letter is to inform you that The City of Woodinville received the above applications on June 18, 2004. Under WMC 17.09.030, the City must respond to your application within twenty-eight days of the date of submittal as to the completeness of the application.

The above applications have been deemed to be complete as of July 8, 2004. A complete application results in two actions. First, it vests that application against future land use amendments; that is the land use regulations in effect as of the date of vesting are those that are used to review your application unless otherwise stated. Any future change in regulations should not impact your application. Second, the determination of a complete application begins a one hundred twenty (120) day time period in which the City must take action (approving, approving with conditions or denying with cause) your applications.

Because the zoning map application requires an amendment to the City Zoning Map, the 120-day period applies only to the actions before the Hearing Examiner. The Examiner will make a recommendation to the City Council who must approve or disapprove any map amendment by ordinance.

The 120-day clock may also be stopped. This will happen whenever additional information has been requested. The clock will remain stopped until the requested information has been received and reviewed as to its responsiveness.

You will be contacted by Ms. Janet Groak, of the City Planning Department regarding the posting of you proposed preliminary plat application. A Notice of Application (NOA) must be published in the paper, posted on site and mailed to any parties of record. There is a fourteen (14) day comment period from the date of publication/posting. Following the posting of the NOA, the City will issue a SEPA determination. This again must be published, and sent to property owners within 500 feet of the boundary of your proposed preliminary plat as well as parties of record. There is a fourteen (14) day appeal/comment period from the date of publication of this action.

Following the termination of the publication commen/appeal periods, the City Planning Department will review the proposed preliminary plat within existing regulations and write a staff report with recommendations to the City Hearing Examiner. A hearing date, time and location will be

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established and a notice will be published in the local paper, sent to property owners within 500 feet of the subject property and to all parties of record Upon completion of this time period, and on the established date and scheduled time, the Hearing Examiner will hold a public hearing. You and/or your representative as well as any expert witness testimony you may wish will be expected to present your case to the Examiner. The Examiner will make a decision as to the reasonableness of your applications within ten working days of the date of hearing.

Again, during the City's application review process of your proposal, it may be necessary to request supplemental information. Such a request does not affect the vesting of an application but is used rather to determine whether or not development impacts have been investigated sufficiently.

Sincerely,

Dick Fredlund, Planner
Woodinville Planning Department

cc: George Newman, Principal
Triad Associates, Inc.

EXHIBIT B

November 23, 2004

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RECEIVED
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The city of WOODINVILLE

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

Loree Quade
Phoenix Development, Inc.
P.O. Box 3167
Lynnwood, WA 98046

RE: Application ZMA2004-094 Zoning Map Amendment for the Plat of Montevallo
Application PPA2004-093 Preliminary Plat for Montevallo
Application SEP2004-095 SEPA for the Plat of Montevallo

Dear Ms. Quade;

This letter is to inform you that The City of Woodinville received the above applications on November 8, 2004. Under WMC 17.09.030, the City must respond to your application within twenty-eight days of the date of submittal as to the completeness of the application.

The above applications have been deemed to be complete as of November 23, 2004. A complete application results in two actions. First, it vests that application against future land use amendments; that is the land use regulations in effect as of the date of vesting are those that are used to review your application unless otherwise stated. Any future change in regulations should not impact your application. Second, the determination of a complete application would normally begin a 120-day time period in which the City must take action (approving, approving with conditions or denying with cause) your applications. In this case, since an Environmental Impact Statement is in process for both the Wood Trails and the Montevallo plats, the 120-day approval period is stayed until completion of the appeal period following the Final Environmental Impact Statement. The City cannot not take any action on a plat when it is in environmental review.

The 120-day clock may also be stopped whenever additional information has been requested. The clock will remain stopped until the requested information has been received and reviewed as to its responsiveness.

You will be contacted by Ms. Janet Groak, of the City Planning Department at the proper time regarding the posting of you proposed preliminary plat application. A Notice of Application (NOA) must be published in the paper, posted on site and mailed to any parties of record. There is a fourteen (14) day comment period from the date of publication/posting. Again, this is to occur after the completion of the EIS.

Upon completion of the EIS, the City Planning Department will review the proposed preliminary plat and zoning map amendment within existing regulations and write a staff report with recommendations to the City Hearing Examiner. A hearing date, time and location will be established and a notice will be published in the local paper, sent to property owners within 500 feet of the subject property and to all parties of record Upon completion of this time period, and on the established date and scheduled time, the Hearing Examiner will hold a public hearing. You and/or your representative as well as any expert witness testimony you may wish will be expected

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to present your case to the Examiner. The Examiner will make a decision as to the reasonableness of your applications within ten working days of the date of hearing.

Sincerely,

Dick Fredlund, Planner
Woodinville Planning Department

cc: George Newman, Principal
Triad Associates, Inc.

EXHIBIT B

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21.08.030 Residential land uses.

A. RESIDENTIAL LAND USES

KEY
P – Permitted Use
C – Conditional Use
S – Special Use

		RESIDENTIAL				COMMERCIAL/INDUSTRIAL						
	ZONE	LOW DENSITY	MODERATE DENSITY	MEDIUM DENSITY	HIGH DENSITY	NEIGHBORHOOD	BUSINESS	TOURIST	BUSINESS	GENERAL BUSINESS	CENTRAL BUSINESS	OFFICE	INDUSTRIAL	PUBLIC INSTITUTIONAL
NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
	DWELLING UNITS, TYPES:											
*	Single detached	P, C19	P, C19	P								
*	Duplex	P10	P10	P10	P10							
*	Townhome	C10, 12	C7, 10, 12	P	P		P20		P	P18		
*	Apartment		P11	P	P		P20		P			
*	Mobile home park		P	P					P			
623311 623312	Senior citizen assisted (See WMC 21.06.188 for definition)		P11	P	P				P			
	GROUP RESIDENCES:											
*	Community residential facility	C15	C15	P15	P15				P15			P15
721310	Dormitory	C2	C2	P2	P2				P2		P2	P13
	ACCESSORY USES:											
*	Residential accessory uses	P3	P3	P3	P3				P3			P16
*	Home occupation (8)	P	P	P	P				P			
*	Home industry (9)	C	C	C	C							
	TEMPORARY LODGING:											
721110	Hotel/motel								P			
* 721191	Bed and breakfast inns	P6	P6	P6					P6			
721310	Organization hotel/lodging											
* 624221	Temporary shelter								P4			P17
* 721199	Youth hostel								P14			

GENERAL CROSS REFERENCES:	Land Use Table Instructions, see WMC 21.02.070 and 21.08.020 Development Standards, see Chapters 21.12 through 21.30 WMC General Provisions, see Chapters 21.32 through 21.38 WMC Application and Review Procedures, see Chapters 21.40 through 21.44 WMC Tourist District Overlay Regulations, see WMC 21.38.065 R-48/O regulations, see WMC 21.38.030 (*) Definition of this specific Land Use, see Chapter 21.06 WMC

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BEFORE THE HEARING EXAMINER
CITY OF WOODINVILLE

In the Matter of: **WOOD TRAILS REZONE** **ZMA 2004-053** **WOOD TRAILS PRELIMINARY PLAT APPLICATION** **PPA 2004-054**	**APPLICANT PHOENIX DEVELOPMENT'S REPLY MEMORANDUM**

1. INTRODUCTION

The Wood Trails Proposal has certainly generated a hue and cry. What appears to be lost in the hubbub is the fact that the Proposal will be built at the **minimum** density allowed by Code, and at the minimum **urban** density acknowledged by most experienced city planners, by the Growth Management Hearings Board, and by virtually every other urban jurisdiction in the state of Washington.

The Wood Trails Proposal is "low density residential," as defined in the Woodinville Municipal Code and in its Comprehensive Plan. Indeed, the City's Comprehensive Plan Policy LU-3.6 states that it is the City Council's adopted policy to "Encourage moderate (5-8 d.u.) and medium (9-18 d.u.) density housing **throughout** the community…" R-4 is of course much closer to

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moderate density housing than is R-1.

The Wood Trails Proposal, then, did not come out of the blue. It arises from the very fabric of the City's land use code and Comprehensive Plan. R-4 zoning is the minimum zoning that results in a land use pattern "that will reduce consumption of land and concentrate development." King County Countywide Planning Policy CA-7.

Mandating development at R-1 densities, on the other hand, results in exclusivist, estate lot developments that create wasteful consumption of land and urban sprawl – the very poster child of unsustainable land use development. Not only is such development environmentally unsustainable. It is also exclusionary. As testimony at hearing showed, new homes on estate lots cost between $1,000,000 and $2,000,000. Such zoning, then, excludes virtually all young families with children from the community. Multi-family development, of course, is not generally the most desirable options for such families.

The City's Comprehensive Plan notes that Woodinville enjoys the highest median household income of all eastside cities, and is 29% higher than in unincorporated King County. Chap. 1, p. 10. It is likely that the City's current exclusivist land use densities contribute to that outcome. In contrast, the City's adopted land use policies, at least in theory, are much more welcoming. They promote the development of "a diversity of housing types to provide housing opportunities for all economic segments." Comprehensive Plan Policy H-1.

Approval of the Wood Trails Proposal affords the City an opportunity to bring its land use decisions into harmony with its land use code and policies, to approve a low-density, yet still urban, development at R-4 density, that makes efficient use of infrastructure and scarce land resources, and provides housing types not otherwise available in the Wellington neighborhood, housing types more affordable than those that would be available if new construction was mandated at R-1 densities.

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This reply memorandum will address issues raised at the public hearings on this project relating to the Comprehensive Plan, the City's Sustainability Study, and the issues raised in Richard Aramburu's March 15, 2007 letter memorandum on behalf of Concerned Neighbors of Wellington ("CNW Memorandum"). Phoenix will present evidence at the hearing on April 5 that will answer questions raised regarding drainage, geology, transportation, wetlands and wildlife, and land use.

2. THE CITY'S COMPREHENSIVE PLAN POLICIES SUPPORT THE WOOD TRAILS PROPOSAL

As the EIS concluded, the Wood Trails Proposal is consistent with the City's Comprehensive Plan, which designates the Wood Trails property as low density residential, 1-4 dwelling units per acre. See pp. 3.4-22 to 3.4-28 (several key pertinent policies discussed).

Moreover, the Comprehensive Plan makes it clear that the City has two separate and independent obligations under the Growth Management Act with respect to urban densities:

> The purpose of the [Buildable Lands] Program is for these local governments [including Woodinville] to compare anticipated growth against actual development over time to answer two basic questions: (1) Do local governments have suitable land to accommodate expected growth for the 20 year planning period? And (2) Are urban densities (four units to the acre and greater) being achieved in the Urban Growth Area?

Chap. 2, p. 7. In other words, accommodating expected growth is only the first of the City's obligations under state law and the City's Comprehensive Plan. The second obligation is to ensure that urban densities of four units to the acre and greater are being achieved in the Urban Growth Area. The Wood Trails Proposal fulfills both of these obligations. An R-1 development on the property would not.

The City's Comprehensive Plan, as the Examiner knows, must be consistent with King County's Countywide Planning Policies, which mandate at FW-11 (cited in the City's Comprehensive Plan at Chap. 2, p. 8): "Require land use patterns that will reduce consumption of

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land and concentrate development." The Wood Trails Proposal also fulfills this mandate. An R-1 development, by contrast, would increase consumption of land, and disperse development into rural lands.

The City's Comprehensive Plan Policy LU 3.6 is clearly designed to address the mandate of King County Countywide Planning Policy FW-11, when it states:

> Encourage moderate (5-8 d.u.) and medium (9-18 d.u.) density housing throughout the community where sufficient public facilities and services are available, where the land is capable of supporting such uses, and where compatible with adjacent land uses.

The emphasis in this land use policy on encouraging moderate and medium density housing **throughout** the community clearly is to pursue appropriate urban density wherever feasible. This is an appropriate goal to "reduce consumption of land and concentrate development." The Wood Trails Proposal, at R-4, is not quite at the density recommended by this policy, but certainly approaches that density, while mandating development at R-1 would clearly frustrate this policy.

The City's Comprehensive Plan makes it clear that the Land Use Map is the City's explicit direction for future zoning, and is intended to allow the public to know in advance what land uses are encouraged and allowed:

> Under the Growth Management Act, all zoning actions and development regulations must be consistent with the community's adopted comprehensive plan. Since the Growth Management Act requires that a city's development regulations be consistent with its comprehensive plan, it is imperative that the Future Land Use Map be sufficiently detailed to enable the public to understand what the designations on the Future Land Use Map imply for future zoning and what land uses will be allowed in various locations.

Chap. 3, p. 7. The Low Density Residential designation is applied to the Wood Trails property on the Future Land Use Map, which means that "the permitted density for this designation will not exceed 4 dwelling units per acre." Id. Accordingly, development regulations for this site must provide that up to 4 dwelling units per acre are allowable on the property. The Wood Trails

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Proposal is consistent with this comprehensive plan provision.

The Comprehensive Plan is also inclusionary. It requires the City to: "Define land use regulations to allow for development that will accommodate a range of incomes by providing for a variety of housing types and cost. Regulations shall include provisions such as: 1. Requiring minimum densities for subdivisions to ensure full land use where urban services are provided." Policy H-1.4. This policy is of course exactly what led to WMC 21.04.080(1)(a): "Developments with densities less than R-4 are allowed only if adequate services can not be provided." Allowing densities of R-4, such as proposed by Wood Trails, in lieu of R-1 fulfills this policy by accommodating a range of incomes not met by R-1 land uses, and also helps to ensure "full land use" where urban services are provided.

In a nutshell, then, the City's Comprehensive Plan policies fully support the level of densities proposed by Wood Trails. An R-1 density project, on the other hand, would clearly frustrate several Comprehensive Plan policies.

3. THE SUSTAINABLE DEVELOPMENT STUDY SUPPORTS THE WOOD TRAILS PROPOSAL

The City received a Sustainable Development Study on February 20, 2007. The Study was commissioned by the City to review zoning densities needed to occur on lands currently classified as R-1. It includes four individual studies: environmental, neighborhood character, transportation, and capital facilities.

Some witnesses at the public hearing suggested that information in the Sustainable Development Study supports their contention that the Wood Trails Proposal should be denied. To the contrary, the facts set forth in the Study fully support development of the Wood Trails property at R-4 densities.

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The Study reviews the legal status of GMA and urban densities at pp. 5-6. It concedes that the Growth Management Hearings Board has held that any new residential land use pattern within an urban growth area that is less dense than four units per acre "is not a compact urban development pattern, constitutes urban sprawl, and is prohibited." The Study also identifies the exception to the rule, known as the *Litowitz* test: when environmentally sensitive systems are large in scope, their structures and functions are complex and their rank order value is high, a local government may also choose to afford a higher level of protection by means of land use plan designations lower than four dwelling units per acre.

The Study also refers to a Supreme Court case questioning in dictum the authority of the Board to adopt a bright line rule, and a Superior Court case that is currently on appeal to the Supreme Court. The Study identifies no authority, however, that suggests that, absent facts that suggest lower density is necessary to protect environmentally sensitive systems, R-1 designations are lawful under the Growth Management Act.

The Study finds two critical areas in the R-1 zone that might meet the *Litowitz* test: Cold Creek and Lake Leota. No other areas in the Study were found to meet the *Litowitz* test. The Wood Trails site is neither in the Cold Creek nor Lake Leota areas. Accordingly, the Study cites no factual basis or legal authority that supports maintaining the Wood Trails site in an R-1 designation.

Some witnesses at the public hearing suggested that geologic hazards on the Wood Trails site support maintaining the current R-1 designation. Nothing could be further from the truth. To the contrary, the Study specifically states that: **"Protection of geologically hazardous areas in and adjacent to the R-1 zone depends primarily on proper development practices and stormwater management, not maintenance of R-1 zoning"** (emphasis added). Appendix A at p. 26. The Study specifically declines to recommend R-1 zoning on this basis.

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The Study, finally, included a "neighborhood character" analysis, which involved sending out a planner from the City staff to drive through the neighborhoods and take notes on their characteristics. Based on those notes, the planner concluded that some of the neighborhoods should receive "neighborhood character recognition" through maintaining existing R-1 density. He concluded, with no analysis, that "five neighborhoods with distinctive character … could be diminished if redevelopment occurred within them at different than existing densities…"

This flimsiest of analyses was the sole basis in the Study identified as supportive of maintaining R-1 density at Wood Trails. This conclusion is, of course, inconsistent with the City's zoning code and its Comprehensive Plan. Moreover, the Planning Director has mitigated any impacts of the Project's appearance on adjacent properties by requiring landscaped buffers where the Project abuts existing platted lots.

And finally, the Growth Management Hearings Board has already, in a case involving Woodinville, rejected "neighborhood character" as a basis to justify maintaining R-1 zoning:

> Simply stated, Woodinville may not engender or perpetuate a near-term land use pattern (one-acre lots) that will effectively thwart long-term (beyond the twenty-year planning horizon) urban development within its boundaries.

Hensley v. Woodinville, CPSGMHB Case No.96-3-0031 (February 25, 1997). *Accord, Master Builders v. Pierce County,* CPSGMHB Case No.02-3-0010 (February 4, 2002) (local government prohibited from perpetuation of "historic low-density residential" development pattern in UGA).

Subjective "neighborhood character" analyses, in the absence of environmental justifications, are inadequate grounds to maintain historic low-density residential development patterns in the Wellington neighborhood.

Since the Sustainability Study demonstrates that the Wood Trails site does not meet the *Litowitz* test, the Study fully supports the proposal for R-4 density on the property.

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1 **4. THE PROPOSED REZONE AND PLAT ARE CONSOLIDATED**

2 The CNW Memorandum begins by reiterating CNW's objection to the consolidation of the
3 rezone and plat hearings. However, as both the City Attorney and the Planning Director have
4 concluded, regulatory reform and the City's land use code (WMC 17.07.020) require consolidation
5 of these hearings. *See* Staff Report at p. 2.

6 **5. WOOD TRAILS MEETS ITS BURDEN OF PROOF ON THE REZONE**

7 CNW asserts that the Wood Trails Proposal fails to meet the general rules adopted by our
8 courts for rezone. However, CNW misstates the courts' current rezone rules, by citing to a case
9 decided in 1978, almost thirty years ago, well before the Growth Management Act was adopted.
10 The current rule is set forth in the 2005 decision, *Woods v. Kittitas County,* 130 Wn.App. 573, 581,
11 123 P.3d 883 (2005): "Generally, the proponent of a rezone must show a substantial change in
12 circumstances **or that the proposed rezone implements policies of the comprehensive plan"**
13 (emphasis added).

14 In this case, as fully set forth in the Staff Report, the EIS, and in Section 2 above, the
15 proposed rezone implements policies of the Comprehensive Plan.

16 Moreover, changed circumstances to justify the rezone also exist. The land use code
17 specifically states that re-designations to R-4 are necessary when adequate services are provided.
18 Here, the proponent will bring in sewer, which is a changed circumstance justifying the re-
19 designation. In addition, Phoenix has demonstrated the substantial and ever-increasing market
20 need for R-4 zoned housing, coinciding with the decreasing need, due to unaffordability, of R-1
21 zoned housing. This too is a changed circumstance supporting the rezone.

22 CNW cites a lack of public support as a basis to deny the rezone. It is clear however, that
23 quasi-judicial land use decisions such as this may not be decided by a popularity contest.

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"Neighborhood opposition alone may not be the basis of a land use decision." *Henderson v. Kittitas County,* 124 Wn.App. 747, 755, 100 P.3d 842 (2004).

6. THE WOOD TRAILS APPLICATION IS VESTED

The City initially assured Phoenix that the Wood Trails application was vested in its notice of completeness on July 8, 2004. The City reiterated this conclusion in its Staff Report at p. 3.

Phoenix's vesting analysis is set forth in its letter to the City Attorney dated March 29, 2006, a copy of which is attached to this memorandum as Exhibit A. That analysis will not be restated here.

CNW, however, disagrees, and asserts that because a zoning map amendment is required, that the Wood Trails application has not vested. As authority for this proposition, CNW cites another hoary case, *Teed v. King County,* 36 Wn.App. 635, 677 P.2d 179 (1984). *Teed,* however, is not on point. In that case, the plaintiff sought a writ of mandamus to mandate approval of a rezone. The Court of Appeals held that a writ of mandamus would not issue, because a rezone, not being a ministerial act, was not subject to the Court's common law vested rights doctrine as it existed in 1984.

In this case, Phoenix agrees with the City that the decision to approve the zoning map amendment is quasi-judicial. The City must apply its codes and policies to determine whether the zoning map amendment should be approved, just as it must apply its codes and policies to determine whether the subdivision must be approved. Its discretion with respect to the zoning map amendment is no different than its discretion with respect to the subdivision. If the rezone, like the subdivision, complies with codes and policies, it is to be approved, as with any quasi-judicial decision.

Notably, *Hale v. Island County,* 88 Wn.App. 764, 946 P.2d 1192 (1997), a more recent

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decision cited by CNW, affirmed a holding that an applicant's rights were vested, despite the fact that a rezone was involved. *Accord, Association of Rural Residents v. Kitsap County,* 141 Wn.2d 185, 4 P.3d 115 (2000) (subdivision application vests applicant to current planned residential development code provisions, even though zoning map amendment required). Both of these cases apply the statutory vested rights doctrine of RCW 58.17.033, not the common law doctrine discussed in *Teed.* See additional analysis set forth in Exhibit A.

It should also be emphasized that Phoenix in this case is not asking for a new zoning designation. After the zoning map amendment, the Wood Trails property will remain Low Density Residential R1-4. The only change is that the map will allow R-4 densities. See WMC 21.08.030, attached as Exhibit B.

7. PHOENIX HAS DEMONSTRATED NEED FOR R-4 DENSITY

CNW asserts there is no demonstrated need for R-4 density on the Wood Trails site. Its sole argument in support of this assertion is the contention that the City is meeting its GMA 20 year growth projection.

This issue has been fully briefed in Phoenix' Hearing Memorandum and will not be repeated here. However, the following points are important to note.

First, it is far from clear that the City is meeting its GMA 20 year growth projection. As stated in the testimony of Matthew Gardner and the memorandum from Planner Erika Jensen that will be submitted on April 5, the capacity analysis provided by the City is inconsistent with the City's Comprehensive Plan and overstates capacity.

Second, as shown above and as amplified in the Erika Jensen memorandum, numerous Comprehensive Plan policies support the need to develop more affordable housing than is possible at R-1 densities, to concentrate development to avoid sprawl, to efficiently utilize land, and to

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provide a variety of housing types.

Third, as stated above and in Phoenix' Hearing Memorandum, the requirement to plan for urban densities is, both in the City's Comprehensive Plan and in Growth Management Hearings Board decisions, separate and apart from the duty to accommodate 20 year growth projections.

Finally, although Phoenix cited numerous reported cases holding that "market demand" satisfies the "demonstrated need" requirement for rezones, CNW fails to cite a single case supporting its jaundiced interpretation of the phrase. In addition, CNW does not even attempt to distinguish the cases cited by Phoenix. Instead, the best argument CNW can muster is that the holdings of these cases are "absurd." CNW Memorandum, p. 5, n. 2.

8. THE WOOD TRAILS PROPOSAL IMPLEMENTS THE COMPREHENSIVE PLAN AND IS THEREFORE NOT A SPOT ZONE

CNW asserts the Wood Trails Proposal is a spot zone. However, the very authority cited by CNW indicates the paucity of this assertion:

> Spot zoning is an action by which an area is carved out of a larger area and specially zoned for a use totally different from, and inconsistent with, the surrounding land and not in conformance with the comprehensive plan.

Henderson v. Kittitas County, 124 Wn.App. 747, 757-758, 100 P.3d 842 (2004).

In this case, the Wood Trails site is currently zoned Low Density Residential R1-4. See SMC 21.08.030, Exhibit B. Under the proposal the zoning designation will not change, but the zoning map amendment will indicate the property is allowed to be developed at four dwelling units per acre rather than one. Accordingly, the use is the same, although the density is increased. Moreover, both the EIS and the Staff Report have found the Proposal to be consistent with the surrounding land.

Second, the Proposal, as indicated above in Section 2, is fully consistent with the

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Comprehensive Plan, which designates the Property as Low Density Residential R1-4.

The Proposal is not a spot zone, but rather is consistent with the surrounding land use and in conformance with the Comprehensive Plan.

9. THE EIS SATISFIES CRITICAL AREA SPECIAL STUDY REQUIREMENTS

CNW misconstrues the Staff Report's summary conclusion on p. 38. The summary requires final design plans to confirm that all environmentally sensitive areas have been adequately preserved and buffered in light of specific sensitive area study. This is not to say that no specific sensitive area study has been completed. To the contrary, the Wood Trails site sensitive areas have been studied more thoroughly than any other site in the history of the City. See EIS Appendices A-N. Those studies fully assess the impacts of alterations and mitigation of those impacts.

10. THE CITY MUST PLAN FOR URBAN DENSITIES

The City in its planning certainly has the flexibility to accommodate local needs. That flexibility, however, does not extend to avoidance of its mandate to plan for urban densities. That mandate is at the core of growth management. To ignore it is to vitiate the central tenet of the Act – to concentrate development where infrastructure is available to efficiently serve it, to ensure the efficient use of land, to avoid inefficient urban sprawl, and to protect rural lands.

The City's multifold obligation to plan for urban densities is described in detail in Phoenix' Hearing Memorandum at pp. 8-15. What is noteworthy is CNW's abject failure to confront honestly the legal universe that it inhabits – the universe of WMC 21.04.080(1)(a); the universe of *Hensley v. Woodinville,* of *Benaroya I, Benaroya II, Litowitz,* and *Abbey Road;* the universe of smart growth, sustainable development, and scarce land resources. None of these legal or planning issues are discussed, confronted, or addressed in the CNW Memorandum. Rather, CNW's argument boils down to this: The existing historic pattern of one-acre lots in the Wellington

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Neighborhood should be perpetuated, despite the fact that these lots result in the inefficient use of land and capital facilities, promote sprawl, and with respect to new construction will be unaffordable to the vast majority of families with children. This contention simply does not, and should not, pass muster in the year 2007. Furthermore, it is wholly inconsistent with the Growth Management Act and the City's own Comprehensive Plan.

11. R-1 ZONING IS NOT APPROPRIATE FOR THE WOOD TRAILS SITE.

CNW asserts that R-1 zoning is appropriate for the Wood Trails site because it is "in well-established subdivisions of the same density." WMC 21.04.080(2)(a). However, that provision is subject to WMC 21.04.080(1)(a), which states that R-4 zoning is required if adequate services are provided. Here, adequate services are provided. Moreover, Wood Trails is not in a "well-established subdivision" of R-1 density. Wood Trails is undeveloped and not subdivided. Accordingly, WMC 21.04.080(2)(a) is not applicable to it.

In addition, as stated above, R-1 zoning is not appropriate for the Wood Trails site for the additional reason that R-1 is not an urban density.

12. THE WOOD TRAILS SITE IS FREE OF AREA-WIDE ENVIRONMENTAL CONSTRAINTS

In its Memorandum, CNW again repeats its quixotic contention that the Wood Trails site is subject to area-wide environmental constraints. CNW apparently simply refuses to acknowledge the facts as set forth by the experts.

The EIS has concluded there are no environmental constraints that will preclude development. Even the City's Sustainable Development Study, a process largely driven by CNW, acknowledged that the Wood Trails site does not meet the *Litowitz* test, that no geologic hazards on the site justify denial of R-4 zoning, and that the City's streets are adequate to handle the site's

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traffic.

13. THE WOOD TRAILS SITE QUALIFIES AS A SENDING SITE

CNW asserts that the Wood Trails site does not contain open spaces, wildlife habitat, or woodlands, as defined in the Comprehensive Plan, and therefore that it does not qualify as a sending site. WMC 21.36.030. CNW appears to read this provision to require that there be a *designation* of the property in the Comprehensive Plan before it can qualify. However, the code provision does not require that the property be designated, only that it contain one of the features enumerated. In this case, the EIS clearly shows that the Wood Trails site includes open spaces, wildlife habitat and woodland. And the City's Comprehensive Plan specifically endorses preservation of these areas. See, e.g., Policies PRO-3.1, ENV 3.1 through 3.11, and ENV 6.1. Accordingly, Wood Trails clearly qualifies as a sending site.

14. EIS ADEQUACY IS NOT BEFORE THE HEARING EXAMINER

CNW argues, based on *SAVE v. Bothell,* 89 Wn.2d 862, 576 P.2d 401 (1978) that the EIS is inadequate for failure to consider extra-jurisdictional impacts. However, as CNW knows, the issue of EIS adequacy is not before the Examiner. Accordingly, this issue must be raised in another forum. It is notable, however, that CNW does not identify any significant adverse impacts that this modest residential development will pose for unincorporated Snohomish County.

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15. CONCLUSION

Phoenix respectfully asks the Hearing Examiner to approve the Wood Trails preliminary subdivision and to recommend approval of the zoning map amendment of the Wood Trails site to R-4 density.

DATED: April 5, 2007.

Respectfully submitted,

McCULLOUGH HILL, PS

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March 29, 2006

VIA FACSIMILE AND U.S. MAIL

Zachary Lell
Ogden Murphy Wallace
1601 5th Avenue, Suite 2100
Seattle, WA 98101

Re: Wood Trails / Montevallo

Dear Mr. Lell:

On March 20, 2006 the Woodinville City Council adopted Ordinance No. 419 imposing an emergency moratorium upon the receipt and processing of building permit and other land use development applications within the City's R-1 zoning district ("Moratorium Ordinance"). The Moratorium Ordinance, by its terms, states that it is intended to "apply prospectively only, and shall operate to prevent the acceptance and processing of any permit application submitted after the effective date hereof." It also states that it is not to be construed to infringe upon any permit applicant's vested development rights. Moratorium Ordinance, Section 4.

The question has arisen whether the Moratorium Ordinance is applicable to the proposed Wood Trails and Montevallo subdivisions, Application Nos. ZMA2004-053, PPA2004-054, SEP2004-055, ZMA 2004-094, PPA2004-093, and SEP2004-095, proposed by Phoenix Development ("Phoenix Proposals").

This letter seeks your confirmation that the answer to this question is that the Moratorium Ordinance is not applicable to the Phoenix Proposals. This is because (a) the Phoenix Proposals permit applications were submitted prior to the effective date of the Moratorium Ordinance; (b) under state law and City of Woodinville regulations, the Phoenix Proposals are vested; and (c) under the holding of *Nykriem v. Chelan County,* 146 Wn.2d 904, 52 P.3d 1 (2002), the City's 2004 vesting determinations on the Phoenix Proposals are final and now unappealable.

Factual Background.

***Hensley v. Woodinville* and WMC 21.04.080.** The City of Woodinville adopted its initial GMA comprehensive plan on June 24, 1996, by passing Ordinance 157. On August 29, 1996, Corrine R. Hensley submitted a petition for review to the Central Puget Sound Growth Management Hearings Board.

Among other things, Ms. Hensley challenged Policy LU-3.6, which provided: "Allow densities higher than one dwelling unit per acre only when adequate services and facilities are

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available to serve the proposed development." She focused the Board's scrutiny on the Plan's use of 1 du/acre densities in the Leota neighborhood, an area which comprises a significant part of the City's land mass (and which includes the Wood Trails and Montevallo properties). The Board stated:

> No evidence or argument was presented by Woodinville that there was an environmental justification for such a widespread pattern of one-acre lots. Instead, the City points to Policy LU-3.6 to argue that, in effect, lack of service capacity serves as justification for a FLUM with densities significantly below 4 du/acre. The Board disagrees with the City...
>
> Because the Act requires that cities make available and provide urban services throughout their UGAs, the Board cannot construe Goal U-3 to perpetuate an inefficient pattern of one-acre lots. For the Board to conclude otherwise would sanction the inappropriate conversion of undeveloped land into sprawling low-density development, which would effectively thwart long-term urban development within the City's boundaries...
>
> Policy LU-3.6 allows densities greater than 1 du/acre only where adequate services and facilities are available. This policy reads as though new development cannot exceed 1 du/acre unless sewer service is available – this is inconsistent with Goal U-3 and the intent of the Act...
>
> Policy LU-3.6 is inconsistent with Goal U-3, therefore, the Plan is internally inconsistent in violation of RCW 36.70A.070(1). Policy LU-3.6 will be remanded with instructions for the City to bring the Plan into compliance.

Hensley v. Woodinville, 1997 GMHB LEXIS 354, FDO at 9-10 (February 25, 1997).

Subsequently, the City amended its comprehensive plan and its development regulations to comply with the Board's directive. WMC 21.04.080 directly responds to the Board's order. In order to avoid "the inappropriate conversion of undeveloped land into sprawling low-density development, which would effectively thwart long-term urban development within the City's boundaries," WMC 21.04.080(1)(a) states clearly that **"[d]evelopments with densities less than R-4 are allowed only if adequate services cannot be provided"** (emphasis added). In other words, throughout the City, R-1 development is **prohibited** unless adequate services cannot be provided. An application for R-1 development in an area where adequate services **can** be provided would **not** comply with the City's zoning regulations.

Later in WMC 21.04.080, the City identifies the only two situations where R-1 zoning may be allowed. The first situation is "in residential areas designated by the Comprehensive Plan as... on or adjacent to lands with **area-wide** environmental constraints." WMC 21.04.080(2) (emphasis added). The second situation is "in well-established subdivisions of the same density..." Unless one or the other of these conditions is met, and unless adequate services cannot be provided, a proposed development at R-1 density is **not** consistent with the Woodinville zoning regulations.

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Wood Trails. In June 2004 Phoenix Development submitted a complete preliminary plat application to the City of Woodinville. In addition, Phoenix submitted a Zoning Map Amendment application and a SEPA application. The proposal is to subdivide a 38.7 acre parcel of property into 66 single-family residential lots, and to amend the zoning map for the property from R-1 to R-4. The Zoning Map Amendment component of the application was necessary to ensure the preliminary plat application was consistent with Woodinville zoning regulations, which, as stated above, provide that "[d]evelopments with densities less than R-4 are allowed only if adequate services cannot be provided." WMC 21.04.080(1)(a). In this case, adequate services can be provided, so a minimum of R-4 densities is required.

Montevallo. In November 2004 Phoenix Development submitted a complete preliminary plat application to the City of Woodinville. In addition, Phoenix submitted a Zoning Map Amendment application and a SEPA application. The proposal is to subdivide a 16.48 acre parcel of property into 66 single-family residential lots, and to amend the zoning map for the property from R-1 to R-4. As with Wood Trails, the Zoning Map Amendment component was required to ensure the application was consistent with Woodinville zoning regulations, because adequate services can be provided to the Montevallo property.

Notices of Completeness and Vesting. On July 8, 2004 the City of Woodinville Planning Department issued its notice of completeness and vesting for the Plat of Wood Trails. See attached **Exhibit A** ("Wood Trails Vesting Letter"). The City found "[t]he above applications have been deemed to be complete as of July 8, 2004." The City Planning Department continued as follows:

> A complete application results in two actions. First, it vests that application against future land use amendments: that is the land use regulations in effect as of the date of vesting are those that are used to review your application unless otherwise stated. **Any future change in regulations should not impact your application.** Second, the determination of completeness begins a one hundred twenty (120) day period in which the City must take action... (emphasis added)

The City specifically addressed the fact that the Wood Trails proposal included a zoning map amendment application, and described the procedure under which that component would be reviewed. The City emphasized that "the City Planning Department will review the proposed preliminary plat **within existing regulations** and write a staff report with recommendations to the Hearing Examiner," and that during the City's review of the proposal, although the City may request supplemental information, "[**s**]**uch a request does not affect the vesting of an application** but is used rather to determine whether or not development impacts have been investigated sufficiently" (emphasis added).

A similar letter was written by the City Planning Department on November 23, 2004 for the Plat of Montevallo. See attached **Exhibit B** ("Montevallo Vesting Letter"). The City stated that the Montevallo applications "have been deemed to be complete," and that the complete application vests the proposal "against future land use amendments," and that "[a]ny future change in regulations should not impact your application."

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Over the last 21 months, Phoenix Development justifiably relied on the Wood Trails and Montevallo Vesting Letters and the Woodinville zoning regulations described above with the understanding that its Proposals are vested. In such justifiable reliance, Phoenix has proceeded with preparation of an exhaustive environmental impact statement for the proposal. Development and property acquisition costs to date exceed the sum of $4,000,000.00. In fact, Phoenix, in justifiable reliance on the vesting assurances of Woodinville, has closed its purchase of many of the properties within the Wood Trails and Montevallo tracts.

Legal Analysis

A. The Moratorium Ordinance is Inapplicable to the Phoenix Proposals Because It Applies Prospectively Only.

Section 4 of the Moratorium Ordinance states that it "shall apply prospectively only, and shall operate to prevent the acceptance and processing of any permit application submitted **after** the effective date hereof" (emphasis added).

The Wood Trails and Montevallo permit applications were submitted 21 months and 16 months ago, respectively. The City found them to be complete in July 2004 and November 2004, respectively. Accordingly, by its own terms the Moratorium Ordinance is not applicable to the Phoenix Proposals. To apply the Moratorium Ordinance to the Phoenix Proposals would be to apply it retroactively, to land use permit applications that were submitted **before** the effective date thereof. Such an application would be inconsistent with the clear language and intent of the Moratorium Ordinance.

B. The Moratorium Ordinance is Inapplicable to the Phoenix Proposals Because They Are Vested.

Section 4 of the Moratorium Ordinance also states:

> Nothing in this ordinance shall be construed to extinguish, limit or otherwise infringe upon any permit applicant's vested development rights – as defined by state law and City of Woodinville regulations – with respect to any complete permit application submitted before the effective date hereof.

In this case, the City properly concluded in the Vesting Letters that Phoenix Development has vested development rights in the Wood Trails and Montevallo applications, which are complete and which were submitted before the effective date of the Moratorium Ordinance.

The state law of vesting pertinent to these subdivision applications is RCW 58.17.033, which provides that:

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> A proposed division of land… shall be considered under the subdivision ordinances, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision has been submitted to the appropriate county, city, or town official.

The City of Woodinville defines vesting at WMC 21.40.035:

> A complete application for a land use, building, site development, grading, or sign permit shall be deemed vested at the date of submittal; provided, that such application meets all codes in effect at the time of submittal.

In this case, as the City found in its Wood Trails and Montevallo Vesting Letters, the Wood Trails and Montevallo applications have been determined by the City to be complete and vested.

With respect to compliance with the City's zoning regulations, as pointed out above, WMC 21.04.080 **required** Phoenix to submit an application at R-4 densities, which it did. Phoenix intends to bring sewer to the Wood Trails and Montevallo properties. Since "adequate services can be provided," any density less than R-4 is **prohibited** by WMC 21.04.080(1). Furthermore, the City's comprehensive plan does not identify the Wood Trails or Montevallo properties as being "on or adjacent to lands with area-wide environmental constraints," (see Woodinville Comprehensive Plan, Figure A13-1). In addition, these properties are not in "well-established subdivisions." Accordingly, R-1 zoning is not allowed on these properties pursuant to WMC 21.04.080(2). In the case of the Phoenix Proposals, then, only an application that provided for R-4 densities would be consistent with Woodinville zoning regulations.

The fact that a component of the Phoenix Proposals applications was a zoning map amendment does not operate to prevent vesting. The Washington Supreme Court has stated:

> We conclude that when the Legislature extended the vesting rights doctrine to plat applications, it intended to give the party filing an application a vested right to have *that application* processed under the land use laws in effect at the time of the application.

Noble Manor Company v. Pierce County, 133 Wn.2d 269, 278, 943 P.2d 1378 (1997). Applying that conclusion to the facts of this case, Phoenix is entitled to have its application processed under the land use laws, including WMC 21.04.080, in effect at the time of application. *Accord, Association of Rural Residents v. Kitsap County,* 141 Wn.2d 185, 4 P.3d 115 (2000).

An analogous case is *Hale v. Island County,* 88 Wn.App. 764, 946 P.2d 1192 (1997). In that case, the Court of Appeals held that where local regulations provide that a rezone may be granted under a two-step procedure involving (1) preliminary use approval and (2) final site plan approval, a rezone applicant's rights vest upon preliminary use approval if preliminary use approval binds the local jurisdiction to the rezone decision, even though the actual zoning map amendment has not been authorized by the local jurisdiction.

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In this case, the City Council has provided a legislative determination in its zoning regulations that R-4 densities are required "if adequate services are provided." The Phoenix Proposals are consistent with that legislative determination. So long as its Proposals are consistent with the legislatively determined criteria for R-4 densities, the City has a non-discretionary duty to approve R-4 densities at Wood Trails and Montevallo. Denial of such densities by the City under such circumstances would be in violation of the City's zoning regulations.

Accordingly, under RCW 58.17.033 and WMC 21.40.035, and as already determined by the City, the Phoenix Proposals are vested. Pursuant to Section 4 of the Moratorium Ordinance, the Moratorium Ordinance is not applicable to it.

C. The Determinations Set Forth in the Vesting Letters Are Final and Unappealable.

"Land use decisions," as defined in the Land Use Petition Act ("LUPA"), include the following: "An interpretive or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of property." RCW 36.70C.020(1)(b).

The Vesting Letters are land use decisions, as defined by LUPA. They declare, with respect to the Wood Trails and Montevallo project applications, how the City's completeness and vesting rules apply. They declare that those project applications are both complete and vested.

Under the holding of *Chelan County v. Nykriem,* 146 Wn.2d 904, 52 P.3d 1 (2002), those declarations are final, because they were not appealed within 21 days of the date of their issuance. In *Nykriem,* the Court observed that:

> This court has "also recognized a strong public policy supporting administrative finality in land use decisions. In fact, this court has stated that "[i]f there is not finality [in land use decisions], no owner of land would ever be safe in proceeding with development of his property... To make an exception... would completely defeat the purpose and policy of the law in making a definite time limit..."
>
> To allow Respondents to challenge a land use decision beyond the statutory period of 21 days is inconsistent with the Legislature's declared purpose in enacting LUPA. Leaving land use decisions open to reconsideration long after the decisions are finalized places property owners in a precarious position and undermines the Legislature's intent to provide expedited appeal procedures in a consistent, predictable and timely manner.

146 Wn.2d at 931-933 (citations omitted).

In *Nykriem,* a 14 month period intervened between the initial administrative land use decision and the County's effort to challenge it. In this case, 21 months and 16 months have intervened between the initial administrative land use decision and the adoption of the Moratorium Ordinance. In the intervening period, Phoenix has in good faith expended in excess of

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$4,000,000.00 in development and property acquisition costs, has prepared an exhaustive environmental impact statement, and has closed on many of the properties in the Wood Trails and Montevallo tracts. As in *Nykriem,* the Legislature's declared purpose in enacting LUPA to provide expedited appeal procedures in a consistent, predictable and timely manner in order to avoid placing property owners in a precarious position would be undermined if the Vesting Letters were found to be subject to reconsideration by the City at this late date.

Accordingly, the Phoenix Proposals are vested. The Vesting Letters are final and unappealable.

Conclusion

The Moratorium Ordinance is inapplicable to the Phoenix Proposals for three reasons. First, the Moratorium Ordinance by its terms is prospective only, and applies only to new permit applications. Second, the Moratorium Ordinance by its terms exempts vested proposals. As explained in detail above, the Phoenix Proposals are vested. Third, the Vesting Letters are land use decisions that were never appealed and, therefore, their determinations that the Phoenix Proposals are vested, are final and unappealable determinations upon which Phoenix is entitled to rely.

Please confirm that the Phoenix Proposals are vested. Thank you for your consideration of this matter.

Sincerely,

G. Richard Hill

GRH:ldc

cc: Loree Quade

Enclosures

L:\Sundquist\303.011\corr\Lell01.dot

EXHIBIT A

RECEIVED
JUL 12 2004

July 8, 2004

EXHIBIT 142
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The city of WOODINVILLE

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

Loree Quade
Phoenix Development, Inc.
P.O. Box 3167
Lynnwood, WA 98046

RE: Application ZMA2004-053 Zoning Map Amendment for the Plat of Wood Trails
Application PPA2004-0054 Preliminary Plat for Woods Trails
Application SEP2004-055 SEPA for the Plat of Wood Trails

Dear Ms. Quade;

This letter is to inform you that The City of Woodinville received the above applications on June 18, 2004. Under WMC 17.09.030, the City must respond to your application within twenty-eight days of the date of submittal as to the completeness of the application.

The above applications have been deemed to be complete as of July 8, 2004. A complete application results in two actions. First, it vests that application against future land use amendments; that is the land use regulations in effect as of the date of vesting are those that are used to review your application unless otherwise stated. Any future change in regulations should not impact your application. Second, the determination of a complete application begins a one hundred twenty (120) day time period in which the City must take action (approving, approving with conditions or denying with cause) your applications.

Because the zoning map application requires an amendment to the City Zoning Map, the 120-day period applies only to the actions before the Hearing Examiner. The Examiner will make a recommendation to the City Council who must approve or disapprove any map amendment by ordinance.

The 120-day clock may also be stopped. This will happen whenever additional information has been requested. The clock will remain stopped until the requested information has been received and reviewed as to its responsiveness.

You will be contacted by Ms. Janet Groak, of the City Planning Department regarding the posting of you proposed preliminary plat application. A Notice of Application (NOA) must be published in the paper, posted on site and mailed to any parties of record. There is a fourteen (14) day comment period from the date of publication/posting. Following the posting of the NOA, the City will issue a SEPA determination. This again must be published, and sent to property owners within 500 feet of the boundary of your proposed preliminary plat as well as parties of record. There is a fourteen (14) day appeal/comment period from the date of publication of this action.

Following the termination of the publication commen/appeal periods, the City Planning Department will review the proposed preliminary plat within existing regulations and write a staff report with recommendations to the City Hearing Examiner. A hearing date, time and location will be

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established and a notice will be published in the local paper, sent to property owners within 500 feet of the subject property and to all parties of record Upon completion of this time period, and on the established date and scheduled time, the Hearing Examiner will hold a public hearing. You and/or your representative as well as any expert witness testimony you may wish will be expected to present your case to the Examiner. The Examiner will make a decision as to the reasonableness of your applications within ten working days of the date of hearing.

Again, during the City's application review process of your proposal, it may be necessary to request supplemental information. Such a request does not affect the vesting of an application but is used rather to determine whether or not development impacts have been investigated sufficiently.

Sincerely,

Dick Fredlund, Planner
Woodinville Planning Department

cc: George Newman, Principal
Triad Associates, Inc.

EXHIBIT B

November 23, 2004

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RECEIVED
NOV 30 2004

WOODINVILLE
"The city of"
"Citizens, business and local government; a community commitment to our future."

Loree Quade
Phoenix Development, Inc.
P.O. Box 3167
Lynnwood, WA 98046

RE: Application ZMA2004-094 Zoning Map Amendment for the Plat of Montevallo
Application PPA2004-093 Preliminary Plat for Montevallo
Application SEP2004-095 SEPA for the Plat of Montevallo

Dear Ms. Quade;

This letter is to inform you that The City of Woodinville received the above applications on November 8, 2004. Under WMC 17.09.030, the City must respond to your application within twenty-eight days of the date of submittal as to the completeness of the application.

The above applications have been deemed to be complete as of November 23, 2004. A complete application results in two actions. First, it vests that application against future land use amendments; that is the land use regulations in effect as of the date of vesting are those that are used to review your application unless otherwise stated. Any future change in regulations should not impact your application. Second, the determination of a complete application would normally begin a 120-day time period in which the City must take action (approving, approving with conditions or denying with cause) your applications. In this case, since an Environmental Impact Statement is in process for both the Wood Trails and the Montevallo plats, the 120-day approval period is stayed until completion of the appeal period following the Final Environmental Impact Statement. The City cannot not take any action on a plat when it is in environmental review.

The 120-day clock may also be stopped whenever additional information has been requested. The clock will remain stopped until the requested information has been received and reviewed as to its responsiveness.

You will be contacted by Ms. Janet Groak, of the City Planning Department at the proper time regarding the posting of you proposed preliminary plat application. A Notice of Application (NOA) must be published in the paper, posted on site and mailed to any parties of record. There is a fourteen (14) day comment period from the date of publication/posting. Again, this is to occur after the completion of the EIS.

Upon completion of the EIS, the City Planning Department will review the proposed preliminary plat and zoning map amendment within existing regulations and write a staff report with recommendations to the City Hearing Examiner. A hearing date, time and location will be established and a notice will be published in the local paper, sent to property owners within 500 feet of the subject property and to all parties of record Upon completion of this time period, and on the established date and scheduled time, the Hearing Examiner will hold a public hearing. You and/or your representative as well as any expert witness testimony you may wish will be expected

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to present your case to the Examiner. The Examiner will make a decision as to the reasonableness of your applications within ten working days of the date of hearing.

Sincerely,

Dick Fredlund, Planner
Woodinville Planning Department

cc: George Newman, Principal
Triad Associates, Inc.

EXHIBIT B

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21.08.030 Residential land uses.

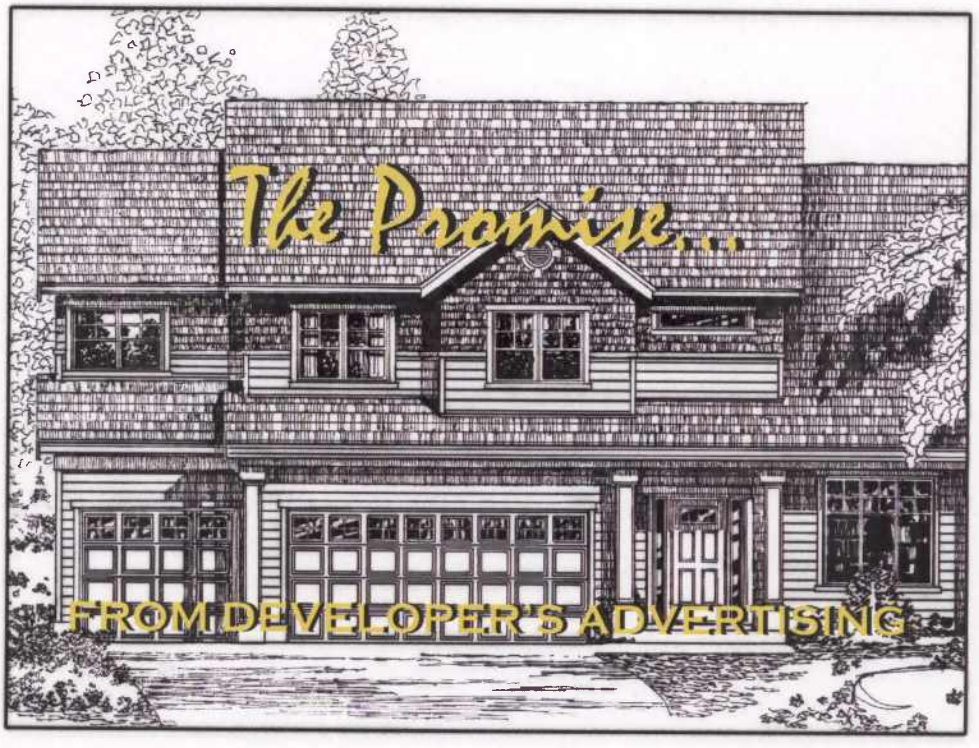
A. RESIDENTIAL LAND USES

KEY
P – Permitted Use
C – Conditional Use
S – Special Use

ZONE	RESIDENTIAL				COMMERCIAL/INDUSTRIAL						
	LOW DENSITY	MODERATE DENSITY	MEDIUM DENSITY	HIGH DENSITY	NEIGHBORHOOD	BUSINESS	TOURISTS	BUSINESS	GENERAL	BUSINESS	CENTRAL	BUSINESS	OFFICE	INDUSTRIAL	PUBLIC	INSTITUTIONAL
NAICS#	SPECIFIC LAND USE	R1 – 4	R5 – 8	R9 – 18	R19+	NB	TB	GB	CBD	O	I	P/I
	DWELLING UNITS, TYPES:											
*	Single detached	P, C19	P, C19	P								
*	Duplex	P10	P10	P10	P10							
*	Townhome	C10, 12	C7, 10, 12	P	P		P20		P	P18		
*	Apartment		P11	P	P		P20		P			
*	Mobile home park		P	P					P			
623311 623312	Senior citizen assisted (See WMC 21.06.188 for definition)		P11	P	P				P			
	GROUP RESIDENCES:											
*	Community residential facility	C15	C15	P15	P15				P15			P15
721310	Dormitory	C2	C2	P2	P2				P2		P2	P13
	ACCESSORY USES:											
*	Residential accessory uses	P3	P3	P3	P3				P3			P16
*	Home occupation (8)	P	P	P	P				P			
*	Home industry (9)	C	C	C	C							
	TEMPORARY LODGING:											
721110	Hotel/motel								P			
* 721191	Bed and breakfast inns	P6	P6	P6					P6			
721310	Organization hotel/lodging											
* 624221	Temporary shelter								P4			P17
* 721199	Youth hostel								P14			

GENERAL CROSS REFERENCES:
Land Use Table Instructions, see WMC 21.02.070 and 21.08.020
Development Standards, see Chapters 21.12 through 21.30 WMC
General Provisions, see Chapters 21.32 through 21.38 WMC
Application and Review Procedures, see Chapters 21.40 through 21.44 WMC
Tourist District Overlay Regulations, see WMC 21.38.065
R-48/O regulations, see WMC 21.38.030
(*) Definition of this specific Land Use, see Chapter 21.06 WMC

The Promise...



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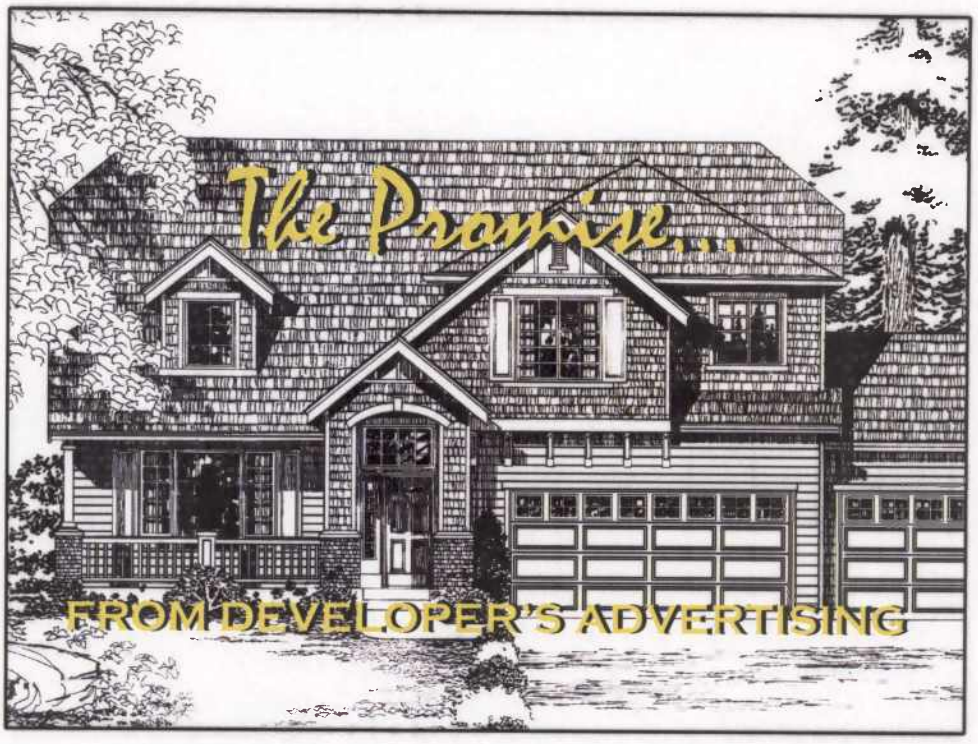

THE REALITY

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ACTUAL DEVELOPMENT

ACTUAL DEVELOPMENT

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ACTUAL DEVELOPMENT

ACTUAL DEVELOPMENT

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ACTUAL DEVELOPMENT

ACTUAL DEVELOPMENT

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But wait...

"...sweeping territorial outlooks..."

"...sweeping territorial outlooks..."

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"...sweeping territorial outlooks..."

"...sweeping territorial outlooks..."

"...sweeping territorial outlooks..."

EXHIBIT 143
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And...

"...spectacular Olympic mountain views..."

"...spectacular Olympic mountain views..."

EXHIBIT 143
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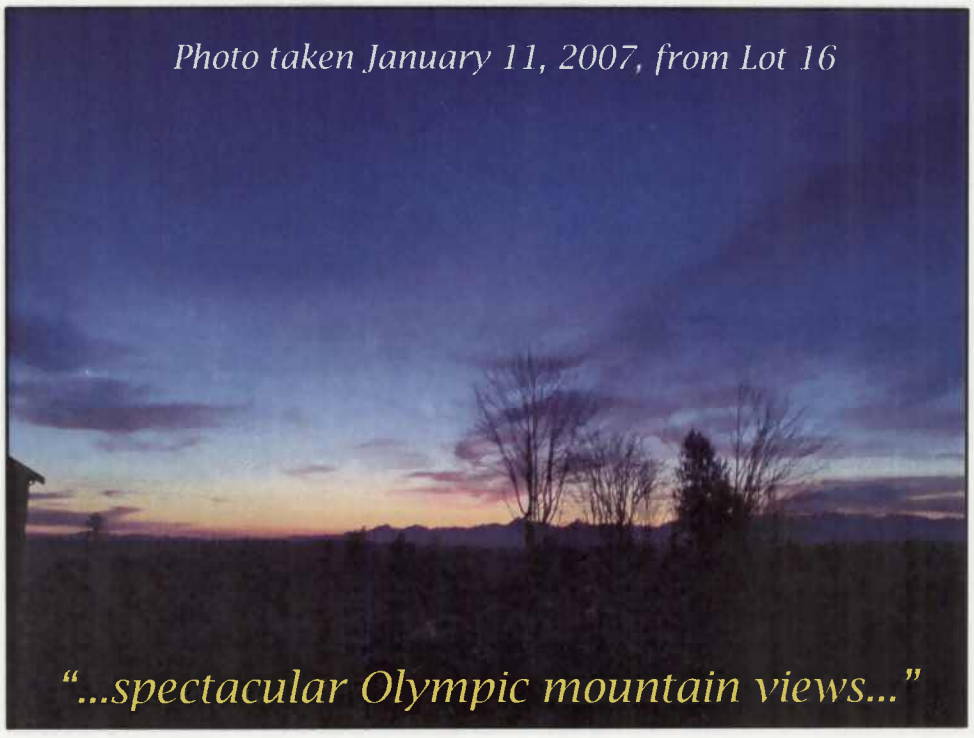
"...spectacular Olympic mountain views..."



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As for the houses...

Promises broken?

EXHIBIT 143
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As for the houses...

Promises broken?

Or kept?

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This aside...

Let the homes speak for themselves...

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EXHIBIT 143
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Taken June 21, 2005, 11:30 pm, Summer Solstice
Lot 37

Exhibit 144

Perteet CD

Available for review at City of Woodinville's Development Services's counter

Submitted 03/15/2007 6:00 pm
From: TS + M Assoc.
To: Jennifer Kuhn, City Clerk

T S and M Associates
20002 156th Ave NE
Woodinville, WA 98072
pgr@tsandm.com 425-486-5649
March 15, 2007

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In the Matter of Wood Trails and Montevallo Rezone/Subdivision

My name is Peter Rothschild and I live at 20002 156th Ave NE, Woodinville, WA, just across the road and a few feet south of the proposed Montevallo development. I am a very Concerned Neighbor of Wellington and am here to support the granting of the rezone and the approval of the subdivision.

Over the past few months I've read and listened to reports the City requested on various aspects of growth and development in the low density zone of Woodinville. I've read over the City's Comprehensive Plan and read commentary about the state's Growth Management Act. I've talked with my neighbors about what our neighborhood should be and what the greater area should be.

I've lived within 25 miles of my home all my life (except for my four years as an undergraduate at WSU – Talk about rural) – living in various different areas. I grew up in a rural area where my nearest neighbor lived ½ a mile away – I've lived in an urban area where my neighbor's house was 15 feet away – and all kinds of neighborhoods in between. To paraphrase someone else, "I know rural areas, and Concerned Neighbors of Wellington, this is not a rural area."

I support the granting of the applications for the following reasons:

1. **Allowing more people to live in this area will not change the character of the neighborhood in any significant or negative way.** Allowing any new families to live in our area will bring change but I find it unreasonable to believe that allowing the number of families an R-4 zoning would permit would be significantly different from the number of families the existing R-1 zoning would permit. Whether R-1 or R-4, this is still by definition "low density residential" – and to the extent there IS a neighborhood character, it is one of low density. That would not change.
2. **Changing the zoning to R-4 is consistent with the goals of the City's comprehensive plan.**
    - **a.** Sec. 3.2 sub LU-1.2 has as a stated goal that the City is to "Encourage future development in areas:
        - **i.** With the capacity to absorb development (i.e., areas with vacant or underdeveloped land…), and

ii. Where adverse environmental impacts can be minimized....

b. Sec. 2.2.1, Vision 2020 states the City should "Concentrate development in urban areas...."

c. Sec. 2.4 of the Comprehensive plan discusses the "Buildable Lands Program" and asks the question "**Are urban densities *(four units to the acres* [sic] and greater) being achieved in the Urban Growth Area?"** (emphasis added)

d. Sec. 4.2 – It is a stated goal of the City "**To preserve existing housing and neighborhoods and provide a diversity of housing types...."**

   i. H-1.1 To comply with that goal, it is to be a policy of the City to "Allow for a variety of housing types and lot sizes through...small and large lot single family development...."

3. Granting the applications just appears to be common sense. We all know growth is happening in Western Washington – Boeing is hiring – and hiring a lot of new people to meet the demands for its planes. Microsoft is hiring – and we are just five miles north of the main campus. Google is coming in, and so on. I've been looking at real estate prices in the Rose Hill and Totem Lake areas – just a few miles south of here – and the prices are escalating almost daily. There is a tremendous demand for housing because people are moving here for the great jobs that the Boeings and Microsofts are providing. Where are those people going to live? It just makes sense to permit them to live here, in Woodinville, five minutes from a great downtown core; five minutes from the freeway system and mass transit. Otherwise where will they live? East of Duvall or east of Sultan and that means more traffic on the Woodinville-Duvall road, more traffic on 522, more congestion, more pollution, more of the suburban sprawl that the Growth Management Act was adopted to curtail AND that our own Comprehensive Plan wants to inhibit.

Like it or not we live in a city and have since we voted to incorporate over a dozen years ago. Living in a city means living in an urban area – and under the law this means living in an urban growth area with urban densities – even in a LOW DENSITY area like my neighborhood.

I am NOT a scientist and I bring no expertise, special or otherwise, to this proceeding. In listening to the testimony at the prior hearings on the Sustainable Growth it seemed to my layman's eyes and ears that "North Wellington" was the premier area of Woodinville's R-1 zone to be rezoned to R-4. At least according to the City's experts it had no "Litowitz" problems – which I took to mean the rain that falls on the Montevallo property and my property (and that of my neighbors) is highly unlikely to harm any of the protected fishies anywhere – let alone the various "Bear Creeks." Also to see and hear what the experts had to say, my neighborhood doesn't do anything bad to Lake Leota – perhaps the only neighborhood in the current R-1 low density zone that doesn't.

And if you look at the other factors, fire protection – no problem; water service – no problem; even sewer – no problem; and traffic – no problem. With regards to traffic and the growth that will occur in the greater area, I believe having traffic coming directly onto an arterial, 156th Ave NE which feeds directly into the widened part of the Woodinville-Duvall road is just one more of those common sense items. If not here where the new families will have the minimal effect on the overall traffic, then must they live way outside the area where they will have the maximal effect on the overall traffic?

As I quoted above, the Comprehensive Plan states that it is a specific goal of the City to have Urban Densities with a diversity of lot sizes, small and large, for the single family residences. Well, unless applications like the current ones are approved that won't happen. There will be zero diversity of lot sizes in the residential low density areas of the city – well maybe there would be diversity from large to huge but certainly not to small. And that is something I'd like to discuss.

I've lived in this neighborhood for 15 years now and I would very much like to live here for another 15 years. But my priorities on what I need and want for a home have changed – I'm one of the leading edge of the Baby Boomers and am, perhaps, a typical "empty nester." That is, my daughter has finally grown up, married and left home – I've retired and my wife is getting ready to retire. Where once I tolerated having a big garden, a huge lawn, and a big house, I'm now getting much more enamored of a much smaller place in which to live and a smaller piece of land to take care of. I do NOT believe I am the only person my age with the same plans – in fact I know I'm not. The building of smaller houses, on smaller plots for empty nesters is big business.

But unless the applications like the current ones are approved, I won't be able to live in Woodinville any longer because the City won't permit me, and people like me, to live in a single family residence in my neighborhood – UNLESS I want to continue to take care of an acre of land. I want to live in a low density urban neighborhood but please, let's have some diversity within the neighborhood – not just large and HUGE.

My last point has to do with the idea that allowing R-4 zoning would somehow destroy the "character of the neighborhood" in which I live. I don't believe it would for the following reason – it would still be low density, there would still be trees, people would still have their privacy to the extent they want it.

As a "thought experiment" I looked at the City's zoning map and found there is a small area of R-4 zoning in the almost third of the City that is low density north of the Woodinville-Redmond Road. I looked it up on "Google Earth" and then compared that tiny neighborhood with a same sized tiny neighborhood just south of my property and one just east of my property. I also went to each tiny neighborhood's cul-de-sac, parked my car and took a series of pictures of each tiny neighborhood to see if I could detect any significant difference in the "character of the neighborhood" from low density R-1 and low density R-4. I couldn't detect any significant difference. Here are the various images:

(note the following is a panoramic image of each cul-de-sac – that is, the image consists of several smaller images "stitched" together and therefore the perspective is strange – but each stitched image is a fair and accurate representation of what you would see if you stood in the cul-de-sac and turned around about 230 degrees)

The following images are the "Google Earth" images of the areas above:

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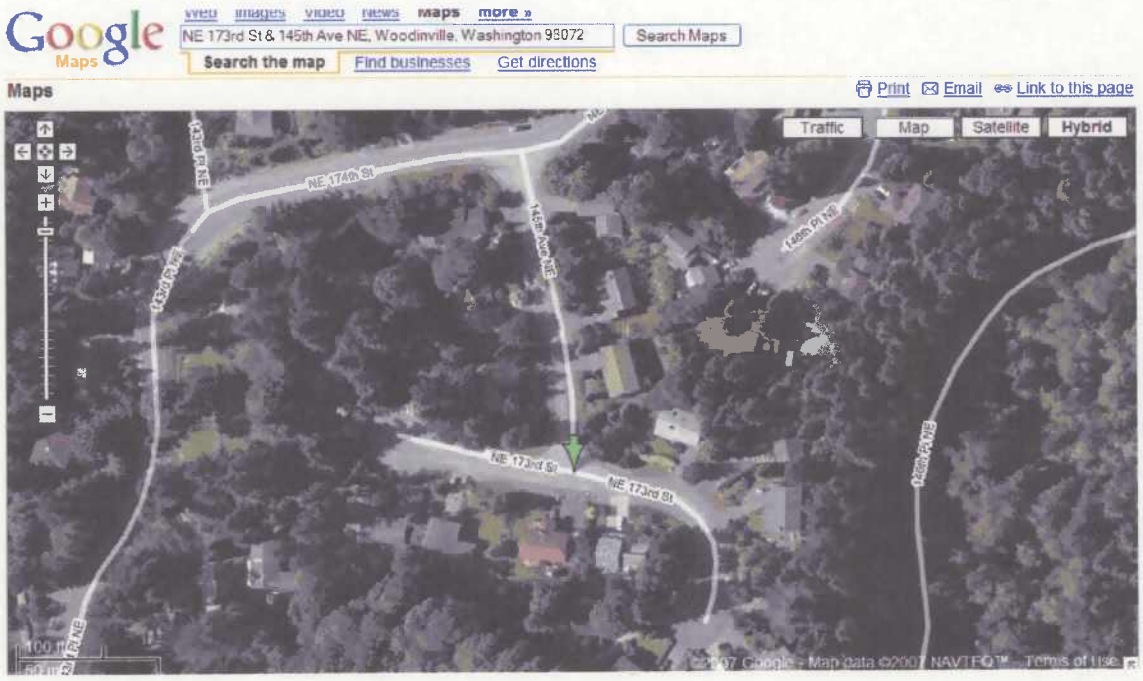

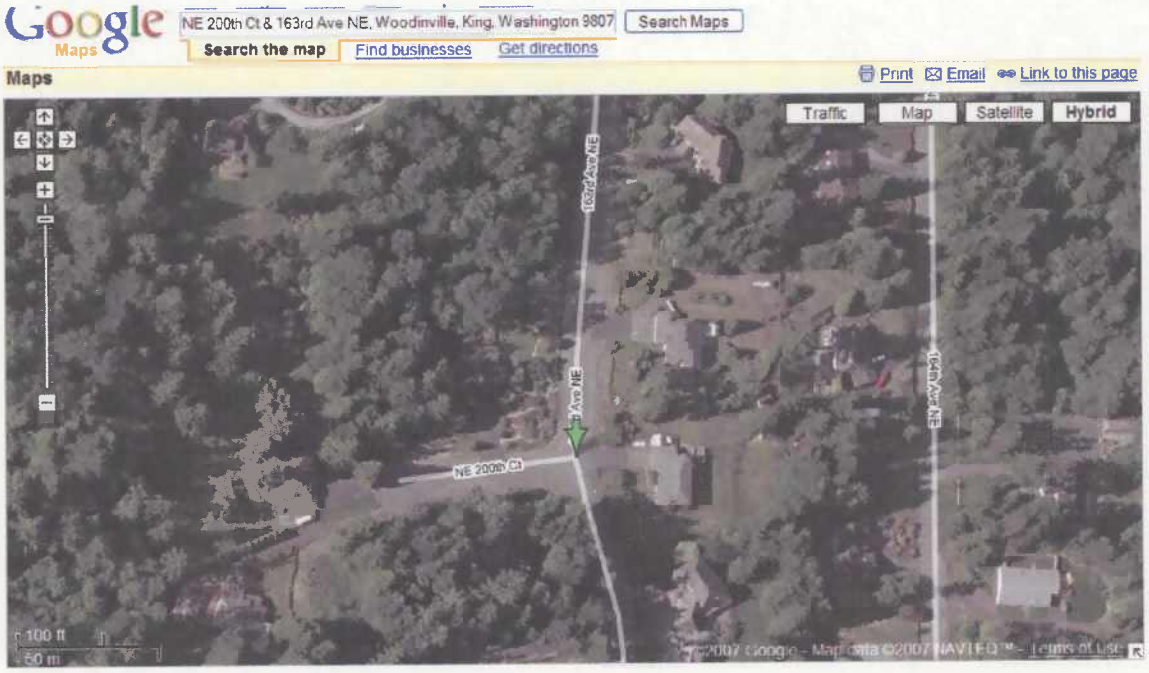

I'll leave it to reader to decide if there is any significant difference in the physical character of each little neighborhood.

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I am a Concerned Neighbor of and in North Wellington:

Concerned that the City will not approve the applications for the rezone and subdivision;

Concerned the City will act against its Comprehensive Plan and force suburban sprawl by continuing to deny the Urban Densities contemplated by the Plan and the Growth Management Act;

Concerned the City will discriminate against those of us who wish to live in low density, single family neighborhoods but who don't wish to live on large or huge lots; and

Concerned that my neighbors are afraid of change – the change that will allow many more families to live in single family houses in areas of low density yet close to the stores where they shop, close to the arterials and freeways that take them to their jobs, close to the schools that are ready for their kids – the change that will allow them to live in my neighborhood.

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Submitted 03/15/2007 6:37 pm
From: Helen FRY
To: Jennifer Kuhn, City Clerk

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Bod

15317 N. E. 201 Street
Woodinville, WA 98072
March 15, 2007

TO: THE CITY OF WOODINVILLE

RE: WOOD TRAILS/ MONTEVALLO

I was in attendance at last night's meeting regarding Phoenix Development's application for the development of Wood Trails and Montevallo in Woodinville. Records will show that I have attended many such meetings.

It distresses me to learn that the City feels that the Burden of Proof has been met regarding two of the three required criteria for rezoning to R-4. At least the City recognizes that Phoenix has not demonstrated a need for the rezone. This has been reinforced by Ray Sturtz, who reported that the City's requirement in this regard has more than been satisfied through the year 2022. Of course, not surprising is the fact that Phoenix Development considers his findings "flawed." I consider his findings, his study, quite cut and dried. This is his field of expertise.

Phoenix argues an economical need for this change. Obviously they have an economical incentive to advance their bottom line. And, it turns out that they have an employee whose aunt owns "Montevallo" property who stands to rake in tremendous monetary profits if this project obtains City approval. It seems quite plausible that this employee is an heir to this impending fortune. So, he too has a huge stake in the City's approval of Montevallo. But, these needs are not the demonstrated need intended by the law.

As to the zone reclassification being consistent and compatible with the uses and zoning of the surrounding properties, I am completely at a loss to understand how the City reasons that allowing so-called R-4 zoning (so-called because really Phoenix would be cramming more than four houses per acre into this project), is consistent and compatible with the surrounding properties. There are no such structures in the Wellington neighborhood. I've lived here since 1975. Am I missing something?

As for Wood Trails being practically and physically suited for the uses allowed in the proposed zone reclassification: at last night's meeting, there was an indication that this area has had at least a walk-through by City personnel. Its steep terrain was acknowledged. When walking through, did anyone stop to listen to the traffic noise? If so, did you then imagine how much louder that noise would be when all those old-growth trees are ripped out? It's not just down in the woods where you hear traffic noise. You already hear the traffic noise that comes up from the industrial area and the freeway even before you enter "Wood Trails." You hear it from all the streets as you approach the west end of them.

I regularly walk the neighborhood, and I have walked the trails through "Wood Trails". I have seen animals in those woods (deer; rabbits; owls; squirrels, etc.). And, I have also seen deer run across my own yard and certainly on the Wellington Golf Course. It was mentioned last night that no animals were seen by City personnel. But, let me assure you, they are there. There is in you records a picture of an owl that was taken and presented by my neighbors over a year ago.

Phoenix Development thinks Mr. Sturtz's study is flawed. I take exception the study done by the traffic engineer. Last night, he pointed out the problem that already exists at the intersection of 156 N. E. and Woodinville-Duvall Road concerning the left-turn lane from 156th onto Woodinville-Duvall Road. He stated that it is a "rush-hour" phenomenon. I rarely drive during rush-hour, but I almost always experience the problem he describes. But, I also experience a problem he did not describe and that is how the right-turn lane to Woodinville-Duvall Road also becomes inaccessible because the traffic that backs up waiting to turn left blocks the right-turn lane. It is extremely aggravating to have a green right-turn arrow and not be able to access it because the left-turn traffic is in your way. And, this is mostly from anywhere around 10:30 a.m. to 1:30 p.m. when I am at this intersection experiencing this problem.

Regarding his traffic study, before any proposed houses are built and sold and, therefore, when it is impossible to know how many licensed drivers will be residing in those houses (mothers, fathers, teens, other relatives, lessees), how can his traffic study be deemed accurate and reliable?

Ray Sturtz is working with facts. This traffic engineer works strictly with conjecture, with averages. He has no real basis for how many trips will be generated back and for each day on our roads. And, even when he identifies a problem, he doesn't fully expound upon it and even minimizes its impact (as when he stated that the cars coming down the hill on 156th would have time to see the backup in the left lane and get stopped in time (to avoid a collision).

And, if the rezone for Wood Trails is approved, where will vehicles park that exceed the number that fit in the driveway of the house? The subdivisions I am seeing that are like Wood Trails have no room in the street for parking. When the streets are icy in the winter, where will they park whenever they cannot even get to their homes? Oh, that's right. They'll all pile up on the streets that exist now that are level, and they will be parking in front of the existing houses. Even when it's not winter and icy, but they just have a party with guests who drive extra vehicles, they will have to park somewhere, won't they?

Last night, the attorney told us that the housing they built would be "affordable." In preliminary meetings with Phoenix Development, they told us that their houses would be priced comparably in line with the pricing of our homes. So, they intend to sell those places on tiny lots for about the same price that one would pay for one of our houses on a larger lot. Yet, they want to present themselves as filling the "need" of providing affordable housing in Woodinville. They want to provide close commuting for folks who work in Redmond; Bellevue; and Kirkland. I have no statistics. But, I would venture to speculate that were we to take a count, very few of our current residents are commuting to those cities. But, he has no statistics either.....just speculation as well. Grabbing at straws is what my mama used to call it.

Our neighborhood has changed tremendously since Phoenix Development has proposed Wood Trails and Montevallo. Neighbors on both sides of us have sold out and moved on. Neighbors across the street both to the east and to the west have sold and moved. And, people down the street are gone and on all the surrounding streets. And, those who bought the homes did not know about Phoenix Development and their proposal. When they found out about it, they were extremely upset and stated that had they known they would NEVER have bought their home here.

To summarize: Ray Sturtz said all we need to know in his report. The City of Woodinville has not only met but has exceeded its requirements for R4 zoning at least until 2022. There is no NEED for this zoning change that has been proposed by Phoenix Development. The City of Woodinville has no choice but to deny their application for the rezoning of Wood Trails and Montevallo from R1 to R4.

Helen Fry

Helen Fry

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Submitted 3/15/2007
To: Hearing Examiner
From: Karen Johnson

March 15, 2007

Proposed R1 to R4 changes in land development in Woodinville at Wood Trails and Montevallo

I have not been as involved in this process as much as I should have been but after attending last nights meeting I can see why this proposal is not in the best interest for the city of Woodinville.

One does not need to have a master's degree in geology or have an engineering degree in traffic to realize that these proposed sites have insurmountable negative effects on this area.

First I would like to address the traffic issue. The information given by the council members at the meeting March 14, 2007 was vastly under represented. Anyone who drives the Woodinville-Duval road knows that the traffic on this road is unacceptable. The city continues to overlook the growing traffic concerns here and seems to totally ignore the fact that the infrastructure of this town is unable to sustain the current growth much less the added burden of over a hundred and thirty new homes. Costco has increased the traffic near the proposed sites and obviously the traffic study was done prior to there opening as was pointed out by many citizens last night.

Next, I am concerned about the environmental impact that these developments would have on this area. Three years ago when I went through my divorce I had to make a decision where my daughter and I were going to live. I choose to stay in Woodinville because of neighborhoods such as Wellington Hills where I live. I like seeing coyotes even though it means I can't let my cats outside. I like the fact that I can hear horsed whinnying from the property behind me. When I moved I could have bought a larger, newer house in another community. Instead I bought a house that gave me the feeling of living in a lovely neighborhood, where trees and wildlife flourish. The statement that there should be housing in Woodinville that people can afford. I assure you, my house is not an estate, but it has the charm and character that I was seeking because of the attributes of the neighborhood. These attributes will forever change if these developments are allowed.

The comment that one gentleman made Monday night about noise and wind abatement is the third issue I would like to address. One of the last windstorms I lost a huge tree in my yard. If it had fallen a different direction it would have crashed in on my bedroom. Incidentally my neighbor had a tree fall from an earlier storm that did fall into one of their bedrooms. Anyone who knows anything about land development knows that when large areas of natural land are disrupted the consequences affect other areas. I shutter to think what trees will be falling next on my house, on my room or my twelve year old daughters room when the natural buffer is completely removed.

This R4 zoning is not needed and it is not in keeping with the look and feel of Woodinville that attracted so many of us to live here. The three points I made are only a fraction of reasons I see not to let this development continue. What has the city offered as a compelling reason to change the zoning for Wood Trails and Montevallo? I believe they have not offered a single one.

Sincerely,

Karen L. Johnson
15305 NE 198th Street
Woodinville, WA 98072

I would like to take the opportunity to clarify my remarks of yesterday especially regarding ex parte contact and the Appearance of Fairness Doctrine.

These remarks were not directed at any implication of such between you and staff but rather at the actions of city legal council in misinterpreting this RCW to staff, the community and the city council.

Monday last a letter was presented to the new city manager outlining and documenting only some of the details of covert manipulations orchestrated by certain staff members to misrepresent expert reports, recommendation of R1 from the Planning Commission, alterations of fact and withholding of information from both the Planning Commission and the Citizen's Advisory Panel. Much of this is well-documented and recorded.

This letter was presented at public testimony Monday evening during the Moratorium hearing.

The mayor attempted to shut down this delivery before it was started during public comment under the guise of limiting any ex parte contact pending a quasi judicial event and that the topic was not germane to the Moratorium. (See attached transcript).

It appears that a quorum of city council members inexplicably attempted to shut down public comment in whole for the entire council meeting save the extreme pressure from many community members who had taken the time to travel down to make testimony.

Regardless - this letter was submitted into the record with a subsequent discussion by city council with the city attorney. *(See Transcript) (See letter)*

None of that interchange included any acknowledgement of the ex parte safe harbor provided under RCW 42.36.060 that prohibits ex parte communications, but also provides a safe harbor. This safe harbor allows curing of ex parte communication by placing on the record the substance of any oral or written communication by placing on the record the substance of any oral or written communication and providing a public announcement for the contents and opportunity for rebuttal. *Bunko v. City of Puyallup Civil Service Commission, 95 Wn. App. 495, 502-504, P.2d 1055 (1999).*

This part of the RCW was in fact represented as just the opposite to just about all opposing parties.

Two days after the Planning Commission recommendation of remaining at R1, 6 members of Phoenix Development were witnessed meeting with the City's Interim Planning Director Ms. Cindy Baker.

In contrast, in 7 months the lack of response from Ms. Baker to opposing parties of record, legal counsel, and members of the community has been nothing short of deafening.

In the famous Supreme Court case Smith v Skagit County, the planning commission met privately with the applicant. The project opponents had no knowledge of the meeting.

The Supreme Court concluded in that case that the project opponents were deprived of the "appearance of fairness" when the Planning Commission met privately with the applicant. The court held that the resulting decision by the County Commissioners must be invalidated.

This hearing process has been irretrievably and forever tainted by a few individuals who have chosen to vilify and mock public legal due process while collecting a salary from those very people they have been entrusted to protect.

This spectacular abuse of power is not our fault. It is not your fault. But, it must be corrected. It is for these reasons these things have been placed in this record.

If for some reason it does not get corrected here, it will be corrected later.
Christy Diemond, Resident 425 487 2358

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- Submitted to Sandy Guinn
Rec'd from Christy Diemond on 3-15-2007 at 11:10 pm

Public Notice Requirements (WMC 17.11.030) for this hearing have not been met and are in fact defective.

1. Notices to property owners within 500 feet of the property were not sent the first time nor were there any sent the second time.
2. The property site postings on were not updated as of March 6th - 6 days shy of statute.
3. Both property notices at the Woodinville US Post Office were left untouched while a current city agenda was posted right next to it. This was as of the morning of March 12, 12 days shy of statute.

These violations pretty much encompasses the entire gamut of legal notice requirements for both sets of these hearings.

We have learned it was believed by some city staff that conducting a "continuance" rather than a "rescheduling" of the public hearing would relieve city staff from meeting public notice gatekeepers.

It appears certain members of city staff actively and intentionally misled other staff members, the interim city manager, city legal council, parties of record, the city council, the public and you (the hearing examiner), into believing all legal notice requirements have been fulfilled and any deficits cured.

During this time there have been:

- Brazen and shocking attempts by certain staff persons to covertly rewrite the Planning Commission's recommendations to remain at R1 - adding substance that was not sourced from the Commission.
- Appalling misrepresentation of fact to the Citizen's Advisory Panel and the Planning Commission on expert reports.
- When these errors and/or inaccuracies were corrected by individuals of these panels and members of the community, the same have been retaliated against and/or attacked both privately and publicly.

A letter was presented to the new city manager Monday March 12 outlining and documenting only some of the details of this manipulation. It was signed by 6 community members.

This letter was presented to the city council during the Moratorium Public Hearing Monday evening. (See attached)

The mayor attempted to shut down this delivery during public comment under the guise of limiting any ex parte contact pending a quasi judicial event and that the topic was not germane to the Moratorium. (See attached transcript).

It appears that a quorum of city council members inexplicably attempted to shut down public comment in whole for the entire council meeting save the extreme pressure from many community members who had taken the time to travel down to make testimony.

Regardless this letter was submitted into the record with a subsequent discussion by city council with the city attorney.

None of that interchange included any acknowledgement of the ex parte safe harbor provided under RCW 42.36.060 by placing on the record the substance of any oral or written

communication and providing a public announcement for the contents and opportunity for rebuttal. *Bunko v. City of Puyallup Civil Service Commission, 95 Wn. App. 495, 502-504, P 2d 1055 (1999).* In fact, it has been represented as just the opposite to just about all opposing parties.

Two days after the Planning Commission recommendation of remaining at R1 - 6 members of Phoenix Development were witnessed meeting with the City's Interim Planning Director. At contrast, in 7 months the lack of response to opposing parties of record, legal counsel, and members of the community has been nothing short of deafening.

This last event alone is in serious infringement of the Appearance of Fairness Doctrine as was stated in the famous 1969 case, Smith v. Skagit County where the Planning Commission met privately with representatives of the applicant. The project opponents had no knowledge of the meeting and were provided no opportunity to rebut.

That Supreme Court stated:

"whenever the law requires a hearing of any sort as a condition precedent to the power to proceed, it means a fair hearing, a hearing not only fair in substance, but fair in appearance as well. A public hearing, if the public is entitled by law to participate, means then a fair and impartial hearing."

The Supreme Court concluded in that case that the project opponents were deprived of the "appearance of fairness" when the Planning Commission met privately with the applicant. The court held that the resulting decision by the County Commissioners must be invalidated.

The Supreme Court also established the fundamental rule that any action tainted by an appearance of fairness violation is void. The action must be remanded for new hearing in which the taint of unfairness is removed.

One court has gone so far to hold that a board member disqualified by conflict of interest cannot participate in the subsequent hearing.

These violations are stunningly multiple. It appears they continue to come from the same source.

We would respectfully request that not only the precedence of this Supreme Court decision be acted upon in remand for a new hearing but also that the responsible party for this tainting be fully removed, excluded, any data sourced or touched by this individual be fully investigated and verified by independent parties before a remand for a fresh hearing is fully materialized.

Not withstanding a decision on this particular issue, we are including for the court's review a large portion of the neighborhood CCRs's showing a commonality that these areas remain R1.

We would ask that the court review these in regard to the recent precedent setting case Viking V Holm where the developer attempted to invalidate decade old neighborhood CCRs in order to bring in high density zoning for their own profit completely disregarding the neighborhood character, concurrency and intent.

Christy Diemond, Resident 425 487 2358

March 12, 2007 8:24PM

VonWald: Ms. Diemond will you come forward? And then the gentleman.

Diemond: Christy Diemond 14136 NE Woodinville Duvall Rd. Do I have 5 minutes?

VonWald: Yes.

Diemond: I basically want to make a comment about due process on the legal notice requirements Woodinville Municipal Code 17 -11 -030. There was an original.... There was an original date of a uh process that was supposed to occur....that was supposed to occur towards the end of February and it was um rescheduled because of the city's lack of due diligence in doing proper legal notice to the community.

VonWald: Ms. Diemond I believe that does falls within a quazi-judicial uh matter.

Diemond: This is about... this is about due process. I'll try to keep....

VonWald: (interrupting) Well we are actually hearing testimony on the extension of the moratorium at this time so if it ...is....

Diemond: Well this would have something to do with that because if due process is not being adhered to um we've got a problem with our democracy here. This is important.

VonWald: Yes it just cannot be concerning a quazi judicial matter that we're...the city is dealing with currently

Diemond: ok

VonWald: Thank you.

Diemond: I'm talking about legal notice requirements. Um the city... Basically what I...(turns to Katica) can you roll the clock back?

Katica: I wish I could. I don't know how.

Diemond: The ah... the city had rescheduled a..... certain function because of defects in public notice requirements statutes.

VonWald: Ms. Diemond I'm so sorry we cannot continue with your testimony. I'm going...

Diemond: (continuing)We recently believed....

VonWald: (interrupting) Ms. Diemond?

Diemond: ....that the staff ...that the staff had a continuation rather than a rescheduling because they felt they didn't have to meet the legal notice gatekeepers as required by....

VonWald: (interrupting) Ms. Diemond I'm going to have to ask you to end your testimony

Diemond: ....municipal code.

VonWald: and leave the podium please.

Diemond: I'm going

VonWald: And go to the next speaker.

Diemond: ... to submit a letter that was submitted to your city manager today, a group of us, that outlines this entire manipulation. And um I think the city needs to pay attention to this because it is in violation of the fairness um Appearance of Fairness Doctrine that requires transparency in government. (Hands letter to Zach Lell)

VonWald: Thank you Ms. Diemond. I saw another gentleman with his hand? Please come forward. State your name and address for the record. And you will have 5 minutes.

Stecker: Mr. Lell?

VonWald: Mr. Lell the Deputy Mayor has a question.

Lell: Yes Mr. Mayor.

Stecker: Mr. Lell maybe we could have comment from you to clear up some confusion. Part of that confusion is mine actually as a councilmember. Several citizens I understand when they're talking about a quazi judicial matter that's not allowed and actually that's not pertinent to this moratorium hearing.

Lell: That's correct counsel.

Stecker: On the other hand um if in general public comment, later in the evening, they were to talk about public notice of a hearing, which is public knowledge, but not factual information on - about the hearing? Just the public notice of the hearing? Um That most likely should be allowed - that is public knowledge, correct?

Lell: It's a fine line council and I think that where I would prefer and advise the council to stay on the side of the line is to not accept any ex parte communication from any party regarding the legal aspects or substantive information uh with respect to a quazi judicial matter that will come before you. As I understood Ms. Diemond's comments um they were largely geared towards contentions allegating notice deficiencies which are legal arguments about a particular project that will coming before you in the near future. Uh I think that there's a principal distinction between comments of that type and simple public ah ...public.... Commonly known public ah issues like the date of a hearing. And I think what um the distinction that perhaps that Ms. Diemond was trying to reach actually is. I hope that answers your question.

Stecker: No it does. I was looking for some clarification. I hope that helps the audience. Thank you.

Lell: You're welcome.

March 12, 2007

Mr. Richard Leahy
City Manager - City of Woodinville
17301 – 133rd AVE NE
Woodinville, WA 98072

Dear Mr. Leahy,

We all would like to take the opportunity to thank you for your time Thursday. An inventory of attendees unanimously thought our interchange to be engaging as well as candid. These are qualities we are pleased to have on board.

As each of us shared with you, we are acutely aware of the challenges you are facing. It is our intention to be at your service to support our mutual future successes in this community we call home.

In that regard additional information has come to our attention regarding one of the more immediate issues we shared with you at our meeting on Thursday. We feel it important to bring it to your attention as well as to the council and community.

This concern regards the chronic lack of proper legal notice according to WMC 17.11.030 of the Wood Trails and Montevallo Public Hearings originally scheduled on February 28th and March 1st.

We understand from Ms. Fessler's February 26th explanation at approximately 10:35PM during a specially held Woodinville City Council meeting, that the dates had been changed.

This particular city council meeting was not a regularly scheduled city council meeting but rather an additional scheduled special study group meeting. It was a study group on Sustainable Development.

The notice of this meeting was posted on the city website and not generally known by the community as a whole.

No one, including us, could have guessed that this meeting would include an announcement of the change of dates of the Montevallo and Wood Trails hearings from the subject matter of this meeting. Nor was this announcement included in the meeting agenda.

In addition, this announcement was made in the last 5 minutes of this meeting when approximately 70% of the original audience had already gone home to their families.

The placing of the actual notices on the public handout table was done at about the same time, 10:30PM.

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There is some question as to whether Ms. Fessler would have engaged the announcement had it not been for a query by Councilmen Stecker just prior to the adjournment of the meeting at 10:38PM.

During our meeting we learned that the actual premise that precipitated the rescheduling of these hearings was due to defects in the legal public notice requirements on the original dates.

We shared with you a March 6th Email thread between Ms. Cindy Baker and Ms. Huso where Ms. Huso, an adjoining property owner to Montevallo, alerted Ms. Baker that the notices had not been updated with the new hearing dates. Further the noticed posted at the Woodinville Post Office had not been updated either.

As you know this is not within the 15 day notice requirement of WMC 17.11.030. At the end of this communication, the property postings were corrected but the post office postings were not. Although Ms. Baker was alerted March 6th, as of this morning, the notice at the post office still shows the hearing dates as 2/28 and 3/1.

Ms. Huso, who was present at our Thursday meeting, also shared that as a property owner within 500 feet of the property, she had never received any notices by mail as required by WMC 17.11.030 on the original hearing dates either nor these subsequent rescheduled hearing dates.

Where the argument exists that Ms. Huso is in fact in possession of knowledge of the hearings at this point, there is no way of knowing how many other property owners are not because of the failure to meet these gatekeepers.

Some absence of community outcry is quite likely a succinct reflection of lack of knowledge due to a result of this defect. This is the purpose behind legislation to prove transparency as for example in the Appearance of Fairness Doctrine.

During our meeting on Thursday we learned that it was believed a "*continuation*" rather than a "*rescheduling*" of the hearings relieved city staff of meeting public legal notice gatekeepers as required by WMC 17.11.030.

Further we learned the reason the hearing examiner was to be present to open the hearings on February 28 and March 1st was so the hearing could legally be defined as a "*continuance*" rather than a "*rescheduling*" to achieve the relief of these legal notice requirements.

City staff initiated the arrangement that the hearing examiner was to be flown over at city expense so he could officially lower the gavel at the dais although it ended up being facilitated by phone due to a negative response by council to this plan.

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As we initially shared with you, we did not agree that this action would relieve city staff of the legally binding notice requirements as stated by WMC 17.11.030 as we feel it clearly states that gatekeepers must be met on a second hearing just as they would on the first.

Since our meeting however, there have been a number of additional and troubling concerns that have come to our attention that we feel you should be made aware of.

In reviewing the videotape of the February 26th meeting (see attached transcript) Ms. Fessler announced that, *"We have meeting notices being passed out to you just very briefly. There was a telephonic discussion this afternoon between the city attorney, the hearings examiner and the attorneys representing both the applicant for Wood Trails and Montevallo and the attorney representing the Wellington neighborhood. They all agreed that the hearings on these projects will be rescheduled. Those two notifications lay that out. The hearings examiner will be here on February 28th. He will open the hearing. He will immediately reschedule it to March 14th."* (See attached transcript)

Ms. Baker immediately jumped in and corrected Ms. Fessler's script.

Baker: "Continue it (emphasis added) - I'm sorry its us…"

Fessler: "Continue it! Thank you (looking at Baker) and uh he will do the same thing on Thursday uh March 1st continuing that hearing until those later dates March 14th and 15th."

You may notice from the transcript it was never shared with Council during this discussion that there was an intention to avoid requirements of legal notice to the public on this second meeting by facilitating a *continuation* rather than a *rescheduling*. Thus neither the Council nor the public were made aware of this fact.

In addition we have been made aware of a note that Ms. Fessler passed to Mayor VonWald during this February 26th meeting regarding this announcement.

Fessler advises Mayor VonWald that *"it may be wise to give me (Fessler) the opportunity prior to public comments to explain the resolution the attorneys (all parties) & the Hearing Examiner reached today, plus pass out the revised hearing notice. This may resolve some of the issues & let it be known all parties have agreed prior to the folks making accusations."*

Ms. Fessler goes on to inform Mayor VonWald that *"the notices will be available in a few minutes (8:30PM)."*

By 10:34PM none of Fessler's suggestions were acted upon by Mayor VonWald.

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Our concerns are multiple.

1) If the notice requirements on the original dates were agreed upon as defective how is relieving staff from meeting any gatekeepers by employing a *continuance* going to cure that situation a second time?

2) The appearance (again) of misdirection, withholding of information, otherwise a technique known as *"steering"* of the city manager and council at the dais sourced by Ms. Cindy Baker is absolutely unacceptable and completely out of scope with her job description.

3) It is very clear Ms. Baker has used her position with the city to fulfill an unknown but separate agenda not commensurate with her charge of responsibility to the community, the council and the City of Woodinville

4) In doing so Ms. Baker has actively violated her fiduciary duties to the city and the public.

5) Given this lack of credibility on Ms. Baker's part, anything she has touched or been involved with should be immediately investigated, reviewed, overturned (if necessary) and/or redone. She has not only demonstrated a clear lack of competence but worse, a complete lack of loyalty, credibility and ethics.

6) Her bond should be activated to pay for employment of labor required to correct her actions.

7) Given the enormous importance of this issue to the community, the appearance of some active cooperation by Mayor VonWald is also deeply disturbing.

8) It remains obvious that the city still has not met proper legal notice gatekeepers of WMC 17.11.030 neither with the first scheduled hearings nor the second.

9) It is our intention to place this letter in the public record tonight, Monday March 12, 2007.

10) It is also our intention to place this letter in the public record during the Montevallo and Wood Trails public hearings both March 14th and March 15th.

11) Upon a possible failing of the Hearing Examiner to act up this information to commence an immediate cure of this defection, we, as a community, will be forced to file an official complaint as a violation under the Appearance of Fairness Doctrine and these violations of public trust against all parties made aware of this issue who failed to take the appropriate actions to correct it.

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PAGE 19 OF 22

Again as you are quickly learning, these are only some of the issues facing your tenure at the City of Woodinville. As leaders of a great many community members, we sincerely apologize that you should be faced with such challenges while still acclimating to your new position. It is our hope you will prevail with strength and heart and we look forward to an easier time working together.

As the City Manager, we believe you may have the authority to either reschedule the hearings or to offer other reasonable solutions to cure this situation. In the absence of those possibilities, we would respectfully request that these hearings are rescheduled again, and ensure that proper notice of the hearings is given as required under WMC 17.11.030.

In view of the City's repeated and inexcusable past failures to give proper notice, we also request that you appoint a panel of community member ombudsmen to act as a check and gatekeeper for all future scheduling matters for the Wood Trails and Montevallo projects.

Yours truly,

Richard Block	Peter Tountas	Christy Diemond
Susan Huso	Dave Henry	Emma Dixon

Attachments:

Transcript of February 26th announcement
February note from Fessler to Mayor

Cc: Woodinville City Council
Woodinville Weekly
Mike Daudt

EXHIBIT 145
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Transcript of Feb. 26, 2007 Announcement of hearing date change
Start - 10:35PM

Stecker: Yeah a report coming from the city manager on a particular issue.

Fessler: Oh yes we have... uh thank you... We have meeting notices um being passed out to you just very briefly. Um there was a telephonic uh discussion this afternoon between the city attorney, the hearings examiner and the attorneys representing both the applicant for ah Wood Trails and Montevallo and the attorney representing the Wellington neighborhood. Um they all agreed that the hearings on these projects will be rescheduled. Those two notifications lay that out. Um the hearings examiner will be here on February 28th. He will open the hearing. He will immediately reschedule it to would would March 14th....

Baker: "Continue it" - I'm sorry its us...

Fessler: Continue it! Thank you (looking at Baker) and uh he will do the same thing on Thursday uh March 1st continuing that hearing until those later dates March 14th and 15th.

Stecker: Quick question - we're paying to have the hearing examiner fly from Spokane to here on two different occasions to do that?

Fessler: He's only flying once.

Roskind: Wha...Why can't it not be done on the same day?

Fessler: Well uh actually we talked about having it done telephonically. um having him present on the telephone. Ah he needs to do it. Um but our concern was that um.... it might... be more comfortable for folks to see a - a person rather hearing the voice over a telephone. And that's why... he's already has his ticket he was planning to come anyway and that's why he's coming over. Am...if you don't feel that's important.... we can certainly reconsider it. But we felt it was important that... folks who do show up um... saw a real person rather than the voice....

Roskind: The the....

Stecker: (indiscernible- Roskind talking at the same time) what will the examiner tell them?

Roskind: My question I had was....

VonWald: (Recognizing Roskind) Councilmen Roskind

Roskind: Why can't you have them the same day? One at 7pm one at 9PM kinda thing? What'll stop that? What's the harm in that?

Fessler: If the hearings get over that quickly... but I doubt that that would be the case....that it would a chain (indiscernible) on top of a hearing....

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VonWald: K...council? ... thank you Ms. Fessler.. um no other business?... Um I would to before we adjourn the meeting thank Ms. Fessler for her… her months of service with us. And wish you well. We are going to miss you thank you very much uh and there's not other business this meeting is adjourned.
End - 10:38PM

Note from City Manager Fessler to Mayor VonWald:

Cathy -
The desire for public comment may be to allow comments re the Wood Trails - Montevallo staff report distribution delay.
It may be wise to give me the opportunity to explain the resolution the attorneys (all parties) & the Hearing Examiner reached today, plus pass out the revised hearing notice.
This may resolve some of the issues & let it be known all parties have agreed prior to folks making accusations.
I'll just want to see how you want to do it.
C

prior to public comments

PS The notices will be ready in a few minutes (8:30 pm).

EXHIBIT 145
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Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:20 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: your disgraceful actions

From: Jim Willett [mailto:yakimaco@verizon.net]
Sent: Monday, February 12, 2007 4:58 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: your disgraceful actions

Changing the meeting format for the EIS and project review at such a late date with so little notice is unfair and seems calculated to deny citizens a chance to voice their opinion on these land use issues. I stongly suggest you reconsider this because it is not in the best interests of those who you claim to represent. Jim Willett

EXHIBIT 146
PAGE 1 OF 88

Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 10:54 AM
To: Sandy Guinn
Subject: FW: Multiple public hearings for both proposed Wellington developments

EXHIBIT 146
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On the record?

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Monday, February 12, 2007 5:30 PM
To: Cindy Baker; Cathy VonWald
Subject: Multiple public hearings for both proposed Wellington developments

Dear Mayor VonWald and Ms. Baker,

I have recently been made aware that there is a change in the EIS hearing format for the proposed Wood Trails and Montevallo developments in the Wellington neighborhood, in that there will now be separate hearings for the two projects.

First, please note that while I am on the email distribution list for the Concerned Neighbors of Wellington, much of the rancor that came out in the last election and in other CNW-related activities does not represent my opinion, and I was appalled by the blatant personal attacks that occurred. I do not actively support most CNW activities. So, please take this as a letter from an average Wellington resident, who has lived and raised our children in Wellington for the past 14 years. My husband and I are long-time acquaintances of Don Brocha, who can also vouch for the fact that we are not fanatical citizens out to skewer the city.

That said, I am concerned about the change in the hearing process, and that it comes with such limited advance notice this late in the process. As recently as today, I believe the city website still indicated this would be a joint hearing. Decisions such as this, made late in the game, add fuel to the argument that the city is "trying to pull a fast one." Perhaps this is just a public relations mis-step, but the potential for distrust and misunderstanding is once again magnified by this action.

I do not believe that all building should cease, and I do not believe that the government should deny a property owner REASONABLE requests to develop land that he/she/the corporation owns. However, I DO think the city should make every legal effort to limit that development when it creates a major ecological, safety, or quality of life issue for a large segment of the citizenry.

If you consider the potential impact these two developments will have on the Wellington neighborhood, the two must be considered as an overall package. The cumulative effect of both developments is substantially different than one or the other alone. It is appropriate to look at the two together because they are intertwined in their dependence on density transfer credits and their joint request for rezoning, and due to the cumulative impacts of the two properties on traffic, erosion, and neighborhood character.

It is my sincere hope that "the city" is not trying to ramrod these developments through, and that "the city" is not trying to deny the public reasonable and practical opportunities to express their opinions, pro or con. I hope that "the city" isn't being the big, bad entity that creates an "us vs. them" scenario. That is the impression one would get at times, based on the way some decisions are made and/or events unfold.

I am trying to keep an open mind and trust in the integrity of those in positions of authority in the Woodinville city government. I do request that city officials do all they can to represent the citizens fairly. I believe that does much to protect our quality of life in Woodinville. It is in this spirit that I strongly urge you to consider the two proposed developments at the same public hearing where the cumulative impacts can be considered.

Finally, I thank you both for your time, both in reading this email, and for the effort you put in regularly on behalf of the voters. I realize that you, Ms. Baker, are an employee of the city, and not an elected official, but I am sure that does not lessen the feeling of responsibility that comes with the job. And Mayor VonWald, you have put in countless hours over the past several years, many of them dealing with contentious issues. That is never a pleasant experience. So, thank you for your sacrifice and your effort.

Best regards,

Ann

~~~~~~

Ann Rupley

ann@wildlifecomputers.com

Hm: +1(425) 486-7443
Wk: +1(425) 881-3048
Cell: +1 (206) 963-9847

16324 NE 203rd Place, Woodinville, WA 98072

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EXHIBIT 146
PAGE 3 OF 88

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:22 PM
To: Connie Fessler; Cindy Baker
Cc: Charleine Sell
Subject: FW: Letters received re: Wood Trails and Montevallo developments
Importance: High

EXHIBIT 146
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From: Sharon Peterson (FOREFRONT SECURITY) [mailto:Sharon.Peterson@microsoft.com]
Sent: Monday, February 12, 2007 5:33 PM
To: Council
Cc: Sharon Peterson (FOREFRONT SECURITY); jeff@glickman.com; Otto Paris; Steve Gottschalk; Sharon Peterson (FOREFRONT SECURITY); fred@greenfinancial.com; jeff@glickman.com; thegottschalks@comcast.net; seadoofun2@msn.com; maddex@comcast.net; charlieautoconnectionseast@hotmail.com; tedpankowski@msn.com; emmerdixon@yahoo.com; rmasonshome@aol.com; h.fuhrmeister@comcast.net; sbsand@hotmail.com; janmaxwa@comcast.net; oparis@comcast.net; dhenrynase@msn.com; Al_Taylor@comcast.net; cdiemond@comcast.net; 'Matt Schultz'; peter.tountas@comcast.net; chrisosanders@hotmail.com; sbsand@hotmail.com; jeff@glickman.com; Susan.Huso@nordstrom.com; fred@greenfinancial.com; kscarbrough@verizon.net; lawanna@cincijava.com
Subject: Letters received re: Wood Trails and Montevallo developments
Importance: High

City Council Members,

Over the weekend, I received two letters from the City of Woodinville. Each letter indicated to me that a date had been set for the Wood Trails FEIS Hearing and for the Montevallo FEIS Hearing, but they are two different dates.

Here's why I believe this is illegal, is against the 2.5 year precedent of communication that the City of Woodinville has set, and is also grounds for an immediate appeal of any decision that the Hearing Examiner might make.

- The City of Woodinville accepted the original application for the development as a single document that covered the proposed development of two areas. Only one application was filed.
- The initial Determination of Significance was made for both developments simultaneously. Only one DOS was issued.
- The Draft Environmental Impact Statement was published in March, 2006, for both developments. Only one DEIS was published.
- For almost a year, citizens have been prohibited from mentioning either development or both developments, in the same sentence at the same time.
- The Final Environmental Impact Statement addresses both developments simultaneously. Only one FEIS was published.

I am appalled that the City Staff would resort to this tactic as a way to divide two properties which have been legally linked by the City for over 2.5 years. I'm deeply disappointed at the thought that our City Council would permit staff to send communications out that openly violate the precedent that's been established for these two properties.

The only explanation that comes to mind is that the City Council is simply not aware of this action and that now by being made aware of this act, you'll quickly direct staff to rectify this error in judgment, issue a formal retraction of

the letters, mail new letters, and allow public comment on either development on both nights of the upcoming Hearing.

Please take SWIFT and IMMEDIATE action in tonight's Council meeting to address this grievous and offensive error and send the message to the citizens of Woodinville that "game playing" is not the agenda of the Woodinville City Council.

Thank you,
Sharon Peterson
15206 NE 202nd Street
Woodinville, WA 98072

Party of Record: Wood Trails and Montevallo

EXHIBIT 146
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Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:23 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Public hearings for Wood Trails and Montevallo

EXHIBIT 146
PAGE 6 OF 88

From: Lisa Rhodes [mailto:lisarhodes@windermere.com]
Sent: Monday, February 12, 2007 5:54 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Public hearings for Wood Trails and Montevallo

Dear Cindy,

I live at 15725 NE 198th St. My family has lived here for 13 years. I am one of the Concerned Neighbors of Wellington. I love Woodinville and have always thought that the elected officials have done a great job protecting, respecting and honoring this city and its residents. I believe that the city has done a fairly good job so far, in representing the citizens of Woodinville, with this battle to keep our neighborhoods zoned as R-1. I am also a realtor and completely support builders, *if* their building sites and plans do not take from a neighborhood but give to it.

I am so disappointed in your decision to allow two different public hearings in this case. This is unethical, and squirmy. This will all but shut down public comments when you consider each hearing will probably open with a presentation by the city, then the applicant, then perhaps at 10:00 or 10:30 pm there may be time for a little public comment. Repeat this scenario for day two with the city and applicant repeating the exact same presentations. We haven't even been told if the format will allow for a full presentation by our attorney or if he will also be limited to three minutes because the city does not feel it is necessary to reply to our attorney's correspondence. This is a nifty way to shut out the public and shove 132 new homes into Wellington. Is the city's strategy divide and conquer? If each has its own hearing, we can't look at the overall traffic impacts of both projects combined. Is the city simply acquiescing to the builder's request or is this the city's idea? Either way it's unacceptable.

Please keep this to one combined public hearing so that the full impact of this can be presented and responded to.

Please be the city officials we respected and depended on to represent the citizens of Woodinville, not the builders.

Lisa Rhodes
15725 NE 198th St
Woodinville, WA 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:23 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Two Public Hearing instead of One is WRONG!

EXHIBIT 146
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From: Dave.Shepherd@Emulex.Com [mailto:Dave.Shepherd@Emulex.Com]
Sent: Monday, February 12, 2007 6:06 PM
To: Cathy VonWald; Cindy Baker
Cc: Council
Subject: Two Public Hearing instead of One is WRONG!

To MS. Baker & MS. VonWald,

The change of schedule from one to two city public hearings addressing the EIS review and project review is a great disadvantaged to the citizens of Woodinville. I am deeply concerned that this action will be a disservices to the citizens.

I respectfully demand a single hearing to address both projects.

David Shepherd
17615 148th Ave. NE
Woodinville, WA 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:24 PM
To: Connie Fessler; Cindy Baker
Cc: Charleine Sell
Subject: FW: Wood Trails / Montevallo Developments

EXHIBIT 146
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From: Missy Ryan [mailto:Missy_Ryan@comcast.net]
Sent: Monday, February 12, 2007 8:27 PM
To: Cathy VonWald
Subject: Fw: Wood Trails / Montevallo Developments

----- Original Message -----
From: Missy Ryan
To: cindyb@ci.woodinville.wa.us
Cc: cvonwalde@ci.woodinville.wa.us
Sent: Monday, February 12, 2007 8:22 PM
Subject: Wood Trails / Montevallo Developments

I am writing to express my concern regarding the scheduling of two distinct meetings to provide information on the Wood Trails and Montevello developments in the Wellington neighborhood. It is imperative to view the developments as a whole: the impact in traffic, on schools, on city services and the environmental impact of these two developments. The addition of 132 new homes in a relatively small area of my neighborhood will certainly have an impact.

The Concerned Neighbors of Wellington have come together and worked together for some time to clearly express our concerns in this situation. I have spent many hours researching information and scheduling time to attend public hearings and to express my concerns in writing.

To schedule two distinct meetings with only 15 days notice is unacceptable. Until yesterday even the City of Woodinville website listed one meeting. Why has the format been changed at the very last minute? Why does the City of Woodinville not feel it necessary or appropriate to communicate with our attorney in a timely manner?

One cannot help but wonder if the idea of two distinct meetings is the idea of the City or the idea of the Developer who stands to benefit from separate meetings which will not adequately address the combined impact of these projects.

In all fairness the City of Woodinville should revert to the *one meeting* where both developments and the impact on my neighborhood are discussed with the City Council. Adequate time must be allowed for public comment. Not a few minutes in the late,, late evening. This is simply too important an issue to be pushed aside

Regards,

Muriel Ryan
14821 NE 202 Street
Woodinville, WA 98072

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Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:24 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Wood Trails and Montevallo

EXHIBIT 146
PAGE 10 OF 88

From: K Scarbrough [mailto:kscarbrough@verizon.net]
Sent: Monday, February 12, 2007 9:05 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Wood Trails and Montevallo

Dear Ms. Baker:

As you can sense, there seems to be some concern over the splitting of the application for Wood Trails and Montevallo. I believe this application should be presented as one, although two nights to allow for public comment is probably wise.

Sincerely,

Kerri W. Scarbrough
15124 NE 198th St

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:25 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: separate hearings, February 28 and March 1

EXHIBIT 146
PAGE 11 OF 88

From: pkforman@juno.com [mailto:pkforman@juno.com]
Sent: Monday, February 12, 2007 9:41 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: separate hearings, February 28 and March 1

2-12-07

Dear Ms. Baker,

I'm a resident of the Wellington neighborhood and understood that the upcoming Wood Trails and Montevallo hearings would be combined into one meeting. Then I received a mailing late last week that indicated separate hearing dates.

I have two major concerns about these developments - loss of natural habitat and increase in traffic congestion. If each development is considered separately, without reference to the other, I'm afraid the overall impact (multiplied exponentially by any zoning changes) will be more easily dismissed. Is the "double-whammy" factor going to be taken into account as the proposals are reviewed? Wouldn't it make more sense to review the proposals together as originally planned?

Sincerely,
Kathie Forman
19831 156th Ave NE
Woodinville 98072
pkforman@juno.com

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Click here to checkout USA TODAY Headlines.

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:25 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Clarification on Wood Trails & Montevallo Public Hearings

EXHIBIT 146
PAGE 12 OF 88

From: Lola Granola [mailto:lola_granola@comcast.net]
Sent: Monday, February 12, 2007 10:18 PM
To: Susie McCann; Cindy Baker; Cathy VonWald; Hank Stecker- Comcast; Mike Roskind; 'Jenson, Gerald CTR USTRANSCOM J5J4'; Scott Hageman; Don Brocha; Chuck Price
Subject: Clarification on Wood Trails & Montevallo Public Hearings

City Council Members & Staff,

There's a nasty rumor floating around that the Public Hearing scheduled for February 28th & March 1st, has very recently been split into two separate hearings that would address Wood Trails and Montevallo separately instead of together as has been the case historically. Can anyone confirm whether or not this is true?

If this rumor is not true, and a single public hearing is still planned for these two days even as the city webpage (http://www.ci.woodinville.wa.us/events/EIS.asp - see excerpt below**) states at this very hour, then you need not read any further.

However, IF it is true, then let me tell you, as a 9 year citizen of Woodinville who has been following this matter closely, I am infuriated!

Just who exactly in the city thinks they have the authority to separate this single meeting into two, especially at such a late date in the process? I'm not a lawyer, but it would seem to me that separating them out now would nullify everything that has happened to date and return the entire process to Day 1.

From the very beginning of the EIS process, Wood Trails and Montevallo have been handled in a combined fashion. As I understand it there are good reasons for doing so. By handling each one independently of the other, it would be very easy for the developer to gloss over the two projects cumulative and codependent impacts on very important environmental matters, including traffic, drainage, erosion, emergency response, etc. In addition to the obvious process flaw, holding two separate, but nearly identical meetings on back to back weeknights seems willfully designed to depress public comment. (Don't even get me started on what the Planning Commission is doing by rescheduling their February 7th meeting to Valentine's Day).

In the many mandatory ethics classes I take as a Boeing employee, it is drilled into us over and over that the mere appearance of an impropriety is essentially as bad the impropriety itself. Let me tell you, the way the way I see this process being handled in the endgame smells rotten! As my wife stated at the recent Planning Commission hearing, you job is to work for us. We, along with many of our neighbors are doing our part and our civic duty by staying informed and by being involved in the process. I expect you to do you part and uphold a fair and impartial process. I expect better than this.

Sincerely,

Matt Jenson
19122 148th AVE NE

** Extract from city webpage appended below. Note the singular form of the subject: "The Public Hearing." Also, note the singular form of the verb: "is scheduled." Please don't try to argue that, unlike the DEIS & the EIS, the two nights were always supposed to handle Wood Trails and Montevallo separately.

UPDATE 2/1/07: Public Hearing: Preliminary Plat and Rezone Applications for the Wood Trails and Montevallo Subdivisions, February 28 and March 1, 2007. The Public Hearing on the Preliminary Plat and Re-zone applications for the Wood Trails and Montevallo Subdivisions is scheduled for Wednesday, February 28 and Thursday, March 1, 2007, 7 to 10 p.m. at the Carol Edwards Center Gymnasium, 17401-133rd Avenue NE.

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Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:26 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Please combine Wood Trails and Montevallo hearings as originally planned

EXHIBIT 146
PAGE 14 OF 88

From: Kristy Howell [mailto:kristy_howell@comcast.net]
Sent: Monday, February 12, 2007 10:49 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Please combine Wood Trails and Montevallo hearings as originally planned

Cindy Baker, Interim Development Services Director
City Of Woodinville

Dear Cindy, Our household has received notices of separate hearings for Montevallo and for Wood Trails. Our concerns about these developments are the same for both proposals, and we would appreciate the opportunity to comment on both at one hearing. We are also hoping you will allow plenty of time for public comment at a reasonable hour.

Thanks so much,

Kristy and Jeff Howell
14817 NE 192nd Street
Woodinville WA 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:29 PM
To: Charleine Sell
Subject: FW: Please combine Wood Trails and Montevallo hearings as originally planned

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From: Cindy Baker
Sent: Monday, February 12, 2007 11:48 PM
To: Kristy Howell
Cc: Cathy VonWald
Subject: RE: Please combine Wood Trails and Montevallo hearings as originally planned

Hi Kristy and Jeff, I plan to talk with the hearing examiner about people that would like to comment on both plats. Because they are separate proposals he is required to make separate decisions. There are a number of ways he can overcome the dilemma—I will ask that he explain at the hearing.

From: Kristy Howell [mailto:kristy_howell@comcast.net]
Sent: Monday, February 12, 2007 10:49 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Please combine Wood Trails and Montevallo hearings as originally planned

Cindy Baker, Interim Development Services Director
City Of Woodinville

Dear Cindy, Our household has received notices of separate hearings for Montevallo and for Wood Trails. Our concerns about these developments are the same for both proposals, and we would appreciate the opportunity to comment on both at one hearing. We are also hoping you will allow plenty of time for public comment at a reasonable hour.

Thanks so much,

Kristy and Jeff Howell
14817 NE 192nd Street
Woodinville WA 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:38 PM
To: Connie Fessler; Cindy Baker
Cc: Charleine Sell
Subject: FW: Monte Vista meeting

EXHIBIT 146
PAGE 16 OF 88

From: Steven Nafziger [mailto:senafziger@verizon.net]
Sent: Tuesday, February 13, 2007 8:00 AM
To: Cathy VonWald
Subject: Monte Vista meeting

Dear Cathy,
I am a Woodinville resident living in the Wellington neighbor.
My husband and I are interested and concerned about the upcoming meetings regarding the developments in the Wellington area. We were informed that there are two meetings; one for each development.
We are requesting that as much as possible, that these meetings be on the same evening. We see that the issues for our neighbor are basically the same and we would like to hear the council members comments regarding both of them; including whether the council sees a primary difference between them that justifies two meetings.

We want to be informed and we want to be able to voice our concerns. Two meetings makes this very challenging.

Thank you, Meg and Steve Nafziger.

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:38 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Splitting of Hearing into different days

EXHIBIT 146
PAGE 17 OF 88

From: Robert Casto [mailto:robert@rlventures.com]
Sent: Tuesday, February 13, 2007 8:09 AM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Splitting of Hearing into different days

Cindy Baker and Mayor VonWald,

I was wondering why the hearing for the Montevallo and Wood Trails projects were being split over different days? It was my understanding that the EIS done considered them together. Credits from one project are being used for the other. Everything worked on in the EIS points towards this. If they are now split wouldn't an EIS need to be done for the projects separately? If I remember correctly, Montevallo can't even be done unless sewer lines are brought up there through the Wood Trails project.

Please explain to me why they are being heard separately. I request though that these projects be heard jointly. All the documentation, EIS work, application, and more considers them together. Why change that now?

Robert Casto
14950 NE 204th St
robert@cincijava.com

Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 10:54 AM
To: Sandy Guinn
Subject: FW: Multiple public hearings for both proposed Wellington developments

EXHIBIT 146
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On the record?

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Tuesday, February 13, 2007 8:20 AM
To: Cindy Baker
Cc: Cathy VonWald
Subject: RE: Multiple public hearings for both proposed Wellington developments

Dear Cindy,

Thank you for your prompt response.

I can understand that separate proposals require separate decisions. That makes sense to me, and I would not dispute that.

My concern was two-fold. One, that separate decisions might not incorporate the cumulative effect of both projects. And, two, that the public most affected by the decision was told until just recently that there would be only one meeting for both projects. Now they must re-group on short notice and try to make sure that they have adequate representation at both meetings, which increases both cost and inconvenience.

I appreciate your further explanation of the process and that you and the staff are working to provide for a fair review. I will be out of town on business on both dates, which is somewhat concerning to me, as I will only have second-hand information about what transpires. I truly hope that the meetings run smoothly, that everyone is on their best behavior, and that the acrimonious attitude seen so often in the last couple of years is absent.

Best regards,
Ann
~~~~~~
Ann Rupley

ann@wildlifecomputers.com

Hm: +1(425) 486-7443
Wk: +1(425) 881-3048
Cell: +1 (206) 963-9847

16324 NE 203rd Place, Woodinville, WA 98072
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From: Cindy Baker [mailto:CindyB@ci.woodinville.wa.us]
Sent: Tuesday, February 13, 2007 12:19 AM
To: Ann Rupley; Cathy VonWald
Subject: RE: Multiple public hearings for both proposed Wellington developments

Hello Ann, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to continue the hearing. I am sure he will if he believes there is a need. I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps. Please let me know if I can be of further assistance.

Also, I want to thank you for your kindness and taking the time to write. The approach you took in your e-mail was most respectful and I want to personally thank you for that.

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Monday, February 12, 2007 5:30 PM
To: Cindy Baker; Cathy VonWald
Subject: Multiple public hearings for both proposed Wellington developments

EXHIBIT 146
PAGE 19 OF 88

Dear Mayor VonWald and Ms. Baker,

I have recently been made aware that there is a change in the EIS hearing format for the proposed Wood Trails and Montevallo developments in the Wellington neighborhood, in that there will now be separate hearings for the two projects.

First, please note that while I am on the email distribution list for the Concerned Neighbors of Wellington, much of the rancor that came out in the last election and in other CNW-related activities does not represent my opinion, and I was appalled by the blatant personal attacks that occurred. I do not actively support most CNW activities. So, please take this as a letter from an average Wellington resident, who has lived and raised our children in Wellington for the past 14 years. My husband and I are long-time acquaintances of Don Brocha, who can also vouch for the fact that we are not fanatical citizens out to skewer the city.

That said, I am concerned about the change in the hearing process, and that it comes with such limited advance notice this late in the process. As recently as today, I believe the city website still indicated this would be a joint hearing. Decisions such as this, made late in the game, add fuel to the argument that the city is "trying to pull a fast one." Perhaps this is just a public relations mis-step, but the potential for distrust and misunderstanding is once again magnified by this action.

I do not believe that all building should cease, and I do not believe that the government should deny a property owner REASONABLE requests to develop land that he/she/the corporation owns. However, I DO think the city should make every legal effort to limit that development when it creates a major ecological, safety, or quality of life issue for a large segment of the citizenry.

If you consider the potential impact these two developments will have on the Wellington neighborhood, the two must be considered as an overall package. The cumulative effect of both developments is substantially different than one or the other alone. It is appropriate to look at the two together because they are intertwined in their dependence on density transfer credits and their joint request for rezoning, and due to the cumulative impacts of the two properties on traffic, erosion, and neighborhood character.

It is my sincere hope that "the city" is not trying to ramrod these developments through, and that "the city" is not trying to deny the public reasonable and practical opportunities to express their opinions, pro or con. I hope that "the city" isn't being the big, bad entity that creates an "us vs. them" scenario. That is the impression one would get at times, based on the way some decisions are made and/or events unfold.

I am trying to keep an open mind and trust in the integrity of those in positions of authority in the Woodinville city government. I do request that city officials do all they can to represent the citizens fairly. I believe that does much to protect our quality of life in Woodinville. It is in this spirit that I strongly urge you to consider the two proposed developments at the same public hearing where the cumulative impacts can be considered.

Finally, I thank you both for your time, both in reading this email, and for the effort you put in regularly on behalf of

the voters. I realize that you, Ms. Baker, are an employee of the city, and not an elected official, but I am sure that does not lessen the feeling of responsibility that comes with the job. And Mayor VonWald, you have put in countless hours over the past several years, many of them dealing with contentious issues. That is never a pleasant experience. So, thank you for your sacrifice and your effort.

Best regards,

Ann

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:39 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Multiple public hearings for both proposed Wellington developments

EXHIBIT 146
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From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Tuesday, February 13, 2007 8:20 AM
To: Cindy Baker
Cc: Cathy VonWald
Subject: RE: Multiple public hearings for both proposed Wellington developments

Dear Cindy,

Thank you for your prompt response.

I can understand that separate proposals require separate decisions. That makes sense to me, and I would not dispute that.

My concern was two-fold. One, that separate decisions might not incorporate the cumulative effect of both projects. And, two, that the public most affected by the decision was told until just recently that there would be only one meeting for both projects. Now they must re-group on short notice and try to make sure that they have adequate representation at both meetings, which increases both cost and inconvenience.

I appreciate your further explanation of the process and that you and the staff are working to provide for a fair review. I will be out of town on business on both dates, which is somewhat concerning to me, as I will only have second-hand information about what transpires. I truly hope that the meetings run smoothly, that everyone is on their best behavior, and that the acrimonious attitude seen so often in the last couple of years is absent.

Best regards,
Ann

Subject: RE: Multiple public hearings for both proposed Wellington developments

Hello Ann, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to continue the hearing. I am sure he will if he believes there is a need. I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps. Please let me know if I can be of further assistance.

Also, I want to thank you for your kindness and taking the time to write. The approach you took in your e-mail was most respectful and I want to personally thank you for that.

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Monday, February 12, 2007 5:30 PM
To: Cindy Baker; Cathy VonWald
Subject: Multiple public hearings for both proposed Wellington developments

EXHIBIT 146
PAGE 22 OF 88

Dear Mayor VonWald and Ms. Baker,

I have recently been made aware that there is a change in the EIS hearing format for the proposed Wood Trails and Montevallo developments in the Wellington neighborhood, in that there will now be separate hearings for the two projects.

First, please note that while I am on the email distribution list for the Concerned Neighbors of Wellington, much of the rancor that came out in the last election and in other CNW-related activities does not represent my opinion, and I was appalled by the blatant personal attacks that occurred. I do not actively support most CNW activities. So, please take this as a letter from an average Wellington resident, who has lived and raised our children in Wellington for the past 14 years. My husband and I are long-time acquaintances of Don Brocha, who can also vouch for the fact that we are not fanatical citizens out to skewer the city.

That said, I am concerned about the change in the hearing process, and that it comes with such limited advance notice this late in the process. As recently as today, I believe the city website still indicated this would be a joint hearing. Decisions such as this, made late in the game, add fuel to the argument that the city is "trying to pull a fast one." Perhaps this is just a public relations mis-step, but the potential for distrust and misunderstanding is once again magnified by this action.

I do not believe that all building should cease, and I do not believe that the government should deny a property owner REASONABLE requests to develop land that he/she/the corporation owns. However, I DO think the city should make every legal effort to limit that development when it creates a major ecological, safety, or quality of life issue for a large segment of the citizenry.

If you consider the potential impact these two developments will have on the Wellington neighborhood, the two must be considered as an overall package. The cumulative effect of both developments is substantially different than one or the other alone. It is appropriate to look at the two together because they are intertwined in their dependence on density transfer credits and their joint request for rezoning, and due to the cumulative impacts of the two properties on traffic, erosion, and neighborhood character.

It is my sincere hope that "the city" is not trying to ramrod these developments through, and that "the city" is not trying to deny the public reasonable and practical opportunities to express their opinions, pro or con. I hope that "the city" isn't being the big, bad entity that creates an "us vs. them" scenario. That is the impression one would get at times, based on the way some decisions are made and/or events unfold.

I am trying to keep an open mind and trust in the integrity of those in positions of authority in the Woodinville city government. I do request that city officials do all they can to represent the citizens fairly. I believe that does much to protect our quality of life in Woodinville. It is in this spirit that I strongly urge you to consider the two proposed developments at the same public hearing where the cumulative impacts can be considered.

Finally, I thank you both for your time, both in reading this email, and for the effort you put in regularly on behalf of the voters. I realize that you, Ms. Baker, are an employee of the city, and not an elected official, but I am sure that does not lessen the feeling of responsibility that comes with the job. And Mayor VonWald, you have put in countless hours over the past several years, many of them dealing with contentious issues. That is never a pleasant experience. So, thank you for your sacrifice and your effort.

Best regards,

Ann

Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 10:48 AM
To: Sandy Guinn
Subject: FW: Concern regarding the two meetings -- Wood Trails / Montevallo

Importance: High

In the record

EXHIBIT 146
PAGE 24 OF 88

-----Original Message-----
From: Barbara_Czuba@berlex.com [mailto:Barbara_Czuba@berlex.com]
Sent: Tuesday, February 13, 2007 9:58 AM
To: Cindy Baker; Susie McCann; Cathy VonWald
Subject: Concern regarding the two meetings -- Wood Trails / Montevallo
Importance: High

Dear Ms. Baker, Ms. McCann, and Mayor VonWald --

I just received in the mail two notices of Public Hearings to take place on Feb 28th and March 1st, and I have a question / concern on this.

My question deals with whether the City of Woodinville and the scheduled Public Hearings are reviewing these two developments as one per the FEIS, or are we now to consider these developments as independent of one another.

Within the FEIS document, the two proposed developments are presented as dependent on one another and thus intertwined with respect to the various traffic impact studies, the density transfer credit, the impact to neighborhood character -- etc. I am concerned that now these two developments appear to be independent of one another since there is scheduled two Public Hearing dates; one hearing per development.

Please let me know if it is still the intent to consider these applications as combined into one application for purposes of EIS review and project review, as well as the Public Hearings. This is appropriate since the two proposed developments are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

Thank you for your time -- I look forward to your answer on my question / concern.

-- Barbara Czuba

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Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 11:31 AM
To: Sandy Guinn
Subject: FW: Request for a Single hearing for the DEIS and Project Review for Wood Trails and Montevallo

On the record?

From: Doug Gibson [mailto:dgibson@wisllc.com]
Sent: Tuesday, February 13, 2007 10:02 AM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Request for a Single hearing for the DEIS and Project Review for Wood Trails and Montevallo

Dear Ms. Baker and Mr. VonWald,
I have been a resident and homeowner of Woodinville since 1980. I currently live at 14830 NE 198th Street. I will be deeply affected by the development projects proposed for my neighborhood. As such I am writing to request that the EIS review and the project review be combined into one meeting. The two are inextricably intertwined and therefore warrant a combined review process. Either February 28 or March 1 will work to have both subjects presented but not as separate presentations. The City initially planned for one meeting but now has broken the process into two meetings. I strongly request you combine these meetings into one and return to your initial decision. I look forward to you consideration of this matter.

Sincerely,

Douglas L Gibson
President and CEO
Washington Imaging Services, LLC
425.454.6258
dgibson@wisllc.com

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:28 PM
To: Charleine Sell
Subject: FW: Clarification on Wood Trails & Montevallo Public Hearings

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From: Cindy Baker
Sent: Tuesday, February 13, 2007 12:02 AM
To: lola_granola@comcast.net; Susie McCann; Cathy VonWald; Hank Stecker- Comcast; Mike Roskind; 'Jenson, Gerald CTR USTRANSCOM J5J4'; Scott Hageman; Don Brocha; Chuck Price
Cc: Connie Fessler
Subject: RE: Clarification on Wood Trails & Montevallo Public Hearings

Although I cannot address the council about substantive issues on the proposals, I can address procedural items. 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. He can explain at the hearing. I hope this helps.

From: Lola Granola [mailto:lola_granola@comcast.net]
Sent: Monday, February 12, 2007 10:18 PM
To: Susie McCann; Cindy Baker; Cathy VonWald; Hank Stecker- Comcast; Mike Roskind; 'Jenson, Gerald CTR USTRANSCOM J5J4'; Scott Hageman; Don Brocha; Chuck Price
Subject: Clarification on Wood Trails & Montevallo Public Hearings

City Council Members & Staff,

There's a nasty rumor floating around that the Public Hearing scheduled for February 28th & March 1st, has very recently been split into two separate hearings that would address Wood Trails and Montevallo separately instead of together as has been the case historically. Can anyone confirm whether or not this is true?

If this rumor is not true, and a single public hearing is still planned for these two days even as the city webpage (http://www.ci.woodinville.wa.us/events/EIS.asp - see excerpt below**) states at this very hour, then you need not read any further.

However, IF it is true, then let me tell you, as a 9 year citizen of Woodinville who has been following this matter closely, I am infuriated!

Just who exactly in the city thinks they have the authority to separate this single meeting into two, especially at such a late date in the process? I'm not a lawyer, but it would seem to me that separating them out now would nullify everything that has happened to date and return the entire process to Day 1.

From the very beginning of the EIS process, Wood Trails and Montevallo have been handled in a combined fashion. As I understand it there are good reasons for doing so. By handling each one independently of the other, it would be very easy for the developer to gloss over the two projects cumulative and codependent impacts on very important environmental matters, including traffic, drainage, erosion, emergency response, etc. In

addition to the obvious process flaw, holding two separate, but nearly identical meetings on back to back weeknights seems willfully designed to depress public comment. (Don't even get me started on what the Planning Commission is doing by rescheduling their February 7th meeting to Valentine's Day).

In the many mandatory ethics classes I take as a Boeing employee, it is drilled into us over and over that the mere appearance of an impropriety is essentially as bad the impropriety itself. Let me tell you, the way the way I see this process being handled in the endgame smells rotten! As my wife stated at the recent Planning Commission hearing, you job is to work for us. We, along with many of our neighbors are doing our part and our civic duty by staying informed and by being involved in the process. I expect you to do you part and uphold a fair and impartial process. I expect better than this.

Sincerely,

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Matt Jenson
19122 148th AVE NE

** Extract from city webpage appended below. Note the singular form of the subject: "The Public Hearing." Also, note the singular form of the verb: "is scheduled." Please don't try to argue that, unlike the DEIS & the EIS, the two nights were always supposed to handle Wood Trails and Montevallo separately.

UPDATE 2/1/07: Public Hearing: Preliminary Plat and Rezone Applications for the Wood Trails and Montevallo Subdivisions, February 28 and March 1, 2007. The Public Hearing on the Preliminary Plat and Re-zone applications for the Wood Trails and Montevallo Subdivisions is scheduled for Wednesday, February 28 and Thursday, March 1, 2007, 7 to 10 p.m. at the Carol Edwards Center Gymnasium, 17401-133rd Avenue NE.

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:30 PM
To: Charleine Sell
Subject: FW: Multiple public hearings for both proposed Wellington developments

EXHIBIT 146
PAGE 28 OF 88

From: Cindy Baker
Sent: Tuesday, February 13, 2007 12:19 AM
To: Ann Rupley; Cathy VonWald
Subject: RE: Multiple public hearings for both proposed Wellington developments

Hello Ann, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to continue the hearing. I am sure he will if he believes there is a need. I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps. Please let me know if I can be of further assistance.

Also, I want to thank you for your kindness and taking the time to write. The approach you took in your e-mail was most respectful and I want to personally thank you for that.

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Monday, February 12, 2007 5:30 PM
To: Cindy Baker; Cathy VonWald
Subject: Multiple public hearings for both proposed Wellington developments

Dear Mayor VonWald and Ms. Baker,

I have recently been made aware that there is a change in the EIS hearing format for the proposed Wood Trails and Montevallo developments in the Wellington neighborhood, in that there will now be separate hearings for the two projects.

First, please note that while I am on the email distribution list for the Concerned Neighbors of Wellington, much of the rancor that came out in the last election and in other CNW-related activities does not represent my opinion, and I was appalled by the blatant personal attacks that occurred. I do not actively support most CNW activities. So, please take this as a letter from an average Wellington resident, who has lived and raised our children in Wellington for the past 14 years. My husband and I are long-time acquaintances of Don Brocha, who can also vouch for the fact that we are not fanatical citizens out to skewer the city.

That said, I am concerned about the change in the hearing process, and that it comes with such limited advance notice this late in the process. As recently as today, I believe the city website still indicated this would be a joint hearing. Decisions such as this, made late in the game, add fuel to the argument that the city is "trying to pull a fast one." Perhaps this is just a public relations mis-step, but the potential for distrust and misunderstanding is once again magnified by this action.

I do not believe that all building should cease, and I do not believe that the government should deny a property owner REASONABLE requests to develop land that he/she/the corporation owns. However, I DO think the city should make every legal effort to limit that development when it creates a major ecological, safety, or quality of life

issue for a large segment of the citizenry.

If you consider the potential impact these two developments will have on the Wellington neighborhood, the two must be considered as an overall package. The cumulative effect of both developments is substantially different than one or the other alone. It is appropriate to look at the two together because they are intertwined in their dependence on density transfer credits and their joint request for rezoning, and due to the cumulative impacts of the two properties on traffic, erosion, and neighborhood character.

It is my sincere hope that "the city" is not trying to ramrod these developments through, and that "the city" is not trying to deny the public reasonable and practical opportunities to express their opinions, pro or con. I hope that "the city" isn't being the big, bad entity that creates an "us vs. them" scenario. That is the impression one would get at times, based on the way some decisions are made and/or events unfold.

I am trying to keep an open mind and trust in the integrity of those in positions of authority in the Woodinville city government. I do request that city officials do all they can to represent the citizens fairly. I believe that does much to protect our quality of life in Woodinville. It is in this spirit that I strongly urge you to consider the two proposed developments at the same public hearing where the cumulative impacts can be considered.

Finally, I thank you both for your time, both in reading this email, and for the effort you put in regularly on behalf of the voters. I realize that you, Ms. Baker, are an employee of the city, and not an elected official, but I am sure that does not lessen the feeling of responsibility that comes with the job. And Mayor VonWald, you have put in countless hours over the past several years, many of them dealing with contentious issues. That is never a pleasant experience. So, thank you for your sacrifice and your effort.

Best regards,

Ann

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Ann Rupley

ann@wildlifecomputers.com

Hm: +1(425) 486-7443
Wk: +1(425) 881-3048
Cell: +1 (206) 963-9847

16324 NE 203rd Place, Woodinville, WA 98072

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Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:48 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Hearings for Montavello and Wood Trails

EXHIBIT 146
PAGE 30 OF 88

-----Original Message-----
From: Todd & Susan [mailto:seadoofun2@msn.com]
Sent: Tuesday, February 13, 2007 10:17 AM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Hearings for Montavello and Wood Trails

Ms. Baker,

I am an active citizen in the community who is very involved in the development taking place in Woodinville. For over two years now I have followed the "Wood Trails/Montavello" project, which have always been spoke of as one. Every bit of information I have worked on has combined the two, including the original public meeting detailing the publics concerns about the developments, the DEIS public meeting and subsequent input into, and now the FEIS. Again, all the communication joined the two developments.

I was quite surprised to find that suddenly, with countless citizen hours invested into research, the city has decided the projects should now be considered separately. I'm unsure of exactly how that is a win/win for the city and citizens, and am asking you to correct the obvious error, and to have them joined again. I was comfortable (and appreciative) of the two evenings worth of meetings in regards to this project, as it seemed the city was preparing for the large amounts of input (welcome input, we would hope) from its active citizens.

Thank you for your time,

Susan Huso

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:49 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Proposed Development In Wellington

EXHIBIT 146
PAGE 31 OF 88

From: James Snell [mailto:jes3788@comcast.net]
Sent: Tuesday, February 13, 2007 11:05 AM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Proposed Development In Wellington

I am angered by the shady maneuvering of the Woodinville city government in the matter of the proposed development in the Wellington area, specifically the Montevallo and especially the Wood Trails proposals. The city government has refused to correspond with the lawyer chosen to represent the people who live in this area and will be impacted by the development. Now it has pulled a maneuver to split the public comment meeting on the two developments into separate meetings only 15 days before the first meeting. This is an obvious divide-and-conquer strategy to lessen the impact of public comment. I feel there should only be one meeting as all people in the Wellington area are commonly impacted by these developments.

Regarding the Wood Trails development, I understand that the developer has a right to build on their land within current city zoning and environmental rules. I also understand that my neighborhood (198th street) is within the urban density perimeter and will probably have to be rezoned and put on sewers eventually. I would probably accept a zoning change from R1 to R2. If that happens, I feel that the developer should be required to build to the R2 standard on the usable land in their plot. Under no circumstances should they be allowed to build at the R4 density just because part of their plot of land can't be built on! They purchased that land know its construction limitations and I see no reason to give them the right to ruin my neighborhood just because they can't build on their entire plot of land. I am also against opening up only NE 198th Street as the only access road to this new neighborhood. All roads that touch the new neighborhood should be opened to this new traffic to lessen the impact on existing neighborhoods. I do not accept an 8 to 10 fold increase in the traffic on my street when there are alternative street connections available. I also feel that the build should be liable for some of the costs that will be incurred by property owners in the affected areas. Such costs as sewers, sewers hookups, street lighting, and sidewalks (particularly on the streets most affected by the new development).

James Snell
15009 NE 198th St
Woodinville Wa. 98072
425-402-8072
jes3788@yahoo.com

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:49 PM
To: Charleine Sell
Subject: FW: Montevallo and Wood Trails public hearing(s)

EXHIBIT 146
PAGE 32 OF 88

From: Shani Parrott [mailto:shaniparrott@earthlink.net]
Sent: Tuesday, February 13, 2007 11:36 AM
To: Cindy Baker
Cc: Cathy VonWald; Connie Fessler
Subject: Montevallo and Wood Trails public hearing(s)

To: Cindy Baker, Interim Development Services Director

Re: Montevallo and Wood Trails public hearings

Would you please explain why, after years of treating these applications as one issue, the city is NOW separating them into two just 15 days before the public hearing?

This is very disturbing because since day one of the DEIS these applications have been combined into one application for purposes of EIS review and project review. This is appropriate because they are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two proposed developments on wildlife, traffic, erosion, ground water, neighborhood character, etc. The single, joint hearing format has been communicated numerous times and even as recently at two weeks ago to the CNW attorney and is still referenced on the city website.* We have invested a great amount of time preparing for this format. This procedural change just 15 days prior to the hearing is completely unacceptable.

> * http://www.ci.woodinville.wa.us/documents/Wood%20Trails%20Montevallo%20EIS%20Appeal%20Letter%2012182006.pdf
>
> Dated 12/18/06 from Cindy Baker, Re: Wood Trails and Montevallo Subdivisions Final Environmental Impact Statement. "The Public **Hearing** before the City Hearing Examiner on the Preliminary Plat and Re-zone Applications for the Wood trails and Montevallo Subdivisions has been rescheduled. The Public **Hearing** is now scheduled for 2 days, ..."

This implies a continued meeting with one agenda where all parties may have time to comment. Assuming the hearing will start with the city's presentation, than the applicant's, will there be time for all public comment that evening? Will CNW and the other neighborhood associations have as much time or more to present as the applicant? Since they represent the current residents it seems only fair. For that matter, what is the format for this meeting? Is the intent to lessen the impact of the FEIS issues by presenting separately when the DEIS and FEIS for the two applications were combined in the first place due to the joint impact of traffic, emergency services, wildlife, schools, environmental, neighborhood character, etc.?

I respectfully request you hold a single hearing and address the combined Phoenix applications as was originally and continually communicated to the public all these years.

Thank you,

Shani Parrott
16212 NE 200th Court, Woodinville (Wellington)

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 1:55 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Wood Trails/Montevallo

EXHIBIT 146
PAGE 33 OF 88

From: Linda King [mailto:llarking1@comcast.net]
Sent: Tuesday, February 13, 2007 1:51 PM
To: Cathy VonWald; Cindy Baker
Subject: Wood Trails/Montevallo

As a concerned member of this community, I am disheartened that the city has tried to split the hearings for the Wood Trails and Montevallo projects. Many of us are passionate about voicing our concerns over these two developments. It is hard enough to make it to one meeting; so splitting the hearing on two different nights places an unwarranted burden on my family situation. I have to ask myself is this is an attempt to split the attendance of the concerned and opposing population. Why are you suddenly separating the hearings? I am officially requesting that the hearing for the Wood Trail and Montevallo projects be scheduled on the same date.
Signed,
Linda King
17344 167th Avenue NE
Woodinville, Wa 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 4:50 PM
To: Connie Fessler; Cindy Baker
Cc: Charleine Sell
Subject: FW: Public Hearings Feb 28/March 1

EXHIBIT 146
PAGE 34 OF 88

-----Original Message-----
From: Christina McMartin [mailto:cmcmartin@verizon.net]
Sent: Tuesday, February 13, 2007 3:11 PM
To: Cathy VonWald
Subject: Public Hearings Feb 28/March 1

Dear Mayor VonWald:

I am disturbed by the DEIS applications being split into two hearings. These applications both address the same EXACT extremely urgent issues facing the City of Woodinville and its ultimate quality as a place where people wish to live. Rezoning is a serious concern for all of us who live here. It is unacceptable to separate the two applications that are so closely meshed in their basic premiss - to change zoning and change our lifestyle here - not for the better. I request that the all interested parties have ample opportunity to address the issues, not just the people with the money. I request that the applications be joined into one hearing as was the prior plan. Thank you.

Sincerely, Christina McMartin

Within the Woodinville city limits

425-424-0027

PS:

By the way, I have no idea how the Tangling Ridge developer got away with murder in that site development, including such high density and destroying a very nice pond that used to exist at the bottom of that property - I guess he just filled it in, which would be ILLEGAL.

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 4:59 PM
To: Cindy Baker; Connie Fessler
Cc: Charleine Sell
Subject: FW: RE: City of Woodinville Customer Service Request

EXHIBIT 146
PAGE 35 OF 88

-----Original Message-----
From: Julia Poole [mailto:japoole1@earthlink.net]
Sent: Tuesday, February 13, 2007 3:54 PM
To: Cathy VonWald
Subject: FW: RE: City of Woodinville Customer Service Request

Dear Mayor VonWald,

Yesterday I e-mailed a request to Cindy Baker suggesting that the city combine the hearing process for the proposed Montevallo and Wood Trails developments over the two days currently scheduled, as the entire process up until now has combined both development proposals.

Both proposed developments share many features such as traffic impacts and neighborhood character, and it would save time for both Woodinville city staff and Woodinville citizens by avoiding duplication in presenting, recording, transcribing and addressing the same issues and comments twice.
Combining the hearings would also make it more likely that there would be enough time for every citizen who wishes to speak to get a chance to speak at the hearing, as each person would only have to speak once instead of twice.

Below is my e-mail to the city and Cindy Baker. I have received no reply from her as yet.

I appreciate any help you can give.

Sincerely,

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

> [Original Message]
> From: Marie Stake <MarieS@ci.woodinville.wa.us>
> To: <japoole1@earthlink.net>
> Date: 2/12/2007 1:02:57 PM
> Subject: RE: City of Woodinville Customer Service Request
>
> Ms. Poole,
> By way of this reply, your email has been forwarded to Ms. Cindy
> Baker, Interim Development Services Director. Ms. Baker may be
> reached directly at 425-489-2754 ext. 2271 or cindyb@ci.woodinville.wa.us.
> Sincerely,
>
> Marie Stake
> Communications Coordinator
> Desk: 425-877-2267 Cell: 206-605-1400
>
> -----Original Message-----
> From: www4pubform@adhost.com [mailto:www4pubform@adhost.com]

> Sent: Monday, February 12, 2007 10:43 AM
> To: Marie Stake
> Subject: City of Woodinville Customer Service Request
>
> Webpage:
> http://www.ci.woodinville.wa.us/ContactUs/contactCSREmail.asp
> From: japoole1@earthlink.net Remote Address: 207.69.139.159
> Web Browser: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1;
> .NET CLR 1.1.4322)
>
> Submit:
> Submit Comments
>
> email:
> japoole1@earthlink.net
>
> z01__CommentType:
> Suggestion
>
> z02__Pertaining_to:
> City Service
>
> z03__Comments:
> I request that the City of Woodinville take comments for both
> Montevallo and Wood Trails at one public hearing spread over the
> currently scheduled two days (2/28/07 and 3/1/07). Up to this point
> in the process these two developments have been considered at the same
> time because of the similarity of many of their issues such as
> neighborhood character and traffic impacts.
>
> I believe it would be a better use of city staff's time and our
> citizen's time to be able to speak once about both developments,
> instead of having to say the same comments twice and have the city
> staff listen to, record, transcribe and address the same comments twice.
>
> Please forward a copy of this also to Cindy Baker, Director of
> Development Services.
>
> Thank you for your attention to this matter.
>
> Sincerely,
> Julia Poole
>
>
> z04__Name:
> Julia Poole
>
> z07__Urgency:
> YES

EXHIBIT 146
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Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 5:00 PM
To: Cindy Baker; Connie Fessler
Cc: Charleine Sell
Subject: FW: RE: Two Hearings

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From: Julia Poole [mailto:japoole1@earthlink.net]
Sent: Tuesday, February 13, 2007 4:16 PM
To: Cathy VonWald
Subject: FW: RE: Two Hearings

Dear Mayor VonWald,

I found Ms. Baker's reply caught in my spam filter. Below is her response and my reply.

Thank you for your time.

Sincerely,

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

> ----- Original Message -----
> **From:** Julia Poole
> **To:** Cindy Baker
> **Sent:** 2/13/2007 4:12:17 PM
> **Subject:** RE: Two Hearings
>
> Dear Ms. Baker,
>
> Thank you for your reply. Please reply again after you have spoken with the hearing examiner about this issue. We need time to prepare our statements and clarification of the process before the hearing. Having him explain his approach at the hearing will be too late for the citizens of Woodinville to prepare their statements.
>
> Thank you again for your efforts.
>
> Sincerely,
> Julia Poole
>
> > ----- Original Message -----
> > **From:** Cindy Baker
> > **To:** japoole1@earthlink.net
> > **Sent:** 2/13/2007 12:34:12 AM
> > **Subject:** Two Hearings

Hello Ms. Poole, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to continue the hearing. I am sure he will if he believes there is a need. I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps. Please let me know if I can be of further assistance

Cindy Baker
Interim Director
Development Services
City of Woodiville

EXHIBIT 146
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Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 10:47 AM
To: Sandy Guinn
Subject: FW: Public Hearings on Wellington

EXHIBIT 146
PAGE 39 OF 88

Ca you check to make sure this is in the record

From: Barbara Poole [mailto:bapoole@earthlink.net]
Sent: Tuesday, February 13, 2007 4:42 PM
To: Cindy Baker
Subject: Public Hearings on Wellington

Please hold these hearings on one day as originally scheduled. As a home owner in Wellington Hills, I find this change 15 days prior to the hearing completely unacceptable.

Barbara Poole
bapoole@earthlink.net
Why Wait? Move to EarthLink.

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 5:01 PM
To: Cindy Baker; Connie Fessler
Cc: Charleine Sell
Subject: FW: Public Hearings on Wellington

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From: Barbara Poole [mailto:bapoole@earthlink.net]
Sent: Tuesday, February 13, 2007 4:44 PM
To: Cathy VonWald
Subject: Public Hearings on Wellington

Please hold these hearings on one day as originally scheduled. As a home owner in Wellington Hills, I find the change of the hearings to two days, 15 days prior to the hearing completely unacceptable.

Barbara Poole
bapoole@earthlink.net
Why Wait? Move to EarthLink.

Charleine Sell

From: Cindy Baker
Sent: Tuesday, February 13, 2007 6:39 PM
To: Charleine Sell; Mick Monken
Subject: FW: Rezoning

EXHIBIT 146
PAGE 41 OF 88

Place on the record

From: Leroy Kuebler [mailto:kaynleroy1@verizon.net]
Sent: Tuesday, February 13, 2007 4:47 PM
To: Cindy Baker
Subject: Rezoning

Ms Cindy Baker
City of Woodinville

Dear Ms Baker,

We live in Wellington Hills Estates, and have since 1969. We are concerned about the proposed rezoning from R1 to R4 in and around our neighborhood. We are not in favor of the rezoning. We also think the hearings for the two developments should be held separately with enough time in between that our representatives can prepare for the meeting.

It is our opinion that the major roads in our neighborhood should be updated before any change of zoning is considered. To name a few would be the Woodinville-Duvall Hwy, Hwy 202, Hwy 9 and 156th Ave NE. It seems the Woodinville-Duvall road is already over capacity. You must also consider that these roads will take years to update particularly if additional right-of-way has to be purchased.

We watched the City of Redmond develop the plateau to their East without updating the roads. If you drive there any workday evening right now you will see the traffic backed up from the plateau West on to Avondale Road. A little prior planning may have prevented the problem. This should be an example for Woodinville to avoid.

Woodinville should take a very seriously look at the consequences of going ahead with the new zoning to quickly. A well planned development would be an asset to our community. Traffic gridlock will be a serious detriment. Not to mention the schools and other facilities in the city.

It looks as though Wellington Hills golf course will become some sort of high density housing or commercial development. We can't imagine what the ramification will be if the roads are not updated beforehand. Our hope is the golf course will stay as a golf course or become a beautiful park or a combination of the two.

Thank you for you consideration of our viewpoint regarding the proposed rezoning.

Kay and LeRoy Kuebler
20255 149th Pl NE
Woodinville, WA 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 13, 2007 5:01 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Public hearing for wellington

EXHIBIT 146
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From: tonyvannatter@comcast.net [mailto:tonyvannatter@comcast.net]
Sent: Tuesday, February 13, 2007 4:49 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Public hearing for wellington

Cindy,

I would like to address my concern as to why we are not having 1 public meeting to address the zoning restrictions for the Wellington area. I understand that the city is trying to have 2 separate hearings.

Please try to handle both projects in 1 public meeting.

Tony Van Natter

15021 N.E. 198th ST.

Woodinville, Wa

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--
tonyvannatter@comcast.net
425 483 3034

Charleine Sell

From: Jennifer Kuhn
Sent: Wednesday, February 14, 2007 8:25 AM
To: Charleine Sell
Subject: FW: Clarification on Wood Trails & Montevallo Public Hearings

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From: Lola Granola [mailto:lola_granola@comcast.net]
Sent: Tuesday, February 13, 2007 11:29 PM
To: Cindy Baker; Susie McCann; Cathy VonWald; Hank Stecker; Mike Roskind; Gina Leonard; Scott Hageman; Don Brocha; Chuck Price
Cc: Connie Fessler
Subject: RE: Clarification on Wood Trails & Montevallo Public Hearings

Ms. Baker et al.

Thank you for your reply.

Unfortunately, I think that it did not address many of my concerns.

1) If the process is for these two projects to be decided separately by the hearing examiner in separate meetings, why were they ever allowed to be addressed in the same DEIS & EIS?
2) A lot of people have spent an enormous amount of time and no small amount of money preparing for the upcoming hearing[s]. Until just very recently, the explicitly communicated plan from the city was for a single hearing addressing both projects to span two days. With this much riding on the line, I'm not at all comfortable with having you "talk to the hearing examiner about this issue." Can you please be extremely explicit on what steps the city is planning to take to "overcome the dilemma"?
3) The whole point of having such a rigorous (and arduous) process is to present a level playing field for all parties involved. Last minute, poorly communicated process changes cast a serious and nefarious shadow on objectivity of the entire process. What steps does the city intend to pursue to restore some basic level of public confidence in the process?
4) It seems to me that a mid-stream rule change will no doubt open wide the doors to legal action against the city from every possible direction. What steps is the city taking to mitigate this risk?
5) The whole point of a PUBLIC hearing is to communicate with the public. As a member of the public, I can assure you that two mid-week late night back to back hearings is a very poor way to encourage public participation. Please explain to me how this 11th hour cannot be construed as anything but a deliberate attempt to suppress public participation?
6) When should we, the public expect to receive specific clarification about what is actually going to happen on the 28th and the 1st? Will there be agendas/rules posted ahead of time? When & where can I find them?
7) And, finally, ever since this broke yesterday, I have heard a whole lot of public silence from my **elected city council**. Can I assume that this is because your legal counsel, realizing your new legal peril, has muzzled you? Or are you just scared to take a public position at this time?

I look forward to hearing from you soon on the items that you are allowed to address.

Sincerely,

Matt Jenson
19122 148th AVE NE

From: Cindy Baker [mailto:CindyB@ci.woodinville.wa.us]

Sent: Tuesday, February 13, 2007 12:02 AM
To: lola_granola@comcast.net; Susie McCann; Cathy VonWald; Hank Stecker- Comcast; Mike Roskind; Jenson, Gerald CTR USTRANSCOM J5J4; Scott Hageman; Don Brocha; Chuck Price
Cc: Connie Fessler
Subject: RE: Clarification on Wood Trails & Montevallo Public Hearings

Although I cannot address the council about substantive issues on the proposals, I can address procedural items. 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. He can explain at the hearing. I hope this helps.

From: Lola Granola [mailto:lola_granola@comcast.net]
Sent: Monday, February 12, 2007 10:18 PM
To: Susie McCann; Cindy Baker; Cathy VonWald; Hank Stecker; Mike Roskind; 'Jenson, Gerald CTR USTRANSCOM J5J4'; Scott Hageman; Don Brocha; Chuck Price
Subject: Clarification on Wood Trails & Montevallo Public Hearings

EXHIBIT 146
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City Council Members & Staff,

There's a nasty rumor floating around that the Public Hearing scheduled for February 28th & March 1st, has very recently been split into two separate hearings that would address Wood Trails and Montevallo separately instead of together as has been the case historically. Can anyone confirm whether or not this is true?

If this rumor is not true, and a single public hearing is still planned for these two days even as the city webpage (http://www.ci.woodinville.wa.us/events/EIS.asp - see excerpt below**) states at this very hour, then you need not read any further.

However, IF it is true, then let me tell you, as a 9 year citizen of Woodinville who has been following this matter closely, I am infuriated!

Just who exactly in the city thinks they have the authority to separate this single meeting into two, especially at such a late date in the process? I'm not a lawyer, but it would seem to me that separating them out now would nullify everything that has happened to date and return the entire process to Day 1.

From the very beginning of the EIS process, Wood Trails and Montevallo have been handled in a combined fashion. As I understand it there are good reasons for doing so. By handling each one independently of the other, it would be very easy for the developer to gloss over the two projects cumulative and codependent impacts on very important environmental matters, including traffic, drainage, erosion, emergency response, etc. In addition to the obvious process flaw, holding two separate, but nearly identical meetings on back to back weeknights seems willfully designed to depress public comment. (Don't even get me started on what the Planning Commission is doing by rescheduling their February 7th meeting to Valentine's Day).

In the many mandatory ethics classes I take as a Boeing employee, it is drilled into us over and over that the mere appearance of an impropriety is essentially as bad the impropriety itself. Let me tell you, the way the way I see this process being handled in the endgame smells rotten! As my wife stated at the recent Planning Commission hearing, you job is to work for us. We, along with many of our neighbors are doing our part and our civic duty by staying informed and by being involved in the process. I expect you to do you part and uphold a fair and impartial process. I expect better than this.

Sincerely,

Matt Jenson

19122 148th AVE NE

** Extract from city webpage appended below. Note the singular form of the subject: "The Public Hearing." Also, note the singular form of the verb: "is scheduled." Please don't try to argue that, unlike the DEIS & the EIS, the two nights were always supposed to handle Wood Trails and Montevallo separately.

UPDATE 2/1/07: Public Hearing: Preliminary Plat and Rezone Applications for the Wood Trails and Montevallo Subdivisions, February 28 and March 1, 2007. The Public Hearing on the Preliminary Plat and Re-zone applications for the Wood Trails and Montevallo Subdivisions is scheduled for Wednesday, February 28 and Thursday, March 1, 2007, 7 to 10 p.m. at the Carol Edwards Center Gymnasium, 17401-133rd Avenue NE.

EXHIBIT 146
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Charleine Sell

From: Jennifer Kuhn
Sent: Wednesday, February 14, 2007 9:46 AM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Splitting of Montavello and Wood Trail Hearing Examiner meetings

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PAGE 41 OF 88

-----Original Message-----
From: Todd & Susan [mailto:seadoofun2@msn.com]
Sent: Wednesday, February 14, 2007 9:43 AM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Splitting of Montavello and Wood Trail Hearing Examiner meetings

Ms Baker,

I am totally dumbfounded as to why the development project the city has spoke of as one (for more than 2 years!!), is now split. I just don't get it. It doesn't make sense. I don't want to think the worst, but in this case, how can I not?

Please do the right thing for the citizens, who only want what is best for Woodinville's future, reverse the decision and allow both meetings (2/28 and
3/1) to contain information in regards to the "one" development project that we have spent so much time and energy on.

thank you for your time and consideration,

Todd R. Huso
PO Box 1176

Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 11:04 AM
To: Sandy Guinn
Subject: FW: Wellington Hills Public Meetings Woodstrails, Montevello

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On the record

From: Caroline Smith [mailto:bellsmith@sprynet.com]
Sent: Wednesday, February 14, 2007 4:38 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Wellington Hills Public Meetings Woodstrails, Montevello

Cindy, I moved out to woodinville ten years ago to enjoy "city life country style". So far I have seen the hot air balloons all but disappear, target / top foods mess, low income housing, Birghtwater, Costco, and the traffic triple on the dead end street that I live on; (195th NE). We only have one chance to build Woodinville, so let's take the time and money to make the best decisons that we can. Think of the people that want to live here long term and not the special interest of a property developer that wants to muck up the neighborhood and leave town!

I think that it is just wrong to plan two meetings to try to wear people down so that Woodstrails and Montevello are approved. What If each resident of the Wellington Hills wanted to plan a special meeting with the city officials and Phoenix Developement group
to discuss the growth, development impact and other concerns? Do you think that you would be a little worn-out?

Best Regards

Ted B. Leibly

Charleine Sell

From: Jennifer Kuhn
Sent: Thursday, February 15, 2007 8:27 AM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Wellington Hills Public Meetings Woodstrails, Montevello

EXHIBIT 146
PAGE 49 OF 88

From: Caroline Smith [mailto:bellsmith@sprynet.com]
Sent: Wednesday, February 14, 2007 4:38 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Wellington Hills Public Meetings Woodstrails, Montevello

Cindy, I moved out to woodinville ten years ago to enjoy "city life country style". So far I have seen the hot air balloons all but disappear, target / top foods mess, low income housing, Birghtwater, Costco, and the traffic triple on the dead end street that I live on; (195th NE). We only have one chance to build Woodinville, so let's take the time and money to make the best decisons that we can. Think of the people that want to live here long term and not the special interest of a property developer that wants to muck up the neighborhood and leave town!

I think that it is just wrong to plan two meetings to try to wear people down so that Woodstrails and Montevello are approved. What If each resident of the Wellington Hills wanted to plan a special meeting with the city officials and Phoenix Developement group
to discuss the growth, development impact and other concerns? Do you think that you would be a little worn-out?

Best Regards

Ted B. Leibly

Charleine Sell

From: Jennifer Kuhn
Sent: Thursday, February 15, 2007 8:30 AM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Public Hearings for Wood Trails and Montevallo

EXHIBIT 146
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From: Sherry Brown [mailto:SteveandSherryBrown@comcast.net]
Sent: Wednesday, February 14, 2007 8:08 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Public Hearings for Wood Trails and Montevallo

Dear Cindy,

I recently was informed of the two notices of Public Hearings to take place on Feb 28th pertaining to the Wood Trails development & Mar 1st pertaining to the Montevallo development. This is very disturbing because since day one of the DEIS these applications have been combined into one application for purposes of EIS review and project review. This is appropriate because they are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

The single, joint hearing format has been communicated numerous times and is still referenced on the city website. I am not sure of the reason for the sudden change necessitating two separate hearings but it appears to be highly unusual given the reasons sited above. Therefore, I respectfully request that these hearings be consolidated, as it is only appropriate given the cumulative impact of these developments on our neighborhoods.

Sincerely,

Steve Brown
15218 NE 198th Street
Woodinville, WA 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Thursday, February 15, 2007 4:58 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Wood Trails and Montevallo Hearings

EXHIBIT 146
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From: Janet R. Littlefield [mailto:jrlittlefield@msn.com]
Sent: Thursday, February 15, 2007 4:56 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Wood Trails and Montevallo Hearings

Ms. Cindy Baker
Interim Development Services Director
City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072

Subject: Public Hearings for Wood Trails and Montevallo

This email expresses my dissatisfaction with the City of Woodinville's recent decision to consider the Wood Trails and Montevallo applications in separate hearings. Because these developments are intertwined, I strongly urge you to conduct a single public hearing that will address both projects.

Please consider that these projects are intertwined for the following reasons:

- They rely on density transfer credits from one development (Wood Trails) to the other (Montevallo).
- They both request rezones.
- They will have cumulative impacts on traffic, erosion and neighborhood character.
- They were originally considered in ONE application for the purposes of EIS review and project review.

Until the most recent announcement, the city had always communicated a single, joint hearing format for these projects. I am concerned that the upcoming separate hearings will prevent the presentation of testimony that addresses the combined impacts of the Wood Trails and Montevallo projects. It seems grossly unfair that these projects are considered as one for the purposes of lot credits, rezoning, project review and EIS review, but when it comes to public input, the city of Woodinville has decided that it will consider the projects separately. This is absolutely unacceptable.

As a public servant, you are held accountable by the citizens of Woodinville. Please fulfill your duties and ensure that the residents who are affected by these projects are given adequate time and opportunity to comment on both projects in a single public hearing.

Sincerely,

Janet R. Littlefield
24321 75th Avenue SE
P.O. Box 550
Woodinville, WA 98072

From: Leroy Kuebler [mailto:kaynleroy1@verizon.net]
Sent: Friday, February 16, 2007 3:54 AM
To: Susie McCann
Subject: Rezoning

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Ms Susie McCann
City of Woodinville

Dear Ms McCann,

We live in Wellington Hills Estates, and have since 1969. We are concerned about the proposed rezoning from R1 to R4 in and around our neighborhood. We are not in favor of the rezoning. We also think the hearings for the two developments should be held separately with enough time in between that our representatives can prepare for the meeting.

It is our opinion that the major roads in our neighborhood should be updated before any change of zoning is considered. To name a few would be the Woodinville-Duvall Hwy, Hwy 202, Hwy 9 and 156th Ave NE. It seems the Woodinville-Duvall road is already over capacity. You must also consider that these roads will take years to update particularly if additional right-of-way has to be purchased.

We watched the City of Redmond develop the plateau to their East without updating the roads. If you drive there any workday evening right now you will see the traffic backed up from the plateau West on to Avondale Road. A little prior planning may have prevented the problem. This should be an example for Woodinville to avoid.

Woodinville should take a very seriously look at the consequences of going ahead with the new zoning to quickly. A well planned development would be an asset to our community. Traffic gridlock will be a serious detriment. Not to mention the schools and other facilities in the city.

It looks as though Wellington Hills golf course will become some sort of high density housing or commercial development. We can't imagine what the ramification will be if the roads are not updated beforehand. Our hope is the golf course will stay as a golf course or become a beautiful park or a combination of the two.

Thank you for you consideration of our viewpoint regarding the proposed rezoning.

Kay and LeRoy Kuebler
20255 149th Pl NE
Woodinville, WA 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Friday, February 16, 2007 12:05 PM
To: Cindy Baker; Connie Fessler
Cc: Charleine Sell
Subject: FW: Schedule change for Wood Trails/Monteballo hearings
Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
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From: Jarrett [mailto:jarrett.erin@comcast.net]
Sent: Friday, February 16, 2007 10:54 AM
To: Cathy VonWald
Subject: Schedule change for Wood Trails/Monteballo hearings

Hello Cathy,

I would like to go on record as opposing the change from one hearing to two for the Wood Trails and Monteballo proposed projects. This would have the effect of

a) skewing the data – the impact of each project will be evaluated separately, which makes the impact seem more benign. The real impact on our neighborhood would be the combined impact of both projects.
b) Discouraging public comment – not everyone can make both meetings, and those who do will have little time to comment.

Please reconsider this change of schedule. Thanks.

Respectfully,

Jarrett Renshaw
20230 149th Place NE
Woodinville

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:12 PM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Multiple public hearings for both proposed Wellington developments
Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 54 OF 80

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Friday, February 16, 2007 2:48 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: RE: Multiple public hearings for both proposed Wellington developments

Dear Cindy,

I really wish this email wasn't necessary, but I have to write once more, because I now have a more specific understanding of some of the issues raised by the CNW, as related to you in the attorney's letter of 13 February, which I just read in its entirety.

I no longer understand how the two projects can be heard separately. They are even more intertwined than I remembered, with the applicant ultimately desiring to transfer 19 Wood Trails units to the Montevallo project. I strongly urge the City to go back to the original hearing schedule proposed and publicized, and hold to that. Any other course of action denies the public a reasonable and fair opportunity to be heard, and gives the impression that the City is ramrodding or circumventing the hearing process. Whether or not that is actually happening, that is the appearance that is created, and that isn't good for any of us, City staff included. If there was a need for separate hearings, that should have been the way it was publicized from the beginning.

It is not too late to rectify this situation. I encourage the City to take the necessary steps to do so.

Thank you for your time.

Regards,

Ann

From: Cindy Baker [mailto:CindyB@ci.woodinville.wa.us]
Sent: Tuesday, February 13, 2007 12:19 AM
To: Ann Rupley; Cathy VonWald
Subject: RE: Multiple public hearings for both proposed Wellington developments

Hello Ann, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to continue the hearing. I am sure he will if he believes there is a need. I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps. Please let me know if I can be of further assistance.

Also, I want to thank you for your kindness and taking the time to write. The approach you took in your e-mail was most respectful and I want to personally thank you for that.

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Monday, February 12, 2007 5:30 PM
To: Cindy Baker; Cathy VonWald
Subject: Multiple public hearings for both proposed Wellington developments

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Dear Mayor VonWald and Ms. Baker,

I have recently been made aware that there is a change in the EIS hearing format for the proposed Wood Trails and Montevallo developments in the Wellington neighborhood, in that there will now be separate hearings for the two projects.

First, please note that while I am on the email distribution list for the Concerned Neighbors of Wellington, much of the rancor that came out in the last election and in other CNW-related activities does not represent my opinion, and I was appalled by the blatant personal attacks that occurred. I do not actively support most CNW activities. So, please take this as a letter from an average Wellington resident, who has lived and raised our children in Wellington for the past 14 years. My husband and I are long-time acquaintances of Don Brocha, who can also vouch for the fact that we are not fanatical citizens out to skewer the city.

That said, I am concerned about the change in the hearing process, and that it comes with such limited advance notice this late in the process. As recently as today, I believe the city website still indicated this would be a joint hearing. Decisions such as this, made late in the game, add fuel to the argument that the city is "trying to pull a fast one." Perhaps this is just a public relations mis-step, but the potential for distrust and misunderstanding is once again magnified by this action.

I do not believe that all building should cease, and I do not believe that the government should deny a property owner REASONABLE requests to develop land that he/she/the corporation owns. However, I DO think the city should make every legal effort to limit that development when it creates a major ecological, safety, or quality of life issue for a large segment of the citizenry.

If you consider the potential impact these two developments will have on the Wellington neighborhood, the two must be considered as an overall package. The cumulative effect of both developments is substantially different than one or the other alone. It is appropriate to look at the two together because they are intertwined in their dependence on density transfer credits and their joint request for rezoning, and due to the cumulative impacts of the two properties on traffic, erosion, and neighborhood character.

It is my sincere hope that "the city" is not trying to ramrod these developments through, and that "the city" is not trying to deny the public reasonable and practical opportunities to express their opinions, pro or con. I hope that "the city" isn't being the big, bad entity that creates an "us vs. them" scenario. That is the impression one would get at times, based on the way some decisions are made and/or events unfold.

I am trying to keep an open mind and trust in the integrity of those in positions of authority in the Woodinville city government. I do request that city officials do all they can to represent the citizens fairly. I believe that does much to protect our quality of life in Woodinville. It is in this spirit that I strongly urge you to consider the two proposed developments at the same public hearing where the cumulative impacts can be considered.

Finally, I thank you both for your time, both in reading this email, and for the effort you put in regularly on behalf of the voters. I realize that you, Ms. Baker, are an employee of the city, and not an elected official, but I am sure that does not lessen the feeling of responsibility that comes with the job. And Mayor VonWald, you have put in countless hours over the past several years, many of them dealing with contentious issues. That is never a pleasant experience. So, thank you for your sacrifice and your effort.

Best regards,

Ann

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Ann Rupley

ann@wildlifecomputers.com

Hm: +1(425) 486-7443
Wk: +1(425) 881-3048
Cell: +1 (206) 963-9847

16324 NE 203rd Place, Woodinville, WA 98072

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EXHIBIT 146
PAGE 56 OF 88

Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 10:53 AM
To: Sandy Guinn
Subject: FW: Multiple public hearings for both proposed Wellington developments

EXHIBIT 146
PAGES 1 OF 88

On the record?

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Friday, February 16, 2007 2:48 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: RE: Multiple public hearings for both proposed Wellington developments

Dear Cindy,

I really wish this email wasn't necessary, but I have to write once more, because I now have a more specific understanding of some of the issues raised by the CNW, as related to you in the attorney's letter of 13 February, which I just read in its entirety.

I no longer understand how the two projects can be heard separately. They are even more intertwined than I remembered, with the applicant ultimately desiring to transfer 19 Wood Trails units to the Montevallo project. I strongly urge the City to go back to the original hearing schedule proposed and publicized, and hold to that. Any other course of action denies the public a reasonable and fair opportunity to be heard, and gives the impression that the City is ramrodding or circumventing the hearing process. Whether or not that is actually happening, that is the appearance that is created, and that isn't good for any of us, City staff included. If there was a need for separate hearings, that should have been the way it was publicized from the beginning.

It is not too late to rectify this situation. I encourage the City to take the necessary steps to do so.

Thank you for your time.

Regards,

Ann

Subject: RE: Multiple public hearings for both proposed Wellington developments

Hello Ann, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to continue the hearing. I am sure he will if he believes there is a need. I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps. Please let me know if I can be of further assistance.

Also, I want to thank you for your kindness and taking the time to write. The approach you took in your e-mail was most respectful and I want to personally thank you for that.

From: Ann Rupley [mailto:Ann@wildlifecomputers.com]
Sent: Monday, February 12, 2007 5:30 PM
To: Cindy Baker; Cathy VonWald
Subject: Multiple public hearings for both proposed Wellington developments

EXHIBIT 146
PAGE 58 OF 88

Dear Mayor VonWald and Ms. Baker,

I have recently been made aware that there is a change in the EIS hearing format for the proposed Wood Trails and Montevallo developments in the Wellington neighborhood, in that there will now be separate hearings for the two projects.

First, please note that while I am on the email distribution list for the Concerned Neighbors of Wellington, much of the rancor that came out in the last election and in other CNW-related activities does not represent my opinion, and I was appalled by the blatant personal attacks that occurred. I do not actively support most CNW activities. So, please take this as a letter from an average Wellington resident, who has lived and raised our children in Wellington for the past 14 years. My husband and I are long-time acquaintances of Don Brocha, who can also vouch for the fact that we are not fanatical citizens out to skewer the city.

That said, I am concerned about the change in the hearing process, and that it comes with such limited advance notice this late in the process. As recently as today, I believe the city website still indicated this would be a joint hearing. Decisions such as this, made late in the game, add fuel to the argument that the city is "trying to pull a fast one." Perhaps this is just a public relations mis-step, but the potential for distrust and misunderstanding is once again magnified by this action.

I do not believe that all building should cease, and I do not believe that the government should deny a property owner REASONABLE requests to develop land that he/she/the corporation owns. However, I DO think the city should make every legal effort to limit that development when it creates a major ecological, safety, or quality of life issue for a large segment of the citizenry.

If you consider the potential impact these two developments will have on the Wellington neighborhood, the two must be considered as an overall package. The cumulative effect of both developments is substantially different than one or the other alone. It is appropriate to look at the two together because they are intertwined in their dependence on density transfer credits and their joint request for rezoning, and due to the cumulative impacts of the two properties on traffic, erosion, and neighborhood character.

It is my sincere hope that "the city" is not trying to ramrod these developments through, and that "the city" is not trying to deny the public reasonable and practical opportunities to express their opinions, pro or con. I hope that "the city" isn't being the big, bad entity that creates an "us vs. them" scenario. That is the impression one would get at times, based on the way some decisions are made and/or events unfold.

I am trying to keep an open mind and trust in the integrity of those in positions of authority in the Woodinville city government. I do request that city officials do all they can to represent the citizens fairly. I believe that does much to protect our quality of life in Woodinville. It is in this spirit that I strongly urge you to consider the two proposed developments at the same public hearing where the cumulative impacts can be considered.

Finally, I thank you both for your time, both in reading this email, and for the effort you put in regularly on behalf of the voters. I realize that you, Ms. Baker, are an employee of the city, and not an elected official, but I am sure that does not lessen the feeling of responsibility that comes with the job. And Mayor VonWald, you have put in countless hours over the past several years, many of them dealing with contentious issues. That is never a pleasant experience. So, thank you for your sacrifice and your effort.

Best regards,

Ann

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:13 PM
To: Charleine Sell
Subject: FW: Woodtrails and Montevallo Hearing
Importance: High
Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 60 OF 88

From: Richard D. Block [mailto:richardblock@comcast.net]
Sent: Friday, February 16, 2007 3:57 PM
To: Cindy Baker; Connie Fessler; Zach Lell- City Attorney
Cc: Cathy VonWald; Chuck Price; Don Brocha; Gina Leonard; Hank Stecker; Mike Roskind; Scott Hageman
Subject: Woodtrails and Montevallo Hearing
Importance: High

Ms. Cynthia Baker
Interim Planning Directory
City of Woodinville
Woodinville, WA 98072

Dear Ms. Baker,

I am in receipt of your Public Notice of Hearings for the proposed Woodtrails and Montevallo developments. I believe that this decision is in violation of the law and our rights as citizens and taxpayers. These proposals are interdependent upon each other on the basis of the transfer of density credits: Specifically the proposed plats and the derived EIS anticipates that density credits from Woodtrails would be transferred to Montevallo. While I acknowledge the developers have submitted separate Applications for these proposed developments, the transfer of density credits as tied together by the joint EIS links the two proposed developments, and they may not therefore be considered separately. The City has stated there would be one Hearing from the beginning. To change it at this late date strikes me as highly unorthodox and could cause the Council and the City legal repercussions that it can ill afford. I therefore respectfully request that you restore the Hearing as a single joint Hearing, as previously intended and announced, for both proposed developments.

Sincerely,

Richard D. Block

Richard D. Block
19199 148th Ave NE
Woodinville, WA 98072
425-483-1369
richardblock@comcast.net

Cc: Connie Fessler, Interim City Manager
Zach Lell, City Attorney

EXHIBIT 146
PAGE 61 OF 88

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:16 PM
To: Connie Fessler; Charleine Sell
Subject: FW: Wood Trails and Montevallo FEIS Hearings
Importance: High
Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 62 OF 88

From: Michael O'Grady [mailto:seamog@verizon.net]
Sent: Sunday, February 18, 2007 9:01 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Wood Trails and Montevallo FEIS Hearings
Importance: High

Ms.Baker,
We respectfully request that the hearings for the 2 subject proposals be heard on the same night as they both will will adversely affect the Wellington neighborhood. Having them on 2 separate nights leads one to believe they will have separate impacts. They will not. All discussions on these neighborhoods have been made together since the proposals were first introduced. To have these done on separate nights is unfair to the citizens of these neighborhoods whom the City Council has been elected to represent.

Thasnk you,

Mike & Michelle O'Grady

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:18 PM
To: Connie Fessler; Charleine Sell
Subject: FW: Public Hearings
Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 63 OF 80

From: Sharon Clemeson [mailto:almetclem@comcast.net]
Sent: Monday, February 19, 2007 2:45 PM
To: Cathy VonWald
Subject: Public Hearings

This is a copy of the email that I have just sent to Cindy Baker:

Dear Ms. Baker,

We are very upset about dividing the hearing between the two projects. We are at 15103 NE 202nd Street, and directly between the two re-zone areas. The combination of the two areas of will affect us and they were planned in conjunction with one another. It is irresponsible to consider them individually without considering the effect of them together.

We really feel the city we voted to enact many years ago is letting us down. It was supposed to protect us from uncontrolled development and it really looks to the general public as if the city is working with the developers with no consideration to the people that are part of the community. Starting with having the developers do the EIS all the way to making decisions on how the meetings are being held make us wonder about the city's intentions.

Sincerely,

Len and Sharon Clemeson

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:19 PM
To: Connie Fessler; Charleine Sell
Subject: FW: Combining development meetings

Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 64 OF 88

-----Original Message-----
From: Todd & Susan [mailto:seadoofun2@msn.com]
Sent: Tuesday, February 20, 2007 6:59 AM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Combining development meetings

Ms. Baker,

I'm writing to inquire about the status of combining the Hearing Examiner's meetings currently scheduled for 2/28/07 and 3/1/07. For a number of years now, the city has spoken of these two developments as a whole, and, as I said in an earlier email, I really don't see how, on such short notice, you can simply split them apart. This certainly gives the appearance of unfairness to the citizens of Woodinville, and a definate advantage to Phoenix Development. I know if your position, you don't want to give the appearance of unfairness, after all, your supposed to remain neutral.

Can you please give me a status report on how the combining effort is going?
At the very least, if your going to unfairly leave these as separate meetings, the citizens should have more time to split out their comments.
Your asking every citizen to basically come to two meetings, and how is that a win win for the city and citizens? That is a win for the developer. I can't possible be the only citizen voicing a concern.
Can you also let me know about how many emails you have received regarding combining the meetings?

Thank you, and I look forward to your response,

Susan Huso

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:19 PM
To: Connie Fessler; Charleine Sell
Subject: FW: Combining development meetings

Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 65 OF 88

-----Original Message-----
From: Todd & Susan [mailto:seadoofun2@msn.com]
Sent: Tuesday, February 20, 2007 6:59 AM
To: Cindy Baker
Cc: Cathy VonWald
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Can you also let me know about how many emails you have received regarding combining the meetings?

Thank you, and I look forward to your response,

Susan Huso

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:20 PM
To: Connie Fessler; Charleine Sell
Subject: FW: Hearing Examiner Meetings

Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 66 OF 88

-----Original Message-----
From: Todd & Susan [mailto:seadoofun2@msn.com]
Sent: Tuesday, February 20, 2007 7:09 AM
To: Cathy VonWald
Subject: Hearing Examiner Meetings

Mayor VonWald,

I am very disappointed in the way the city is driving the Hearing Examiner's meetings in regards to the 2 development by Phoenix. EVERYTHING until about
2 weeks had Wood Trails/Montevallo combined, and so now suddenly, after the countless hours of prep work done by citizens, they are going to combine them? How is that reasonable, and in the best interest of this city?

They have schedule each development a 3 hour slot, and of course, public comments come last. Why is that? Why is public comment treated like it just doesn't matter? Of course if you hear the attitudes of city staff "public comment really isn't that important, it's not like it does anything" you would begin to believe that, but it sure seems the council is listening.

Can you please tell me exactly why the meetings cannot be postponed, or explain, in detail, why, if the city has been in error for the last 2 1/2 years in combining the developments, that it suddenly must be fixed within a
3 week span? That it can't wait and give the citizens time to react? How is this even close to being in the best interest of the city and the interested public? Why is Cindy Baker allowed to behave this way, and represent you in this unprofessional manner?

I very much look forward to your reply. I am not the only one who is concerned about this situation, and the on going situation regarding Ms.
Baker's attitude towards the citizens. I don't understand how you can be OK with all of this, but then again, maybe your not. As I said in an earlier email, I was there the night you became mayor, and you said how honored you were, and you would try your best. We need you now, Ms. VonWald, to step in, and do what is right for your citizens.

I appreciate your time, and I look forward to your response.

Susan Huso

Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:20 PM
To: Connie Fessler; Charleine Sell
Subject: FW: Wood Trails and Montevallo Hearing Examiner meetings
Importance: High
Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 61 OF 88

From: Sharon Peterson (FOREFRONT SECURITY) [mailto:Sharon.Peterson@microsoft.com]
Sent: Tuesday, February 20, 2007 9:09 AM
To: Council; Cindy Baker
Cc: Sharon Peterson (FOREFRONT SECURITY)
Subject: Wood Trails and Montevallo Hearing Examiner meetings
Importance: High

City Of Woodinville Leadership,

I've received no response to my earlier email so sending again.

Thank you,
Sharon Peterson

From: Sharon Peterson (FOREFRONT SECURITY)
Sent: Monday, February 12, 2007 5:33 PM
To: City of Woodinville (council@ci.woodinville.wa.us)

City Council Members,

Over the weekend, I received two letters from the City of Woodinville. Each letter indicated to me that a date had been set for the Wood Trails FEIS Hearing and for the Montevallo FEIS Hearing, but they are two different dates.

Here's why I believe this is illegal, is against the 2.5 year precedent of communication that the City of Woodinville has set, and is also grounds for an immediate appeal of any decision that the Hearing Examiner might make.

- The City of Woodinville accepted the original application for the development as a single document that covered the proposed development of two areas. Only one application was filed.
- The initial Determination of Significance was made for both developments simultaneously. Only one DOS was issued.
- The Draft Environmental Impact Statement was published in March, 2006, for both developments. Only one DEIS was published.
- For almost a year, citizens have been prohibited from mentioning either development or both developments, in the same sentence at the same time.
- The Final Environmental Impact Statement addresses both developments simultaneously. Only one FEIS was published.

I am appalled that the City Staff would resort to this tactic as a way to divide two properties which have been

legally linked by the City for over 2.5 years. I'm deeply disappointed at the thought that our City Council would permit staff to send communications out that openly violate the precedent that's been established for these two properties.

The only explanation that comes to mind is that the City Council is simply not aware of this action and that now by being made aware of this act, you'll quickly direct staff to rectify this error in judgment, issue a formal retraction of the letters, mail new letters, and allow public comment on either development on both nights of the upcoming Hearing.

Please take SWIFT and IMMEDIATE action in tonight's Council meeting to address this grievous and offensive error and send the message to the citizens of Woodinville that "game playing" is not the agenda of the Woodinville City Council.

Thank you,
Sharon Peterson
15206 NE 202nd Street
Woodinville, WA 98072

Party of Record: Wood Trails and Montevallo

EXHIBIT 146
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Charleine Sell

From: Jennifer Kuhn
Sent: Tuesday, February 20, 2007 12:21 PM
To: Connie Fessler; Charleine Sell
Subject: FW: Wood Trails/Montevallo
Follow Up Flag: Follow up
Flag Status: Red

EXHIBIT 146
PAGE 69 OF 88

From: Linda King [mailto:llarking1@comcast.net]
Sent: Tuesday, February 20, 2007 11:19 AM
To: Cathy VonWald
Subject: Wood Trails/Montevallo

Dear Ms. Von Wald;
I have heard many comments requesting that the hearings for the Wood Trails and Montevallo developments be held together. I, myself, have always treated these developments as one, due to the fact that they were always addressed jointly by the city council. I am in favor of one hearing for both developments. Please let me know if these hearings have been combined and when that one hearing is scheduled. The only other option (not a good one) is to delay the separate hearings so the research and evidence can be divided for a professional, thorough presentation.
Thank you,
Linda King
17344 167th Avenue NE
Woodinville, Wa 98072

Charleine Sell

From: Jennifer Kuhn
Sent: Thursday, February 22, 2007 1:01 PM
To: Connie Fessler; Cindy Baker
Cc: Charleine Sell
Subject: FW: Wood Trails and Montevallo Hearing Examiner meetings

EXHIBIT 146
PAGE 20 OF 88

-----Original Message-----
From: Barbara_Czuba@berlex.com [mailto:Barbara_Czuba@berlex.com]
Sent: Thursday, February 22, 2007 12:39 PM
To: jeff@glickman.com; Chuck Price
Cc: almetclem@comcast.net; Ann@wildlifecomputers.com; bapoole@earthlink.net; bellsmith@sprynet.com; chuckprice604@hotmail.com; cmcmartin@verizon.net; Chuck Price; Dave.Shepherd@Emulex.Com; dgibson@wisllc.com; gamahan@comcast.net; gunnarssonusa@comcast.net; Hank Stecker- Comcast; jes3788@comcast.net; kristy_howell@comcast.net; kscarbrough@verizon.net; lisarhodes@windermere.com; llarking1 @comcast.net; lola_granola@comcast.net; Missy_Ryan@comcast.net; Mike Roskind @ Seanet; pkforman@juno.com; robert@rlventures.com; seadoofun2@msn.com; seamog@verizon.net; senafziger@verizon.net; shaniparrott@earthlink.net; Sharon.Peterson@microsoft.com; SteveandSherryBrown@comcast.net; tonyvannatter@comcast.net; yakimaco@verizon.net
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

Everyone -- here is the response I received from Cindy Baker on this issue / concern when I questioned the two independent meetings in mid-Feb.

Not sure where we stand with things but potentially one of the first questions or topics for the Hearing Examiner should be how he intends to handle things with respect to the interdependence of the two proposed developments -- Barbara

----- Forwarded by Barbara Czuba/ST/USR/SHG on 02/22/2007 12:30 PM -----

"Cindy Baker" <CindyB@ci.woodinville.wa.us> 02/13/2007 01:43 PM	To <Barbara_Czuba@berlex.com>	
	cc	
	Subject RE: Concern regarding the two meetings -- Wood Trails / Montevallo	

Hello Ann, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to

continue the hearing. I am sure he will if he believes there is a need.
I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps.
Please let me know if I can be of further assistance.

-----Original Message-----
From: Barbara_Czuba@berlex.com [mailto:Barbara_Czuba@berlex.com]
Sent: Tuesday, February 13, 2007 9:58 AM
To: Cindy Baker; Susie McCann; Cathy VonWald
Subject: Concern regarding the two meetings -- Wood Trails / Montevallo
Importance: High

EXHIBIT 146
PAGE 71 OF 88

Dear Ms. Baker, Ms. McCann, and Mayor VonWald --

I just received in the mail two notices of Public Hearings to take place on Feb 28th and March 1st, and I have a question / concern on this.

My question deals with whether the City of Woodinville and the scheduled Public Hearings are reviewing these two developments as one per the FEIS, or are we now to consider these developments as independent of one another.

Within the FEIS document, the two proposed developments are presented as dependent on one another and thus intertwined with respect to the various traffic impact studies, the density transfer credit, the impact to neighborhood character -- etc. I am concerned that now these two developments appear to be independent of one another since there is scheduled two Public Hearing dates; one hearing per development.

Please let me know if it is still the intent to consider these applications as combined into one application for purposes of EIS review and project review, as well as the Public Hearings. This is appropriate since the two proposed developments are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

Thank you for your time -- I look forward to your answer on my question /concern.

-- Barbara Czuba

"Jeff Glickman"
<jeff@glickman.co
m>
02/22/2007 11:49
AM
Please respond to
<jeff@glickman.co
m>

To
"'Chuck Price'"
<CPrice@ci.woodinville.wa.us>
<seadoofun2@msn.com>
<almetclem@comcast.net>
<seamog@verizon.net>
<SteveandSherryBrown@comcast.net>
<bellsmith@sprynet.com>
<gunnarssonusa@comcast.net>
<lola_granola@comcast.net>
<tonyvannatter@comcast.net>
<bapoole@earthlink.net>
<cmcmartin@verizon.net>
<llarking1@comcast.net>
<shaniparrott@earthlink.net>
<jes3788@comcast.net>
<dgibson@wisllc.com>
<Barbara_Czuba@berlex.com>
<Ann@wildlifecomputers.com>
<robert@rlventures.com>
<senafziger@verizon.net>

<kristy_howell@comcast.net>
<pkforman@juno.com>
<kscarbrough@verizon.net>
<Missy_Ryan@comcast.net>
<Dave.Shepherd@Emulex.Com>
<lisarhodes@windermere.com>
<Sharon.Peterson@microsoft.com>
<yakimaco@verizon.net>
<gamahan@comcast.net>
cc
<mroskind@seanet.com>,
<hstecker@comcast.net>,
<chuckprice604@hotmail.com>
Subject
RE: Wood Trails and Montevallo
Hearing Examiner meetings

EXHIBIT 146
PAGE 72 OF 88

Dear Councilmember Price,

I sent the following correspondence to Cindy Baker, Interim Planning Director, and Zach Lell, City Attorney, with a carbon copy to Connie Fessler, Interim City Manager, on February 15, 2007 and I have received no reply. Thank you for looking into this.

Sincerely,
Jeff Glickman

Ms. Cynthia Baker
Interim Planning Directory
City of Woodinville
Woodinville, WA 98072

Dear Ms. Baker,

I am in receipt of your Public Notice of Hearings for the proposed Woodtrails and Montevallo developments. Of note is your decision to split what was previously a single Hearing into two separate and distinct Hearings. I assert this is not permissible on the grounds that the proposals are interdependent upon each other on the basis of the transfer of density credits: Specifically the proposed plats and the derived EIS anticipates that density credits from Woodtrails would be transferred to Montevallo. While I acknowledge the proponent has submitted separate Applications for these proposed developments, the transfer of density credits as tied together by the joint EIS makes the two proposed developments contenement, and they may not therefore be considered separately. I therefore respectfully request that you restore the Hearing as a single joint hearing for both proposed developments.

Sincerely,

Jeff Glickman
19405 148th Ave NE
Woodinville, WA 98072
503-705-6900
jeff@glickman.com

Cc: Connie Fessler, Interim City Manager
Zach Lell, City Attorney

EXHIBIT 146
PAGE 13 OF 88

-----Original Message-----
From: Chuck Price [mailto:CPrice@ci.woodinville.wa.us]
Sent: Thursday, February 22, 2007 11:38 AM
To: seadoofun2@msn.com; almetclem@comcast.net; seamog@verizon.net; jeff@glickman.com; SteveandSherryBrown@comcast.net; bellsmith@sprynet.com; gunnarssonusa@comcast.net; lola_granola@comcast.net; tonyvannatter@comcast.net; bapoole@earthlink.net; cmcmartin@verizon.net; llarking1@comcast.net; shaniparrott@earthlink.net; jes3788@comcast.net; dgibson@wisllc.com; Barbara_Czuba@berlex.com; Ann@wildlifecomputers.com; robert@rlventures.com; senafziger@verizon.net; kristy_howell@comcast.net; pkforman@juno.com; kscarbrough@verizon.net; Missy_Ryan@comcast.net; Dave.Shepherd@Emulex.Com; lisarhodes@windermere.com; Sharon.Peterson@microsoft.com; yakimaco@verizon.net; gamahan@comcast.net
Cc: mroskind@seanet.com; hstecker@comcast.net; chuckprice604@hotmail.com
Subject: FW: Wood Trails and Montevallo Hearing Examiner meetings

FYI,

I've sent this to people I have found who have emailed the City Council in regards to this issue. I count 29 citizens I have found that we have received emails from. My apologies to anyone I have missed.

Chuck Price

From: Chuck Price
Sent: Thu 02/22/2007 11:07 AM
To: Sharon Peterson (FOREFRONT SECURITY); Council; Cindy Baker; Zach Lell- City Attorney; Connie Fessler
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

Connie,

Can you and Zach address this issue and if there are any legal issues associated with the separation of the two projects. It is confusing, since as stated below the "initial Determination of Significance was made for both developments simultaneously". We have had more emails on this issue than I can count, so I believe we owe ourselves and the community a clear explanation. An open dialog is essential to good communication.

Thanks,

Chuck Price

From: Sharon Peterson (FOREFRONT SECURITY) [mailto:Sharon.Peterson@microsoft.com]
Sent: Tue 02/20/2007 9:09 AM
To: Council; Cindy Baker
Cc: Sharon Peterson (FOREFRONT SECURITY)
Subject: Wood Trails and Montevallo Hearing Examiner meetings

City Of Woodinville Leadership,

I've received no response to my earlier email so sending again.

Thank you,

Sharon Peterson

EXHIBIT 146
PAGE 74 OF 88

From: Sharon Peterson (FOREFRONT SECURITY)
Sent: Monday, February 12, 2007 5:33 PM
To: City of Woodinville (council@ci.woodinville.wa.us)

City Council Members,

Over the weekend, I received two letters from the City of Woodinville. Each letter indicated to me that a date had been set for the Wood Trails FEIS Hearing and for the Montevallo FEIS Hearing, but they are two different dates.

Here's why I believe this is illegal, is against the 2.5 year precedent of communication that the City of Woodinville has set, and is also grounds for an immediate appeal of any decision that the Hearing Examiner might make.

* The City of Woodinville accepted the original application for the development as a single document that covered the proposed development of two areas. Only one application was filed.
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* The Draft Environmental Impact Statement was published in March, 2006, for both developments. Only one DEIS was published.
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I am appalled that the City Staff would resort to this tactic as a way to divide two properties which have been legally linked by the City for over 2.5 years. I'm deeply disappointed at the thought that our City Council would permit staff to send communications out that openly violate the precedent that's been established for these two properties.

The only explanation that comes to mind is that the City Council is simply not aware of this action

and that now by being made aware of this act, you'll quickly direct staff to rectify this error in judgment, issue a formal retraction of the letters, mail new letters, and allow public comment on either development on both nights of the upcoming Hearing.

Please take SWIFT and IMMEDIATE action in tonight's Council meeting to address this grievous and offensive error and send the message to the citizens of Woodinville that "game playing" is not the agenda of the Woodinville City Council.

Thank you,

Sharon Peterson

15206 NE 202nd Street

Woodinville, WA 98072

EXHIBIT 146
PAGE 75 OF 80

Party of Record: Wood Trails and Montevallo

Charleine Sell

From: Jennifer Kuhn
Sent: Thursday, February 22, 2007 1:02 PM
To: Charleine Sell
Subject: FW: Wood Trails and Montevallo Hearing Examiner meetings

EXHIBIT 146
PAGE 76 OF 88

Jennifer Kuhn
City Clerk
jenniferk@ci.woodinville.wa.us
****
City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072
****
425.489.2700, ext 2262
425.489.2705 (fax)
Please visit our website at www.ci.woodinville.wa.us

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

From: Chuck Price
Sent: Thursday, February 22, 2007 11:07 AM
To: Sharon Peterson (FOREFRONT SECURITY); Council; Cindy Baker; Zach Lell- City Attorney; Connie Fessler
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

Connie,

Can you and Zach address this issue and if there are any legal issues associated with the separation of the two projects. It is confusing, since as stated below the "initial Determination of Significance was made for both developments simultaneously". We have had more emails on this issue than I can count, so I believe we owe ourselves and the community a clear explanation. An open dialog is essential to good communication.

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Chuck Price

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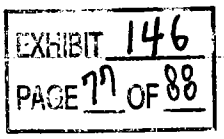
Sent: Tue 02/20/2007 9:09 AM
To: Council; Cindy Baker
Cc: Sharon Peterson (FOREFRONT SECURITY)
Subject: Wood Trails and Montevallo Hearing Examiner meetings

City Of Woodinville Leadership,

I've received no response to my earlier email so sending again.

Thank you,
Sharon Peterson



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Sent: Monday, February 12, 2007 5:33 PM
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- The City of Woodinville accepted the original application for the development as a single document that covered the proposed development of two areas. Only one application was filed.
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The only explanation that comes to mind is that the City Council is simply not aware of this action and that now by being made aware of this act, you'll quickly direct staff to rectify this error in judgment, issue a formal retraction of the letters, mail new letters, and allow public comment on either development on both nights of the upcoming Hearing.

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Thank you,
Sharon Peterson
15206 NE 202nd Street
Woodinville, WA 98072

Party of Record: Wood Trails and Montevallo

Charleine Sell

From: Jennifer Kuhn
Sent: Friday, February 23, 2007 8:34 AM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Wood Trail and Montevallo

EXHIBIT 146
PAGE 78 OF 88

From: Sharp Products, Inc. [mailto:paul.sharp@verizon.net]
Sent: Thursday, February 22, 2007 8:41 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Wood Trail and Montevallo

Dear Cindy,

It was a pleasure meeting you last month at city hall. We attended the open house regarding rezoning and growth in the City of Woodinville.
Although it was not a complete presentation, it was very educational and we enjoyed talking with you and members of the Council.

My husband and I have lived in Woodinville for over 50 years, combined. We have three generations of family members living within the city and we have have two family businesses in Woodinville that have been established for over 30 years. As you can see, we are long term citizens of this city and active in our community.

We write to you today in regards to the change of plan for the proposed two hearings, Montevallo and Wood Trail respectively, rather than the original single hearing that was to encompass both on Feb. 28th. To separate these proposals would be irresponsible as the impact to the community and its infrastructure would not be accurately represented. We have all been through the DEIS and now the EIS has been presented. These studies were representative of the impact of BOTH projects together, not as individual studies. Does this mean we start over to accurately assess the impact of Montevallo and then again for Wood Trails and the impact on the infrastructure of Woodinville? In reviewing the FEIS, it already appears to have inadequate study/evaluation in regards to traffic mitigation, pressure on the public school system and the displacement of wildlife and wetlands in the proposed development areas of Montevallo and Wood Trails.

We are not against growth and development. Our concerns lie in what we feel is poor planning for the impact on the infrastructure of our community. The proposed rezoning would have irreversible negative impact of the character and quality of life in our community.

As citizens of Woodinville, it is our sincere hope that our concerns will not be overlooked. We have a long history with this city and this is the first time that we feel as though our issues are not being addressed. As representatives of Woodinville, we feel that it is the responsibility of the City employees, such as yourself, The Mayor and Council Members, to adequately

address the concerns of its citizens. An example is the position the City has taken in not addressing or appropriately processing CNW's appeal of an interpretation decision made by the city. We understand you and your staff are busy but we can not seem to even get status of our requests.

Thank you Cindy. We appreciate your time and hope that you will consider our concerns in regards to our community.

Desperate to be heard,

Paul and Kathleen Sharp

EXHIBIT 146
PAGE 79 OF 88

Charleine Sell

From: Jennifer Kuhn
Sent: Friday, February 23, 2007 8:36 AM
To: Connie Fessler
Cc: Charleine Sell
Subject: FW: Wood Trails and Montevallo Hearing Examiner meetings

Importance: High

EXHIBIT 146
PAGE 80 OF 88

-----Original Message-----
From: Jeff Glickman [mailto:jeff@glickman.com]
Sent: Thursday, February 22, 2007 9:08 PM
To: Cindy Baker; Barbara_Czuba@berlex.com; Chuck Price; almetclem@comcast.net; Ann@wildlifecomputers.com; bapoole@earthlink.net; bellsmith@sprynet.com; chuckprice604 @hotmail.com; cmcmartin@verizon.net; Chuck Price; Dave.Shepherd@Emulex.Com; dgibson@wisllc.com; gamahan@comcast.net; gunnarssonusa@comcast.net; jes3788@comcast.net; kristy_howell@comcast.net; kscarbrough@verizon.net; lisarhodes@windermere.com; llarking1 @comcast.net; lola_granola@comcast.net; Missy_Ryan@comcast.net; pkforman@juno.com; robert@rlventures.com; seadoofun2@msn.com; seamog@verizon.net; senafziger@verizon.net; shaniparrott@earthlink.net; Sharon.Peterson@microsoft.com; SteveandSherryBrown@comcast.net; tonyvannatter@comcast.net; yakimaco@verizon.net; Zach Lell- City Attorney; Council
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings
Importance: High

Ms. Baker,

Your reply below contains substantive and material misrepresentation of the facts, and omissions:

1. You state "We did not realize that people thought a combined rezone and preliminary plat hearing would be held or we would have clarified earlier."
This is a false statement. It is a matter of record that City Employees, who you directly supervise, have stated verbally and in writing that a single combined hearing would be held. Further, this information has been provided directly to you on several occasions. The large number of emails you have received from citizens is a direct result of the City's reversal from holding a single combined hearing to holding two separate hearings.

2. You state "It appears the confusion occurred when the city required a combined Environmental Impact Statement (EIS)." This is not the source of confusion. The source of confusion is the City stated on the public record that one combined hearing would be held and instead blindsided the citizens by holding two separate hearings.

3. You have omitted the issue of the transfer of density credits from your reply. The issue of the transfer of density credits appeared in my February 15, 2007 letter to you. There is a presumption in both Applications, their proposed plats, and their combined EIS, that density credits will be transferred from one development to another. The transfer of density credits as tied together by the combined EIS makes the two Applications contenement, and they therefore may not be considered separately. They are, effectively, a single application.

Given your errors and missteps enumerated above, the City must restore the hearing as a single joint hearing for both proposed developments. I strongly urge you to take swift remedial action. Thank you for your attention to this most important matter.

Sincerely,
Jeff Glickman
19405 148th Ave NE
Woodinville, WA 98072
503-705-6900

jeff@glickman.com

EXHIBIT 146
PAGE 81 OF 88

-----Original Message-----
From: Cindy Baker [mailto:CindyB@ci.woodinville.wa.us]
Sent: Thursday, February 22, 2007 7:07 PM
To: Jennifer Kuhn; Connie Fessler; Barbara_Czuba@berlex.com; jeff@glickman.com; Chuck Price; almetclem@comcast.net; Ann@wildlifecomputers.com; bapoole@earthlink.net; bellsmith@sprynet.com; chuckprice604@hotmail.com; cmcmartin@verizon.net; Chuck Price; Dave.Shepherd@Emulex.Com; dgibson@wisllc.com; gamahan@comcast.net; gunnarssonusa@comcast.net; jes3788@comcast.net; kristy_howell@comcast.net; kscarbrough@verizon.net; lisarhodes@windermere.com; llarking1@comcast.net; lola_granola@comcast.net; Missy_Ryan@comcast.net; pkforman@juno.com; robert@rlventures.com; seadoofun2@msn.com; seamog@verizon.net; senafziger@verizon.net; shaniparrott@earthlink.net; Sharon.Peterson@microsoft.com; SteveandSherryBrown@comcast.net; tonyvannatter@comcast.net; yakimaco@verizon.net; Council
Cc: Charleine Sell; Sandy Guinn
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

Hello to all,
We have received a large number of emails from citizens asking that the public hearings on the Wood Trails and Montevallo proposals be combined into one hearing, as citizen groups had spent considerable time and effort on preparing one set of comments for one public hearing. The City set two separate hearing dates because they are separate applications and require separate decisions. We did not realize that people thought a combined rezone and preliminary plat hearing would be held or we would have clarified earlier. It appears the confusion occurred when the city required a combined Environmental Impact Statement (EIS). Often, when projects have some association, a jurisdiction will ask for an EIS to be combined, yet the decisions on the separate underlying proposals would remain separate.
I have spoken with the Hearing Examiner on how to address these concerns.
The Hearings Examiner intends to simplify matters by allowing testimony on both projects at either hearing. People wanting to provide testimony on both proposals at the same time will be allowed to do so.
The Hearing Examiner will keep track of the testimony so that all relevant information will be taken into consideration during his deliberations. He will not miss items because the preliminary plat proposals are separate decisions.

At the hearing, the Examiner will explain his approach and other procedural matters. The Hearing Examiner also has within his purview the right to continue the hearing(s), if he believes there is a need.
Please see the attached letter from the Hearing Examiner that explains the procedures for the hearings. Let me know if there are further questions on this matter.

Sincerely,

-----Original Message-----
From: Barbara_Czuba@berlex.com [mailto:Barbara_Czuba@berlex.com]
Sent: Thursday, February 22, 2007 12:39 PM
To: jeff@glickman.com; Chuck Price
Cc: almetclem@comcast.net; Ann@wildlifecomputers.com; bapoole@earthlink.net; bellsmith@sprynet.com; chuckprice604@hotmail.com; cmcmartin@verizon.net; Chuck Price; Dave.Shepherd@Emulex.Com; dgibson@wisllc.com; gamahan@comcast.net; gunnarssonusa@comcast.net; Hank
Stecker- Comcast; jes3788@comcast.net; kristy_howell@comcast.net; kscarbrough@verizon.net; lisarhodes@windermere.com; llarking1@comcast.net; lola_granola@comcast.net; Missy_Ryan@comcast.net; Mike Roskind @ Seanet; pkforman@juno.com; robert@rlventures.com;

seadoofun2@msn.com; seamog@verizon.net; senafziger@verizon.net; shaniparrott@earthlink.net; Sharon.Peterson@microsoft.com; SteveandSherryBrown@comcast.net; tonyvannatter@comcast.net; yakimaco@verizon.net
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

Everyone -- here is the response I received from Cindy Baker on this issue / concern when I questioned the two independent meetings in mid-Feb.

Not sure where we stand with things but potentially one of the first questions or topics for the Hearing Examiner should be how he intends to handle things with respect to the interdependence of the two proposed developments -- Barbara

----- Forwarded by Barbara Czuba/ST/USR/SHG on 02/22/2007 12:30 PM -----

"Cindy Baker"
<CindyB@ci.woodinville.wa.us>
02/13/2007 01:43 PM

To <Barbara_Czuba@berlex.com>

cc

Subject RE: Concern regarding the two meetings -- Wood Trails / Montevallo

EXHIBIT 146
PAGE 82 OF 88

Hello Ann, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to continue the hearing. I am sure he will if he believes there is a need.
I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps.
Please let me know if I can be of further assistance.

-----Original Message-----
From: Barbara_Czuba@berlex.com [mailto:Barbara_Czuba@berlex.com]

Sent: Tuesday, February 13, 2007 9:58 AM
To: Cindy Baker; Susie McCann; Cathy VonWald
Subject: Concern regarding the two meetings -- Wood Trails / Montevallo
Importance: High

EXHIBIT 146
PAGE 83 OF 88

Dear Ms. Baker, Ms. McCann, and Mayor VonWald --

I just received in the mail two notices of Public Hearings to take place on Feb 28th and March 1st, and I have a question / concern on this.

My question deals with whether the City of Woodinville and the scheduled Public Hearings are reviewing these two developments as one per the FEIS, or are we now to consider these developments as independent of one another.

Within the FEIS document, the two proposed developments are presented as dependent on one another and thus intertwined with respect to the various traffic impact studies, the density transfer credit, the impact to neighborhood character -- etc. I am concerned that now these two developments appear to be independent of one another since there is scheduled two Public Hearing dates; one hearing per development.

Please let me know if it is still the intent to consider these applications as combined into one application for purposes of EIS review and project review, as well as the Public Hearings. This is appropriate since the two proposed developments are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

Thank you for your time -- I look forward to your answer on my question /concern.

-- Barbara Czuba

"Jeff Glickman"
<jeff@glickman.co
m>
02/22/2007 11:49
AM
Please respond to
<jeff@glickman.co
m>

To
"'Chuck Price'"
<CPrice@ci.woodinville.wa.us>
<seadoofun2@msn.com>
<almetclem@comcast.net>
<seamog@verizon.net>
<SteveandSherryBrown@comcast.net>
<bellsmith@sprynet.com>
<gunnarssonusa@comcast.net>
<lola_granola@comcast.net>
<tonyvannatter@comcast.net>
<bapoole@earthlink.net>
<cmcmartin@verizon.net>

<llarking1@comcast.net>

<shaniparrott@earthlink.net>

<jes3788@comcast.net>

<dgibson@wisllc.com>

<Barbara_Czuba@berlex.com>

<Ann@wildlifecomputers.com>

<robert@rlventures.com>

<senafziger@verizon.net>

<kristy_howell@comcast.net>

<pkforman@juno.com>

<kscarbrough@verizon.net>

<Missy_Ryan@comcast.net>

<Dave.Shepherd@Emulex.Com>

<lisarhodes@windermere.com>

<Sharon.Peterson@microsoft.com>

<yakimaco@verizon.net>

<gamahan@comcast.net>

EXHIBIT 146
PAGE 84 OF 88

cc

<mroskind@seanet.com>,

<hstecker@comcast.net>,

<chuckprice604@hotmail.com>

Subject

RE: Wood Trails and Montevallo

Hearing Examiner meetings

Dear Councilmember Price,

I sent the following correspondence to Cindy Baker, Interim Planning Director, and Zach Lell, City Attorney, with a carbon copy to Connie Fessler, Interim City Manager, on February 15, 2007 and I have received no reply. Thank you for looking into this.

Sincerely,
Jeff Glickman

EXHIBIT 146
PAGE 85 OF 88

Ms. Cynthia Baker
Interim Planning Directory
City of Woodinville
Woodinville, WA 98072

Dear Ms. Baker,

I am in receipt of your Public Notice of Hearings for the proposed Woodtrails and Montevallo developments. Of note is your decision to split what was previously a single Hearing into two separate and distinct Hearings. I assert this is not permissible on the grounds that the proposals are interdependent upon each other on the basis of the transfer of density credits: Specifically the proposed plats and the derived EIS anticipates that density credits from Woodtrails would be transferred to Montevallo. While I acknowledge the proponent has submitted separate Applications for these proposed developments, the transfer of density credits as tied together by the joint EIS makes the two proposed developments contenement, and they may not therefore be considered separately. I therefore respectfully request that you restore the Hearing as a single joint hearing for both proposed developments.

Sincerely,

Jeff Glickman
19405 148th Ave NE
Woodinville, WA 98072
503-705-6900
jeff@glickman.com

Cc: Connie Fessler, Interim City Manager
Zach Lell, City Attorney

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Sent: Thursday, February 22, 2007 11:38 AM
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Cc: mroskind@seanet.com; hstecker@comcast.net; chuckprice604@hotmail.com
Subject: FW: Wood Trails and Montevallo Hearing Examiner meetings

FYI,

I've sent this to people I have found who have emailed the City Council in regards to this issue. I

count 29 citizens I have found that we have received emails from. My apologies to anyone I have missed.

Chuck Price

From: Chuck Price
Sent: Thu 02/22/2007 11:07 AM
To: Sharon Peterson (FOREFRONT SECURITY); Council; Cindy Baker; Zach Lell-
City Attorney; Connie Fessler
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

EXHIBIT 146
PAGE 86 OF 88

Connie,

Can you and Zach address this issue and if there are any legal issues associated with the separation of the two projects. It is confusing, since as stated below the "initial Determination of Significance was made for both developments simultaneously". We have had more emails on this issue than I can count, so I believe we owe ourselves and the community a clear explanation. An open dialog is essential to good communication.

Thanks,

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Sent: Tue 02/20/2007 9:09 AM
To: Council; Cindy Baker
Cc: Sharon Peterson (FOREFRONT SECURITY)
Subject: Wood Trails and Montevallo Hearing Examiner meetings

City Of Woodinville Leadership,

I've received no response to my earlier email so sending again.

Thank you,

Sharon Peterson

From: Sharon Peterson (FOREFRONT SECURITY)
Sent: Monday, February 12, 2007 5:33 PM
To: City of Woodinville (council@ci.woodinville.wa.us)

City Council Members,

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letter indicated to me that a date had been set for the Wood Trails FEIS Hearing and for the Montevallo FEIS Hearing, but they are two different dates.

Here's why I believe this is illegal, is against the 2.5 year precedent of communication that the City of Woodinville has set, and is also grounds for an immediate appeal of any decision that the Hearing Examiner might make.

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EXHIBIT 146
PAGE 87 OF 88

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The only explanation that comes to mind is that the City Council is simply not aware of this action and that now by being made aware of this act, you'll quickly direct staff to rectify this error in judgment, issue a formal retraction of the letters, mail new letters, and allow public comment on either development on both nights of the upcoming Hearing.

Please take SWIFT and IMMEDIATE action in tonight's Council meeting to address this grievous and offensive error and send the message to the citizens of Woodinville that "game playing" is not the agenda of the Woodinville City Council.

Thank you,

Sharon Peterson

15206 NE 202nd Street

Woodinville, WA 98072

Party of Record: Wood Trails and Montevallo

EXHIBIT 146
PAGE 88 OF 88

Sandy Guinn

From: Cindy Baker
Sent: Thursday, March 15, 2007 11:14 AM
To: Sandy Guinn
Subject: FW: Comments on Wood Trails Development

EXHIBIT 147
PAGE 1 OF 60

Please include as an exhibit

From: Susan Lease [mailto:kelsan@att.net]
Sent: Wednesday, March 14, 2007 6:08 PM
To: Cindy Baker
Cc: Susie McCann
Subject: Comments on Wood Trails Development

Please include the following comments into public record for the meeting on the Wood Trails Development.

My name and address:
Susan Lease
8024 242nd St SE
Woodinville, WA 98072

Please keep the zoning at R-1. I use NE 203rd Pl to access 156th Ave NE. My major concern is the traffic. If you're adding all these houses to the west side of 156th Ave NE, where is the traffic mitigation?

The city's forecast of traffic increase at 2.5% annually is so inaccurate. Have you included the increase in Costco traffic in this analysis? Have you included the projected 3500 homes in the Wellington Golf Course property? How can you, in good conscience, have us believe this forecast is accurate?

Will you be asking the developer to mitigate traffic, or are you saying that the homeowners in the area won't notice any increase?

Also, if the City of Woodinville has already met its density goals for the county, why are you willing to change Woodinville into a place you can't get to and a place you can't get through? Who will shop and provide economic sustenance to the City?

Please consider keeping the zoning at R-1 so that Woodinville may stay the small town that it is.

Thank you.

Susan D. Lease

March 15, 2007

City of Woodinville Hearing Examiner
c/o Woodinville City Hall
17301 133rd Ave NE
Woodinville, WA 98072

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RE: Wood Trails Staff Report to the Hearing Examiner and Public Testimony

Dear Mr. Hearing Examiner,

I am submitting my comments concerning the Wood Trails Staff Report to the Hearing Examiner of March 14, 2007. I am intending to present my comments directly to the examiner during the hearing tonight, however I am hoping that written comments will also be excepted by your department and forwarded to the examiner for consideration in the proceedings. Late-night hearings might be considered optimum for some, but those with children at home and jobs in the mornings find them quite prohibitive. I would suggest there needs to be more time and the ability to enter written comments that will be ensured to be directly entered into the hearing proceedings.

I am advocating a position of refusing the rezone request. My comments below support this position, and are directed both to the Final Environmental Impact Statement (FEIS) and to the presentations by the "Wood Trails Staff Report" and the applicant for rezone,

The transportation expert for the "study" noted the existing 156th Ave southbound peak AM traffic already exceeds the queue distance for eastbound turns onto Woodinville-Duval Road. He subsequently indicated the additional traffic from the proposed development to this intersection (from 350 total vehicles/hr, FEIS 3.15-13, to an additional 51 vehicles/hr, FEIS 3.5-41) would add "1 car to the back of the queue". I dispute this testimony based on following arguments

- The assuption that a 30% increase in housing for the Wellington neighborhood will add a mere 13% increase in southbound traffic at this intersection is absurd.
- The traffic volume entering businesses at this intersection are not accounted for, yet likely have significant impact on queue distances.
- The effect of blocking southbound 156th traffic intended for the westbound direction once the queue capacity is exceeded was not anticipated or expounded upon.
- The traffic counts seem to indicate either only 135 of the vehicles leaving the Wellington neighborhood on 156th Ave originated within Wellington, or else a significant portion of originating trips conclude with return trips in the same timeframe (AM in: 230 + 5 + 75 + 10 = 340 AM out: 120 + 5 + 220 + 130 = 475). Either the data set is seriously flawed or else the number of trips originating do not accurately portray the number of "leave & return" trips that are actually occurring in the neighborhood.

I would have expected the individuals responsible for traffic planning in the City of Woodinville to have provided real guidance regarding the data included in the FEIS, including estimated risk and effects of errors in the analysis. It is increasingly frustrating to residents of the Puget Sound region when the traffic planning for our local communities consistently provide bad predictions regarding residential development. The analysis conducted for the FEIS shows critical weaknesses a bare minimum of scrutiny.

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DEVELOPMENT SERVICES

The Draft EIS generated numerous comments regarding the pedestrian counts in the Wellington Neighborhood. Specifically, counts were conducted on non-school days, then an ambiguous statement was added to the FEIS regarding counts "may be as much as 100% higher". This would still result in far too low a number. Each school day as I leave for work I routinely count above 400% more pedestrians than the 3 indicated in the FEIS, and that is solely from school-bus students, and doesn't include the regular dog-walkers and individuals who take exercise daily at roughly the same time. The numbers in the FEIS are yet again in error, and therefore do not support the conclusions regarding pedestrian traffic.

The presentation by the facilities expert for study indicated the proposal for handling storm water drainage from existing neighborhood streets is by conveyance downhill and dumping directly into the drainage for the Industrial zone on 144th Avenue. It is still uncertain if the existing downstream capacity from the Industrial zone is suitable for the added storm water drainage. It would be premature to approve a rezone of the magnitude of Wood Trails with such a significant open question.

Finally, the study for the proposal included a "color map" (exhibit #68) that was presented as providing assurance that R4 zoning was within character for the existing neighborhood. In fact the map was misleading, as it failed to provide any specific measure regarding change in neighborhood character with respect to lot-size that would result from the planned proposals. In fact the smallest lot listed on the map was greater than 0.25 acres, while the proposal lots will average smaller than 0.16 acres. This is a major deviation from the existing character of the neighborhood, and the number of additional lots is high enough to drastically change the average lot size for the entire neighborhood.

Please give strong consideration to these arguments with respect to your recommendation to the city council. The testimony of the representatives for the applicant for rezone was filled with vague interpretations on GMA requirements for planning, efficiency, urban sprawl, and "market demand" as attempts to establish "need", in addition to bluster regarding previous rezoning incidents and threats of future litigation. The need of the greater community to reduce urban sprawl is a recognizable goal, but the proposal to put the highest densities at the furthest distance from the city center would increase sprawl, not reduce it. The argument to meet the demand for "close commuter times" to the employment centers of Bellevue, Redmond, and Kirkland is irrelevant and ludicrous at best, I call it disingenuous. The traffic corridors leading from Woodinville to these cities are already filled beyond capacity, and travel times for a 10 mile AM commute drive from downtown Woodinville to Kirkland regularly exceed 30 minutes. Residential development for the city of Woodinville must be planned to meet its own planning objectives and requirements, not to supplicate to the deficiencies in housing demand from other communities. Our city has shown commitment to reducing urban sprawl by locating higher density developments closer to the city center, as well as recently dedicating itself to preserve the current existing R1 zoning. A rejection of the application for a rezone to R4 in the Wellington neighborhood is suitable considering this history.

Sincerely
-Matt Perran
15206 NE 198th St
Woodinville, WA 98072

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CITY OF WOODINVILLE
DEVELOPMENT SERVICES

Susie McCann

From: Susie McCann
Sent: Thursday, March 22, 2007 11:55 AM
To: 'Huso, Susan'
Subject: RE: email address for WT/Montavello comments

Ms. Huso,

I apologize for not getting back to you sooner. I have been out on medical leave and just returned to work today. E-mails to the Hearing Examiner should be sent through his assistant LeAnn @ areid@spokanecity.org .

Susie McCann
City of Woodinville - Development Services Department
W - 425 489-2754/Ext 2272 F - 425 489-2756

Please note this email is a public record and may be subject to disclosure.

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

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

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2007-043
Public Disclosure Number

CITY OF WOODINVILLE
17301 – 133rd Avenue NE
WOODINVILLE, WA 98072
Phone (425) 489-2700 Fax (425) 489-2705

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REQUEST FOR PUBLIC RECORDS

DATE OF REQUEST: 3-2-07

REQUESTING PARTY: Courtney Kaylor, McCullough Hill

Address: 701 5th Ave, Ste 7220

City: Seattle State: WA ZIP: 98104

Phone: day 206-812-3388 evening 206-790-6164

Email address: courtney@mhseattle.com Fax: 206-812-3389

RECORDS REQUESTED ARE FOR: ____ REVIEW X COPYING *

Please describe below the records you are requesting in detail and any additional information that will help us locate them for you as quickly as possible.

See attached

You will be charged for these records according to the City's fee schedule which is *$.15 per page.

Courtney Kaylor
Signature of Requesting Party

RESPONSE TO RECORDS REQUEST

Records Provided: _____ Request Denied: _____

EXPLANATION OF DENIAL (___Full or ___Partial Denial):

Staff contact: _____ Dept. _____ Date: _____

The City of Woodinville shall respond to your Request for Public Records within five (5) business days of receipt of the request by providing one of the following: (1) the record; or (2) acknowledging receipt of the request and providing a reasonable estimate of when the City can respond; or (3) deny the request and state the reasons for denial.

03/05 1) To Jennifer + Sandy G. + copy to Charlene + Andy B & faxed to Zach Lell

2) Five day letter due March 9

3) Sent letter March 9 Due Mar 30th

Jennifer L. Kuhn
City Clerk

M:\ADM DEPT\Positions\City Clerk\Request for Public Records\Forms\PUBRECDS.DOC
08/16/2006, 11:59:29 AM

ATTACHMENT TO REQUEST FOR PUBLIC RECORDS

1. From the Zoning Code that was adopted in July 1997, sections 21.04.080 and 21.44.070. The 1997 Zoning Code was an attachment to Ordinance 175, adopted July 14, 1997.

2. The minutes of the Planning Commission hearing held on March 5, 1997.

3. The minutes of the City Council hearing held on June 30, 1997, and meeting held July 14, 1997.

Jennifer (done)

4. Any staff report or similar analysis prepared in connection with these hearings or, more generally, the adoption of the 1997 Zoning Code.

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21.04.020 Zone and map designation purpose.
The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in the City of Woodinville. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 175 § 1, 1997)

21.04.030 Agricultural zone.
(1) The purpose of the agricultural zone (A) is to preserve and protect irreplaceable and limited supplies of farmland well suited to agricultural uses by their location, geological formation and chemical and organic composition and to encourage environmentally sound agricultural production. These purposes are accomplished by:

(a) Establishing residential density limits to retain lots sized for efficient farming;

(b) Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with farming, or requiring proximity for the support of agriculture; and

(c) Allowing for residential development primarily to house farm owners, on-site agricultural employees and their respective families.

(2) Use of this zone is appropriate for lands within agricultural production districts designated by the comprehensive plan and for other farmlands deemed appropriate for long-term protection.

(3) This zone may also be applied to newly annexed territory so that low intensity land uses can be maintained until the orderly and timely process to select the appropriate zoning designation occurs. (Ord. 175 § 1, 1997)

21.04.040 Public/institutional zone.
(1) The purpose of the public/institutional zone (P/I) is to provide and protect properties devoted to public and semi-public uses and uses providing social and physical services to the Woodinville community. This purpose is accomplished by:

(a) Providing a zone in which uses serving public needs may be located;

(b) Limiting residential and privately owned operations; and

(c) Protecting adjacent properties from potential impacts of public uses.

(2) Use of this zone is appropriate on properties designated by the comprehensive plan to be public and/or institutional, such as schools, government facilities, social services, hospitals, libraries, utilities, etc. (Ord. 194 § 1, 1997; Ord. 175 § 1, 1997)

21.04.050 Reserved.
(Ord. 175 § 1, 1997)

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21.04.060 Reserved.
(Ord. 175 § 1, 1997)

21.04.070 Reserved.
(Ord. 175 § 1, 1997)

21.04.080 Residential zone.
(1) The purpose of the urban residential zones (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

(a) Providing, in the low density zones (R-1 through R-4), for predominantly single-family detached dwelling units. Other development types, such as duplexes and accessory units, are allowed under special circumstances. Developments with densities less than R-4 are allowed only if adequate services cannot be provided;

(b) Providing, in the moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached dwelling units. Other development types, such as apartments, duplexes, and townhomes, would be allowed so long as they contribute to Woodinville's small town atmosphere as articulated in the vision statement found in the City's comprehensive plan and conform to all applicable regulations;

(c) Providing, in the medium density zones (R-9 through R-18), for duplexes, multifamily apartments, and townhomes at densities supportive of transit and providing a transition to lower density areas; and

(d) Providing, in the high density zones (R-19 through R-48), for the highest residential densities, consisting of duplexes and multistory apartments. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.

(2) Use of this zone is appropriate in residential areas designated by the comprehensive plan as follows:

(a) The R-1 zone on or adjacent to lands with area-wide environmental constraints, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;

(b) The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services; and

(c) The R-12 through R-48 zones in appropriate areas of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 175 § 1, 1997)

21.04.090 Neighborhood business zone.

(1) The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:

(a) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding residential area;

(b) Allowing for a mix of housing and retail/service uses; and

(c) Excluding industrial and community/regional business-scaled uses.

(2) Use of this zone is appropriate in neighborhood centers designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 175 § 1, 1997)

21.04.100 General business zone.

(1) The purpose of the general business zone (GB) is to provide auto-oriented retail and services for local and regional service areas that exceed the daily convenience needs of residential neighborhoods but that cannot be served conveniently by the central business district, and to provide retail and business services in locations within the City that are appropriate for extensive outdoor storage and auto-related and commercial uses. These purposes are accomplished by:

(a) Providing a wide range of the retail, recreation, and business services than are found in neighborhood business areas;

(b) Allowing for commercial uses with extensive outdoor storage or auto related and industrial uses; and

(c) Limiting residential, institutional, personal services and office to those necessary to directly support commercial activity.

(2) Use of this zone is appropriate in commercial areas that are designated by the comprehensive plan and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 175 § 1, 1997)

21.04.110 Central business district.

(1) The purpose of the central business district (CBD) is to provide for the broadest mix of comparison retail, higher density residential (R-12 through R-48), wholesale, service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment and housing opportunities. These purposes are accomplished by:

(a) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in other business areas;

(b) Allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and

(c) Concentrating large scale commercial and office uses to facilitate the efficient provision of public facilities and services.

(2) Use of this zone is appropriate in the urban center as designated by the comprehensive plan that is served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 175 § 1, 1997)

21.04.120 Office zone.

(1) The purpose of the office zone (O) is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations where the full range of commercial activities is not desirable. These purposes are accomplished by:

(a) Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;

(b) Providing for higher building heights and floor area ratios than those found in the GB zone;

(c) Reducing the ratio of required parking to building floor area;

(d) Allowing for on-site convenient daily retail and personal services for employees and residences; and

(e) Excluding auto-oriented, outdoor or other retail sales and services which do not provide

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21.44.050 Conditional use permit.

A conditional use permit shall be granted by the Planning Director or the City's Hearing Examiner, only if the applicant demonstrates that:

(1) The conditional use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;

(2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

(3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

(4) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

(5) The conditional use is not in conflict with the health and safety of the community;

(6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and

(7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities. (Ord. 175 § 1, 1997)

21.44.060 Special use permit.

A special use permit shall be granted by the City's Hearing Examiner for essential public facilities; provided, that:

(1) The applicant can demonstrate that:

(a) The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;

(b) The special use will not materially endanger the health, safety and welfare of the community;

(c) The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

(d) The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;

(e) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;

(f) The special use is not in conflict with the policies of the comprehensive plan or the basic purposes of this title;

(g) Alternative sites have been evaluated, as have the equity of the geographic distribution of the sites; and

(h) The special use meets the requirements of the comprehensive plan stated in policy LU-6.3.

(2) Subject to public notice requirements of WMC Title 17, the Hearing Examiner shall make a threshold determination on whether the proposal presents siting difficulties, and shall consider public comments in making that determination.

(3) No provision of the City's regulations shall preclude the siting of essential public facilities. (Ord. 175 § 1, 1997)

21.44.070 Zone reclassification.

A zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the comprehensive plan and applicable functional plans and complies with the following criteria:

(1) There is a demonstrated need for additional zoning as the type proposed.

(2) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.

(3) The property is practically and physically suited for the uses allowed in the proposed zone reclassification. (Ord. 175 § 1, 1997)

21.44.080 Home occupation permit.

A home occupation permit shall be granted by the Planning Director only if the applicant demonstrates that the home occupation will be conducted in compliance with the provisions of WMC 21.30.040. (Ord. 175 § 1, 1997)

21.44.090 Home industry permit.

A home industry permit shall be granted by the Planning Director only if the applicant demonstrates that the home industry will be conducted in compliance with the provisions of WMC 21.30.050. (Ord. 175 § 1, 1997)

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ORIGINAL

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ORDINANCE NO. 175

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING DEVELOPMENT REGULATIONS FOR THE CITY OF WOODINVILLE PURSUANT TO ITS GMA COMPREHENSIVE PLAN, ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ORDINANCES NOS. 43, 45, 79, 80, 83, 101, 109, 113, 126, 127, 128, 129, 133, 152, 155, AND 156.

WHEREAS, the Growth Management Act (GMA) requires cities to adopt both Comprehensive Plans and Development Regulations;

WHEREAS, the City of Woodinville adopted its GMA Comprehensive Plan on June 24, 1996;

WHEREAS, the City has reviewed its existing Development Regulations, consisting of its Zoning Code, Zoning Map, Subdivision Code, Shoreline Master Program, Design Standards, Street Standards, Noticing Requirements, Environmental and SEPA Regulations, Critical Areas Regulations, and Mitigation/Impact Fees;

WHEREAS, the City has identified revisions and amendments to existing Development Regulations, Regulations that must be newly adopted, and Regulations that meet the intent of GMA as they currently exist;

WHEREAS, the City has met the provisions of RCW 43.21C, the State Environmental Policy Act;

WHEREAS, a public hearing was held on March 5, 1997 in front of the Planning Commission, and on June 30, 1997, in front of the City Council; and

WHEREAS, the Development Regulations have been reviewed in draft form by the Planning Commission, members of the public, adjacent jurisdictions, and relevant State agencies, and their comments considered;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amended Zoning Code Adopted. The City Council of the City of Woodinville hereby adopts the City of Woodinville Zoning Code, as presented in Attachment A, which is incorporated by reference as if set forth in full.

EXHIBIT 147
PAGE 11 OF 60

Section 2. Amended Zoning Map Adopted. The City Council of the City of Woodinville hereby adopts the City of Woodinville Zoning Map, as presented in Attachment B, which is incorporated by reference as if set forth in full.

Section 3 Amended Subdivision Code Adopted. The City Council of the City of Woodinville hereby adopts the City of Woodinville Subdivision Code, as presented in Attachment C, which is incorporated by reference as if set forth in full.

Section 4. General Business Design Guidelines Adopted. The City Council of the City of Woodinville hereby adopts the City of Woodinville General Business Design Guidelines, as presented in Attachment D, which is incorporated by reference as if set forth in full.

Section 5. Other Development Regulations Referenced. The City Council of the City of Woodinville hereby references and readopts the following City of Woodinville Development Regulations, which have already been adopted, as part of its GMA Development Regulations: City of Woodinville Shoreline Master Program (Ordinance No. 173); Woodinville Municipal Code Title 12; Title 14; Title 17; and Title 22.

Section 6. Ordinances Nos. 43, 45, 79, 80, 83, 101, 109, 113, 126, 127, 128, 129, 133, 152, 155, and 156 Repealed. Ordinances Nos. 43 and 45, which adopted the Interim Zoning Code and Zoning Map, and Interim Subdivision Code, respectively, and Ordinances 79, 80, 83, 101, 109, 113, 126, 127, 128, 129, 133, 152, 155, and 156, which amended ordinances 43 or 45, are hereby repealed.

Section 7. Savings. The adoption of the Development Regulations, and the repeal of the Ordinances listed in Section 6 above shall not affect the regulation and enforcement of those ordinances, prior to the effective date of this ordinance.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. If for any reason this ordinance, or any section, sentence, clause, or phrase of this ordinance should be held to be invalid, then the original zoning which was in effect before the effective date of this ordinance shall be in full force and effect for that invalidated portion as if this ordinance was never adopted.

Section 9. Copy to CTED. Pursuant to RCW 36.70A.106(2), the City Clerk is directed to send a copy of the Development Regulations to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this ordinance.

Section 10. Not subject to referendum. Adoption of this ordinance, being an exercise of a power specifically delegated to the City Council, is not subject to referendum.

Section 11. Effective date. This ordinance shall be effective five (5) days after publication of an approved summary consisting of the title of this ordinance, and after DOE's approval.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14TH DAY OF JULY, 1997.

APPROVED:

EXHIBIT 147
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Robert R. Miller, Mayor

ATTEST/AUTHENTICATED:

By: Sandra C. Steffler
Sandra C. Steffler
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: Jason L. Findlay

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 175

CITY OF WOODINVILLE
PLANNING COMMISSION
Regular Meeting

EXHIBIT 147
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Wednesday
March 5, 1997

7:00 p.m.
Council Chambers

1. CALL TO ORDER

The meeting of the Woodinville Planning Commission was called to order at 7:05 p.m. by Chair Jarvis.

2. ROLL CALL - FLAG SALUTE

PRESENT: Planning Commission Chair Cherry Jarvis and Planning Commissioners Gareth Grube, Cliff Williams, and Nathalie McRoberts.

ABSENT: Commissioners Gina Leonard, Leonard McNally, and James Clayton.

Commissioner Grube moved to excuse Commissioners Leonard, McNally, and Clayton. Vice-Chair Williams seconded the motion.

Vote: All voted in favor of the motion, and the motion passed, 4-0.

Also present were Ray Sturtz, Community Development Director; Stephanie Cleveland, Project Planner; and Charleine Sell, Planning Commission Clerk.

3. APPROVE AGENDA IN CONTENT AND ORDER (INTRODUCTIONS)

There were no changes requested to the content and order of the agenda. Ron Cameron, the new Public Services Director was introduced by Mr. Sturtz, and welcomed by Chair Jarvis.

4. PUBLIC COMMENTS - None

5. APPROVAL OF MINUTES

(a) Regular Meeting Minutes, February 5, 1997

Vice-Chair Williams pointed out a change to the minutes requested by Mr. Wallis.

Vice-Chair Williams moved to adopt the minutes of February 5, 1997 as amended. Commissioner Grube seconded the motion.

Vote: All voted in favor of the motion, and the motion passed, 4-0.

EXHIBIT 147
PAGE 14 OF 60

(b) Regular Meeting Minutes, February 19, 1997

Vice-Chair Williams moved to adopt the minutes of February 19, 1997 meeting as written. Commissioner Grube seconded the motion.

Vote: All voted in favor of the motion, and the motion passed, 4-0.

6. NEW BUSINESS

(a) Public Hearing: GMA Development Regulations

Chair Jarvis opened the public hearing and described the procedures for the hearing.

Ms. Cleveland entered the following exhibits into the record: Staff Report dated February 27, 1997, with attachment, City of Woodinville Comprehensive Plan dated June 1996, City of Woodinville Comprehensive Plan Final Environmental Impact Statement dated January 1996, City of Woodinville Comprehensive Plan Future Land Use Map, proposed Zoning Map, proposed Zoning Code, proposed Subdivision Code pre-dated April 1997, proposed Interim Design Guidelines pre-dated April 1997, proposed General Business Design Guidelines pre-dated April 1997, and a letter from Thomas Reko to Councilmember Art Saulness dated February 27, 1997. Ms. Cleveland noted staff previously reviewed the Subdivision Code, Zoning Code, Zoning Map and Interim Design Guidelines with the Planning Commission. She described a proposed amendment to the Zoning Code (Exhibit 11) which would increase the City's regulations to prohibit visibility of trash containers from public streets.

Ms. Cleveland provided an overview of the General Business Design Guidelines, noting it is entirely new but was intended to be consistent with the zoning regulations in the Zoning Code and is largely based on the existing Interim Design Principles for other commercial areas in the City. The regulations in the General Business Design Guidelines apply only to the General Business Zone located between Hwy. 522 and the Woodinville-Snohomish Road. The guidelines address issues such as landscape screening, side yard development, pedestrian areas, access to Little Bear Creek, parking ratios, vehicular access, architectural scale, and building materials. She pointed out a glossary and an appendix with illustrations were to be added and the sections regarding human scale of building design and pedestrian amenities be eliminated as they were not applicable in the General Business Zone. In response to comments made by Thomas Reko regarding his attempts to build an accessory dwelling unit on his property in the R-1 zone, the proposed Zoning Code was amended to accommodate a detached accessory dwelling unit.

Thomas Reko, 17551 164th Avenue NE, explained he and others in their neighborhood (zoned R-1) would like to construct accessory dwelling units to provide care for elderly parents. He referred to his letter which outlined the details and urged the Planning Commission to consider this change.

Chair Jarvis closed the public hearing.

Discussion followed regarding covenants, conditions, and restrictions which may prohibit accessory dwelling units, elimination of the sections regarding pedestrian amenities in the General Business Design Guidelines, access to Little Bear Creek from parcels in the General Business Zone, landscape replacement requirements, and parking lot size. Commissioners agreed access to Little Bear Creek should be determined on a "case by case" basis.

Vice-Chair Williams expressed his desire to have another opportunity to review the changes and suggested approval be postponed until the next Planning Commission meeting.

Commissioners discussed the Zoning Code including the siting of public facilities, siting of cellular towers, definition of a new development, and consideration of a City business registration.

Vice-Chair Williams questioned the basis for prohibiting drive-through eating/drinking establishments and gas stations in the downtown area. He questioned whether fast food outlets need a drive-through to survive, whether existing outlets would upgrade their facilities (i.e., add an "adventure zone") if drive-throughs for new establishments or improvements are eliminated in the downtown area (although a mixed use is being promoted in the downtown area. He said this policy may eliminate fast food establishments in the downtown area and place them in an area between the railroad tracks and Hwy 522 and wondered if the City will chase these establishments away. Mr. Sturtz answered the subcommittee's intent was to encourage drive-through restaurants to locate in the auto-oriented designation of the Comprehensive Plan (General Business Zone) and to encourage pedestrian-oriented eating/drinking establishments in the downtown area. Commissioners briefly discussed drive-through restaurants and gas stations located in the downtown area.

Chair Jarvis declared a 5 minute recess.

Commissioners addressed comments submitted by Commissioner Clayton regarding Woodinville Municipal Code and incorporated several minor changes.

Mr. Sturtz explained the City Council would be discussing whether to eliminate bonus density in the R-1, R-4, and R-6 zones and would like the Planning Commission's input. His recommendation would be to use accessory dwelling units to partially address affordable housing in these zones. This would not impact the City's allocation and would address the issues raised during discussion of density calculation.

Commissioner McRoberts pointed out the need to provide some protection for existing neighborhoods.

Vice-Chair Williams expressed concern that such changes decrease the City's commitment to being a member of ARCH and the commitment to providing affordable housing. He suggested the Planning Commission thoroughly discuss this issue at a future meeting.

Commissioner Grube moved that the Planning Commission recommend adoption of the GMA Development Regulations as amended, less the General Business Zone Guidelines, to the City Council. Motion died for lack of a second.

Vice-Chair Williams moved that the Planning Commission recommend adoption of the GMA Development Regulations as amended, to include the Subdivision Code, Zoning Code, and the Zoning Map, and excluding the General Business Design Guidelines and the Interim Design Principles. Commissioner Grube seconded the motion.

Vice-Chair Williams pointed out the Planning Commission requested the Interim Design Principles be reviewed in more detail.

Vote: All voted in favor of the motion, and the motion passed, 4-0.

7. OLD BUSINESS - None

8. PLANNING DIRECTOR'S REPORT

Mr. Sturtz advised topics for the upcoming joint City Council/Planning Commission meeting will include design review, the Downtown Master Plan, perceptions of an economic development plan, and possibly the Civic Center. Mr. Sturtz explained the City's consideration of the Sorenson complex will be accelerated as the school district wants a decision from the City so they can determine whether to relocate students or make significant repairs to the buildings.

Mr. Sturtz advised a special Planning Commission meeting was scheduled for March 12 to review three P3DR's. He noted Commissioners McNally, Clayton, and McRoberts would be unable to attend. He reminded Commissioners of the retreat scheduled for March 19.

Mr. Sturtz briefly described the Hearing Board's decision on the City's Comprehensive Plan.

9. PLANNING SCHEDULE

10. PUBLIC COMMENTS - None

11. REPORTS FROM COMMISSIONERS

Chair Jarvis reported to the Planning Commissioners Taco Bell had not responded to her letter. She was contacted by the Journal American who said Taco Bell indicated they had not received her letter.

Commissioner Grube asked if the TRF development had been slowed. Mr. Sturtz said TRF had encountered some difficulty with the railroad under-crossing. He indicated he would ask Mr. Wallis to brief the Commission.

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Commissioner McRoberts asked the status of the small houses grouped near the Hollywood Schoolhouse intersection. Mr. Sturtz explained drainage issues in the area are being addressed. Commissioner McRoberts asked whether the current location of the houses would be permanent. Mr. Sturtz said Mr. Wallis would provide more details regarding this project.

Vice-Chair Williams expressed concern with a comment made by Don Sirkin at the February 10 City Council meeting regarding his intent to keep the Council informed of any significant matters arising on the TCAP.

12. ADJOURNMENT

Hearing no further comment, Chair Jarvis adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Charleine Sell

Charleine Sell
Planning Commission Clerk

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CITY OF WOODINVILLE
CITY COUNCIL
Special Meeting

Monday
June 30, 1997

7:00 p.m.
Council Chambers

1. CALL TO ORDER

The special meeting of the Woodinville City Council was called to order at 7:07 p.m. by Mayor Miller.

2. ROLL CALL, FLAG SALUTE

Mayor Miller led the flag salute.

PRESENT: Mayor Miller, Deputy Mayor Brocha, Councilmembers DeYoung, Hageman, Engel, Saulness, and Solberg.

ABSENT: None.

Also present were: Roy Rainey, Interim City Manager; Ray Sturtz, Community Development Director; Stephanie Cleveland, Long Range Planner; Jim Katica, Finance Director.

3. PUBLIC HEARING: GMA DEVELOPMENT REGULATIONS

Deputy Mayor Brocha moved that the City Council open the public hearing on the proposed GMA Development Regulations. Councilmember Engel seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Ms. Cleveland explained the public hearing was intended to obtain public testimony regarding the proposed GMA Development Regulations. She entered into the record the following exhibits: 1) Staff Report dated June 26, 1997, with attachments, including proposed Ordinance No. 175; 2) proposed Zoning Code, dated June 1997; 3) additional changes to the proposed Zoning Code, dated June 30, 1997; 4) proposed Zoning Map, dated July 1997; 5) proposed Subdivision Code, dated June 1997; 6) proposed Design Guidelines for the General Business Zone, dated June 20, 1997; and 7) letter to the editor of the Woodinville Weekly, cc'd to the City Council regarding on-site recreation from Maxine Keesling, dated June 1, 1997.

Ms. Cleveland explained the Council's adoption of the Comprehensive Plan on June 14, 1996, required the Development Regulations be brought into compliance. The City Council, Planning Commission and Planning Commission subcommittee have done an in-depth review of the Codes. She highlighted the proposed changes to the Zoning Map. She briefly reviewed the changes the City Council had made including the addition of duplexes to the land uses allowed in residential areas, inclusion of FEMA regulations, addition of youth hostels and temporary shelters, allowing home industries in higher residential zones as a Conditional Use, limiting heights to 45-feet, and limits to maximum densities. She advised staff added a new section regarding lighting which the Council had not yet seen. She explained other additions such as new landscaping requirements along public trails, encouraging parking on the sides and rear of parcels for commercial development, new on-site recreation requirements for commercial development, limiting residential uses in the Neighborhood Business Zone to apartment units above commercial to encourage commercial uses in these zones, encouraging multi purpose uses of sensitive area buffers to allow residents better access to sensitive areas, and minor staff changes to the communications chapter.

Ms. Cleveland briefly reviewed information in the Council packet in response to questions the Council had raised during the review of the GMA Development Regulations. In response to the Council's question regarding examples of residential density, Art Sullivan, ARCH, provided a slide presentation of ranges of development from R8 - R30 as well as multi-use development. He pointed out density is often misleading as other factors affect the appearance of a project including the size of units, topography, parking requirements, and open space.

Following the slide presentation, Councilmember Solberg asked how developers could be encouraged to design such attractive housing. Mr. Sullivan explained Vancouver has basic design standards but allow a great deal of flexibility. He remarked different developers and architects often have different approaches.

Mr. Sturtz explained three alternatives were considered as a result of the request for the City Council to consider changes to the regulations for the property zoned R48/Office; these alternatives include, 1) Conditional Use Permit - the 65-feet proposed would be permitted subject to a Conditional Use Permit (criteria does not necessarily address design issues), 2) addition of development standards to Zoning Code (Attachment D provides an example of proposed development standards), or 3) design review procedures, such as the alternative review procedure in the IDP, similar to that used in the TRF development.

Mr. Sturtz explained in working with representatives of the property designated R48/Office, one of the suggestions was to use the design review process and establish specific criteria which would be listed in the Code such as the aesthetic impact of additional height on surrounding properties, how the height would increase the amount of open space and preserve trees, potential for view blockage by the additional height, exterior treatment and how it relates to adjacent neighborhoods, and the extent that underground parking would assist in providing open space and natural features on the site. The representative also suggested the Council consider changing permitted uses from residential and office-type uses to the uses permitted in R12-48 zones and in the office zone chart. He directed the Council's attention to Exhibit 8, Uses Permitted in the

Office Zone Other Than Office and Residential Related Land Uses, which may or may not include some uses the Council had in mind for mixed residential and office use. He advised these alternatives were proposed in response to the inquiry from the property owner.

For Deputy Mayor Brocha, Mr. Sturtz explained this property is designated in the Comprehensive Plan as High Density/Office and R48/Office in the Zoning Code. He noted the staff proposal for the Zoning Code was residential and office space, the Standard Industrial Code could be used to define office uses.

Councilmember Saulness pointed out the importance of incorporating transportation issues into City planning.

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Public Testimony

Richard Aramburu, 505 Madison, Seattle, representing Data and Staff Services, said last week a proposal for the property designated R48/Office had been discussed. As a result of discussions with staff, proposed modifications to Section 21.38.030 were prepared, which he distributed to the Council. He noted it was anticipated many of the uses outlined in Exhibit 8, Uses Permitted in the Office Zone Other than Office and Residential Related Land Uses, would not be found on this property. He pointed out the Comprehensive Plan identified development possibilities for the property as all uses allowed in both high density residential and office, which he felt was appropriate for this site. In response to the Council's concern with the proposed increase to 65-feet. he proposed the height be allowed to be increased if a series of criteria are examined via the alternative design review process.

Don Sirkin, 4735 W Bertona, Seattle, pointed out the Council and Planning Department control the aesthetic impact on surrounding properties. He noted increased height would increase the amount of open space as well as preserve trees on the site.

Barbara Kelson, PO Box 1343, Woodinville, owner of commercial property adjacent to Hollywood Schoolhouse, submitted written comments. She said her main concern was the use of the term, "others" in the requirement for recreation space in commercial development. She questioned whether the requirement for on-site recreation space was included or was in addition to the existing landscaping.

Shannon Underwood, 16316 164th Ave NE, Woodinville, liked the aesthetic ideas behind the design guidelines but was concerned with how they would be achieved. She suggested input be provided by property owners prior to the adoption of the Development Regulations as many appeared to make properties uneconomic to develop, particularly the requirement for on-site recreation. She expressed concern with allowing the public on private property due to liability and security issues. She felt 5% of a site was a great deal to require a property owner to dedicate

for public purposes. She was concerned with public access across private property to Little Bear Creek and noted an unfenced pond could be used as credit toward landscape, but could also create an attractive nuisance and resulting liability issues. She was concerned with liability issues created by path materials in the on-site recreation areas. She recommended tenants follow transportation guidelines such as mitigation toward a shuttle system and suggested pea patches be allowed as landscape areas.

Robert Margoshes, 18605 136th Ave NE, Woodinville, thanked the Council for the work they have done in re-examining these issues. He recalled the Council's unanimous decision regarding zoning interpretation in residential areas and noted developments that occurred during "the brief lapse" in regulations. He urged the City to follow through on reforestation/revegetation regulations to ensure what is removed is replaced with equivalent plant material.

Tim Schriver, PO Box 2596, Woodinville, referred to Section 21.14.018 (1b) and expressed concern with the 5% recreation space for employees and other users. He questioned who the other users would be. He suggested this section be removed or the use restricted to employees or individuals invited to the property by the property owner.

Todd Woosley, Housing Specialist with the Seattle King County Association of Realtors, commended the Council for the work they have done to date to implement GMA and incorporating it into the Comprehensive Plan and Zoning Code. He pointed out that allowing duplexes in residential zones and the Council's support of higher densities were positive steps. He commented some densities may be next to the building footprint rather than the overall parcel and requested staff ensure there is the ability to transfer density from other areas of the parcel to achieve higher densities. He expressed concern with lowering the maximum density in some residential areas.

Richard Aramburu, said modifications to recreational space and impervious surfaces were requested at the last Council meeting. Following further review and consideration of the Council's comments, they now intend to meet the Code requirements for recreational space and impervious surfaces.

Kerry Skaugset, Prudential Preferred Properties, said he represents a client who is considering building a dental clinic in Woodinville. He noted the requirement for 5% recreation space had not been brought to their attention at any of the TRC meetings. He pointed out existing development costs, including street improvements, plus the requirement for 5% recreation space would put this project, and similar projects, out of line with regard to cost.

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Councilmember Engel moved to close the public testimony portion of the public hearing. Deputy Mayor Brocha seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmember DeYoung moved to discuss this issue informally. Deputy Mayor Brocha seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Ms. Cleveland described Additional Changes Made to the Proposed GMA Zoning Code (Exhibit 3) and Council made several technical changes to text.

Councilmember Solberg referred to the noise/odor restrictions in the Tourist District regulations. She referred to wording regarding noise and odor included in the May 7, 1997, Planning Commission packet and suggested this be considered for all areas of the City. Ms. Cleveland explained the information in the Planning Commission packet was a section of the Kirkland Code reprinted for the lighting regulations.

Councilmember Solberg pointed out the importance of noise/odor regulations, particularly in mixed use developments.

Councilmember DeYoung asked how the Woodinville Municipal Code addressed noise and odor. Ms. Cleveland advised regulations were included in the Tourist District in an attempt to regulate manufacturing uses that may locate in that area. In other areas, the Woodinville Municipal Code adopted King County and State regulations.

Councilmember DeYoung pointed out it was unfair to apply noise/odor regulations only to the Tourist District. She recommended these issues be addressed separately as noise ordinances tend to be somewhat controversial.

Mr. Sturtz agreed to reference appropriate King County and State Codes and to include language referring to a future noise/odor ordinance.

Discussion followed regarding accessory dwelling units and on-site recreation space versus fees in lieu of.

Councilmember Solberg expressed concern with the requirement for 5% recreation space in commercial development and suggested the phrase, "and other users" be eliminated. She questioned whether commercial property owners could be required to allow non-employees to use their property and/or facilities.

Councilmember Saulness suggested "with permission of the property owner" be added to Section 21.14.180 (d). Councilmember DeYoung suggested "shall" be changed to "encouraged."

Mr. Rainey pointed out sidewalks are generally constructed on private property and are required to be maintained by the property owner for public use—the requirement for recreation space is very similar. Councilmember DeYoung pointed out the takings issue required a nexus between public improvements. She noted this requirement created difficulties for commercial property owners and she preferred they be encouraged to provide recreational opportunities for their employees.

Mr. Sturtz advised the Park and Recreation Commission will begin developing a Parks and Recreation Open Space (PRO) Plan; the consultant's expertise could be utilized in reviewing this issue. He suggested a placeholder in the Code be provided, defining the intent to encourage recreational space.

Deputy Mayor Brocha recalled the Council discussed how to encourage recreational space in commercial space and the language in the Code was staff's recommendation. He pointed out one of the driving forces for requiring recreational space in commercial zones was the ballfields, trails, etc. in the business park in Bothell. Unfortunately, Woodinville does not have much of this type of commercial space left. He suggested incentives such as a trade for landscaping, be provided. He agreed with allowing the Park and Recreation Commission to review this issue but noted development continues to occur.

Mr. Sturtz advised staff would develop incentives (trading) for employee amenities in exchange for landscaping.

Councilmember DeYoung moved to extend the meeting until 10:30 p.m. Councilmember Solberg seconded the motion.

Vote: All voted in favor of the motion, except Councilmember Saulness, and the motion carried (6-1).

Councilmember Solberg referred to Section 21.14.190 in which on-site recreation/play areas are required excluding senior citizen apartments. She pointed out seniors may have more families visit if there were somewhere for the children to play. Mayor Miller suggested she propose this as an amendment.

Deputy Mayor Brocha suggested that Council review the options provided by staff regarding proposed changes to the height in the high density/office zone to ensure the Council was aware of the impacts. He pointed out the City did not have design standards for high density residential, only for commercial development. He suggested a placeholder in the Code for future high density residential design standards.

Councilmember Engel reiterated her insistence that there be a plan in place for tree retention in the Stone Meadows/Stone Hill developments.

Councilmember DeYoung suggested first reading of the Ordinance not be held tonight as she would prefer to review the substantial changes made to the Development Standards prior to first

reading. It was the consensus of the Council to have first reading at next week's Study Session and the meeting noticed that public action would be taken.

Councilmembers requested the City Attorney be present at the Study Session to answer legal concerns.

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Councilmember DeYoung agreed with Deputy Mayor Brocha's suggestion for high density standards but pointed out there was only one parcel in the City with this designation. She pointed out staff's third option, the design review process, would be appropriate.

Mr. Sturtz explained staff's proposal, design review procedures, were already in place and had been used in the TRF development. He explained the intent of the IDP was to introduce design review to the community via an administrative process that provided choices and flexibility and avoided strict interpretation. Staff and the Planning Commission felt this process had been fairly successful, particularly in the downtown area. In TRF and other large projects, alternate review procedures may be necessary to recognize unique challenges on a site and to encourage creativity in the site plan. He noted the design review was subject to appeal to the Planning Commission and the final decision would come to the City Council.

Councilmember DeYoung asked how this would be incorporated into the Zoning Code. Mr. Sturtz advised it would be included by reference such as a statement that the only way a height of 65-feet would be allowed was if the project went through the design review process. If buildings higher than 45-feet were not proposed, the design review process would not be triggered.

Councilmember DeYoung asked how flexibility regarding permitted uses on the property could be allowed without resulting in uses that were incompatible. Mr. Sturtz answered staff addressed compatibility in commercial areas via the IDP. In this instance, staff understood the Council and Planning Commission's direction for "office space" which can be defined with the Standard Industrial Code.

Mr. Katica explained the Council could close the public hearing unless additional public comment was anticipated.

Councilmember DeYoung moved to close the public hearing. Councilmember Saulness seconded the motion.

Vote: All voted in favor of the motion, except Councilmember Solberg, and the motion carried (6-1).

Councilmember DeYoung moved to extend the meeting ten more minutes. Motion died for lack of a second.

Mayor Miller summarized staff would return at the July 7, 1997, Study Session with a redefinition of permitted office uses and criteria for the design review process.

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4. ADJOURNMENT

Councilmember Saulness moved to adjourn. Deputy Mayor Brocha seconded the motion.

Vote: All voted in favor of the motion, except Councilmember DeYoung, and the motion carried (6-1). The meeting was adjourned at 10:32 p.m.

Sandra C. Steffler

Sandra C. Steffler
City Clerk

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CITY OF WOODINVILLE
CITY COUNCIL
Regular Meeting

Monday
July 14, 1997

7:00 p.m.
Council Chambers

1. CALL TO ORDER

The regular meeting of the Woodinville City Council was called to order at 7:05 p.m. by Mayor Miller.

2. ROLL CALL, FLAG SALUTE

Mayor Miller led the flag salute.

PRESENT: Mayor Miller, Deputy Mayor Brocha, Councilmembers DeYoung, Hageman, Engel, Solberg, and Saulness (arrived 7:09 p.m.).

ABSENT: None.

Councilmember Engel moved to excuse Councilmember Saulness. Deputy Mayor Brocha seconded the motion.

Vote: All voted in favor of the motion, except Councilmember DeYoung, and the motion carried (5-1).

Also present were: Ron Cameron, Public Works Director; Jim Katica, Finance Director; Dean McKee, Permit Center Director; Roy Rainey, Interim City Manager; Ray Sturtz, Community Development Director; Lane Youngblood, Park and Recreation Director; Stephanie Cleveland, Project Planner; Carter Hawley, Assistant City Manager; Sgt. Rich Krogh, Police Administrator; Dawn Findlay, City Attorney; and Sandra Steffler, City Clerk.

3. APPROVE AGENDA IN CONTENT AND ORDER

Deputy Mayor Brocha moved to approve the agenda in content and order. Councilmember Hageman seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (6-0).

4. PUBLIC COMMENTS

Don Sirkin, 4735 W Bertona, Seattle, explained the cost of underground parking for four buildings on his property would be approximately $4 million. Above ground parking for six buildings, which would cover more of the site, would cost $1.2 million. His conversations with a developer indicated the building would need to be as high as possible in order to recover the $4 million invested in underground parking. He advised there had been some interest in building a hotel/motel on the site. He pointed out there were sufficient conditions in the six-story proposal to ensure an attractive project.

Councilmember Saulness arrived at 7:09 p.m.

Richard Aramburu, 505 Madison, Seattle, representing Data and Staff Services, referred to his July 11th letter addressing the remaining two issues, 1) setbacks from the two arterials, and 2) building height. He asked the Council to consider their proposal to reduce setbacks to 150 feet (from 200 feet) and to permit a maximum height of 65 feet, subject to Council review. He urged the Council and community to allow the flexibility to consider such proposals and to make a decision based on the proposal.

Phyllis Keller, 19005 152nd Avenue NE, Woodinville, reported TRF would be tearing up the sidewalk and replacing the interlocking bricks with concrete. She pointed out this was a City sidewalk which should be replaced with the same material. However, conversations with Bob Parks indicate they had not been told to replace the brick sidewalk.

For Councilmember Solberg, Ms. Keller explained the interlocking brick sidewalks were the result of a project begun in the mid-70's for underground utilities, installation of sidewalks and street trees, and to have three lanes on 175th.

Mayor Miller directed staff to call Mr. Parks to determine his intentions.

Richard Waterman, 14415 Woodinville/Redmond Road, Woodinville, explained he attended the June 30 Council meeting and was surprised to discover the property his family has owned for 35 years was being considered for downzoning from Neighborhood Business with the Tourist District Overlay to commercial development located under multi-family development. Although they have no immediate plans to redevelop the property; he requested the Council abandon the requirement for mixed use development. He pointed out this modification of the zoning by the City Council had not been through an adequate planning process and it was unlikely commercial space in this area could be leased in a meaningful way. He presented written information.

Councilmember Solberg asked the number of units that could be provided in a multi-family development. Ms. Cleveland answered the base density was 8 units per acre with a maximum of 12 units per acre.

Councilmember DeYoung indicated she planned to propose an amendment to remand this issue to the Planning Commission for further study.

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For Councilmember Saulness, Ms. Cleveland explained mixed-use development was not required. If a property owner provided residential development in the Neighborhood Business Tourist District Overlay, it must be located above commercial. A commercial use only would be permitted.

Councilmember Solberg agreed with Councilmember DeYoung's suggestion that this issue be remanded to the Planning Commission.

Shannon Underwood, 16316 164th Avenue NE, Woodinville, referred to the information she provided staff regarding on-site recreation. This included a suggestion to raise the square footage of improvements that required the addition of site recreation; relief from the flatness requirements of on-site recreation, providing combined recreation areas between adjacent properties, combining recreational facilities to provide larger and more useful sites, eliminating the not less than 30 feet requirement (picnic areas could be less than 30 feet), and requiring property with more than 5-10 regular on-site employees to provide recreation space. She pointed out several other business owners who were not aware of the requirement for on-site recreation spaces, were concerned their input had not been requested.

Rosemary Zeutschel, 17810 164th Avenue NE, Woodinville, expressed her disappointment with the replacement of the interlocking brick sidewalk with cement. She described the efforts of the committee which resulted in planters, interlocking brick sidewalks, underground utilities, and bicycle lanes. She noted it was important to many people that this remnant of Woodinville's history be maintained.

Matt Aatai, 19744 NE 143rd, Woodinville, advised he is the contract purchaser for a 7.5 acre project on NE 145th. They have short platted the property, which is in the Tourist District Overlay, into three parcels; two parcels front on 145th and one 3.5 acre parcel does not have frontage. They have been working on various plans over the last two years to attract businesses suitable to the Tourist District Overlay, including a plan to construct an assisted living project on the parcel without frontage and development of the two parcels with frontage as commercial. They were informed today by Mr. Waterman the amendment would prohibit the assisted living project. He expressed concern they had not been notified of this change. He felt strongly it was not suitable to require mixed uses, particularly in view of the impossibility of providing assisted living above commercial uses. He urged the Council to allow an opportunity for the discussion of this issue. He submitted written comments.

For Councilmember Solberg, Mr. Aatai explained the assisted living projects they have constructed in the past are cottage-like, with 14-16 residents in each. These are scattered on the site with a central recreation building where meals are prepared, etc.

Councilmember Saulness recalled a previous discussion regarding mixed use on the frontage. Ms. Cleveland answered as currently drafted, the Code required residential uses above commercial, not behind.

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Barbara Kelson, PO Box 1343, Woodinville, requested the wording be changed to allow a 10 foot setback (rather than 20 feet) between commercial and residential zones when it could be shown that the use was not residential on a permanent basis. She agreed with the suggestion that commercial properties be deleted from the section requiring on-site recreation. She referred to the letter from King County Councilmember Louise Miller regarding Trib 90 and expressed concern with any delay in development of her property due to resolution of the issues regarding Trib 90.

Mr. Cameron advised he had been working with Ms. Kelson and development was not being delayed due to Trib 90.

Deputy Mayor Brocha read staff's recommended action, (City Council authorize the Mayor to execute a letter stating that Woodinville will work together with King County to explore the feasibility, costs, and benefits of implementing a stream relocation plan of Tributary 90) which he felt was a positive action and would represent Ms. Kelson's interests.

5. SPECIAL ITEMS - None

6. PUBLIC HEARING - None

7. CONSENT CALENDAR

Deputy Mayor Brocha moved to adopt the Consent Calendar. Councilmember DeYoung seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0). The Consent Calendar was adopted as follows:

(a) Approve Payment of Claims in the amount of $233,333.94
(b) Approve Payment of Payroll in the amount of $69,481.75
(c) Approval of City Council Meeting Minutes of June 23, 1997
(d) Approval of Special Meeting Minutes of June 30, 1997
(e) Approval of Special Meeting Minutes of June 25, 1997
(f) Approval of Study Session Meeting Minutes of June 16, 1997
(g) Approval of Study Session Meeting Minutes of July 7, 1997
(h) Authorize City Manager to Execute Contract with H. L. Yoh Company and Waldron Interim Management Services, Inc. for a 5% Increase for Contract Employees
(i) Authorize the City Manager to Execute Contract Amendment with David Evans & Associates for the Woodinville Valley Trail
(j) Set Date of July 28, 1997 for Grace Annexation - Receipt of Notice of Intent
(k) Authorize the City Manager to Execute Contract with Kaiser Engineers for 132nd Avenue NE/NE 143rd Street Channelization

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(l) Authorize the City Manager to Execute Contract with KPG for Development of a Pavement Management System
(m) Trib 90 - Participation Agreement - Authorize Mayor to Execute Letter to King County Councilmember Louise Miller

8. UNFINISHED BUSINESS

(a) GMA Development Regulations - Second Reading of Ordinance No. 175

Councilmember DeYoung moved that the City Council have second reading of Ordinance No. 175, an ordinance of the City of Woodinville, Washington, adopting development regulations of the City of Woodinville, establishing an effective date, and repealing ordinances nos. 43, 45, 79, 80, 83, 101, 109, 113, 126, 127, 128, 129, 133, 152, 155, and 156. Councilmember Hageman seconded the motion.

Deputy Mayor Brocha moved to discuss this item informally. Councilmember Engel seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Ms. Cleveland reviewed proposed changes made to the GMA Development Regulations in response to Council requests. Changes include deleting the requirement for on-site recreation for office. tying the requirement for on-site recreation to the number of employees (building square footage), allowing on-site recreation space to be combined with landscaping, and inserting a provision into the interior landscaping requirement that would allow a property owner to reduce the amount of landscaping required if a permanent buffer could be shown.

Ms. Cleveland advised, in response to Ms. Underwood's request for relief from the flatness requirement for on-site recreation, a phrase such as, "grade and surface suitable for recreation" could be inserted. Ms. Cleveland indicated Ms. Underwood's request regarding removing the 30 foot limitation was a good change. In addition, Ms. Underwood's comment regarding central location was appropriate, although it was not intended to make access to the site more difficult. She noted this requirement was taken from the on-site recreation requirements for residential development.

Councilmember DeYoung reiterated her intent to propose that on-site recreation requirements for commercial development be remanded to the Planning Commission for further input from property owners as there have been a number of comments made regarding the lack of opportunity to participate in this decision.

Ms. Cleveland suggested the Park and Recreation Commission address this issue.

Deputy Mayor Brocha said the reason he requested staff develop a proposal was due to the estimate that it would be a year or more before the Park and Recreation Commission review

would be completed and development will continue to occur. Although he understood the public concern, he preferred there be a placeholder in the code while the Park and Recreation Commission conducts further review and gathers public input.

Councilmember Engel expressed concern that so many property owners were unaware of the proposal for on-site recreation. She questioned when the Council would be able to review this issue again. Ms. Youngblood answered it could be "fast-forwarded" if the Council desired, and possibly returned to the Council in 3-4 months. She noted the Park and Recreation Commission was developing a PRO Plan which would include a thorough review of zoning regulations.

Councilmember Solberg asked if this requirement would impact projects already being developed. Ms. Cleveland advised projects with a complete application were already vested and the amendments would not apply. The amendments would only affect projects for which a complete application was submitted after the amendments were adopted.

Ms. Cleveland continued her description of the proposed changes. Regarding Ms. Kelson's request to change the landscaping requirements in the Tourist District from 20 feet to 10 feet, a sentence had been added to Section 21.16.060 (Landscaping-interior lot lines), that a 20 foot width of Type I landscaping would be included in commercial, office, or industrial developments along any portion adjacent to a residential development or zone, *unless it could be shown that 20 feet of permanent landscaped buffer existed between structures.*

For Councilmember DeYoung, Mr. Sturtz explained it was unknown whether the configuration of the ballfields and/or parking was permanent. If the configuration changed, there could be changes in the landscaping. Ms. Cleveland pointed out the existing vegetation was not an appropriate landscape buffer. Mr. Sturtz explained the intent was to buffer unlike zoned areas. The property adjacent to Ms. Kelson's is zoned rural residential but is developed as ballfields by King County.

Councilmember Solberg preferred the flexibility to allow a 10 foot buffer such as the Planning Director having discretion depending on the use. Mr. Sturtz cautioned once a 10 foot buffer was allowed, it could be in place forever. Ms. Cleveland suggested the requirement could be limited to when it is adjacent to existing residential development rather than just the residential zone or unless it could be shown that 20 feet of permanent landscaping buffer, recreation or open space existed. Councilmember DeYoung said she planned to propose an amendment.

Deputy Mayor Brocha cautioned Councilmembers against tailoring the Code to address Ms. Kelson's property.

Ms. Cleveland continued her review of the proposed changes, directing Council's attention to the regulations for the property designated R48/Office (Sirkin property). In response to the applicant's wishes and Council discussion, staff proposed hotel/motel be removed from the list of unacceptable uses. She explained commercial uses were proposed to be limited to 2,000 square feet per use and office space, while not required, would be permitted if the office uses were integrated with the residential uses to the extent feasible. Staff proposed a building height

of 55 feet rather than the 65 feet proposed by the applicant. If the 55 foot height were allowed, it could not be within 200 feet of an arterial.

Councilmember Solberg said 55 feet was too high and preferred the buildings be limited to a maximum height of 45 feet. She referred to the Planning Commission's letter requesting height not be greater than 45 feet. In addition, the citizen's vision of Woodinville could not be upheld if building heights over 45 feet were allowed. She planned to propose an amendment to reduce the maximum building height to 45 feet.

Councilmember Engel asked why the motel/hotel use had been removed from the list of exclusions. Mr. Sturtz answered it appears to be the consensus of the Council that this was a residential-type use, compatible with mixed development.

Councilmember DeYoung commented there was a mixed use development near Seattle Center that was a combination of hotel and residential and was very compatible.

Councilmember Engel preferred a bar/lounge not be included in a hotel/motel/residential use in close vicinity to a residential use. Ms. Cleveland suggested a Councilmember propose an amendment restricting alcohol-serving facilities. Councilmember DeYoung pointed out the uses must be compatible and preferred to let the market determine whether a bar/lounge was appropriate.

Councilmember Solberg recalled difficulties created in a residential neighborhood from noise created by a restaurant's bar. She reiterated her request that the City have a noise ordinance.

Deputy Mayor Brocha recalled the comments made by Mr. Waterman and Aatai regarding commercial use on frontage and residential use behind. Ms. Cleveland said a possibility would be to allow residential uses above and behind commercial use. Councilmember DeYoung reiterated her preference that this issue be remanded to the Planning Commission.

Councilmember Solberg referred to Section 21.14.190(1) which indicates on-site recreation play areas were excluded in senior citizen apartments and in all recreational development if a play area was located within ¼ mile. She felt there should be some type of play area in a senior development for visitors. She pointed out this related to the issue of quality of life. Ms. Cleveland answered this was a nexus issue; whether it was fair to require a play area in addition to open space in a senior development. Further, whether the requirement to have a play area was reasonable if a play area is located within ¼ mile. Councilmember Solberg stressed the need for a place for children to play as it was not reasonable to expect residents to go ¼ mile to reach a play area.

Councilmember DeYoung referred to Ms. Underwood's letter of July 7, requesting parking ratios be reduced if they participated in a shuttle system. She planned to propose an amendment to allow this. Further, regarding screening of roof top HVAC equipment, Councilmember DeYoung questioned the need to screen HVAC equipment if it was not visible. She planned to

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propose an amendment that screening be required only if the HVAC equipment were visible from a residential zone.

Mayor Miller declared a brief recess.

Ms. Findlay explained the discussion of nexus was appropriate when reviewing regulations. She said there were two steps in the review of this type of on-site recreation requirement, 1) nexus - does the requirement make sense such as requiring a play area, and 2) a connection to the requirement - not only does it make sense, but whether the requirement is appropriate to the impact (rough proportionality).

Deputy Mayor Brocha moved to return to formal discussion. Councilmember DeYoung seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmember Engel asked when the Development Regulations would be reviewed again. Ms. Cleveland answered staff generally reviewed the Zoning Code once a year but if there were issues the Council wished to review, it could be done at any time.

Councilmember DeYoung moved that Section 21.12.040(A) be amended to strike the proposed restriction on residential units in the Neighborhood Business Zone to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmember DeYoung moved that the proposed amendments be amended to strike Section 21.12.040(B)(16), which restricts residential units in the Neighborhood Business Zone to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmember DeYoung moved that the proposed amendments be amended to strike Section 21.38.065(2)(O), which restricts residential units in the Tourist District to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmember DeYoung moved that Section 21.14.180 be amended to strike the language requiring recreational space in new office and industrial space and be remanded to the Park and Recreation Commission for a recommendation to the Council by October 1, 1997. Councilmember Saulness seconded the motion.

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Deputy Mayor Brocha moved to amend to include the language proposed in Councilmember DeYoung's motion , including language currently in Section 21.14.180(d) and replacing "shall" with "encourage." Councilmember Saulness seconded the amendment.

Vote: All voted in favor of the amendment, except Councilmembers Engel and Solberg, and the motion carried (5-2).

Councilmember Engel moved to amend Section 21.14.180(I) to read "Recreation space *shall* ~~are encouraged~~ have trails, picnic tables, waterfalls, landscaping, courts, open grass areas, *or* ~~and other~~ amenities as approved by the Planning Director."

Councilmember Engel felt if a developer were only encouraged to have on-site recreation, there would not be any when a project was actually constructed.

Ms. Findlay clarified subsection (d) would encourage developers to provide on-site recreation space; if the developer agreed to provide the recreation space, Councilmember Engel's motion would specify what amenities would be included.

Vote: All voted in favor of the motion, Deputy Mayor Brocha abstained, and the motion carried (6-0-1).

Vote: All voted in favor of the motion as amended, except Councilmember Engel, and the motion carried (6-1).

Councilmember Solberg moved to amend Section 21.14.190(1) to state, "All apartments, townhomes and mixed use development, excluding senior citizen apartments, which may provide child areas, shall provide tot/children play areas within the recreation space on site" and deleting the remainder. Councilmember Saulness seconded the motion.

Councilmember Solberg explained providing amenities on-site contributed to the quality of life for families in Woodinville, including families in townhomes and apartments. Councilmember Engel pointed out the Council's short and long term goals referred to the quality of life for all citizens, young and old. She supported encouraging tot areas in every residential development.

Vote: All voted in favor of the motion, except Mayor Miller, and the motion carried (6-1).

Deputy Mayor Brocha moved that Section 21.16.060(1) include the following language: "Type 1 landscaping shall be included in a commercial, office, or industrial development as follows: a) 20 foot width abutting residential developed property or vacant residential zoned property, or b) 10 foot width abutting public recreationally developed property, or c) 10 foot width abutting property designated as permanent open space. Councilmember Saulness seconded the motion.

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Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmember Engel moved to amend Section 21.38.050(1) to return the motel/hotel use to the Planning Commission for further study and discuss particularly as it pertained to alcohol. Councilmember Saulness seconded the motion.

Vote: All voted against the motion, except Councilmembers Solberg and Engel, and the motion failed (2-5).

Councilmember DeYoung moved that the proposed amendments be amended to strike Section 21.38.060(2)(o) which restricts residential units in the Tourist District to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.

Motion withdrawn.

Councilmember Solberg moved to amend Section 21.38.030(5)(b) to delete the entire second sentence (building heights may be increased to 55 feet provided) and delete subsections (i) and (ii).

Councilmember Solberg explained her intent was to restrict the maximum height to 45 feet. She pointed out the Planning Commission's letter to the Council recommending maximum height of 45 feet be retained. She said a high quality development could be achieved using landscaping, architectural design and underground parking.

Councilmember Saulness did not recall the citizens' vision referred specifically to height but rather to creating opportunities for open space, preserving trees, and creating large buffers. He welcomed flexibility on this site.

Vote: All voted in favor of the motion, except Mayor Miller and Councilmembers Hageman and Saulness, and the motion carried (4-3).

Councilmember DeYoung moved Section 21.38.060(1) be amended to allow office/research park development in the new General Business Zone. Deputy Mayor Brocha seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmember DeYoung moved that Section 21.38.060(2)(a) be amended to allow outdoor storage with a Type 1 landscaping screen. Councilmember Saulness seconded the motion.

Councilmember DeYoung pointed out that outdoor storage with a landscaping screen was allowed in the Tourist District. Mr. Sturtz said Type 1 landscaping was a solid screen.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Councilmember DeYoung moved that the proposed amendments be amended to strike Section 21.38.060(2)(o) which restricts residential units in the Tourist District to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Vote: All voted in favor of the main motion as amended (second reading of Ordinance No. 175), and the motion carried (7-0).

Councilmember Engel moved to extend the meeting until 10:20 p.m. Councilmember Engel seconded the motion.

Vote: All voted in favor of the motion, except Councilmember Saulness, and the motion carried (6-1).

9. NEW BUSINESS

(a) Internet Access Reimbursement for City Council

Ms. Hawley explained this item was a proposal to reimburse Councilmembers for internet access.

Deputy Mayor Brocha said his review of available government sites revealed little useful information. He questioned whether reimbursement was appropriate when Councilmembers could arrange internet access at City Hall.

Councilmember DeYoung questioned how the City could ensure access was used only for City business if the computer were in a Councilmember's home. Ms. Hawley agreed this could not be assured.

Councilmember DeYoung preferred the funds be used to create a web site for the City rather than reimbursing Councilmembers for access. She planned to abstain from the vote as she has internet access via her business.

It was the consensus of the Council not to authorize reimbursement to Councilmembers for internet access.

(b) Council Priorities/Department Director Presentations

Deputy Mayor Brocha moved that the City Council discuss the 1998 budget informally. Councilmember Engel seconded the motion.

Vote: All voted in favor of the motion, and the motion carried (7-0).

Mr. Rainey explained staff would provide further information to address major issues not included in the Transportation Improvement Plan or Capital Improvement Plan such as what Department Heads expect to spend in the next year and required expenditures versus discretionary expenditures. In addition, staff will address an expenditure control budgeting concept. He explained this would involve adopting a budget for 1998 and at the same level in 1999 with some small increases in personal services. In addition to Department Heads' acceptance of this budget, they would also attempt to save money. At the end of the second year, the Council could authorize a department to receive a portion of the savings in their budget. He explained this method was a way to demonstrate how frugality is exercised. It would also make the second year's budget much easier. He advised an explanation of this method would be provided to the Council in written form.

Councilmember DeYoung supported this budgeting concept, particularly in view of many citizens perceptions regarding government spending.

10. DISCUSSION

11. CITY MANAGER REPORTS

Mr. Rainey distributed information regarding A-board sign code enforcement, noting if Councilmembers had no objection, staff would begin sending out enforcement letters. Following a brief discussion, it was agreed A-board signs would be returned to the store the first time with written notice they would be destroyed in the future.

12. PUBLIC COMMENTS - None

13. REPORTS OF COUNCILMEMBERS

Councilmember Engel requested budget information be provided as soon as possible. She was pleased the Council had passed the zoning ordinance and had stayed within the perceived vision, particularly maintaining the 45 foot height limit.

Councilmember Hageman looked forward to the Park and Recreation Commission's efforts regarding on-site recreation including the vision for quality of life for homes as well as workplaces. He reported he had received enthusiastic comments regarding the multimodal project in the Wellington area.

Mayor Miller looked forward to the meeting with Fire Services. He encouraged Councilmembers to attend the house burn on Saturday, August 9.

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Councilmember Saulness expressed his pleasure that the City of Woodinville was sponsoring a City Council Candidate Orientation on July 22 at 4:30 p.m. and encouraged residents who were interested in running for City office to attend.

Councilmember Solberg commented on the number of people using WART. She asked if the City planned to have representation at the open house Hollywood Schoolhouse on July 17 regarding the draft Regional Wastewater Services Plan. Mayor Miller encouraged Councilmembers to attend.

Deputy Mayor Brocha described his use of Woodinville Park and Recreation facilities this weekend and noted a garbage can closer to the picnic area was needed in Woodin Creek Park.

14. EXECUTIVE SESSION

At 10:30 p.m., Mayor Miller recessed the Council to Executive Session for approximately 10 minutes. He indicated no action would be taken following the Executive Session.

15. ADJOURNMENT

The meeting was adjourned from Executive Session at 10:50 p.m.

Sandra C. Steffler

Sandra C. Steffler
City Clerk

MEMORANDUM

TO: Planning Commission

FROM: Stephanie Cleveland, Project Planner

VIA: Ray Sturtz, Planning Director

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DATE: February 27, 1997

SUBJECT: GMA Development Regulations - Planning Commission Public Hearing

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INTRODUCTION

At the March 5, 1997, Planning Commission meeting, the Commission will hold a public hearing on the GMA Development Regulations, which the Commission began to review at their last session. During the staff presentation portion of the public hearing, Staff will present the General Business Design Guidelines, which we did not cover at the last meeting. After the close of the public hearing, the Commission can continue its discussion of the proposed regulations.

Following is the same summary table on the changes to the GMA Development Regulations that was included in the last session's packet. Please bring your copy of the proposed regulations to the hearing.

PROPOSAL

A summary of the changes to the development regulations follows (Attachment A). This table concentrates only on the changes that we are making, not on the policies that are already addressed adequately by the existing codes. The table is essentially divided up into three columns: policy number, policy text, and change being effected. While the table looks long, it is merely a summary of all of the Subcommittees' recommendations for changes. With the exception of a few of the changes required for Land Use and Community Design, the Planning Commission has reviewed these changes before and approved them.

Changes in the codes are shown as underline and ~~strikethrough~~. When looking through the codes, focus on these areas that show the changes. There are two exceptions to this: the Land Use tables in the Zoning Code (Sec. 21.08), in which new or changed entries show as **boldface;** and the General Business Design Guidelines, in which text is entirely new, but not underlined.

Amendments requested by the Planning Commission at the last session are included following this report as Attachment B. Amendments are shown as underlined and bolded.

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In response to Commissioner Clayton's question, Attachment C is Section 21A.34.040 from the King County Code, which shows the 200 percent bonus density allowance for affordable housing. Staff is checking with King County planners to assure that this section is still in use and, if possible, how often it has been used.

Staff is available by telephone if you have any questions prior to the meeting (489-2754 x250).

GOALS AND POLICIES

The proposed code changes implement the Comprehensive Plan Goals and Policies shown in Attachment A.

RECOMMENDED ACTION

Hold a public hearing on the proposed GMA Development Regulations.

RECOMMENDED MOTION (after the hearing)

I move that the Planning Commission recommend adoption of the GMA Development Regulations (as amended) to the City Council.

ATTACHMENTS

~~A - GMA Development Regulations Table~~
B - Commission amendments to the GMA Development Regulations
C - Section 21A.34.040(g) of the King County Code

LU-1: To guide the City's Population growth in a manner that maintains or improves Woodinville's Northwest woodland character, environmental attributes, and quality of life.		
Policy No.	**Policy**	**Change**
	LAND USE	
LU-1.2.1	Encourage future development in areas: With the capacity to absorb development (i.e., areas with vacant or underdeveloped land and available utility, street, park, and school capacity, or where such facilities can be cost effectively provided);	See revised Zoning Map per Comp. Plan Land Use Map
LU-1.2.2	Encourage future development in areas: Where adverse environmental impacts can be minimized; and where such development will enhance the area's appearance or vitality.	See revised Zoning Map per Comp. Plan Land Use Map
LU-1.5	Development of institutional facilities abutting rural areas must provide open space buffers and prohibit non-emergency vehicular access to the rural area.	Zoning Code: See "open space buffer requirement and prohibition of non-emergency vehicle access to the abutting Rural area" as a Development Condition for all uses listed under the categories of INSTITUTIONAL (see note 9 on pages 8-13 and 8-15); HEALTH SERVICES (see note 30 on pages 8-9 and 8-12), EDUCATION SERVICES (see note 30 on pages 8-9 and 8-12), and REGIONAL LAND USES (see note 11 on pages 8-26 and 8-27).
LU-2: To establish land use patterns, densities, and site designs that encourage less reliance on single-occupant vehicle travel.		
LU-2.3	Encourage the most intensive residential and employment land uses along major transportation routes to support mass transit service.	See revised Zoning Map per Comp. Plan Land Use Map
LU-3: To attain a wide range of residential patterns, densities, and site designs consistent with Woodinville's identified needs and preferences.		
LU-3.5	Utilize lot clustering where possible when residential development abuts agricultural districts to provide open space buffers between agricultural lands and housing, and to reduce potential land use conflicts.	Zoning Code: See revised section 21.14.040(2).

Policy No.	Policy	Change
LU-3.6	Allow densities higher than one dwelling unit per acre only when adequate services and facilities are available to serve the proposed development).	Zoning Map; Zoning Code: See 21.04.080(1)(a).
LU-3.7	Encourage medium and moderate density housing throughout the community where sufficient public facilities and services are available, where the land is capable of supporting such uses, and where compatible with adjacent land uses.	Zoning Map; Zoning Code: See 21.04.080 (1)(b), (c), and (d).
LU-4: To establish land use patterns that encourage a variety of commercial services and employment opportunities.		
LU-4.2	Encourage mixed-use development that balances residential and business uses within commercial areas.	Zoning Map: See Mixed Use Boundary in the downtown. See also the addition of the R-48/O zone, per the Comp Plan Land Use Map. This zone will allow a mix of uses. Zoning Code: See 21.38.090 for temporary regulations. Additional study as a result of the Housing Strategy Plan be required to develop regulations and bonus density provision may be added to 21.34.040(6). See also the addition of 21.38.030 for regulations for the R-48/Office zone.
LU-4.4	Provide an adequate supply of land zoned for employment to support 20-year employment projections as required by the Washington Growth Management Act.	See revised Zoning Map per Comp. Plan Land Use Map.
LU-4.7	Ensure that development in neighborhood commercial centers is compatible with surrounding residential neighborhoods.	Zoning Code: Many sections already require setbacks, landscaping, etc. to protect residential uses. See addition of note 4 on pages 12-5 and 12-6 to protect residential properties abutting office properties (addresses Kyes rezone).

LU-5: To protect and conserve Woodinville's open spaces, natural resources, and sensitive areas.		
LU-5.2	Provide incentives for maintaining, restoring, and enhancing wetlands, stream corridors, ground water recharge areas, and other important natural systems.	Zoning Code: Add Sec. 21.34.040(6)(f) that allows a site receiving density from a sensitive site to treat said density as a density bonus, see also Sec. 21.36.040.
LU-6: To provide a process for siting essential facilities.		
LU-6.1	Define Essential Public Facilities, consistent with the Growth Management Act, as "those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes."	Zoning Code: See addition of definition of a "Essential Public Facilities"(21.06.216).
LU-6.3	Use the following Interim Siting Process to site essential public facilities. This process will be subject to change as King and Snohomish counties fully develop and adopt their multi-jurisdictional processes: 1) The City shall adopt and update a list of existing and potential essential public facilities (at a minimum that provided by Washington State Office of Financial Management). 2) An essential public facility shall meet the following criteria to be considered: a. Must meet definition in the Growth Management Act; b. Must appear on city's or county's list; c. Must provide essential services to the residents of Woodinville, as well as other communities. 3) An application shall be made to the Department of Planning and Community Development for a Special Use Permit. 4) The following factors shall be analyzed as part of the siting process: a. Environmental impact; b. Economic	Zoning Code: See revised Sec. 21.44.060.

	impact to the City; c. Traffic impacts; d. Compatibility with adjacent land uses; e. Ability to meet Zoning Criteria for a Special use Permit as defined in WMC21.44.060; f. Public health and safety; g. Forecasted regional or statewide need; h. Ability of existing facilities to meet that need; i. Compatibility with this Comprehensive Plan; j. Evaluation in context of agency or district plan (and consistency with this plan); k. Analysis of alternative sites. 5. Provide a public process that includes at a minimum noticing as required by WMC21.40 and provides for at least one public hearing to be heard by the City's Hearing Examiner.	
LU-8: To encourage and achieve multi-story mixed uses in the downtown mixed-use area.		
LU-8.2	Encourage the development of additional office space in the downtown mixed-use boundary through incentive zoning.	Zoning Map: See addition of mixed use boundary. Zoning Code: See addition of Development Condition no. 6 in sec. 21.12.040 A. & B. (pages 12-5 and 12-6) that allows a max. building height of 45 feet for office development in the downtown mixed-use area
LU-9: to manage growth and development within the Town Center Neighborhood in a manner that balances the needs of commercial and residential uses.		
LU-9.4	Locate larger developments of retail and residential uses nearest freeway access and major streets.	Zoning Map: See addition of General Business (GB) Zone per Comp. Plan Land Use Map.
LU-9.5	Through incentive zoning, encourage the development of underground parking or multistory parking structures in downtown as an alternative to surface parking.	Zoning Code: See addition of Development Condition no. 12 to Zoning Code Sec. 21.12.040 A. & B. (pages 12-5 and 12-6). See also addition of 21.36.030(2)(j), which allows a transfer of density when a property is used as a multi-story garage.

Policy No.	Policy	Change
IS-3.6.2	Update the Zoning Code and Zoning Map to reflect the goals and policies of this Comprehensive Plan.	Zoning Map: See addition of General Business (GB), High Density/Office (R-48/0), and Public Parks designations. Zoning Code: See addition of appropriate references to the General Business, and Public Parks designations to Sections: 21.21.04 (Designations). See addition of General Business to 21.08 (Permitted Uses); and 21.12 through .30 (Development Standards). Change all references from Regional Business to Central Business District.
	HOUSING	
H-1: To preserve existing housing and neighborhoods and provide diversity of housing types to promote housing opportunities for all economic segments of the City's population.		
H-1.4.2	Define residential land use regulations to allow for development that will accommodate a range of incomes by providing for a range of housing types and cost. Regulations shall include provisions such as: Allowing for bonus densities in developments that meet certain community goals such as senior housing, housing affordability, proximity to transit, dedication of parks/open space, reservation of historic landmarks, energy conservation, etc.	Zoning Code: See Code Sec. 21.34.040(6). See revisions to Subsection (d) and (e).
H-1.6	Provide incentives for moderately priced housing ownership through minimum lot size requirements, and permitting townhome and condominium housing.	Zoning Code: The Zoning Code already has no minimum lot sizes. However, the land use tables of Section 21.08 have been broken out by Comp Plan densities to better regulate uses in the lower density zones. See particularly 21.08.030.A. Residential Land Uses chart (page 08-3). Townhomes and condominiums (apartments are now allowed in the Moderate Density zones but not in Low Density zones.

Policy No.	Policy	Change
H-1.10	Encourage the building of affordable housing in the Town Center Neighborhood compatible with existing residential development.	Zoning Map: See the addition of the R-48/O zone, which allows smaller, more affordable units. Zoning Code: See the addition of regulations for the R-48/O Zone at Sec. 21.38.030. See also the addition of Development Condition no. 10 on pp. 08-3 and 08-4.
H-2: To promote safe, physically accessible, and clean residential environments with associated open spaces.		
H-2.3.2	Maintain traditional single family subdivisions and promote creative site planning and regulatory measures to increase variety in living opportunities in residential neighborhoods, downtown, and other commercial areas by: Providing incentives to encourage creative neighborhood design and layout concepts.	Subdivision Code: See the addition of Section 20.06.055 to promote creative site development of large subdivisions.
H-2.3.3	Maintain traditional single family subdivisions and promote creative site planning and regulatory measures to increase variety in living opportunities in residential neighborhoods, downtown, and other commercial areas by: Encouraging mixed use (commercial/residential) developments in the downtown where such developments are financially viable and market driven.	Zoning Map: See the addition of the mixed use boundary. Zoning Code: See the mixed use regulations in Sec. 21.38.090 as a temporary solution until regulations are developed as part of the Housing Strategy Plan. A bonus density may also be added as a result of this work.
H-3: To provide housing opportunities in Woodinville for people with special needs.		
H-3.2	Support the development of emergency, transitional, and permanent supportive housing with appropriate on-site services for persons with special needs throughout the City and region.	Zoning Code: See the addition of Temporary Shelter to Definitions (21.06.649) and Land Use Table (21.08.030).

Policy No.	Policy	Change
IS-4.3.1.10	Encourage mixed land use development (commercial/residential) in areas such as the mixed-use boundary to include housing by providing incentives such as reduced parking requirements, flexible developments standards, etc.	Zoning Map: See the addition of the Mixed Use Boundary. Zoning Code: See the mixed use regulations in Sec. 21.38.090 as a temporary solution until regulations are developed as part of the Housing Strategy Plan. A bonus density may also be added as a result of this work.
ECONOMIC DEVELOPMENT		
ED-1: To take a positive, partnership role in retaining and maintaining the existing diverse and vital economic base in the City by assisting existing firms and welcoming new firms that will enhance the quality of the economic base.		
ED-1.10	Provide flexible standards to allow businesses to expand, grow, and diversify, and to promote infill.	Design Principles for the General Business Zone: New principles provide flexibility on how principles are achieved, much as original Interim Design Principles do for other commercial and office areas.
ED-4: To recognize and support the district within the City that are commercially important to the local economy.		
ED-4.2	Transform the image of the non-residential areas abutting the freeways, highways, arterials, and railways. These areas constitute a good portion of the tax base, and therefore should be encouraged to present a more aesthetically appealing image of the community.	See Design Principles for the General Business Zone. Zoning Code: See revised Section 21.16.020 which requires conformance with the landscaping regulations when a new proposal is valued at 25 percent of total valuation)(instead of 50 percent).
IS-6.3.15	Review land use design and zoning regulations to allow flexibility in development that encourages higher densities, mixed uses, innovative approaches to land assembly, utilization, redevelopment, in-fill development, and rehabilitation of significant or economically viable buildings.	Interim Design Principles: While regulations will be reviewed as part of the Downtown Master Plan, see page iii of the introduction to the Interim Design Principles, which permits a waiver for historically significant buildings.
PARKS, RECREATION, AND OPEN SPACE		
PRO-2: To ensure adequate and enriching recreational activities for the citizens of Woodinville.		
PRO-2.6	Encourage ties with other trails to develop a trail system that promotes multi-purpose uses.	Zoning Code: Ties are already encouraged by the Zoning Code, however see revision to Sec. 21.14.180(2)(g).

PRO-3: To create and preserve a variety of open space to maintain and enhance the quality of life.		
PRO-3.4	Use incentives to preserve valuable open space in new development.	Zoning Code: While the Parks Commission will be reviewing transfer of density possibilities and recreation space requirements for commercial uses, the Zoning Code already contains many provisions, including recreation space requirements for residential developments and bonus densities for protected open space. However, see the revision to 21.14.200 to promote multi-purpose trails.
COMMUNITY DESIGN		
CD-1: To promote an image of a visually cohesive community to residents and visitors.		
CD-1.5	Enforce visual character through use of adopted design review principles for commercial, industrial, and residential projects, except for single-family homes.	Design Principles: Design principles already exist for commercial areas. New principles for industrial areas and multi-family developments will be developed in the coming year. Commercial principles will also be reviewed. However, see new principles for the General Business Zone.
CD-2: To maintain the Northwest woodland character and heritage of Woodinville.		
CD-2.9	Public awareness and appreciation of the benefits of historic preservation should be increased through outreach and educational programs. Use of interpretive signs, roadside markers, and other accessible public information on local history and historic resources should be encouraged.	Zoning Code: See new Landmark Overlay regulations at Sec. 21.38.080. Zoning Map: Landmark Overlay will be applied to parcels as they apply for and receive the LO designation.
CD-3: To promote quality design that preserves and enhances the character of the various neighborhoods of Woodinville.		
CD-3.1.1	Integrate new development with the existing character of the surrounding area when the existing development conforms to these goals and policies. The following factors should be considered during the development review process: The architectural style of new development should take into consideration the residential architecture of the surrounding neighborhood in style, scale, and choice of materials.	Design Principles: Multi-family design principles will be developed in the coming year. Zoning Code: Bulk and height restrictions already existing in the Zoning Code address impacts of higher densities on lower densities. However, see the addition of Development Condition #10 to 21.08.030A and B.

CD-4: To create pedestrian friendly environments throughout Woodinville.		
CD-4.2	Create human scale pedestrian facilities in commercial and industrial areas.	Design Principles: The Interim Design Principles already addresses this for commercial areas; see also the General Business Design Principles.
CD-4.6	Encourage landscaping along the perimeter of residential, commercial, and, where appropriate, industrial land uses rather than fences, walls, or other structures that impede pedestrian travel. If fences or walls are planned, breaks for pedestrians should be included.	Zoning Code and Design Principles: While the Zoning Code landscaping chapter (21.16) and the Interim Design Principles address this, see the new General Business Design Principles and also the addition of 21.14.260(7) to the Zoning Code.
TRANSPORTATION		
T-3: To establish a transportation system planning, development, and management process.		
T-3.1.4	Improve the City of Woodinville's local transportation system by: Providing measures for the protection of natural systems and adequate buffering of existing and anticipated land uses during the establishment and acquisition of additional rights-of-way.	Zoning Code: See addition of 21.28.060(4).
T-4: To establish Level of Service standards to ensure development meets Growth Management Act transportation concurrency requirements.		
T-4.1	The City of Woodinville should only approve development that would be consistent with the Level of Service standards established in the City's Zoning Code. The following criteria must be met: 1. New development should not create a Level of Service F for intersections with an existing or future operation of Level of Service E or better. 2. Where development significantly impacts an existing or future Level of Service F intersection, the development must offset impacts by either: a) constructing improvements to result in Level of Service E or better; or b) mitigating impacts by one or more alternative measures as described in the City's Zoning Code, including contributions to an impact fee program, Transportation	Zoning Code: See addition of Section 21.28.090(3).

	Demand Management measures, project phasing, or other measures determined by the City. 3. The City will identify intersections that may be exempt from 1 and 2 above when improvements to remedy Level of Service deficiencies are not financially or environmentally feasible as determined by the City. However, other mitigating measures as described in Goal T-7.	
T-10: To provide safe, convenient, and comfortable neighborhood access and circulation properly integrated with the citywide transportation system.		
T-10.5	Design residential neighborhoods to discourage cut-through traffic movements; traffic control and design measures used for this purpose should be consistent with the city's traffic engineering and design standards.	Subdivision Code: See the addition of Section 20.06.130(2).
T-10.8	Site all residential development facing away from neighborhood collectors and onto internal access roads whenever feasible.	Zoning Code: See the addition of Section 21.14.020. Subdivision Code: The above Section is also referenced in the Subdivision Code.
T-11: To ensure the development and regulation of parking facilities support the transportation system and land development goals and policies.		
T-11.3	Set minimum and maximum off-street parking stall ratios for different land uses to provide safe and adequately sized parking facilities.	Zoning Code: While minimums are already set in the Zoning Code, see the addition of 21.18.030(5) to address maximums.

CAPITAL FACILITIES		
CF-1: To enhance the quality of life in Woodinville through the planned provision of public and private capital facilities, either directly by the City or via coordination with other public and private entities.		
CF-1.8	Require new development to include storm water facilities in compliance with city ordinances and regulations and incorporate low-cost, long-term maintenance methods and, whenever possible, recreational facilities and good aesthetics.	Zoning Code: See the addition of 21.28.050(4).
CF-5: To ensure that development pays a proportionate share of the cost of new facilities needed to serve such growth and development.		
CF-5.5	Fund regional and area-wide storm water facilities through an adequate and equitable set of user charges.	Zoning Code: See the addition of Section 21.28.050(5).
CF-3: to achieve consistency in capital facilities level of service standards within the Woodinville Planning Area for each public service provided by multiple purveyors.		
CF-4: To achieve consistency in capital facilities level of service standards between the Woodinville Planning Area and surrounding jurisdictions' planning areas.		
UTILITIES		
U-1: To enhance the efficiency and quality of service from public and private utility providers through the coordination of utility, land use, and transportation planning so that utilities including water, sewer, surface water, solid waste electricity, natural gas, telecommunications, cable television, and satellite transmission are available or can be provided to serve in a manner which is fiscally and environmentally responsible, aesthetically acceptable to the community, and safe for nearby inhabitants.		
U-1.12	Require utility providers to design, locate, and construct facilities within City-owned properties and rights-of-way to reasonably minimize significant, individual, and cumulative adverse impacts to the environment and to protect environmentally sensitive areas. Requirements should include the following: 1) Locate sewer lines and use construction methods and materials to prevent or minimize the risk of spillage into watercourses and water bodies. 2) Locate utility corridors in existing cleared areas, when possible. 3) Locate utility facilities and corridors outside of wetlands, when	Zoning Code: See the addition of Sections 21.24.050(3), 21.24.300(4)(c), 21.24.320(5)(c), 21.24.320(6)(i), 21.24.360(4)(e). Subdivision Code: See revisions to Sections 20.060 (1) and (2).

	possible. 4) Minimize sewer and water line crossings of fish-bearing watercourses, when possible. 5) Use bio-stabilization, riprap, or other innovative engineering techniques to prevent erosion where lines may need to follow steep slopes. 6) Minimize corridor width.	
U-2: Review new projects requiring land use or construction permit approval for the availability of an adequate water supply.		
U-2.1	Require connection to the municipal water system for all new development permitted by the City.	Zoning Code: See revisions to Section 21.28.040. Subdivision Code: See revisions to Section 20.06.070.
U-2.2	Encourage the hookup to the municipal water system for those properties on existing private well systems.	Zoning Code: See revisions to Section 21.28.040(2).
U-3: Require connection to the wastewater system when development or subdivision of land occurs, only for land that has a density greater than one unit per acre, except when the connection is not feasible.		
U-3.1	Encourage conversion from on-site wastewater disposal systems as sewer lines become available.	Zoning Code: See revisions to Section 21.28.030. Subdivision Code: See revisions to Section 20.06.080.
U-3.2	Limit the use of on-site wastewater disposal systems to agricultural areas or areas where the zoned density is one unit per acre and allow them only if soil conditions are suitable and groundwater would not be negatively impacted.	Zoning Code: See the addition of Section 21.28.030(3). Subdivision Code: See the addition of Section 20.06.080(2).

U-4: A watershed approach should be taken to surface water management, with responsibility shared among the counties and affected jurisdictions. This approach should emphasize prevention of water quality degradation through education programs and implementation of Best Management Practices to reduce pollution entering surface waters.		
U-4.3	Allow storm water retention/detention facilities to be used as partial fulfillment of open space requirements when aesthetically acceptable. In determining the degree to which this is allowed, consideration will be given to the nature of the development. Where the development is more urban or non-residential, a greater percentage may be allowed for fulfillment.	Zoning Code: See the addition of Section 21.16.060(6).
U-6: Encourage reduced energy consumption, conservation, the use of renewable technologies, and energy responsible land use decisions.		
U-6.6	Ensure that utility purveyors limit disturbance to vegetation within major utility transmission corridors to that necessary for safety and maintenance of transmission lines. 1)Encourage pruning of trees to direct growth away from utility lines. 2) Encourage phased replacement of vegetation located improperly in the right-of-way. 3) Encourage pruning of trees in an aesthetic manner to the extent possible and according to the professional arboricultural specifications and standards. 4) Encourage the selection of tree species recommended by the City's Tree Board that can withstand wind and are compatible with utility lines.	Zoning Code: See the addition of Section 21.16.085.
IS-11.3.5	The City shall amend its land use regulations to specify appropriate siting criteria for utility infrastructure including regulations that: 1) Eliminate any barriers to the installation of utilities facilities consistent with the policies of the Comprehensive Plan; 2) Require compliance with the Sensitive Areas Regulations when constructing utilities; 3) Eliminate undue restrictions regarding alternative technologies and energy sources including conservation; 4) Support	While items 1-4 are already met by the City's Zoning Code or Commute Trip Reduction ordinance, and item 5 is discussed above, additions for 6 and 7 are recommended as follows: Zoning Code: See the addition of 21.28.020(3). Subdivision Code: See revisions at 20.06.060(5) and the addition of 20.06.060(7).

	telecommunications systems and telecommuting as means to mitigate transportation impacts; 5) Incorporate location criteria as identified in Policy U-1.12 to minimize adverse effects to the environment and protect environmentally sensitive areas; 6) Require utilities to share corridors in new development when reasonable and possible; and 7) Encourage utilities to co-locate distribution lines when completing upgrades, or when utility relocations are considered as part of major street improvements.	
IS-11.3.6	The City shall amend its land use regulations to specify appropriate design guidelines for building construction, including utility infrastructure, and landscaping. The guidelines should include criteria that incorporate the design and construction guidelines as outlined in the Utilities Element policies to minimize adverse impacts to the environment and protect environmentally sensitive areas and conserve energy and water resources.	Zoning Code: See the additions of 21.28.020(4) and 21.28.020(5).
IS-11.3.9	The City shall review, and amend if necessary, its street tree plantings and pruning guidelines and policies and coordinate with utility providers to: 1) Minimize the potential for interference with utility lines; 2) Ensure compliance with the placement and aesthetics criteria set forth in Policy U-6.6; 3) Require utilities to provide the City with the utility's policies and guidelines regarding tree pruning; and 4) Require sufficient prior notification of tree pruning activities in order for the City to review the proposed pruning and propose alternative measures.	Zoning Code: See the addition of Sections 21.16.085(6) and (7).

~~E.~~(5) Lots for Building Pads: In industrial, business and multiple residential zones, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part.

20.06.055 Incentives for Flexible Lot Standards for Large Subdivisions

(1) For the purpose of this section, large subdivisions shall be defined as the subdivision of a single parcel over five acres.

(2) Large subdivisions that provide any of the following elements in a creative site design may be subject to the bonus incentives as defined in the right column.

(3) Use of all incentives are subject to approval by the City of Woodinville Planing Director.

Creative Element	Allowed Incentive(s)
1. Rehabilitation, protection and integration of environmental features such as greenbelts, streams, wetlands, or steep slopes beyond the requirements of WMC 21.24.	Bonus density of 1 unit for every acre of feature or 200 linear feet of feature.
2. Innovative blending of open space areas with residential lots to increase amount of visual or actual access to open space per lot.	Reduction of up to 50 percent of one required setback per structure allotted additional access or Reduction of required internal street widths to 28 feet if on-street parking is required or 20 feet if not.
3. Providing connections to public transit in the form of transit stops, park & rides, or other transit related feature.	See WMC 21.34.040(6)(e).
4. Allowing for office/work space within homes. **Work spaces must include separate entrances.** (Pursuant to the City's home occupation and/or home industry permit requirements.)	Bonus ~~density~~ of 1 unit for every 5 offices provided.
5. **Enhancement** of views of the Sammamish Valley or Mount Rainier.	Reduction of setbacks as necessary to retain views, subject to the conditions in WMC 21.14.030.
6. Integration of recreation amenities in excess of the minimum open space requirements of WMC 21.14.180.	See WMC 21.34.040(6)(b).
7. Locating garages to the rear half of residential lots.	Elimination of rear setback requirements for garages accessed from rear alleyways or

allowed only if adequate services can be provided.;~~with a variety of densities and sizes in locations appropriate for urban densities;~~

(b) Providing, in the ~~R-12 through R-48~~ moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached ~~apartment and townhome~~ dwelling units. ~~and~~ Oother development types, such as condominiums, apartments, townhomes are permitted so long as they protect Woodinville's small town atmosphere **and conform to all applicable regulations**;~~with a variety of densities and sizes in locations appropriate for urban densities;~~

(c) ~~Allowing only those accessory and complementary nonresidential uses that are compatible with residential communities; and~~Providing, in the medium density zones (R-9 through R-18), for multi-family apartments, condominiums, and townhomes, at densities supportive of transit and providing a transition to lower density areas; and

(d) ~~Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally sensitive sites from overdevelopment.~~Providing, in the high density zones (R-19 through R-48), for the highest residential densities, consisting of multi-story apartments or condominiums. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.

(2) Use of this zone is appropriate in residential areas designated by the Comprehensive Plan as follows:

(a) The R-1 zone on or adjacent to lands with area-wide environmental constraints, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;

(b) The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development, by adequate public sewers, water supply, roads and other needed public facilities and services; and

(c) The R-12 through R-48 zones in appropriate areas, of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

21.04.090 Neighborhood business zone.

(1) The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:

(a) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding residential area;

(b) Allowing for a mix of housing and retail/service uses; and

(c) Excluding industrial and community/regional business-scaled uses.

WMC 21.08.030

A. RESIDENTIAL LAND USE

KEY
P - Permitted Use
C - Conditional Use
S - Special Use

ZONE	RESIDENTIAL					COMMERCIAL/INDUSTRIAL				
	AGRICULTURE	LOW DENSITY	MODERATE DENSITY	MEDIUM DENSITY	HIGH DENSITY	NEIGHBORHOOD	BUSINESS	GENERAL	BUSINESS	CENTRAL BUSINESS	OFFICE	INDUSTRIAL
SIC#	SPECIFIC LAND USE	A	R1-4	R5-8	R9-18	R19+	NB	GB	CBD	O	I
	DWELLING UNITS, TYPES:										
*	Single detached	P	P	P	P						
*	Townhome		C12	C7,10, ~~11~~	P	P	P		P	P	
*	Apartment			P11	P	P	P		P	P	
*	Mobile home park			P	P		P		P	P	
*	Senior citizen assisted (See 21.06.188 for definition)			P11	P	P	P		P	P	
	GROUP RESIDENCES:										
*	Community residential facility-I		C	C	P	P	P		P	P	
*	Community residential facility-II				P	P	P		P	P	
*	Dormitory		C2	C2	P2	P2			P2	P2	P2
	ACCESSORY USES:										
*	Residential accessory uses	P3	P3	P3	P3	P3	P3		P3	P3	
*	Home occupation (8)	P	P	P	P	P	P		P	P	
*	Home industry (9)	C	C	C							
	TEMPORARY LODGING:										
7011(1)	Hotel/Motel								P	P	
*	Bed and breakfast guesthouse	P5 C6	P6	P6	P6	P6	P6		P6		
7041	Organization Hotel/Lodging houses								P		
*	Temporary shelter								P4		

GENERAL CROSS REFERENCES: Land Use Table Instructions, see WMC 21.08.020 and 21.02.070
Development Standards, see WMC 21.12 through 21.30
General Provisions, see WMC 21.32 through 21.38
Application and Review Procedures, see WMC 21.40 through 21.44
Tourist District Regulations, see WMC 21.38.065
R-48/0 regulations, see WMC 21.38.030
Landmark Overlay regulations, see 21.38.080
(*) Definition of this specific Land Use, see WMC 21.06

21.08.030 B. DEVELOPMENT CONDITIONS.

(1) Except bed and breakfast guest houses.
(2) Only as an accessory to a school, college/university, church, or fire station.
(3) (a) Accessory dwelling units:
(i) Only one accessory dwelling per lot;
~~(ii) Only in the same building as the principal residence unless the lot is at least 10,000 square feet in area and the allowable density of the zone is not exceeded~~;
(iii) The primary residence or the accessory dwelling unit shall be owner occupied;
(i~~v~~iii) If the accessory dwelling unit is a separate structure, the accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence;
(iv) One additional off-street parking space is provided; and
(v~~i~~) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied.
(b) One single or twin engine, general aviation aircraft shall be permitted only on lots which abut, or have a legal access which is not a public right-of-way, to a waterbody or landing field, provided:
(i) No aircraft sales, service, repair, charter or rental;
(ii) No storage of aviation fuel except that contained in the tank or tanks of the aircraft; and
(iii) Storage hangars shall not exceed 20 feet in height above average finished grade or have a gross area exceeding 3,000 square feet.
(4) ~~Mobile home parks shall not be permitted in the R-1 zones.~~Only as an accessory use to an institution, school, public agency, church, synagogue, temple or non-profit community organization.
(5) Only as an accessory to the permanent residence of the operator, provided:
(a) Serving meals to paying guests shall be limited to breakfast; and
(b) No more than 5 guests per night.
(6) Only as an accessory to the permanent residence of the operator, provided:
(a) Serving meals to paying guests shall be limited to breakfast; and
(b) The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the Uniform Building Code as adapted by the City for R-1 occupancies may accommodate up to ten persons per night.
(7) A conditional use permit is not required if the townhomes are approved through subdivision review **or if the project is in the R-8 zone on a parcel greater than five acres.**.
(8) Home Occupations are subject to the requirements and standards contained in Section 21.30.040.
(9) Home Industries are subject to the requirements and standards contained in Section 21.30.050.

(10) Townhomes must be compatible in design, color, style, and materials with existing neighborhood.

(11) Permitted only in the R-8 zone and only on parcels greater than 5 acres.

(12) Permitted only in the R-4 zone, on parcels where protection of sensitive areas prohibit traditional single-family development.

BENEFIT	DENSITY INCENTIVE
d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.	.75 bonus unit per benefit unit.
e. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15 year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.	1 bonus unit per benefit unit.
f. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.	1.5 bonus units per benefit unit.
g. Projects in which 100 percent of the units are reserved for moderate income - and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.	200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

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WT

EXHIBIT 148
PAGE 1 OF 3

March 15, 2007

Attention: Woodinville City Council, Ms. Cindy Baker & City Attorney:

First, my dictionary definition of the word "need," the PRIMARY definition, is "necessity or obligation created by some situation." The word "need" comes from the Old English "neu" to collapse with weariness, and the Welsh word "newyn" starvation. You cannot possibly tell me that these housing developments meet that PRIMARY definition of need. Furthermore, while you are perusing the dictionary, you might want to look up the definitions of "growth" "development" and "maturity" while you're there.

Second, the Phoenix developer says that there is a "need" for housing in this area. If you get on the internet for 2 minutes you will find 70 single-family houses for sale just in the local Woodinville area that are from the $600,000 down to $400,000 range.
If there is such a need, why are there those houses sitting on the market?

Third, a typically priced home in King County in 2005 cost $332,000, meaning wage earners had to make $88,400. If you were truly building "affordable housing" then I might concede that you are meeting a need, but the houses you are planning are not affordable.

I recently read an article that describes the network of people in our country which profits from residential development. Their mantra is that our towns and cities must grow to thrive. However, this is propaganda spread by the industry which needs to justify itself to continue reaping the enormous profits generated by subdivision construction and suburban sprawl, regardless of what happens to the cities and towns as a result.

A City of Woodinville staff report states that an R-4 rezone would have a negative effect on the City's resources because the truth is: undeveloped land pays for itself and is a net plus to a city whereas residential development generally fails to pay for itself and is a net loss to a city.

I believe small cities like ours need development in the true sense of the word – IMPROVEMENT!

The following are a few of my concerns from the FEIS which would not improve our community but affect it negatively.

1. The junction of 168th avenue NE & Woodinville-Duvall Road where cars turn to get to Leota Jr. High, Wellington Elementary & Bellevue Christian school. Here cars are backed up routinely during peak travel hours. In addition, a new church and school will soon be built just east of this intersection. With 800 daily car trips generated by the proposed subdivisions, this intersection was not addressed.
2. Coming off the Freeway down by the high school at peak hours, cars are backed up along the shoulder. Another 130 commuters backed up there was not addressed.
3. The schools of Leota and Wellington already have overcrowded rooms with kids in portables. The district says it expects declining enrollment. Under the circumstances might this not be a good thing, to have fewer kids per teacher, not more? This scenario was not addressed.
4. Page 1-35 of the FEIS states wildlife will be "displaced." Tangling Ridge displaced all of the deer that used to live on that hill. The lady who has lived in a house on that hillside for the last 30 years hasn't seen one since. We might say, so what? Some animals have disappeared. Our lives go on about the same. We might say, Okay, so there's some similar stuff happening in far away places, something about deforestation and global warming – sorry, but we don't see that here. THAT IS CALLED DENIAL. We are dismantling life support systems for animals and ourselves. This cumulative destruction of habitat was not addressed.

I read somewhere that small destructions add up until finally they are understood as part of large destructions. I see Montevello/ Woodtrails as small destructions. I do not support R-4 rezoning.

Thank you,

Christina McMartin – 19228 168th Avenue NE, Woodinville, 98072 (cmcmartin@verizon.net)

Rec'd 3-14-07

Attn: Examiner Submitted March 15, 2007
at 11:10 pm.

March 14, 2007
Woodtrails issues
Vicky DeLoff-Sexson
14821 NE 201st Street
98072

Open Space

- Where are the playgrounds? Kids need a safe place to congregate.

- With 50 x 100 lots (5,000 sq ft) and approx. 3,000 feet of living space the land will be pretty maxed out - where is the landscaping?

- The developer's expert did not mention the wetland/pond area to the North of the Woodtrails site.

- Density will increase some as current residences add "Mother-in-Law" units. We plan to do this and have heard others state the same.

EXHIBIT ~~87~~ 148
PAGE 2 OF 3

Vicky DeLoff-Jerson
Wood Trails Issues
Page 2
March 14, 2007

Safety / Traffic

- Limited site (hill + curve) on 201st just east (above) Woodtrails. Scooters & bikes are at risk when they have to go into the gravel shoulder to get out of the way. Is there any plan for improvements?

- Traffic is so heavy on 156th Wellington Elementary only suggests foot traffic to/from School Cross this road. Kids are not allowed/encouraged to use it. How will this road be improved - made safer?

EXHIBIT ~~84~~ 148
PAGE 3 OF 3

- If another landslide occurs on the Woodtrails property and compromises my property who do I sue?

Vicky DeLoff-Jerson

For the record - this is my 3rd home. I have worked hard to save to purchase this neighborhood.

EXHIBIT 149
PAGE 1 OF 76

To Whom It May Concern:

My wife and I live in the Wellington Hills area of Woodinville and have been following the developments of the rezoning issues closely. We've attended meetings in which the applicants for rezoning have given cursory lip service to the concerns of the existing neighborhoods; we attended the March 15th meeting in front of the City Examiner. We listened to the obviously biased presentations of our elected and appointed officials and we are not satisfied with the amount of effort that has been put into the consideration for rezoning.

Let us be clear: we are fully aware that Woodinville will change, that growth is inevitable. What we are concerned about is how that growth is managed. In the case of the proposed developments of Wood Trails and Montevallo, we feel it is being managed to protect the profits of the developer and not the character of Woodinville.

The process of applying for the rezoning requires meeting three criteria. Cindy Baker seems to think that the applicant has fulfilled two of the three. Even if that is remotely true, there is still the third criterion, the demonstration of need, that has not been met. Apparently, there is no definition of "need" as it applies to this situation, so if I may, I will attempt to help define need.

The applicant states that need means lack, a ridiculous assertion when evaluated. For example, if I were to open an Italian restaurant, my menu would lack tacos and enchiladas on it. Do I need tacos and enchiladas on it simply because I lack them? Not if I want stay true to my concept. And that's what the decision our elected and appointed representatives must make. Does our concept for the future of Woodinville include the obcenities of a Wood Trails and Montevallo developments? Does the developer really "need" to squeeze sixty-six shabbily made structures onto16.8 acres of land amongst houses that have been planned and built with care. Isn't "need" starting to sound a lot like "greed"?

We are asking our representatives to maintain the concept of Woodinville that attracted us to it in the first place. Control the growth so that the innate character of this city is secured. Do not cave to the avalanche of money being thrown in your direction by greedy developers. Save our city. Do your job.

Sincerely,
Marie and Mark Day
20219 151st Avenue NE
Woodinville

RECEIVED
APR 04 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICES

Mark Day
20219 151st Ave. NE
Woodinville, WA 98072

RECEIVED
APR 04 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICES

City Hall
%Hearing Examiner
17301 133rd Ave NE
Woodinville WA 98072

EXHIBIT 149
PAGE 2 OF 26

April 3, 2007

EXHIBIT 149
PAGE 3 OF 76

City Hall c/o Hearing Examiner
17301 133rd Ave NE
Woodinville, WA 98072

This letter is composed by Doyle & Janet Watson, we live at 15101 NE 195th ST Woodinville, WA 98072. We are opposed to R-4 rezoning in the Wellington Neighborhood. We have lived in our modest home situated on 1.07 acres since 1978. This home was a big investment for us, and it took us years to build equity in order to afford country style living in what was then the small town of Woodinville. We moved from our first home in West Seattle due to increasing crime and poor school options for our kids, then we moved out of our second home in Bothell to have more of a spacious, woodland life for our children's upbringing in Woodinville. We believed then that Woodinville was the very best place for our four children to be educated and to enjoy nature and we still believe that it is this unique combination that draws so many other families to Woodinville. If R-4 development is allowed in our area, it will set a precedent that could snowball into many R-4 developments which would take away the uniquely spacious, woodland character of our city. Our children are now grown and living in surrounding areas where R-4 development is prevalent and can attest to the special character and draw that Woodinville has established.

Here are the reasons why of R-4 development is not appropriate for our area:

195th Street is too narrow, steep and dangerous to pedestrians and drivers at current traffic volumes.

Our street has very difficult visibility especially at sunrise and sunset.

Lack of sidewalks and side of the road clearance is non-existent in many parts of the road.

There are twelve blind driveways that increase the risk of accidents.

Most vehicles travel at least 10-15 miles above the posted 15 MPH speed limit.

In winter, this road is one of the last to thaw and is poorly maintained and prepped for ice and snow.

This road is used equally by pedestrian traffic including school children, bicyclists, seniors and dog walkers.

In one part of the road above the largest crest, the road dangerously narrows so that two vehicles can barely pass.

The natural aesthetic of our neighborhood will be degraded.

Loss of the old-growth cedar and pine along the west ridge will allow freeway noise and pollution to carry from SR-522.

If 195th is widened, our personal property bank will be significantly cut away which will mean cutting down two of our largest old-growth cedar and pine trees where squirrels and woodpeckers make their homes. Also, the value of our property will be reduced because our home will be so close in proximity to the street with little foliage to protect our privacy.

Area wildlife and their habitat will be threatened. Here is a list of the animals and birds we have seen in our area. Deer, raccoon, coyote, mountain beaver, rabbit, squirrel, chipmunk, chickadee, blue jay, crow, robin, woodpecker, Barred owl, Great Horned Owl, Red-tailed hawk, wood duck, great blue heron, varied thrush, Siskin, house finch, spotted Towhee, quail, gardener snake, salamander and hummingbird. Here is the list of flora which feed and harbors these animals: Trillium, Wildflowers,

Oregon Grape, Huckleberry, Alder, Cherry, Hemlock, Maple, Bracken/Sword ferns, Wild Bleeding Heart, Wild Honeysuckle, Salal, blackberries, and Wild Roses.

156th Street is already congested and its steep grade poses an unusual danger to all travelers.
This road is the main access to downtown Woodinville, SR-522, Snohomish County, Costco and therefore is a heavily traveled road for all residents on a daily basis.
Most drivers travel above the speed limit, which causes many near accidents when people are turning off of this road.
Nearly every weekend, year-round vehicles must avoid large packs of bicyclists who use the road as part of a very well-known bicycle route.

On a more personal note, we are now retired and in our sunset years. The most pleasant part of our day is drinking our coffee while walking around our yard and looking at the sunrise through the heavy canopy of trees. We enjoy the nature noises: squirrels quarreling and chasing each other and birds chirping. We love the feel of the dew soaking through our shoes and the smell of the native flowers, trees and plants. We enjoy the change of the seasons and hope that our piece of heaven does not disappear for our grandchildren and future generations, who also deserve the opportunity to enjoy this area for many years to come.

Sincerely,

Doyle and Janet Watson

Doyle & Janet Watson

EXHIBIT 149
PAGE 4 OF 76

City Hall c/o Hearing Examiner

regarding Monterallo / Wood Trails dev.

EXHIBIT 149
PAGE 5 OF 76

RECEIVED
APR - 3 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICES

April 3rd, 2007

Hearing Examiner

City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

EXHIBIT 26/149
PAGE 6 OF ~~149~~ 76

RE: Comments on Wood Trails and Montevallo

Dear Hearing Examiner,

Our family and neighbors are very concerned about the proposed "Wood Trails" and "Montevallo" project just northwest of our home on 195th street. We oppose this project due to the many environmental and safety impacts (flora, fauna, traffic and public safety)

First I will speak to the environmental impacts, one of the most critical considerations. With the recent development of other new R1 (1 Acre) zoned homes in our area, which resulted in massive amounts of deforestation and disruption, we have noticed a great amount of wildlife have been flushed out of their native habitat and into our yards. Some of the animals we're now seeing in our yards were less likely to be seen before the development occurred. The fact is, habitat and wildlife has already been lost, even with the less invasive R1 zoning. We can attest to this fact because we have lived in our house since 1977 and have watched the negative evolution. It is inevitable, if the "Wood Trails" & "Montevallo" (R4 Zoned) project is undertaken, more habitats for hundreds of wildlife species will be displaced or destroyed.

Beyond just the animals, the flora which feeds and harbors these animals is vital to these creatures. Just some of the plants that will be affected are: Trillium Ovatum, wildflowers, Oregon grape, Huckleberry, Pine, Cedar, Alder, Cherry, Hemlock, Maples, Bracken/Sword Ferns, Wild Bleeding Heart, Wild Honeysuckle, Salal, blackberries, huckleberries, Wild Roses and decaying wood/stumps (habitat). We have seen many species of wildlife living and thriving in the proposed area on many walks that we take. Just some of the animals that have been, and could be impacted, are: Deer, Quail, Coyotes, Hawks, Owls, Rabbits, Robins, Blue Jays, Finches, Woodpeckers (Many Types such as Pileated), Brown Squirrels, Grey Squirrels, Chipmunks, Mountain Beaver, Hummingbirds, Gardner snakes, and salamanders. We also have great concern about the water quality and runoff that is discharged in to Little Bear Creek, just below the proposed projects. We fear that the wild salmon's habitat will be altered or destroyed when development occurs.

Traffic and Safety are another great concern, most of the roads that are existing are not meant for high traffic, high capacity access. These are low-speed residential roads with many children that walk these routes to nearby schools. Having the proposed development connected to these roads will certainly increase traffic and decrease safety for our children. Traffic is already a huge problem in most areas of Woodinville and increasing high density housing will just amplify the problem. The newly built Costco has added much traffic to 156th road; it is inadequate and needs major improvement to support any further development. We must keep perspective when we plan new infrastructure and ask critical questions about whether or not we have the access (roads) capable of meeting the current demand. We certainly do NOT have capacity to handle anymore traffic.

The fact is, Woodinville is losing its natural beauty, one destructive high-density development at a time. As I drive on 522 from Monroe to Woodinville I look to where all the green beauty stands today on the proposed site. I very much enjoy this beauty, it makes Woodinville look unique and semi-preserved, it has a in-the-country feeling - I call it charm. A complex of high density homes, roads, and cars will surely be a tumor on this beautiful sight. You as our planners' really do have the choice to preserve Woodinville and not let it become like every other suburban-strip mall city.

We find the name "Wood Trails" to be an oxymoron in terms. "Wood" implies there are trees, but the builder will most certainly clear cut the trees to make way for high density living/parking. The new name means nothing if it's not descriptive of the surroundings. Maybe it should be called "No-Tree-Hill Vista." This quote is very fitting: "Suburbia, where they cut down all the trees and name the streets after them." So true, yet so very sad. I would like for my children and the next generation children to come to see Woodinville with plants, animals, and in it's current beauty. We must be stewards of the land; this is why we're all standing up to save this small piece of Woodinville.

Woodinville should not be sacrificed and turned into another suburban housing development. Let's keep Woodinville unique, safe, green, and beautiful!

Please consider this plea for protecting Woodinville's beautiful future

Sincerely, concerned citizens,

The Children of Doyle and Janet Watson
15101 NE 195th ST
Woodinville, WA 98072

Doyle Watson Daryl Morrissey

City Hall c/o Hearing Examiner

regarding Monterallo / Wood Trails dev.

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PAGE 7 OF 148
149
26

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APR - 3 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICES

ORIGINAL

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APR 02 2007
City of Woodinville

Capital Projects

Northshore School District

Support Services Center
22105 23rd Drive S. E.
Bothell, WA 98021-4409
Phone: (425) 489-6644
Fax: (425) 489-6645
www.nsd.org

RECEIVED
APR 02 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICE

March 30, 2007

EXHIBIT 149
PAGE 8 OF 76

Cindy Baker
Interim Development Services Director
City of Woodinville
17301 133rd Avenue NE
Woodinville, Washington 98072

Dear Ms. Baker:

RE: Capacity for Wood Trails and Montevallo Developments

Regrettably the District will not be able to send a representative to the Hearing next week for these projects. We are submitting the following comments for the record.

District Policy is not to support or oppose a specific development unless it imposes a significant impact.

Our projections were based upon the initial zoning request (R4) in this instance. The schools identified in the Safe Walk Assessment Forms submitted in 2004 remain Wellington Elementary, Leota Junior High, and Woodinville High School. Our projections indicate that there is sufficient capacity at these schools to absorb the additional students these developments would generate. We request that there be appropriate action to ensure that there will be safe areas for bus stops, routes for efficient bus routes to schools, and safe pathways for the students to walk to their respective schools if they wish.

Answers to any questions relative to the District's Boundary Adjustments can be found on the District web site under "Preparing for 2007-08". Select "Enrollment Balancing Plan" and you will go directly to the Trends and Balance report.

Please let me know if you need further information.

Sincerely,

Evan Ujiiye

Evan Ujiiye
Director

RECEIVED
MAR 2 8 2007
City of Woodinville

EXHIBIT 149
PAGE 9 OF 16

ORIGINAL

March 27th, 2007

City Hall, in care of the Hearing Examiner

17301 133rd Ave NE

Woodinville, WA 98072

Dear Hearing Examiner,

We attended both meetings on March 14th and 15th 2007 and we are concerned about the negative impact on the quality of life for Woodinville citizens if the rezoning is approved.

We live at 19131 148th Ave NE, Woodinville. Our access point is at 152nd Ave NE turning left or right onto Woodinville-Duvall Road depending on which direction we need to go.

There is no light at 152nd Ave NE and Woodinville-Duvall Road. There are times in the morning, especially, that we have to wait upwards of 5 minutes to be able to turn **right**. Yes, turn right. The flow of traffic can be so heavy that we cannot even turn right for long periods of time.

How can this be? There is a light at 156th Ave NE and Woodinville-Duvall Road so there should be gaps? Well, there isn't gaps because there are cars waiting on 156th Ave NE trying to also turn right. When they get their turn, all the gaps are filled.

Adding more development that uses 156th Ave NE as an arterial would make turning an hourly thing. ☺ I'm sure you can get my point. It would be horrible.

A thought could be "Let's add a traffic light at the intersection of 152nd Ave NE". Yes, a traffic light would help tremendously. However, what about all the other driveways and streets? Do they all get traffic lights too? That's not feasible.

I mentioned turning right. Now, since we have children at Rainbow Montessori, Wellington, and Leota, we also have to turn LEFT. Left is a different story. Left can get really crazy. I call the middle turn lane a "suicide lane". Because once you commit to going left, there is no telling if someone coming East up Woodinville-Duvall Road is turning into that middle lane at the same time where you'd then have a collision. Yes, accidents will be commonplace on Woodinville-Duvall Road, like it or not.

Sincerely,

Mark Johnston

Suzanne Johnston

19131 148th Ave NE

Woodinville, WA 98072

RECEIVED
MAR 2 0 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICES

Cindy
Connie
Ray
Charleine
Jennifer
Admin File

McCullough Hill, PS

RECEIVED
FEB 26 2007
City of Woodinville

RECEIVED
FEB 26 2007
CITY OF WOODINVILLE
DEVELOPMENT SERVICES

February 23, 2007

1

VIA E-MAIL AND U.S. MAIL

Greg Smith, Hearing Examiner
808 W. Spokane Falls Blvd.
Spokane, WA 99201

EXHIBIT 149
PAGE 10 OF 16

Re: Wood Trails & Montevallo Public Hearings

Dear Mr. Smith:

This is on behalf of Phoenix Development ("Phoenix") and responds to Rick Aramburu's letter of February 22, 2007. He raises nine concerns and objections to the hearing procedures you outlined in your letter of February 20, 2007. I will address each in turn.

Appearance of Fairness

Mr. Aramburu suggests that conversations you have had with City staff on procedural matters violates the appearance of fairness doctrine. He cites no authority for this proposition. His suggestion is ironic, since it is understood he has contacted you himself on an ex parte basis to discuss procedural matters. His suggestion has no merit, for two reasons. One, the appearance of fairness doctrine is applicable only to substantive, not procedural, ex parte contacts. Second, the appearance of fairness doctrine addresses only contacts between project "opponents" and project "proponents." City staff is neither an opponent nor a proponent of this project. City staff is merely processing an application and making a recommendation as to the application's consistency with City regulations.

Mr. Aramburu asks you to disclose your conversations with City staff. That is certainly within your discretion. However, the appearance of fairness doctrine does not require you to do so.

Speaker Time Limits

Mr. Aramburu objects to the proposed time limits to be placed on speaker testimony. He cites no authority in support of his contention that time limits are inappropriate. To the contrary, placing time limits on speakers is traditional in the public hearing context. Not only in the City of Woodinville, but all Washington cities and counties impose time limits when there are numerous parties wishing to testify. It is only courteous and fair to the others in the audience who wish to speak. To the extent it is necessary to convey additional factual information and argument, the parties should be allowed to supplement their oral testimony in written form.

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

EXHIBIT 149
PAGE 11 OF 26

CNW's "Interpretation Appeal"

Mr. Aramburu asks the Hearing Examiner to postpone the public hearings so that an adjudication may be made of Mr. Aramburu's "interpretation appeal." However, as the February 21, 2007 letter from the City's Development Services Manager indicates, there is no interpretation appeal to be heard. Accordingly, there is no reason to postpone the hearings.

Rebuttals

Mr. Aramburu objects to providing staff and the applicant with the opportunity to respond to public hearing testimony. Again, he cites no authority in support of his objection. There is none. All hearings such as this afford the staff and the applicant with the opportunity to provide a response to public testimony. Indeed, the applicant has the burden to demonstrate the proposal's compliance with City regulations. As such, the applicant clearly is entitled to have the last word. To the extent that Mr. Aramburu is concerned that staff and the applicant "will delay their substantive presentations until after the public has testified," that anxiety is not well-founded. Staff and the applicant have made their substantive presentations already, and the public has had a thorough opportunity to consider them, through the subdivision and rezone applications, expert consultant reports, and environmental review.

If Mr. Aramburu wishes to leave the record open for a reasonable time (say, seven days) to respond to staff and applicant rebuttals, Phoenix would have no objection, so long as Phoenix, as the party with the burden, would have an additional seven days to respond.

Testimony on Two Proposals

Your proposal to allow testimony on the two projects at each night's hearing is appreciated by Mr. Aramburu. However, he then asks you to delay the public hearings to re-notice them. He provides no authority for this request. It would be unjust to Phoenix to delay the hearings on this basis when it was the community itself that made the request that they be allowed to testify on both projects at once.

Consolidated Decision

Mr. Aramburu asks the Hearing Examiner to make a consolidated decision on the two proposals. Phoenix objects to that request, since the two proposals are at a distance from each other, were applied for on different dates, and have been separately reviewed by the City. Phoenix will brief this issue in greater detail in its hearing memoranda.

Staff Report

The public notice states that the staff report will be available seven days prior to the public hearings. The staff report has not yet been made available. Phoenix has no objection to the

EXHIBIT 149
PAGE 12 OF 76

Hearing Examiner keeping the hearing record open for written comment for a period of seven days following public availability of the staff report.

Public Notice Maps

Mr. Aramburu suggests the public notice maps are either under- or over-inclusive. However, he does not suggest that there is any public confusion as to the location of the two proposals. To the contrary, these proposals have likely received more public scrutiny than any other proposals in the history of the City. Mr. Aramburu cites no authority for his request that the public hearings be re-noticed. And there is none.

Pre-Hearing Conference

Phoenix would be happy to participate in a pre-hearing conference.

Conclusion

Mr. Aramburu clearly would like to delay the public hearings on these two proposals. However, he has cited no legal or practical reason to do so. His requests should be denied.

Thank you for your consideration of Phoenix's response.

Sincerely,

G. Richard Hill

GRH:ldc

cc: Loree Quade
Larry Sundquist
Bob Vick
Zachary Lell
Cindy Baker
Rick Aramburu

L:\Sundquist\303.011\corr\smith01.dot

Traci Herman

From: Sandy Guinn
Sent: Wednesday, December 13, 2006 10:18 AM
To: Development Services
Subject: FEIS Phoenix Development

EXHIBIT 149
PAGE 13 OF 16

Steve Maloney has advised that all mail should be sent to his P. O. Box:

Steve Maloney
P. O. Box 1602
Woodinville, WA

COPY
Dup.

Please note this email is a public record and may be subject to disclosure.

Sandy Guinn

From: Catherine Borghes
Sent: Monday, December 18, 2006 1:39 PM
To: Sandy Guinn
Subject: RE: FEIS Phoenix Development

EXHIBIT 149
PAGE 14 OF 16

DONE!

From: Sandy Guinn
Sent: Monday, December 18, 2006 1:31 PM
To: Catherine Borghes
Subject: FW: FEIS Phoenix Development

In addition to the correction below, please correct Concerned Neighbors of Wellington to be as follows:

Concerned Neighbors of Wellington
Attn; Fred Green, President
P. O. Box 2968
Woodinville, WA 98072-2968

Thank you!
Sandy

From: Sandy Guinn
Sent: Wednesday, December 13, 2006 10:18 AM
To: Development Services
Subject: FEIS Phoenix Development

Steve Maloney has advised that all mail should be sent to his P. O. Box:

Steve Maloney
P. O. Box 1602
Woodinville, WA

Please note this email is a public record and may be subject to disclosure.

Cindy Baker

From: Sherry Brown [SteveandSherryBrown@comcast.net]
Sent: Wednesday, February 14, 2007 8:08 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Public Hearings for Wood Trails and Montevallo

EXHIBIT 149
PAGE 15 OF 16

Dear Cindy,

I recently was informed of the two notices of Public Hearings to take place on Feb 28th pertaining to the Wood Trails development & Mar 1st pertaining to the Montevallo development. This is very disturbing because since day one of the DEIS these applications have been combined into one application for purposes of EIS review and project review. This is appropriate because they are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

The single, joint hearing format has been communicated numerous times and is still referenced on the city website. I am not sure of the reason for the sudden change necessitating two separate hearings but it appears to be highly unusual given the reasons sited above. Therefore, I respectfully request that these hearings be consolidated, as it is only appropriate given the cumulative impact of these developments on our neighborhoods.

Sincerely,

Steve Brown
15218 NE 198th Street
Woodinville, WA 98072

EXHIBIT 149
PAGE 16 OF 26

Sandy Guinn

From: Cindy Baker
Sent: Thursday, February 22, 2007 7:07 PM
To: Jennifer Kuhn; Connie Fessler; Barbara_Czuba@berlex.com; jeff@glickman.com; Chuck Price; almetclem@comcast.net; Ann@wildlifecomputers.com; bapoole@earthlink.net; bellsmith@sprynet.com; chuckprice604@hotmail.com; cmcmartin@verizon.net; Chuck Price; Dave.Shepherd@Emulex.Com; dgibson@wisllc.com; gamahan@comcast.net; gunnarssonusa@comcast.net; jes3788@comcast.net; kristy_howell@comcast.net; kscarbrough@verizon.net; lisarhodes@windermere.com; llarking1@comcast.net; lola_granola@comcast.net; Missy_Ryan@comcast.net; pkforman@juno.com; robert@rlventures.com; seadoofun2@msn.com; seamog@verizon.net; senafziger@verizon.net; shaniparrott@earthlink.net; Sharon.Peterson@microsoft.com; SteveandSherryBrown@comcast.net; tonyvannatter@comcast.net; yakimaco@verizon.net; Council
Cc: Charleine Sell; Sandy Guinn
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

Attachments: Hearing Examiner letter.pdf

Hearing
miner letter.pdf (

Hello to all,
We have received a large number of emails from citizens asking that the public hearings on the Wood Trails and Montevallo proposals be combined into one hearing, as citizen groups had spent considerable time and effort on preparing one set of comments for one public hearing. The City set two separate hearing dates because they are separate applications and require separate decisions. We did not realize that people thought a combined rezone and preliminary plat hearing would be held or we would have clarified earlier. It appears the confusion occurred when the city required a combined Environmental Impact Statement (EIS). Often, when projects have some association, a jurisdiction will ask for an EIS to be combined, yet the decisions on the separate underlying proposals would remain separate. I have spoken with the Hearing Examiner on how to address these concerns. The Hearings Examiner intends to simplify matters by allowing testimony on both projects at either hearing. People wanting to provide testimony on both proposals at the same time will be allowed to do so. The Hearing Examiner will keep track of the testimony so that all relevant information will be taken into consideration during his deliberations. He will not miss items because the preliminary plat proposals are separate decisions.

At the hearing, the Examiner will explain his approach and other procedural matters. The Hearing Examiner also has within his purview the right to continue the hearing(s), if he believes there is a need. Please see the attached letter from the Hearing Examiner that explains the procedures for the hearings. Let me know if there are further questions on this matter.

Sincerely,

-----Original Message-----
From: Barbara_Czuba@berlex.com [mailto:Barbara_Czuba@berlex.com]
Sent: Thursday, February 22, 2007 12:39 PM
To: jeff@glickman.com; Chuck Price
Cc: almetclem@comcast.net; Ann@wildlifecomputers.com; bapoole@earthlink.net;

bellsmith@sprynet.com; chuckprice604@hotmail.com; cmcmartin@verizon.net; Chuck Price; Dave.Shepherd@Emulex.Com; dgibson@wisllc.com; gamahan@comcast.net; gunnarssonusa@comcast.net; Hank Stecker- Comcast; jes3788@comcast.net; kristy_howell@comcast.net; kscarbrough@verizon.net; lisarhodes@windermere.com; llarking1 @comcast.net; lola_granola@comcast.net; Missy_Ryan@comcast.net; Mike Roskind @ Seanet; pkforman@juno.com; robert@rlventures.com; seadoofun2@msn.com; seamog@verizon.net; senafziger@verizon.net; shaniparrott@earthlink.net; Sharon.Peterson@microsoft.com; SteveandSherryBrown@comcast.net; tonyvannatter@comcast.net; yakimaco@verizon.net
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

Everyone -- here is the response I received from Cindy Baker on this issue / concern when I questioned the two independent meetings in mid-Feb.

Not sure where we stand with things but potentially one of the first questions or topics for the Hearing Examiner should be how he intends to handle things with respect to the interdependence of the two proposed developments -- Barbara

----- Forwarded by Barbara Czuba/ST/USR/SHG on 02/22/2007 12:30 PM -----

"Cindy Baker"
<CindyB@ci.woodinville.wa.us>

02/13/2007 01:43 PM

To <Barbara_Czuba@berlex.com>

cc

Subject RE: Concern regarding the two meetings -- Wood Trails / Montevallo

EXHIBIT 149
PAGE 17 OF 26

Hello Ann, 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. He can explain his approach at the hearing. The hearing examiner also has within his purview to continue the hearing. I am sure he will if he believes there is a need.
I want to assure you that staff is working very hard to cover all items and to make it fair and open process. I hope this explanation helps.
Please let me know if I can be of further assistance.

-----Original Message-----
From: Barbara_Czuba@berlex.com [mailto:Barbara_Czuba@berlex.com]
Sent: Tuesday, February 13, 2007 9:58 AM
To: Cindy Baker; Susie McCann; Cathy VonWald
Subject: Concern regarding the two meetings -- Wood Trails / Montevallo
Importance: High

Dear Ms. Baker, Ms. McCann, and Mayor VonWald --

I just received in the mail two notices of Public Hearings to take place on Feb 28th and March 1st, and I have a question / concern on this.

My question deals with whether the City of Woodinville and the scheduled Public Hearings are reviewing these two developments as one per the FEIS, or are we now to consider these developments as independent of one another.

Within the FEIS document, the two proposed developments are presented as dependent on one

another and thus intertwined with respect to the various traffic impact studies, the density transfer credit, the impact to neighborhood character -- etc. I am concerned that now these two developments appear to be independent of one another since there is scheduled two Public Hearing dates; one hearing per development.

Please let me know if it is still the intent to consider these applications as combined into one application for purposes of EIS review and project review, as well as the Public Hearings. This is appropriate since the two proposed developments are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

Thank you for your time -- I look forward to your answer on my question /concern.

-- Barbara Czuba

EXHIBIT 149
PAGE 18 OF 76

"Jeff Glickman"
<jeff@glickman.co
m>

02/22/2007 11:49
AM

Please respond to
<jeff@glickman.co
m>

To

"'Chuck Price'"
<CPrice@ci.woodinville.wa.us>
<seadoofun2@msn.com>
<almetclem@comcast.net>
<seamog@verizon.net>
<SteveandSherryBrown@comcast.net>
<bellsmith@sprynet.com>
<gunnarssonusa@comcast.net>
<lola_granola@comcast.net>
<tonyvannatter@comcast.net>
<bapoole@earthlink.net>
<cmcmartin@verizon.net>
<llarking1@comcast.net>
<shaniparrott@earthlink.net>
<jes3788@comcast.net>
<dgibson@wisllc.com>
<Barbara_Czuba@berlex.com>
<Ann@wildlifecomputers.com>
<robert@rlventures.com>
<senafziger@verizon.net>
<kristy_howell@comcast.net>
<pkforman@juno.com>
<kscarbrough@verizon.net>
<Missy_Ryan@comcast.net>
<Dave.Shepherd@Emulex.Com>
<lisarhodes@windermere.com>
<Sharon.Peterson@microsoft.com>
<yakimaco@verizon.net>
<gamahan@comcast.net>

cc

<mroskind@seanet.com>,
<hstecker@comcast.net>,
<chuckprice604@hotmail.com>

Subject

RE: Wood Trails and Montevallo
Hearing Examiner meetings

EXHIBIT 149
PAGE 19 OF 26

Dear Councilmember Price,

I sent the following correspondence to Cindy Baker, Interim Planning Director, and Zach Lell, City Attorney, with a carbon copy to Connie Fessler, Interim City Manager, on February 15, 2007 and I have received no reply. Thank you for looking into this.

Sincerely,
Jeff Glickman

Ms. Cynthia Baker
Interim Planning Directory
City of Woodinville
Woodinville, WA 98072

Dear Ms. Baker,

I am in receipt of your Public Notice of Hearings for the proposed Woodtrails and Montevallo developments. Of note is your decision to split what was previously a single Hearing into two separate and distinct Hearings. I assert this is not permissible on the grounds that the proposals are interdependent upon each other on the basis of the transfer of density credits: Specifically the proposed plats and the derived EIS anticipates that density credits from Woodtrails would be transferred to Montevallo. While I acknowledge the proponent has submitted separate Applications for these proposed developments, the transfer of density credits as tied together by the joint EIS makes the two proposed developments contenement, and they may not therefore be considered separately. I therefore respectfully request that you restore the Hearing as a single joint hearing for both proposed developments.

Sincerely,

Jeff Glickman
19405 148th Ave NE
Woodinville, WA 98072
503-705-6900
jeff@glickman.com

Cc: Connie Fessler, Interim City Manager
Zach Lell, City Attorney

-----Original Message-----
From: Chuck Price [mailto:CPrice@ci.woodinville.wa.us]
Sent: Thursday, February 22, 2007 11:38 AM
To: seadoofun2@msn.com; almetclem@comcast.net; seamog@verizon.net; jeff@glickman.com; SteveandSherryBrown@comcast.net; bellsmith@sprynet.com; gunnarssonusa@comcast.net; lola_granola@comcast.net; tonyvannatter@comcast.net; bapoole@earthlink.net; cmcmartin@verizon.net; llarking1@comcast.net; shaniparrott@earthlink.net; jes3788 @comcast.net; dgibson@wisllc.com; Barbara_Czuba@berlex.com; Ann@wildlifecomputers.com; robert@rlventures.com; senafziger@verizon.net; kristy_howell@comcast.net; pkforman@juno.com; kscarbrough@verizon.net; Missy_Ryan@comcast.net; Dave.Shepherd@Emulex.Com; lisarhodes@windermere.com; Sharon.Peterson@microsoft.com; yakimaco@verizon.net; gamahan@comcast.net
Cc: mroskind@seanet.com; hstecker@comcast.net; chuckprice604@hotmail.com
Subject: FW: Wood Trails and Montevallo Hearing Examiner meetings

FYI,

I've sent this to people I have found who have emailed the City Council in regards to this issue. I count 29 citizens I have found that we have received emails from. My apologies to anyone I have missed.

Chuck Price

EXHIBIT 149
PAGE 20 OF 16

From: Chuck Price
Sent: Thu 02/22/2007 11:07 AM
To: Sharon Peterson (FOREFRONT SECURITY); Council; Cindy Baker; Zach Lell- City Attorney; Connie Fessler
Subject: RE: Wood Trails and Montevallo Hearing Examiner meetings

Connie,

Can you and Zach address this issue and if there are any legal issues associated with the separation of the two projects. It is confusing, since as stated below the "initial Determination of Significance was made for both developments simultaneously". We have had more emails on this issue than I can count, so I believe we owe ourselves and the community a clear explanation. An open dialog is essential to good communication.

Thanks,

Chuck Price

From: Sharon Peterson (FOREFRONT SECURITY) [mailto:Sharon.Peterson@microsoft.com]
Sent: Tue 02/20/2007 9:09 AM
To: Council; Cindy Baker
Cc: Sharon Peterson (FOREFRONT SECURITY)
Subject: Wood Trails and Montevallo Hearing Examiner meetings

City Of Woodinville Leadership,

I've received no response to my earlier email so sending again.

Thank you,

Sharon Peterson

From: Sharon Peterson (FOREFRONT SECURITY)
Sent: Monday, February 12, 2007 5:33 PM
To: City of Woodinville (council@ci.woodinville.wa.us)

City Council Members,

Over the weekend, I received two letters from the City of Woodinville.
Each
letter indicated to me that a date had been set for the Wood Trails FEIS Hearing and for the Montevallo FEIS Hearing, but they are two different dates.

Here's why I believe this is illegal, is against the 2.5 year precedent of communication that the City of Woodinville has set, and is also grounds for an immediate appeal of any decision that the Hearing Examiner might make.

* The City of Woodinville accepted the original application for the development as a single document that covered the proposed development of two areas. Only one application was filed.
* The initial Determination of Significance was made for both developments simultaneously. Only one DOS was issued.
* The Draft Environmental Impact Statement was published in March, 2006, for both developments. Only one DEIS was published.
* For almost a year, citizens have been prohibited from mentioning either development or both developments, in the same sentence at the same time.
* The Final Environmental Impact Statement addresses both developments simultaneously. Only one FEIS was published.

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I am appalled that the City Staff would resort to this tactic as a way to divide two properties which have been legally linked by the City for over 2.5 years. I'm deeply disappointed at the thought that our City Council would permit staff to send communications out that openly violate the precedent that's been established for these two properties.

The only explanation that comes to mind is that the City Council is simply not aware of this action and that now by being made aware of this act, you'll quickly direct staff to rectify this error in judgment, issue a formal retraction of the letters, mail new letters, and allow public comment on either development on both nights of the upcoming Hearing.

Please take SWIFT and IMMEDIATE action in tonight's Council meeting to address this grievous and offensive error and send the message to the citizens of Woodinville that "game playing" is not the agenda of the Woodinville City Council.

Thank you,

Sharon Peterson

15206 NE 202nd Street

Woodinville, WA 98072

Party of Record: Wood Trails and Montevallo

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HEARING EXAMINER
808 W. SPOKANE FALLS BLVD.
SPOKANE, WASHINGTON 99201
(509) 625-6010

GREG SMITH

February 20, 2007

Sent via email

G. Richard Hill, Attorney at Law
email: rich@mhseattle.com

J. Richard Aramburu, Attorney at Law
email: rick@aramburu-eustis.com

Cindy Baker, City of Woodinville
email: cindyb@ci.woodinville.wa.us

Dear Ms. Baker, Mr. Aramburu and Mr. Hill:

I have been retained by the City of Woodinville to hold hearings on the Wood Trails Rezone and Preliminary Plat and the Montevallo Rezone and Preliminary Plat. Those hearings are scheduled for the evenings of Wednesday, February 28, 2007 and Thursday, March 1, 2007, respectively. The purpose of this email is to set forth the general hearing procedures for those hearings.

After I open the hearing and briefly describe the proposal, I will ask for City staff to give a report. That will be followed by the Applicant's presentation and then I will open up public testimony. At the close of public testimony I will allow the Staff and the Applicant an opportunity to comment on the public's testimony.

Testimony will be taken under oath and I do allow questioning of experts. I don't call it cross-examination because I believe that intimidates some people, but I do allow the questioning of experts but not lay people.

The two projects were separated into two hearings at the advice of Woodinville's counsel. I have been told that some members of the public view them as a single proposal and therefore will want to testify on both proposals at the same hearing. I also understand that some people may not want to come to both hearings. Therefore, I will take testimony on either project at both hearings subject, of course to time limitations. If there are an extraordinarily large number of people who wish to testify I will have to put a time limit on the testimony. Woodinville staff has informed me that the City Council usually allows three minutes per person or five minutes if you represent a group. If a group is represented by an attorney and that attorney will be speaking for a large group, I am willing to give the attorney additional time. I will decide the time limits when I see the size of the crowd and determine how many wish to testify.

I hope this addresses the main issues on procedure and if I can answer questions for any of you, please contact me at my office in Spokane. Please let me know if you are aware of other attorneys who will be participating. Also, contact me if you desire to have a pre-hearing conference.

Sincerely,

Greg Smith
City of Spokane Hearing Examiner

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Sandy Guinn

From: Jennifer Kuhn
Sent: Friday, March 02, 2007 1:27 PM
To: Cindy Baker
Cc: Sandy Guinn
Subject: FW: didn't receive official letters

Hi Cindy,

Can you please answer Susan Huso question?

Thank you,

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: Friday, March 02, 2007 12:40 PM
To: Jennifer Kuhn
Subject: didn't receive official letters

Jennifer,

I'm wondering why I didn't receive letters of notice regarding the Hearing Examiner Meetings (the ones originally scheduled for 2/28 and 3/1), specifically on the Montevallo development. I live right next door (although outside city limits) to Montavello, and so I clearly would be within the 500 feet parameter. I should be a party of record, I know Phoenix Development sent me a letter years ago advising of the start of the development process.

My physical address is 24330 75th Ave SE, my mailing address is PO Box 1176, Woodinville.

Can you look into why I didn't receive them? If your not the person to do that, can you tell me who can help me?

Thank you,

Susan (Todd) Huso

Susan Huso

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tieline 8-860-6077

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Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 11:15 AM
To: Sandy Guinn
Subject: FW: Wood Trails/Montevallo '07

On the record?

From: Cindi Stinson [mailto:crstinson@yahoo.com]
Sent: Wednesday, March 14, 2007 4:11 PM
To: Cindy Baker; Susie McCann
Subject: Wood Trails/Montevallo '07

City of Woodinville
17301 133rd Ave NE
Woodinville , WA 98072
March 14, 2007
Email: CindyB@ci.woodinville.wa.us
Email: SusieM@ci.woodinville.wa.us

RE: Comment on FEIS for Wood Trails/Montevallo

Dear Ms. Cindy Baker:

I live at the crest of the hill on NE 195th street, a potential access street to the Wood Trails Development. The FEIS has identified 195th street as being deficient for stopping sight distance. 195th street should not be used as an access street for Wood Trails due to its many deficiencies.

We moved our family to 195th street because of the large private lots, dead-end-streets, quality of life, wildlife, character of the neighborhood and excellent schools. "City living, Country Style" was Woodinville's motto which drew us to Woodinville. These qualities are in jeopardy because of changes in city development. Please keep our city livable at its current state, do not be tempted by quick fixes.

The FEIS is inadequate because it does not fully address the true safety issues of traffic along 195 St. 198 St., 201 St., 202 St., 156th Ave. and Woodinville-Duvall Road; blind spots, dangerous topography, and limited site zones on potential access streets; alternative access from below or to the west from Hwy 9 and NE 200th Street or 144th Ave. NE; and keeping a R-1 rating for the Wellington area.

We live in a limited sight zone which is posted 15 mph which the FEIS does not address fully. As a parent of two active youths, I know the dangers of the limited sight zone in front of our house. I do not allow my children to walk to school because there are no safe pedestrian walk areas, sidewalks or cross walks, four limited site areas on 195th St. between our house and the school, plus no street lights. I drive my children to school to avoid these hazards which adds to the traffic volume.

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The speed bump on 195th street, just east of NE 156 Ave. is a hazard for pedestrians. Cars try to drive around the bump by using the shoulder. This may slow down the cars a bit, but has created yet another pedestrian hazard. I would like the city to consider shaving the top of 195th street near 15009 to help with the sight problems. I caution everyone who enters/exits my property to be very careful while on 195th street. I never back-out of my drive way due to poor visibility. We have had countless near misses both trying to enter and exit our property .

The FEIS does not adequately address left turn lanes. I sit at the 156th Ave NE./Wdvl-Dvl. Road intersection through one or two lights. If there is a bus or large truck in the left turn lane, it may be three lights before I can turn left. The back-up is extremely dangerous when you come up over the hill traveling south on 156 Ave. NE. A similar situation occurs at the left turn lane from Wdvl-Dvl. Road onto 168th Ave NE. The left turn lanes are inadequate to hold the current traffic during school times not to mention peak commuter hours. If an additional 132 houses are added to the area, traffic will increase. Common sense says the intersections I mentioned would continue to fail during peak hours.

The FEIS and the City seem to be using inadequate traffic stats. These stats should be measured again to completely measure the current traffic patterns and adjusted for proposed developments. I personally go South onto 156 Ave. 90% of the time to the grocery stores, sports fields, downtown area, movie theaters and schools. The "assignment" of traffic going North onto 156th Ave and turning onto 240th Street SE is absurd! 240th Street SE is a private road that cuts through a golf course. It is signed: Limited Sight Distance, No Shoulders, Local Access Only and posted 15 mph a majority of its length. 240th Street SE has deteriorated enormously since Costco opened. The city must address this substandard route and the stats surrounding it. The city must take into consideration the proposed housing development on Wellington Golf Course of 350 homes and how that is going to increase traffic loads into Woodinville within 3 years.

The FEIS does not address the substandard shoulders on 195th Street. I do not allow my children to play past our property line due to the lack of shoulders, dangerous topography, and limited sight problems. Many adults walk their dogs twice a day up and down the street. They walk on the road not the 0-4 foot shoulder the FEIS mentioned. The walkers and joggers exercise on the pavement because of the substandard shoulders. I place my trash can near the edge of 195th Street weekly. As indicated by the FEIS, this should be an adequate place for pedestrian traffic, yet my trash can has been hit several times. Once it was drug nearly 50 feet before the truck stopped to untangle it from its bumper. The shoulders are nonexistent, rough and not maintained. 66 new residences at the end of 195th street would represent at least a 600% increase in traffic in front of my house. If 10-12 houses were added that would only be a 100% increase in additional car trips per day. Either way the city must address this issue.

The FEIS is inadequate because it does not sufficiently address the alternative access from the West that Wood Trails could tap into. It does not address access from below Wood Trails at 144th Ave. NE or Hwy 9 and NE 200th Street. This would eliminate the approximately 800 trips up and down the current streets generated by the proposed 132 houses. A west access or access from below would eliminate further congestion at the Woodinville-Duvall/156th Ave NE intersection, plus, it is a quicker route for emergency vehicles.

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The FEIS is inadequate because it does not adequately address the R-1 zoning to its fullest potential. January 2006 an R-1 property at 14808 NE 192nd Street sold for $469,000.00 without improvements and for the full price according to the MLS. Currently, this property is offering a $1,999,000.00 house, which fits perfectly with the neighborhood. Common sense tells us that R-1 zoning causes 75% less environmental impacts, less traffic on our roadways and less potential for fatalities due to substandard roadways and pedestrians walkways than R-4 zoning. R-1 zoning can be financially rewarding and must be fully addressed by the city and the planning committee.

The FEIS misrepresents what R-4 is: 4 dwelling units per acre. Wood Trails has a net residential area of 10.4 acres of land suited for building houses. If the other acres are unsuitable then they should not be considered when calculating the number of dwellings that can be built. The city must review this and not allow the density proposal or transfer of 19-lot density credits to other properties such as Montevallo. If Wood Trails has 10.4 acres of suitable land they should not be allowed to build the proposed 66 units (6 units/acre) under a true R-4 zone. In the ten acres adjacent to the Wood Trails potential development, there are approximately ten households, reflecting the current R-1 zoning. The build-out as proposed would completely change the character of the neighborhood, and would lower the value of the surrounding homes. Montevallo should not be allowed to increase density to more than R-2. Montevallo should not be given any density credits from Wood Trails.

The FEIS does not address the impact of school age children to the area. Wellington Elementary, Leota Junior High and Woodinville High School, which would potentially educate these students, are at there student limits. If 132 units with 3 plus bedrooms are added to the area, it would easily add 250 students to an already overcrowded school system. That is a 20-25% overnight increase in population at Wellington and Leota. **There are no bus routes on NE 195th Street as the FEIS indicates.** The city needs to address all the transportation, service, safety and added infrastructure issues to handle that huge change.

I understand that development happens, let's do it right the first time. R-4 would significantly increase traffic volumes and speed through this deficient area of multiply driveways, no shoulders, no lighting and sight problems which would be irresponsible and careless. Please keep our neighborhood character true to itself. Keep our motto: "City Living, Country Style". ***Keep R-1 zoning***.

Thank-you for your time.

Cindi Stinson
15009 NE 195 Street
Woodinville, WA 98072

8:00? 8:25? 8:40? Find a flick in no time
with theYahoo! Search movie showtime shortcut.

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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

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

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ORIGINAL

Susie McCann

From: Almetclem [almetclem@comcast.net]
Sent: Thursday, March 15, 2007 11:16 AM
To: Susie McCann
Cc: Fred@GreenFinancial.com
Subject: Comments on Wood Trails and Montevallo

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Dear Ms McCann,

I was unable to stay at the meeting very long last night, but hopefully will be able to attend tonight. We have lived here, 15103 NE 202nd Street, for over 20 years. We came when the kids were young and stayed because we enjoyed living here. We really hate to see the character of our neighborhood change to that of Lynnwood.

I noticed that the people checking on the wildlife did not find that many species. Many of the predators have large hunting areas that sustain them. I see them all at different times of the year. I don't think anyone has mentioned the Great Horned Owl. We live next to the wooded park on 202nd Street and feed many of the animals. They come and go between other wooded areas and peoples yards who feed them. The female Great Horned Owl is here now. We heard her fighting with a raccoon one night last week and we think she caught a rabbit the next night. Previous summers she has come back with a mate. They have different calls.

I actually saw an American Marten several years ago. I understand they are rarely seen and have large hunting areas. This past year we've seen the pair of Pileated Woodpeckers together as well as individually. There are three pair of mated Northern Flickers and at least one offspring from last year, a pair of Hairy Woodpeckers and one offspring. These are just a few of the larger birds. The native Douglas tree squirrels are really coming back. One pair had a male offspring last summer and there are two pairs this year as well as the young male. We've had coyotes since we've lived here. They travel through the back of our property between Wood Trails and the park. We've lived as neighbors. There is a myriad of small birds and animals.

Until these developers have tried to come into our neighborhood we didn't know so many other people have encouraged the wildlife as we do. They depend on all of us to survive. People have stayed in this neighborhood for a reason. It is an oasis in quickly growing area. It reflects Woodinville's motto. "City living, country style".

Sincerely,

Len and Sharon Clemeson
15103 NE 202nd Street

ORIGINAL

Susie McCann

From: Gary Hasse [ghasse2@comcast.net]
Sent: Thursday, March 15, 2007 12:53 PM
To: Susie McCann
Cc: Sharon & Marty Peterson; Fred Green
Subject: Woodtrails & Montevallo development

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Ms McCann,

I am a home owner in the Wellington Estates neighborhood, a member of CNW and I attended the hearing last night on the Woodtrails presentation. Frankly I have to say I am appalled at the complete disregard our city leaders are showing for their constituents in the city of Woodinville. It was very obvious from the comments heard and the turn out of the concerned citizens that this development is not wanted or needed in our area. I had the distinct feeling that the City of Woodinville's council and staff could care less about our concerns. I believe that they along with the developer are only looking at the all mighty dollar impact of these developments. I would not be surprised to find out that our leaders have a vested interest in pushing these developments through. There are several items that came up that I have to totally disagree with.

1. In regards to the wild live mentioned, I personally have seen deer in my front yard eating my wife's roses, have had two Pileated Woodpeckers working on a dead tree in my front yard, and have had raccoons in my yard eating cat food I had left out for my cat. In addition we are visited every year by Robins, Chickadees, and a Northern Flicker or two along with a couple of owls that have been seen in the area. In addition you can always find a dead opossum or two along 156th that could not make it across the street in time to avoid on-rushing cars. There are coyotes and an occasional bear sighting in the area in question. If these developments are allowed to proceed as promoted I fear that we will no longer be able to enjoy the wild life in this area. In addition, I am sure that the wiley coyote will be able to find a way to survive in this environment, but my neighbors and the new neighbors will be finding they are losing a lot of cats and small dogs to the coyotes. What will we have next, neighbors with guns trying to shoot them or having the Department of Wildlife out to get rid of the menace that is targeting their pets? Of course, what will be no concern is that the wild life was there first and we are moving them out of the way.

2. I can't help wondering where our city council and the developers live. Do they enjoy the kind of living that we have in the Wellington neighborhood, and if they do, how would they feel if someone came along that wanted to destroy their way of live by putting Southern California types of homes in their neighborhoods. The developer last night stated that these houses would be on mostly 50' X 100' lots with some of them being 60' x 100'. This will result in a rather narrow structure on a very small lot, and they will be asking $350-400,000 dollars apiece for these houses. I heard mentioned last night that "we" as the Wellington neighborhood lived on "estates" that others could not afford. I found it interesting that my little 1800 sq. ft. rambler is now considered an "estate". I have lived in this neighborhood for some 29 yrs now and find it hard to believe that it is now an "estate". The value of my home is not much more that what the developer would ask for the homes he intends to build.

3. Traffic is also a very big concern. The 156th street corridor is considerably narrow with not much room for more that two cars to pass by each other safely. It is also used quite often as a pass through by groups of bicyclers. There is only a narrow bike path on one side of the road and these bicyclers put their lives on the line any time they travel on this road. I cannot help but think of the dangers they will face if these developments are allowed to continue. In addition, the access roads into the Woodtrails project are small dead end streets. If there are cars parked on these streets there is barely room for one car to pass let alone one from each direction. Heavy equipment traveling on these roads will destroy them and endanger the children that are often playing on or near them.

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4. WMC 21.44.070 was mentioned several times last night. After reading it I do not see how the City Council and/or the hearing examiner can justify the comments that the comprehensive plan and applicable functional plans meet the criteria mentioned. By no means has the developer demonstrated a need for the additional zoning other than to line their pockets with more money. How can it be called as being consistent and compatible with uses and zoning of the surrounding properties when we are all single family dwellings on R-1 zoned lots? If it is allowed to continue you will be opening the door for the entire area to be converted to R-4 zoning and then the next thing you will see is wall to wall houses as you will find all over Southern California.

5. Another guideline is that the property is practically and physically suited for the uses allowed in the proposed zone reclassification. The only way this could be met is to completely raze the entire area, and to build it up with refill. I have walked this property many times with my dogs and I have a difficult time climbing the trails in this area. It is steep, and if the vegetation is removed you will see literally a wall of water rushing down those hills during times of major rain storms as we had this past winter.

6. The developer mentioned last night that this development would essentially be 1.7 units per acre. I am sure he is using the entire location for his facts, but in fact almost two thirds of that property cannot be built upon. Therefore the density will be considerably greater, probably up to 5-6 units per acre. How can he be allowed to use the overall acreage to determine what his density would be? You as the caretakers of the City of Woodinville have to abide by the fact that the actual acreage able to be developed is considerably less.

I will not be able to attend the start of the meeting tonight as I have a prior commitment, but hope to stop by on my way home. I do know that a considerable amount of my neighbors will be there and I truly hope that you and the hearing examiner listen to them and take all of their thoughts and concerns to heart. We have been fighting this development for almost three years now and we will not allow the City Council to run roughshod over us. I heard a lawyer speak up last night that he had been retained by several homeowners in the area to fight for their rights. I can see this argument continuing for quite some time. **THE CITY COUNCIL AND THE HEARING EXAMINER HAVE TO DO THE RIGHT THING NOW AND STOP THIS REZONING BEFORE IT GETS OUT OF HAND.**

Thank you for reading this transmission and I would be pleased if you would include it in the record of the proceedings.

Gary J. Hasse
15116 NE 202nd St.
Woodinville, WA 98072-6451
Email: ghasse2@comcast.net

Mont.-Wood T.?
or
Sustainable?
or
Both?

Susie McCann

From: Pamela Waltner [pwaltner.interra@gmail.com]
Sent: Friday, March 16, 2007 7:49 AM
To: Susie McCann
Subject: R-1 Zoning

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Hello, I am a resident of Woodinville that would be greatly impacted by R-4 zoning in my neighborhood. It would literally be in my back yard. Please preserve the peace and quiet and the rural character that attracted us to this city by supporting R-1 zoning. I am for urban density, however rural density would not allow people to walk to their jobs or shopping. They would have to drive their 2 cars which would create eventual road expansion, etc. Please look forward and preserve R-1 zoning. Thank you.
Pam Waltner

Sandy Guinn

From: Jennifer Kuhn
Sent: Friday, March 16, 2007 9:07 AM
To: Cindy Baker
Cc: Sandy Guinn
Subject: RE: City of Woodinville Zoning Decision
Importance: High

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Cindy,
This is an e-mail sent to Councilmember Chuck Price. Can you please respond? Please cc Councilmember Price.

Thank you,

Jennifer

From: burkebarker [mailto:bbarker@empireremodeling.com]
Sent: Wednesday, March 14, 2007 9:31 AM
To: Chuck Price
Subject: City of Woodinville Zoning Decision

Mr. Price:
A couple of weeks ago I learned from a W.V. staff member that the Planning Commission had rendered a decision pursuant to the research and analysis over the past year to maintain an R-1 zoning for those areas now designated R-I. I am wondering if the City Council has, in fact, confirmed that recommendation and, if so, how I might investigate the possibility of a variance on a property on the W.V.-Duvall Road and 152nd. Or.....to whom would I speak directly at the City about the above matters.
Thanks!
Burke G. Barker, Pres.
Empire Construction Inc.
bbarker@empireremodeling.com
206 391 8486

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Sandy Guinn

From: Cindy Baker
Sent: Monday, March 19, 2007 2:45 PM
To: Sandy Guinn
Subject: FW: Public Hearings for Wood Trails and Montevallo

Put on the record

From: Sherry Brown [mailto:SteveandSherryBrown@comcast.net]
Sent: Wednesday, February 14, 2007 8:08 PM
To: Cindy Baker
Cc: Cathy VonWald
Subject: Public Hearings for Wood Trails and Montevallo

Dear Cindy,

I recently was informed of the two notices of Public Hearings to take place on Feb 28th pertaining to the Wood Trails development & Mar 1st pertaining to the Montevallo development. This is very disturbing because since day one of the DEIS these applications have been combined into one application for purposes of EIS review and project review. This is appropriate because they are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

The single, joint hearing format has been communicated numerous times and is still referenced on the city website. I am not sure of the reason for the sudden change necessitating two separate hearings but it appears to be highly unusual given the reasons sited above. Therefore, I respectfully request that these hearings be consolidated, as it is only appropriate given the cumulative impact of these developments on our neighborhoods.

Sincerely,

Steve Brown
15218 NE 198th Street
Woodinville, WA 98072

City of Woodinville - Development Services

Memo

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To: Greg Smith, Hearing Examiner

From: Susie McCann, City of Woodinville Development Services Interim Manager SMc

Date: March 23, 2007

Re: Exhibits Submitted During the Wood Trails & Montevallo Hearings

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Enclosed in this one (1) box are the exhibits submitted during the Wood Trails and Montevallo hearings on March 14 and March 15, 2007. I am also including a copy of Woodinville's Final Sustainable Development Study – R – 1 Zone dated February 20, 2007. The final study is also available on the City's website.

Susie McCann

From: Cindy Baker
Sent: Wednesday, March 28, 2007 11:23 AM
To: Susie McCann
Cc: Sandy Guinn; Ron Braun
Subject: FW: Wood Trails and Montevallo Public Hearing Exhibits

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From: Cindy Baker
Sent: Wednesday, March 28, 2007 11:06 AM
To: 'Otto Paris'
Subject: RE: Wood Trails and Montevallo Public Hearing Exhibits

Hello Otto, I left you a message on your recorder. Here answers to your questions

1. To my knowledge the applicant has not submitted any new information.
2. Please contact Sandy Guinn who has the exhibits (425-489-2754 ext.2211)
3. During the testimony a statement was made by (I believe it was Richard Aramburu?) that the documents were identical, except for the front cover. The examiner took one of the sets to review/evaluate and the city has the other. Because the documents were placed on the record in such a fashion, the Examiner understands the contents apply to each project. If you have further concern, please raise it with the hearing examiner at the April 5th hearing.

From: Otto Paris [mailto:oparis@comcast.net]
Sent: Wednesday, March 28, 2007 8:50 AM
To: Susie McCann; Cindy Baker
Subject: Wood Trails and Montevallo Public Hearing Exhibits
Importance: High

Susie, Cindy –

I have a few questions concerning Wood Trails / Montevallo exhibits:

1. Has the applicant submitted any additional information concerning changes to the preliminary plat? Has the applicant provided the City with any additional descriptions of some key plat elements such as the stormwater detention facilities or setback issues? If so, how can I get a copy of that information before the Hearing?
2. I would like to review the revised "conceptual" plat drawings the applicant brought as exhibits to the Hearing. According to Exhibit pdf files on the City's web page, these are mounted on boards, and are available for viewing at the City Planning Department. They are not available in the pdf files, except for one scanned small copy of Montevallo which is basically illegible via the pdf file. How do I arrange to view those exhibits on the Boards, or get legible copies made in a timely manner?
3. I have some concerns about how the City decided to handle the two separate sets of CNW binders that were intended to be submitted as separate individual exhibits for each of the applications. I'd like to discuss this with you as soon as possible.

I am available to come down to the City almost anytime tomorrow, Thursday, to talk with you about some of this, and also to review the revised conceptual plat exhibits. Please let me know when you have about 15 minutes or so tomorrow, and I'll arrange my schedule accordingly to get there. This is somewhat of an urgent manner, as I

would like to get this info by Friday morning at the latest. I should be here at my office most of the day: phone = 806-9564 (local number).

Thanks - Otto

Otto Paris
(425) 806-9564
oparis@comcast.net

EXHIBIT 149
PAGE 37 OF 76

Susie McCann

From: Otto Paris [oparis@comcast.net]
Sent: Wednesday, March 28, 2007 8:50 AM
To: Susie McCann; Cindy Baker
Subject: Wood Trails and Montevallo Public Hearing Exhibits
Importance: High

EXHIBIT 149
PAGE 38 OF 76

Susie, Cindy –

I have a few questions concerning Wood Trails / Montevallo exhibits:

1. Has the applicant submitted any additional information concerning changes to the preliminary plat? Has the applicant provided the City with any additional descriptions of some key plat elements such as the stormwater detention facilities or setback issues? If so, how can I get a copy of that information before the Hearing?
2. I would like to review the revised "conceptual" plat drawings the applicant brought as exhibits to the Hearing. According to Exhibit pdf files on the City's web page, these are mounted on boards, and are available for viewing at the City Planning Department. They are not available in the pdf files, except for one scanned small copy of Montevallo which is basically illegible via the pdf file. How do I arrange to view those exhibits on the Boards, or get legible copies made in a timely manner?
3. I have some concerns about how the City decided to handle the two separate sets of CNW binders that were intended to be submitted as separate individual exhibits for each of the applications. I'd like to discuss this with you as soon as possible.

I am available to come down to the City almost anytime tomorrow, Thursday, to talk with you about some of this, and also to review the revised conceptual plat exhibits. Please let me know when you have about 15 minutes or so tomorrow, and I'll arrange my schedule accordingly to get there. This is somewhat of an urgent manner, as I would like to get this info by Friday morning at the latest. I should be here at my office most of the day: phone = 806-9564 (local number).

Thanks - Otto

Otto Paris
(425) 806-9564
oparis@comcast.net

Sandy Guinn

From: Cindy Baker
Sent: Saturday, March 31, 2007 10:48 AM
To: Sandy Guinn
Subject: FW: Comments to FEIS for Wood Trails and Montevallo

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PAGE 39 OF 76

Importance: High

Attachments: BCzuba -- comments to FEIS WoodTrails and Montevallo.zip

BCzuba --
ments to FEIS W

In the record?

-----Original Message-----
From: Barbara_Czuba@berlex.com [mailto:Barbara_Czuba@berlex.com]
Sent: Monday, February 12, 2007 12:25 PM
To: Cindy Baker; Susie McCann
Subject: Comments to FEIS for Wood Trails and Montevallo
Importance: High

Dear Ms. McCann and Ms. Baker --

Please find attached our comments to the FEIS for the proposed Wood Trails and Montevallo developments within the Wellington area of Woodinville.
As residents of this neighborhood we would to have the City of Woodinville review and consider our comments as the decision process proceeds on how to effectively handle these new housing developments within the Wellington neighborhood.

Briefly, we would of course like to have the R-1 Zoning Alternative as detailed in the FEIS be approved by the City of Woodinville. However, we have in the attached letter also provided a compromise option that we would like the City of Woodinville to seriously consider and approve if the R-1 Zoning Alternative is not acceptable as a way to meet the GMA guidelines.

Thank you so much for your time and consideration,

Barbara Czuba and Sandra Carroll
Wellington area resident
NE 203rd Place
Woodinville, WA

(See attached file: BCzuba -- comments to FEIS WoodTrails and Montevallo.zip)

EXHIBIT 149
PAGE 40 OF 76

Feb.12, 2007
Barbara Czuba; Sandra Carroll
15808 NE 203rd Place
Woodinville, WA 98072

Subject: Comments to FEIS for Proposed Subdivisions of Wood Trails (File No. PPA2004-056) and Montevallo (File No. PPA2004-093)

To: Jurisdictions, Agencies, and Interested Parties

We would like to take this opportunity to comment upon the FEIS that was prepared for the proposed subdivisions of Wood Trails and Montevallo located within the West Wellington Hills Neighborhood of Woodinville. Our comments will be focused on how we as residents of the City of Woodinville can effectively resolve the increase in housing density that is proposed for the Wellington Hills Neighborhood.

We would like to say that we are not opposed to placing new housing developments within the neighborhood of West Wellington Hills, which is adjacent to where we live on NE 203rd Place . Also, we can appreciate the fact that the City of Woodinville needs to continue to provide housing options to people in support of the Growth Management Act as well as increase its tax base so that revenues can be brought in to finance the City's efforts. However, we are concerned about the level of housing density that is proposed for each of these new developments and the impact this level will have on the environment and character of our neighborhood.

Specifically, we are concerned about the Proposed Action option defined within the FEIS for the proposed subdivisions of Wood Trails and Montevallo.

As part of the Proposed Action option are listed four (4) points that are requested to be approved (refer to Section 2.1; page 2-1). These are:

1. Approval of requests to rezone both the Wood Trails and the Montevallo sites from the existing R-1 zoning designations to R-4
2. Approval of Preliminary Plat Applications to subdivide each site into 66 single-family residential lots
3. Approval of a density transfer to allow the transfer of credit for 19-dwelling units from the Wood Trails site to the Montevallo site, thus allowing a total of 66 units to be developed on the Montevallo site
4. Approval of Deviations from city standards

The Proposed Action Alternative requests that 66-units be approved for both sites. In order to achieve this 66-unit level within the Montevallo site it is requested to transfer 19-dwelling units from the Wood Trails site to the Montevallo site. This additional 19-dwelling units for the Montevallo site equates to an increase of <u>40%</u> [(19/47)x100 = 40%] over that which is allowed for an R-4 zoned site. Under typical R-4 zoning only 47 dwelling units are allowed to be built in the proposed Montevallo site, as stated in the FEIS (reference pg 2-12). We feel that these additional 19-dwelling units being transferred to the Montevallo site are not in keeping with a R-4 zoned site and thus will only further negatively impact the environment and the character of the Wellington neighborhood if approved.

Given our concerns, we would like to recommend that the following be considered and approved as a way to meet not only the City of Woodinville's needs but also the needs of it's residents, especially those located within the Wellington area of Woodinville:

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- **R-1 Zoning Alternative:** Approve the R-1 Zoning Alternative as proposed in Section 2.2.1 - pg 2-27 of the FEIS document, and do not approve the R-4 rezone. This proposed alternative as overviewed on pages 2-27 and 2-28 maintains the current zoning of R-1 for each of the new developments, and as such results in developments that are similar in character and density to the existing low-density residential development on adjacent properties. As indicated within the FEIS (refer to pages 2-27 and 2-28), the resulting net-density equates to a total of 37 new single-family houses; 23-units for the Wood Trails site and 14-units for the Montevallo site.

  We would like to recommend that this R-1 Zoning Alternative be approved and that the rezone to R-4 not be approved (refer to item #1 in the Proposed Action option). Under this R-1 Zoning Alternative, the 37 new single-family houses will provide the City of Woodinville additional tax revenue as well as provide the Wellington area with two housing developments that do not significantly impact the environment and character of the Wellington area neighborhood.

If the above can not be approved of outright and we must have a higher housing density in order for the City of Woodinville to meet the requirements outlined in the GMA, then we would like to present for consideration and approval an alternative, compromise option that is based on the Proposed Action Option detailed in the FEIS document:

- **Alternative Proposed Action:** Approve a rezone to R-4 for both the Wood Trails and Montevallo sites. Additionally, approve the development of 66 single-family residential lots for the Wood Trails site. However, do not approve the development of 66 single-family residential lots for the Montevallo site as well as do not approve the density transfer of 19-dwelling units from the Wood Trail site to the Montevallo site. Alternatively, approve the typical R-4 zone housing density of 47 single family residential lots at the Montevallo site. The above approvals result in the addition of 113 new single-family houses; 66-units for the Wood Trails site and 47-units for the Montevallo site.

  We are recommending that the first three (3) points to the Proposed Action option be modified to read:

  1. Approval of requests to rezone both the Wood Trails and the Montevallo sites from the existing R-1 zoning designations to R-4;
  2. Approval of Preliminary Plat Applications to subdivide the Wood Trails site into 66 single-family residential lots;
  3. Approval of Preliminary Plat Applications to subdivide the Montevallo site into 47 single-family residential lots.

  Even though the addition of 113 new single-family houses will negatively impact the character of the adjacent neighborhood since this allows for a higher density than is currently within the Wellington area, we feel it does provide a compromise between opposing forces. The 'Alternative Proposed Action' we are recommending for consideration and approval provides a path forward that meets not only the City of

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Woodinville's needs, but also provides for a way to maintain a controlled cap on the resulting density within the proposed new developments.

For item #4 of the Proposed Action option, we do not feel that any city standards should be deviated from since these are indeed standards that were and are agreed upon, and as such need to be upheld. As indicated in the FEIS on page 2-1: 'narrower streets could create parking difficulties' and 'the proposed smaller lots may result in a contrasting appearance, out of scale with the existing neighborhood character.'; both of which will occur if variances and deviations are allowed and/or approved.

In summary, we recommend that the R-1 Zoning Alternative as defined in the FEIS be considered and approved by the City of Woodinville. We feel that this R-1 Zoning Alternative provides for the least amount of negative impact to the Wellington neighborhood.

If the above R-1 Zoning Alternative is not be approved outright, and thus we must have a higher housing density, then we would like to recommend for consideration and approval an alternative compromise option that is based on the Proposed Action Option detailed in the FEIS. The details of this alternative compromise option are: 1) Approve a rezone to R-4 for both the Wood Trails and Montevallo sites; 2) Approve the development of 66 single-family residential lots at the Wood Trails site; 3) Do not approve the development of 66 single-family residential lots at the Montevallo site; 4) Do not approve the density transfer of 19-dwelling units from the Wood Trail site to the Montevallo site; 5) Approve the typical R-4 zone housing density of 47 single family residential lots at the Montevallo site.

Thank you for this opportunity to review our comments and hopefully we can develop a path forward that meets all needs and concerns.

Sincerely,

Barbara Czuba and Sandra Carroll
15808 NE 203rd Place
Woodinville, WA 98072

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Sandy Guinn

From: Jennifer Kuhn
Sent: Monday, April 02, 2007 8:22 AM
To: Cindy Baker; Sandy Guinn
Subject: FW: When developers get thier way
Attachments: 03-21-07_1224.jpg; 03-21-07_1225.jpg; 03-21-07_1226.jpg; 03-21-07_1229.jpg

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From: dhenrynase Henry [mailto:dhenrynase@msn.com]
Sent: Wednesday, March 28, 2007 9:24 PM
To: Cathy VonWald
Cc: Carol Wallace; Charlie Cox; Chuck Price; Emma Dixon; Fred Green; Hank Stecker- Comcast; Heidi Fuhrmeister; Jeanette Knutson; Jeff Glickman; Jim Katica; kari Scarobrough; Linda Gray; Linda Petrin; MaryCharlie Cox; Matt Schultz; Matt Schultz; Nancy Montgomery; Norm Maddex; Norm Maddex; Otto Paris; Paul Cline; Paulette Bauman; Peter Tountas; Richard Block; Richard Leahy; Roger Mason; roy ghazamorad; Sharon Peterson; Steve Gottschalks; Steve Maloney; Steve Yabroff; Susan Huso; Susan Sanders; Ted Pankowski; Christy Diemond; Christie Diemond; Bob Harmon
Subject: Fw: When developers get thier way

Dear Madam Mayor Von Wald;

My son Scott, forwarded me these pictures of a Development under way in Bothell. This is what your Planning Director, Cindy Baker wants to make Wood Trails look like. This is what Wellington Hills will look like when Wood Trails is prepared for high density development. Your Planning Director Cindy Baker is on a mission to turn the Wellington Hills R-1, rural, old established neighborhood into high density R-4, with transfer credits, that will permit 6 to 10 houses per acre. The 90 or so acres was made off limits by your very own city council, in 1995, with the adoption of resolution 93. If Wood Trails is approved, this city, Woodinville, will forever be destroyed, and all of the charm, what's left will be no more. Why are you permitting a At Will, Temporary Planning Director, who has dirty laundry from her past position, who has no stake in this community, gain such power, as to turn the Wellington Hills Community upside down
----- Original Message -----
From: acwindows@verizon.net
To: dhenrynase@msn.com
Sent: Wednesday, March 28, 2007 5:29 PM
Subject: When developers get thier way

Saw this in Bothell the other day. They clear cut the entire hillside. This is probably what the woods down the street from your house would look like. Oh ya, and thier doing NOTHING to improve the roadway in front of all this.
Scott

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EXHIBIT 149
PAGE 46 OF 7

EXHIBIT 149
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Sandy Guinn

From: Cindy Baker
Sent: Wednesday, March 28, 2007 11:23 AM
To: Susie McCann
Cc: Sandy Guinn; Ron Braun
Subject: FW: Wood Trails and Montevallo Public Hearing Exhibits

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From: Cindy Baker
Sent: Wednesday, March 28, 2007 11:06 AM
To: 'Otto Paris'
Subject: RE: Wood Trails and Montevallo Public Hearing Exhibits

Hello Otto, I left you a message on your recorder. Here answers to your questions

1. To my knowledge the applicant has not submitted any new information.
2. Please contact Sandy Guinn who has the exhibits (425-489-2754 ext.2211)
3. During the testimony a statement was made by (I believe it was Richard Aramburu?) that the documents were identical, except for the front cover. The examiner took one of the sets to review/evaluate and the city has the other. Because the documents were placed on the record in such a fashion, the Examiner understands the contents apply to each project. If you have further concern, please raise it with the hearing examiner at the April 5th hearing.

From: Otto Paris [mailto:oparis@comcast.net]
Sent: Wednesday, March 28, 2007 8:50 AM
To: Susie McCann; Cindy Baker
Subject: Wood Trails and Montevallo Public Hearing Exhibits
Importance: High

Susie, Cindy –

I have a few questions concerning Wood Trails / Montevallo exhibits:

1. Has the applicant submitted any additional information concerning changes to the preliminary plat? Has the applicant provided the City with any additional descriptions of some key plat elements such as the stormwater detention facilities or setback issues? If so, how can I get a copy of that information before the Hearing?
2. I would like to review the revised "conceptual" plat drawings the applicant brought as exhibits to the Hearing. According to Exhibit pdf files on the City's web page, these are mounted on boards, and are available for viewing at the City Planning Department. They are not available in the pdf files, except for one scanned small copy of Montevallo which is basically illegible via the pdf file. How do I arrange to view those exhibits on the Boards, or get legible copies made in a timely manner?
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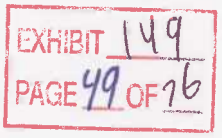
I am available to come down to the City almost anytime tomorrow, Thursday, to talk with you about some of this, and also to review the revised conceptual plat exhibits. Please let me know when you have about 15 minutes or so tomorrow, and I'll arrange my schedule accordingly to get there. This is somewhat of an urgent manner, as I

would like to get this info by Friday morning at the latest. I should be here at my office most of the day: phone = 806-9564 (local number).

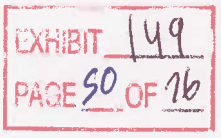
Thanks - Otto



Otto Paris
(425) 806-9564
oparis@comcast.net

Sandy Guinn

From: Jennifer Kuhn
Sent: Monday, April 02, 2007 8:21 AM
To: Cindy Baker; Sandy Guinn
Subject: FW: I'm very opposed to re-zoning currently being considered



From: David Roundhill [mailto:dnroundhill@comcast.net]
Sent: Saturday, March 31, 2007 9:06 PM
To: Cathy VonWald
Subject: I'm very opposed to re-zoning currently being considered

Dear Mayor of Woodinville,

I am writing to express my grave concern over the possibility that the City of Woodinville will reconsider certain existing R1 zoning.

Rezoning would be toying with the very essence of what Woodinville is and why people are drawn here as a place to live. The quality of life that the current zoning affords the citizens of Woodinville (I live within the city limits) is being jeopardized by a few who stand to make considerable sums of money from a zoning change.

The City Council needs to listen to the citizens of Woodinville whom they represent, particularly the majority voice of those citizens, not the special interests of the minority. We do, after all, operate as a representative democracy, elected to **represent** and **serve** the people.

David Roundhill
18121 157th Ave NE
Woodinville, WA 98072
425 481-0720

Sandy Guinn

From: Jennifer Kuhn
Sent: Monday, April 02, 2007 8:21 AM
To: Cindy Baker; Sandy Guinn
Subject: FW: re-zoning R-1 NO!

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PAGES 1 OF 76

From: Gustafsons [mailto:rkgus@comcast.net]
Sent: Saturday, March 31, 2007 12:55 PM
To: Cathy VonWald
Subject: re-zoning R-1 NO!

Mayor VonWald,

We are absolutely opposed to re-zoning of R1 areas in Woodinville.

Traffic is the main concern, of course, in an area essentially designed for horse and buggy traffic. Please allow Woodinville to retain its best asset-*natural* space vs. our over-crowded and over-built neighbors to the south.

Don't cow to developers, especially at a time when housing supply is rising to meet demand, and vice-versa. Further, a glance at the newspaper headlines any given day broadcasts the reality that the sun is setting on this country's housing boom is over. Deman forecasts are rapidly being revised downward. Though Puget Sound remains one of the strongest markets nationally, it is mostly by virtue of our development *restraint.*

Developers all over the country are dumping land and their development plans with them, so you will actually be saving these developers from themselves. They are not built to hear the music when it stops, which is why developers are always the last to "get it" in every real estate cycle. The only thing that arrests their march is when the banks finally yank their credit lines out from under them, which is what is now happening to major builders across the country.

We moved here from Kirkland's Market neighborhood for a reason.

Thank you.

Respectfully,

Rhett and Kelly Gustafson
15506 NE 179th Street
Woodinville

425.398.5089

Sandy Guinn

From: Jennifer Kuhn
Sent: Monday, April 02, 2007 8:30 AM
To: Cindy Baker; Sandy Guinn
Subject: FW: I'm very opposed to re-zoning currently being considered

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PAGE 52 OF 76

From: David Roundhill [mailto:dnroundhill@comcast.net]
Sent: Saturday, March 31, 2007 9:06 PM
To: Cathy VonWald
Subject: I'm very opposed to re-zoning currently being considered

Dear Mayor of Woodinville,

I am writing to express my grave concern over the possibility that the City of Woodinville will reconsider certain existing R1 zoning.

Rezoning would be toying with the very essence of what Woodinville is and why people are drawn here as a place to live. The quality of life that the current zoning affords the citizens of Woodinville (I live within the city limits) is being jeopardized by a few who stand to make considerable sums of money from a zoning change.

The City Council needs to listen to the citizens of Woodinville whom they represent, particularly the majority voice of those citizens, not the special interests of the minority. We do, after all, operate as a representative democracy, elected to **represent** and **serve** the people.

David Roundhill
18121 157th Ave NE
Woodinville, WA 98072
425 481-0720

Sandy Guinn

From: Jennifer Kuhn
Sent: Monday, April 02, 2007 8:30 AM
To: Cindy Baker; Sandy Guinn
Subject: FW: Property Impact

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From: Ryan Wilkerson [mailto:srwilk@hotmail.com]
Sent: Sunday, April 01, 2007 3:36 PM
To: Cathy VonWald
Subject: Property Impact

Hello,
My name is Steven Ryan Wilkerson and I live here in Woodinville at 18122 157th Ave NE.

I am emailing to urge you not to make the changes to R1 zoning that some developers in our area are requesting of you. I am a real estate agent, and understand the developers are trying to make a living, however, I would hope they can continue to build quality homes, on larger lots and keep the feel of the Woodinville area.

We researched the zoning in our area when buying our home a few years ago, and would be extremely disappointed if it was now changed after the fact. Please keep the R1 zoning as it is currently zoned.

Thank you,
S. Ryan Wilkerson
425-908-7070

Take a break and play crossword puzzles - FREE! Play Now!

Sandy Guinn

From: Jennifer Kuhn
Sent: Monday, April 02, 2007 8:32 AM
To: Cindy Baker; Sandy Guinn
Subject: FW: R1 Re-Zoning

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PAGE 54 OF 76

From: Ckfraz@aol.com [mailto:Ckfraz@aol.com]
Sent: Sunday, April 01, 2007 7:33 PM
To: Cathy VonWald
Subject: Re:R1 Re-Zoning

Dear sir,

I am opposed to re-zoning in the R 1 neighborhoods of Woodinville. Please don't ruin this beautiful city.

Yours Truly,

C. Kevin Frazier
18006 159th Ave NE
Woodinville, Wa 98072
(425)481-2975

See what's free at AOL.com.

Sandy Guinn

From: Jennifer Kuhn
Sent: Monday, April 02, 2007 8:33 AM
To: Cindy Baker; Sandy Guinn
Subject: FW: re-zoning

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PAGE 55 OF 76

From: mkfraz54@aol.com [mailto:mkfraz54@aol.com]
Sent: Sunday, April 01, 2007 8:23 PM
To: Cathy VonWald
Subject: re-zoning

I am opposed to re-zoning in the R1 neighborhoods of Woodinville!

Kim Frazier
18006 159th A NE
Woodinville, WA 98072

AOL now offers free email to everyone. Find out more about what's free from AOL at **AOL.com**.

Sandy Guinn

From: Jennifer Kuhn
Sent: Tuesday, April 03, 2007 3:23 PM
To: Cindy Baker; Sandy Guinn
Subject: FW: R1 Re-Zoning OPINION....
Importance: High

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PAGE 56 OF 76

From: Liane Logan [mailto:LianeL@symmetryelect.com]
Sent: Tuesday, April 03, 2007 3:06 PM
To: Cathy VonWald
Subject: R1 Re-Zoning OPINION....
Importance: High

To Whom It May Concern:

I am writing today to let you know I am opposed to re-zoning in the R1 neighborhoods of Woodinville.

I recently relocated to the Laurel Hills neighborhood and quite frankly am mortified at the growth allowed along the Woodinville-Duvall corridor without having the traffic addressed prior to developing.

I will do everything in my civic power to oppose ANY proposed growth of the immediate Woodinville area without prior satisfactory solution to the resulting increased traffic volumes.

Best Regards,

Liane Logan
18210 157th Ave NE
Woodinville, WA 98072

Susie McCann

From: Barbara_Czuba@berlex.com
Sent: Tuesday, April 03, 2007 12:50 PM
To: Cindy Baker; Susie McCann
Subject: Comments to FEIS for Wood Trails and Montevallo

Importance: High

Attachments: BCzuba -- comments to FEIS WoodTrails and Montevallo.zip

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BCzuba --
ents to FEIS \

Ms Baker and Ms McCann -- I am not sure that the attached comment letter to the FEIS has become part of the public comment exhibit that the Hearing Examiner as well as the City of Woodinville will review as part of the decision making process for the proposed Wood Trails and Montevallo developments within the Wellington area .

So just in case -- here is the FEIS comment letter I previously sent. I apologize in advance if this letter is already part of the public comment exhibit for the FEIS.

Sincerely, Barbara Czuba

----- Forwarded by Barbara Czuba/ST/USR/SHG on 04/03/2007 12:43 PM -----

Barbara Czuba/ST/USR/SHG
02/12/2007 12:25 PM

To: CindyB@ci.woodinville.wa.us
SusieM@ci.woodinville.wa.us

cc:

Subject: Comments to FEIS for Wood Trails and Montevallo

Dear Ms. McCann and Ms. Baker --

Please find attached our comments to the FEIS for the proposed Wood Trails and Montevallo developments within the Wellington area of Woodinville.
As residents of this neighborhood we would to have the City of Woodinville review and consider our comments as the decision process proceeds on how to effectively handle these new housing developments within the Wellington neighborhood.

Briefly, we would of course like to have the R-1 Zoning Alternative as detailed in the FEIS be approved by the City of Woodinville. However, we have in the attached letter also provided a compromise option that we would like the City of Woodinville to seriously consider and approve if the R-1 Zoning Alternative is not acceptable as a way to meet the GMA guidelines.

Thank you so much for your time and consideration,

Barbara Czuba and Sandra Carroll
Wellington area resident
NE 203rd Place
Woodinville, WA

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(See attached file: BCzuba -- comments to FEIS WoodTrails and Montevallo.zip)

EXHIBIT 149
PAGE 59 OF 76

Feb.12, 2007
Barbara Czuba; Sandra Carroll
15808 NE 203rd Place
Woodinville, WA 98072

Subject: Comments to FEIS for Proposed Subdivisions of Wood Trails (File No. PPA2004-056) and Montevallo (File No. PPA2004-093)

To: Jurisdictions, Agencies, and Interested Parties

We would like to take this opportunity to comment upon the FEIS that was prepared for the proposed subdivisions of Wood Trails and Montevallo located within the West Wellington Hills Neighborhood of Woodinville. Our comments will be focused on how we as residents of the City of Woodinville can effectively resolve the increase in housing density that is proposed for the Wellington Hills Neighborhood.

We would like to say that we are not opposed to placing new housing developments within the neighborhood of West Wellington Hills, which is adjacent to where we live on NE 203rd Place . Also, we can appreciate the fact that the City of Woodinville needs to continue to provide housing options to people in support of the Growth Management Act as well as increase its tax base so that revenues can be brought in to finance the City's efforts. However, we are concerned about the level of housing density that is proposed for each of these new developments and the impact this level will have on the environment and character of our neighborhood.

Specifically, we are concerned about the Proposed Action option defined within the FEIS for the proposed subdivisions of Wood Trails and Montevallo.

As part of the Proposed Action option are listed four (4) points that are requested to be approved (refer to Section 2.1; page 2-1). These are:

1. Approval of requests to rezone both the Wood Trails and the Montevallo sites from the existing R-1 zoning designations to R-4
2. Approval of Preliminary Plat Applications to subdivide each site into 66 single-family residential lots
3. Approval of a density transfer to allow the transfer of credit for 19-dwelling units from the Wood Trails site to the Montevallo site, thus allowing a total of 66 units to be developed on the Montevallo site
4. Approval of Deviations from city standards

The Proposed Action Alternative requests that 66-units be approved for both sites. In order to achieve this 66-unit level within the Montevallo site it is requested to transfer 19-dwelling units from the Wood Trails site to the Montevallo site. This additional 19-dwelling units for the Montevallo site equates to an increase of <u>40%</u> [(19/47)x100 = 40%] over that which is allowed for an R-4 zoned site. Under typical R-4 zoning only 47 dwelling units are allowed to be built in the proposed Montevallo site, as stated in the FEIS (reference pg 2-12). We feel that these additional 19-dwelling units being transferred to the Montevallo site are not in keeping with a R-4 zoned site and thus will only further negatively impact the environment and the character of the Wellington neighborhood if approved.

Given our concerns, we would like to recommend that the following be considered and approved as a way to meet not only the City of Woodinville's needs but also the needs of it's residents, especially those located within the Wellington area of Woodinville:

- **R-1 Zoning Alternative:** Approve the R-1 Zoning Alternative as proposed in Section 2.2.1 - pg 2-27 of the FEIS document, and do not approve the R-4 rezone. This proposed alternative as overviewed on pages 2-27 and 2-28 maintains the current zoning of R-1 for each of the new developments, and as such results in developments that are similar in character and density to the existing low-density residential development on adjacent properties. As indicated within the FEIS (refer to pages 2-27 and 2-28), the resulting net-density equates to a total of 37 new single-family houses; 23-units for the Wood Trails site and 14-units for the Montevallo site.

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We would like to recommend that this R-1 Zoning Alternative be approved and that the rezone to R-4 not be approved (refer to item #1 in the Proposed Action option). Under this R-1 Zoning Alternative, the 37 new single-family houses will provide the City of Woodinville additional tax revenue as well as provide the Wellington area with two housing developments that do not significantly impact the environment and character of the Wellington area neighborhood.

If the above can not be approved of outright and we must have a higher housing density in order for the City of Woodinville to meet the requirements outlined in the GMA, then we would like to present for consideration and approval an alternative, compromise option that is based on the Proposed Action Option detailed in the FEIS document:

- **Alternative Proposed Action:** Approve a rezone to R-4 for both the Wood Trails and Montevallo sites. Additionally, approve the development of 66 single-family residential lots for the Wood Trails site. However, do not approve the development of 66 single-family residential lots for the Montevallo site as well as do not approve the density transfer of 19-dwelling units from the Wood Trail site to the Montevallo site. Alternatively, approve the typical R-4 zone housing density of 47 single family residential lots at the Montevallo site. The above approvals result in the addition of 113 new single-family houses; 66-units for the Wood Trails site and 47-units for the Montevallo site.

We are recommending that the first three (3) points to the Proposed Action option be modified to read:

1. Approval of requests to rezone both the Wood Trails and the Montevallo sites from the existing R-1 zoning designations to R-4;
2. Approval of Preliminary Plat Applications to subdivide the Wood Trails site into 66 single-family residential lots;
3. Approval of Preliminary Plat Applications to subdivide the Montevallo site into 47 single-family residential lots.

Even though the addition of 113 new single-family houses will negatively impact the character of the adjacent neighborhood since this allows for a higher density than is currently within the Wellington area, we feel it does provide a compromise between opposing forces. The 'Alternative Proposed Action' we are recommending for consideration and approval provides a path forward that meets not only the City of

Woodinville's needs, but also provides for a way to maintain a controlled cap on the resulting density within the proposed new developments.

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For item #4 of the Proposed Action option, we do not feel that any city standards should be deviated from since these are indeed standards that were and are agreed upon, and as such need to be upheld. As indicated in the FEIS on page 2-1: 'narrower streets could create parking difficulties' and 'the proposed smaller lots may result in a contrasting appearance, out of scale with the existing neighborhood character.'; both of which will occur if variances and deviations are allowed and/or approved.

In summary, we recommend that the R-1 Zoning Alternative as defined in the FEIS be considered and approved by the City of Woodinville. We feel that this R-1 Zoning Alternative provides for the least amount of negative impact to the Wellington neighborhood.

If the above R-1 Zoning Alternative is not be approved outright, and thus we must have a higher housing density, then we would like to recommend for consideration and approval an alternative compromise option that is based on the Proposed Action Option detailed in the FEIS. The details of this alternative compromise option are: 1) Approve a rezone to R-4 for both the Wood Trails and Montevallo sites; 2) Approve the development of 66 single-family residential lots at the Wood Trails site; 3) Do not approve the development of 66 single-family residential lots at the Montevallo site; 4) Do not approve the density transfer of 19-dwelling units from the Wood Trail site to the Montevallo site; 5) Approve the typical R-4 zone housing density of 47 single family residential lots at the Montevallo site.

Thank you for this opportunity to review our comments and hopefully we can develop a path forward that meets all needs and concerns.

Sincerely,

Barbara Czuba and Sandra Carroll
15808 NE 203rd Place
Woodinville, WA 98072

Richard Leahy

From: Richard Leahy
Sent: Thursday, April 05, 2007 3:47 PM
To: 'Jeff Glickman'; Zach Lell- City Attorney
Cc: Cindy Baker
Subject: RE: Public Hearing

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Mr. Glickman,

The meeting room location was changed at my direction after we determined that the likely attendance would greatly exceed the capacity of the City Council Chambers. We intend to post directional signs and have employees direct attendees to the same room where the previous hearing was held.

Our only objective is to ensure that there is adequate space and opportunity for all interested citizens to attend and observe the hearing. In this particular case, a citizen representative expressed serious concern that all available seating in the smaller Council Chambers could be taken up by city staff, consultants, and representatives of the applicants leaving little or no room for other interested parties.

Richard A. Leahy
City Manager

From: Jeff Glickman [mailt[redacted]]
Sent: Wednesday, April 04, 2007 10:08 PM
To: Richard Leahy; Zach Lell- City Attorney; gsmith0605@email.msn.com
Cc: Cindy Baker
Subject: Public Hearing
Importance: High

Mr. Richard Leahy, City Manager
Mr. Zach Lell, City Attorney
Mr. Greg Smith, Hearing Examiner
Ms. Cynthia Baker, Interim Development Services Director

City of Woodinville
17301-133rd Ave NE
Woodinville, WA 98072

April 4, 2007

Dear Mr. Leahy,

Ms. Baker has changed the place of tomorrow night's continuance of the Wood Trails and Montevallo Hearings from Council Chambers located within City Hall to the gymnasium located within the Community Center. The legal requirements for Notice of Public Hearing are specified by the Woodinville Municipal Code (WMC) WMC 17.11.030 Notice of public hearing. WMC 17.11.030(1)(c) requires that the notice of public hearing shall contain "The date, time and place of the hearing;" and WMC 17.11.030(6)(a) requires that "Notice shall be mailed, posted and first published not less than 15 days prior to the hearing date." Ms. Baker has determined that the City Hall and the Community Center are the same place. The term "place" is used, but not defined, within the WMC. In such situations, standard practice is to resort to the dictionary definition of "place". The Oxford Dictionary is the authoritative source of definitions for the English Language. The first definition of "place" in the Oxford Dictionary is "a particular position or location". Council Chambers within City Hall and the gymnasium within the Community Center are both different positions and different locations per the Oxford Dictionary definition. This is evidenced by both facilities having two separate and distinct names and legal street addresses which are Woodinville City Hall, 17301-133rd Ave NE, Woodinville WA 98072 and Carol Edwards Center, 17401-133rd Ave NE,

Woodinville WA 98072, respectively. The City of Woodinville, Ms. Baker, Mr. Leahy, and Mr. Smith will knowingly violate WMC 17.11.030(1)(c) if the hearing is moved from the Council Chambers within City Hall to the gymnasium within the Community Center. Knowingly violating the WMC is addressed by WMC 2.36.020(10) Code of ethics and WMC 1.06.030 Violations, which is enforceable by WMC 2.36.060 Enforcement procedures and is subject to the penalties specified by WMC 2.36.040 Civil penalties and WMC 1.03.010 General penalties. Under the aforementioned conditions, the City may not provide defense legal services to the offending employee per the limitations set forth by WMC 2.18.030 Exclusions. I strongly recommend each of you review the aforementioned paragraphs of the WMC and weigh the significant risk associated with changing the place of tomorrow night's Hearing. The alternate course of action open to you is to renotice the Hearing to a date shortly in the future that meets the 15-day deposit requirement of legal notice of public hearing specified by WMC 17.11.030(1)(c).

Sincerely,

Jeff Glickman
19405 148th Ave NE
Woodinville, WA 98072
503-705-6900
jeff@glickman.com

EXHIBIT 149
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Cindy Baker

From: Cindi Stinson [crstinson@yahoo.com]
Sent: Thursday, April 05, 2007 11:53 AM
To: Cindy Baker; Susie McCann
Subject: Wood Trails/Montevallo

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PAGE 64 OF 76

City of Woodinville
17301 133rd Ave NE
Woodinville , WA 98072
April 5, 2007
Email: CindyB@ci.woodinville.wa.us
Email: SusieM@ci.woodinville.wa.us
RE: Comments Wood Trails/Montevallo
Dear Ms. Cindy Baker:

I would like to address the **lack of need** for the Wood Trails/Montevallo development. I am guessing the homes Phoenix is prosing are between $450,000-$650, 00. If you look at homes between $450,000 and 650,000 in the Woodinville zip code, as of 4/5/07, you will find: 47 homes for sale in Woodinville according to Zip Reality; 55 homes for sale according to RE/Max Northwest; and Prudential shows 63 homes in Woodinville and 193 within 5 miles. Within the Northshore School distinct, there are over 300 houses on the market according to the mls listings. There is **no need**. Nearly all the homes in the $450,000 to $650,000 price range in Woodinville are on lots over ½ acre. In Wellington, most are on 1-acre lots. The true need is for more 1-acre lots. Not the postage size lots Wood Trails and Montevallo are proposing.

Please consider taking 195th street off access to the proposed R-4 development of Wood Trails. I live at the crest of the hill on 195th street. The FEIS has identified 195th street as being deficient for stopping sight distance. The road is too narrow and without shoulders. There are numerous limited sight distance problems and many blind driveways that cannot be altered. The cost to up-grade 195th street to safety standards is too great for the city to cover. Wood Trails should bare this cost if they choose to use 195th. 195th street should not be used as an access street for Wood Trails due to its many deficiencies.

In Wellington between 2003-2006, approximately 111 homes were sold, facts gathered by a local real estate agent.

38 sold between $300-$399K	4 sold between $700-$799K
29 sold between $400-499K	3 sold between $800-$899K
18 sold between $500-$599K	1 sold between $900-$900K
10 sold between $600-$699K	5 sold between $1-million

96 of these 111 had over a .5 acre lot size, and 75 with a minimum .75 acre lot.
84 of these homes were built on, or before, 1990. Mine house on 195th street, which was built in 1978.

Obviously buyers are not buying in Wellington for the appeal of the new Craftsman with postage stamp yard. They are buying resale homes with lots of .5 or bigger. 2nd or 3rd home buyers, with kids that are toddler age on up, who want a home in a rural setting with large lots. These are not estate mansions for under $500K. There are numerous R-4 developments sprawling all over areas of Bothell and Mill Creek and if a buyer is looking for that type of home on the eastside, there is no shortage. The shortage is the

R-1 homes. The need is for more R-1 homes. The supply is diminishing compared to R-4's

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Thank-you,
Cindi Stinson
15009 NE 195th Street
Woodinville, WA 98072

8:00? 8:25? 8:40? Find a flick in no time
with theYahoo! Search movie showtime shortcut.

Richard Leahy

From: Richard Leahy
Sent: Thursday, April 05, 2007 3:50 PM
To: 'Huso, Susan'
Cc: Cathy VonWald
Subject: RE: Another change?

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PAGE 66 OF 76

The meeting room location was changed at my direction after we determined that the likely attendance would greatly exceed the capacity of the City Council Chambers. We intend to post directional signs and have employees direct attendees to the same room where the previous hearing was held.

Our only objective is to ensure that there is adequate space and opportunity for all interested citizens to attend and observe the hearing. In this particular case, a citizen representative expressed serious concern that all available seating in the smaller Council Chambers could be taken up by city staff, consultants, and representatives of the applicants leaving little or no room for other interested parties.

Richard A. Leahy
City Manager

From: Huso, Susan [mailto[redacted]]
Sent: Thursday, April 05, 2007 7:37 AM
To: Richard Leahy
Cc: Cathy VonWald
Subject: Another change?

Mr. Leahy,

This is so frustrating. When we speak at the podium on Monday nights, anytime a citizen speaks and starts to approach development in Woodinville, Mr. Lell grabs his microphone and gets prepared to jump in and remind us of the rules.

When Ms. Baker runs a project, she manipulates the rules for her own use, once again demonstrated by her last minute change of venue for the hearing examiner meetings. Honestly, she didn't think of this before, and if she didn't, how effective is she? It hadn't occurred to her prior to yesterday that a change should be made? Why doesn't she have to follow the 15 day notice rule? Can you see how we are SO VERY concerned about what she is doing? How are her decisions helping the citizens? If she was so concerned about space, she could have originally scheduled the meeting in the gym. Keep it in the council chambers, and continue it another week.

This, again, is SO unacceptable. She MUST play by the same rules as we have too. I'm beginning to lose confidence in this city, and I don't view that as a good thing. Do you see why we think the way we do? This is just another change that Ms. Baker thinks she can make without following the rules. Quite similar to the complaint I read into the record on Monday night. She does what she wants, regardless of the rules.

Please step in and do the right thing. Stop the hearing tonight, and reschedule it properly, within the required time frame, and schedule it in a place that can reasonably hold the large numbers of citizens that are going to show up. Show us that you are a neutral party, you represent the city and the citizens.

Thank you,

Susan Huso

FIN SST

System Delivery

Nordstrom, INC.

206-233-6077

tieline 8-860-6077

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Sandy Guinn

From: Charleine Sell
Sent: Thursday, April 05, 2007 12:04 PM
To: Sandy Guinn
Subject: FW: Comments for public record for Woodtrails,Montevello and Sustainable Development

Please add this to the Exhibits. Thanks.

Charleine Sell
Senior Administrative Assistant
Development Services Department
City of Woodinville
425-489-2754, ext. 2222

Please note that this email is considered a public record and may be subject to public disclosure.

From: Julie Parrott [mailto:julie5006@earthlink.net]
Sent: Thursday, April 05, 2007 12:03 PM
To: Charleine Sell
Cc: Cathy VonWald; Chuck Price
Subject: Comments for public record for Woodtrails,Montevello and Sustainable Development

PLEASE ADD TO THE PUBLIC RECORD FOR WOODTRAILS, MONTEVELLO AND SUSTAINABLE DEVELOPMENT

Julie Parrott
16212 NE 200TH CT
Woodinville, WA 98072

Cathy VonWald
Woodinville City Council
Hearing Examiner
Woodinville, WA

Madame Mayor,

Once again I would like to voice my displeasure concerning the Montevello/Woodtrails proposed development. Some points to consider:

1) This will not be "affordable housing" as Phoenix promises. We would need signed documentation from Phoenix that they intend to sell these houses at $250k to $325K. We all know they will list these properties at NO LESS that $500 to $600K. Oops! there goes one of the three criteria they need.

2) Woodtrails/Montevello would destroy at least 1/3 of the tree and vegetation canopy of the current R1 zoned area. Please refer to the Concerned Neighbors of Wellington ariel map and in particular to the revised edition showing a 3rd development on private land that has been committed if Phoenix development goes in reducing the canopy EVEN MORE. This being the domino effect no one seems to want to acknowledge. Oops! there goes number two of the three criteria they need.

3) GMA requirement. Everyone in Woodinville knows by now that Woodinville has enough housing until 2022. Oops! there goes the third of the three requirements.

4) I did not understand how Cindy Baker could say that Phoenix had met 2 of the 3 criteria at the Public Hearings. Now I know why, anyone who has won awards from building/development groups in past jobs should not be working on this project. That is a blatant conflict of interest and the City Manager and City Council should

have taken action on this apparent vested interested by Cindy Baker. This conflict taints everything she worked on and you can see it in her slanted report to the Hearing Examiner! I can see this entire question going back to square one if conflict/failure to report unbiased information enters the judicial court arena.

5) Hasn't our own GOVERNOR made plans to set aside funding to preserve neighborhood character and green space/forest character for wildlife and quality of life?

6) With no factual/legal criteria met by the developer I ask why should the citizens of Woodinville have to defend their way of life? By what right should a developer get to change my life style and future? I do not believe a developer should be allowed to come into a community and dictate that they have the right to do whatever they want. This is MY community, My town, My life style. What ever happened to "for the people,by the people and of the people"! I believe the R1 zoning was a contractual promise between the City and the People and the City, and those working for the City to defend!

Thank you.

Julie Parrott

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Cindy Baker

From: Shani Parrott [shaniparrott@earthlink.net]
Sent: Thursday, April 05, 2007 12:54 PM
To: Charleine Sell
Cc: rleahy@ci.woodinville.wa.us; Cindy Baker; Cathy VonWald
Subject: Public hearing - Wood Trails/Montevallo

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Please add to the public record for the Wood Trails and Montevallo Public Hearing and the Sustainable Development Planning Commission. Thank you.

I hope the City Council and Planning Commission members will read the details of this letter, but to summarize - **Washington State Government leadership is making protecting our roadless areas, forests, rivers watersheds and salmon habitats a priority.**

At the bottom of this email, I've also included links to aerial views of how these developments would affect neighborhood character.

Per the Sierra Club's March/April 2007 newsletter -

"Wild Places Campaign Kicks Off", in February Senator Patty Murray and Rep. Rick Larsen introduced the Wild Sky Wilderness Bill to protect 106,000 acres near Everett "to put renewed emphasis on protecting and restoring our wild legacy." Rep. Norm Dicks and Senator Murray chair the appropriations subcommittees that fund Forest Service and transportation programs and will consider dedicating $38 million per year toward watershed restoration programs.

From the "Be Cool - Protect our Climate and Communities" article, the Sierra Club's Cascade Chapter's number one priority is to reduce greenhouse gases, the cause of global warming. They're looking to Governor Gregoire to make a legally binding commitment to reduce greenhouse gases in our state to 20% below current levels by 2020 and 60-80% by 2050 (HB 1210). The article goes on to say that Washington State won't be able to reach the reductions needed unless we begin to address greenhouses gases through our transportation policies. In our state, nearly 60% of all our greenhouse gas emissions come from transportation. It says, **"Reducing emissions from transportation sources will include a mix of cleaner fuels, more transit, and fewer vehicle miles traveled." Since our public transportation does not service many Woodinville neighborhoods and our thoroughfare roads are already over crowded, this is a good argument for building more residences in the downtown area where transportation is more readily available, and people don't have to start their cars to go grocery shopping.**

From that same newsletter, the article "$100 Million for Wildlife and Recreation?"
Conservationists have requested $100 million in the 2007-09 biennium budget for acquisition of wildlife habitat, protection of farmlands, and trail development. GovernorGregoire included $70 million for the Washington Wildlife and Recreation Program (WWRP) in her budget proposal. WWRP is one of the four key issues in the environmental community's Priorities for a Healthy Washington.

From the same newsletter, the article "Water Management Key to Salmon Recovery"
Sierra Club has a Water and Salmon Committee to promote stewardship and responsible management of water - our life-sustaining natural resource - to ensure its quality and availability. They have met with Maria Cantewell, Congressman Jay Inslee and Governor Gregoire to promote salmon recovery and testified at the NOAA hearings on the Puget Sound draft salmon recovery plan. Obviously this is a priority to our state leaders.

Sierra Club - www.cascade.sierraclub.org
WWRP - www.wildliferecreation.org

I also encourage you to visit the aerial maps of what the R1 area near Wellington will look like should it be rezoned and developers allowed to create "housing developments". One cannot look at this and believe the neighborhood character, wildlife, traffic, water quality and tree canopy will not be effected. And think of all the

additional greenhouse gases with these folks commuting to work and running errands everyday.

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Photo #1: Aerial view of our existing neighborhood.
http://www.savewoodinville.com/ProjectWithoutWTMV_A.jpg

Photo #2: Neighborhood if the proposed new homes are allowed to go in.
http://www.savewoodinville.com/ProjectWithWTMV_B.jpg

Photo #3: Possible development that could be proposed east of 156th if sewer comes to Montevallo.
http://www.savewoodinville.com/ProjectWithWTMV_C.jpg
For legal reasons, I must state that there is no application for this project and it must be considered fictitious at this time, but it is shown to give you an idea of future developments with density similar to Wood Trails/Montevallo that will soon hit Wellington & Leota if our zoning changes. We know these families have publically stated at City Council meetings and at the March 14-15 hearings that they intend to sell to developers with lots less than 1 acre.

At the March 14-15 hearing when asked, Phoenix would not say the price range of which they planned to sell these houses should they be allowed to continue and they would not commit that this would be "affordable housing". With 119 homes currently for sale in 98072 and 56 homes in 98077 there is NO NEED, this is purely greed. Does this mean Medina will have to rezone and add "affordable housing"?

Thank you for your time,
Shani Parrott

shaniparrott@earthlink.net

Sandy Guinn

From: Charleine Sell
Sent: Thursday, April 05, 2007 1:04 PM
To: Sandy Guinn
Subject: FW: Public hearing - Wood Trails/Montevallo

Jenny is receiving these and forwarding them to me, but they are WT/MV.

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Charleine Sell
Senior Administrative Assistant
Development Services Department
City of Woodinville
425-489-2754, ext. 2222

Please note that this email is considered a public record and may be subject to public disclosure.

From: Shani Parrott [mailto:shaniparrott@earthlink.net]
Sent: Thursday, April 05, 2007 12:54 PM
To: Charleine Sell
Cc: rleahy@ci.woodinville.wa.us; Cindy Baker; Cathy VonWald
Subject: Public hearing - Wood Trails/Montevallo

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Sierra Club - www.cascade.sierraclub.org
WWRP - www.wildliferecreation.org

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Thank you for your time,
Shani Parrott

shaniparrott@earthlink.net

Richard Leahy

From: Richard Leahy
Sent: Thursday, April 05, 2007 3:50 PM
To: 'Todd & Susan'
Subject: RE: Moving the meeting

EXHIBIT 149
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The meeting room location was changed at my direction after we determined that the likely attendance would greatly exceed the capacity of the City Council Chambers. We intend to post directional signs and have employees direct attendees to the same room where the previous hearing was held.

Our only objective is to ensure that there is adequate space and opportunity for all interested citizens to attend and observe the hearing. In this particular case, a citizen representative expressed serious concern that all available seating in the smaller Council Chambers could be taken up by city staff, consultants, and representatives of the applicants leaving little or no room for other interested parties.

Richard A. Leahy
City Manager

-----Original Message-----
From: Todd & Susan [mailto:s[redacted]
Sent: Thursday, April 05, 2007 7:43 AM
To: Richard Leahy
Subject: Moving the meeting

Richard,

I just read the notice that the meetings for the development have been moved.

Why? Why another last minute change? This is unacceptable. Period.

Please make the tough choice, and cancel the meeting and reschedule it, I believe there is a time requirement for noticing that has to be met. Again, Ms. Baker runs the show and changes the rules as she sees fit.

Why wasn't this scheduled in the gym in the first place? I'm tired of the citizens of this city having the be at the end of the games played by Cindy Baker. I cannot begin to describe the amount of time, energy, dollars and effort my wife and I have put into this "project" called Wood Trails and Montevallo. When are the citizens going to get the benefit of the doubt?

Please let me know your decision on this matter.

Thank you,

Todd R. Huso
PO Box 1176

Richard Leahy

From: Richard Leahy
Sent: Thursday, April 05, 2007 3:51 PM
To: 'Linda King'
Subject: RE: meeting change of location

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The meeting room location was changed at my direction after we determined that the likely attendance would greatly exceed the capacity of the City Council Chambers. We intend to post directional signs and have employees direct attendees to the same room where the previous hearing was held.

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Richard A. Leahy
City Manager

From: Linda King [mailto:[redacted]]
Sent: Thursday, April 05, 2007 8:16 AM
To: Richard Leahy
Subject: meeting change of location

How can this happen? The change of location for the hearing at such a late date is confusing. Though I want to get through this hearing, I wonder how many people will just not attend due to this fiasco. How does the examiner take this into account? Perhaps you should reschedule. Linda King

Richard Leahy

From: Richard Leahy
Sent: Thursday, April 05, 2007 3:52 PM
To: 'Denzil Dwelle'
Subject: RE: Montevallo/Wood Trails Hearing

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The meeting room location was changed at my direction after we determined that the likely attendance would greatly exceed the capacity of the City Council Chambers. We intend to post directional signs and have employees direct attendees to the same room where the previous hearing was held.

Our only objective is to ensure that there is adequate space and opportunity for all interested citizens to attend and observe the hearing. In this particular case, a citizen representative expressed serious concern that all available seating in the smaller Council Chambers could be taken up by city staff, consultants, and representatives of the applicants leaving little or no room for other interested parties.

Richard A. Leahy
City Manager

From: Denzil Dwelle [mailto:[redacted]]
Sent: Thursday, April 05, 2007 1:08 PM
To: Richard Leahy
Subject: Montevallo/Wood Trails Hearing

Mr. Leahy,

I don't really understand why tonight's hearing has not been rescheduled. According to the WMC…a change of venue for a public hearing requires 15 days notice. I'm sure that Cindy Baker must be aware of this. In my view, not only is Ms. Baker in violation of a municipal code, but she is also violating the citizens trust. Ms. Baker knows what a "hot button" this is here in Woodinville,and should have scheduled the hearing in the gym originally. This appears to be an underhanded tactic to throw off public input. Proper notification for public hearings should be a bigger priority to city staff. Thank you for your time.

Respectfully,

Heidi Dwelle
14652 NE 179th St.
Woodinville

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APPENDIX 3: LAND USE

A-3.1 Carrying Capacity Analysis

A-3.1.1 Introduction

The Growth Management Act requires that Urban Growth Area boundaries be established to accommodate urban growth projected to occur in King and Snohomish Counties for a 20-year period. Each county and its respective cities must demonstrate that a sufficient supply of land exists within the Urban Growth Area to accommodate the forecasted growth. Both residential and non-residential (e.g., commercial) land requirements must be considered in this assessment of Urban Growth Area land capacity. The majority of data for this appendix update is through December 31, 2000. The date is consistent with the Buildable Lands Tracking requirement of the Growth Management Act and is used by other cities and counties so that buildable lands data can be compared between jurisdictions.

A-3.1.1.2 Growth Forecast

According to the Growth Management Act, all cities and counties required to prepare a comprehensive plan must accommodate additional population and employment according to projections provided by the Washington State Office of Financial Management to each county. Counties are required to allocate growth to cities within their jurisdiction.

The King County Growth Management Planning Council is responsible for establishing net new population (counted as new households) and employment in cities within King County.
The City's original 20-year housing and employment target period was 1993-2012. For this period, the City has a housing target range of is 1,750 to 1,842 new dwelling units or the planning average number of 1,797. From incorporation through the year 2000, the City added 648 dwelling units. Based on the City's residential and non-residential carrying capacity analysis (reference Tables A3-2 through A3-12), this leaves a remaining allocation for the 1993-2012 period of 1,149 households. The employment target range for the 1993-2012 period is 1,900 to 2,000, or the planning average number of 1,950. There is no remaining employment target for this period since the City reached its employment target by 2001.

In accordance with the GMA requirement to update growth forecasts every 10 years, the King County Growth Management Council established updated household and employment targets for the 2001-2022 planning period for all cities county-wide. The City of Woodinville is expected to plan for an additional 720 households and 2,000 jobs within the 10 year period extending from 2012-2022. To convert this to a new 20-year target, the remaining existing allocation of 1,149 households is added to the new allocation of 720, resulting in a new target of 1,869 for the 2001-2022 planning period.These targets are shown in Table A3-1(A).

This appendix describes the results of the City of Woodinville Community Development Department's residential and non-residential land carrying capacity analysis for land within the Urban Growth Area including city limits, as well as limited information for the Grace Neighborhood. The analysis is consistent with the methodology for land capacity as identified by the King County Buildable Lands Program.

The target allocation for new households and employment within the current city limits of Woodinvilleare based on countywide and city growth forecast as estimated by the State Office of Financial Management (OFM), the Puget Sound Regional Council, and the City of Woodinville's analysis of remaining residential and non-residential capacity. The allocation and future forecast for population, households, and employment are shown in Tables A3-1(A) and A3-1(B).

Table A3-1(A): Existing and Targeted Net New Households, Population, and Employment for the City of Woodinville

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King County Growth Targets for Woodinville

	1993-2012 Growth Target	2001-2012 Remaining Growth Target	2012-2022 Growth Target	2001-2022 Growth Target
Households	1,797	1,149	720	1,869
Population	4,323 - 4,550[1]	2,838[1]	1,778[1]	4,616[1]
Employment	1,900 - 2,000	0	2,000	2,000

Source: King County, and Census 2000.

1 King County allocates growth targets only in terms of households, not population. Using a household size of 2.47 times the 2012-2022 housing target results in the estimated population growth found in this table. Assumes a year 2000 estimated average household size of 2.47 per Puget Sound Regional Council and Economic Consulting Services, 1994.

Table 3A-1(B): Existing and Projected Total Population, Household and Employment for the City of Woodinville.

	1990 Census	2000 Census	2012 Projection	2022 Projection
Population	8,590	9,809[1]	12,647[3]	14,425[4]
Households	3,297	3,900[1]	5,049[5]	5,769[6]
Employment	N/A	10,383[2]	12,283 - 12,383	14,283-14,383

[1]This reflects the revised U.S. Census population and dwelling unit counts dated April 30, 2003

[2]2001 King County Annual Growth Report of covered employment as of March 1999.

[3]This number is derived by adding the 2001-2012 remaining population growth target (2,838) in Table 3A-1(A) to the population reported by the 2000 Census (9,809).

[4] This number is derived by adding the 2001-2022 population growth target (4,616) in Table 3A-1(A) to the population reported by the 2000 Census (9,809).

[5]This number is derived by adding the 2001-2012 remaining household growth target (1,149) in Table 3A-1(A) to the number of households reported by the 2000 Census (3,900).

[6]This number is derived by adding the 2001-2022 household growth target (1,869) in Table 3A-1(A) to the number of households reported by the 2000 Census (3,900).

The City's overall gross population density is approximately 2.7 persons/acres (9,809 population/3,587 acres). The City's population density for residentially zoned land is 4.6 (9,809 population/2,130 acres of land). By the year 2012, the overall gross population density is estimated to be approximately 3.5 persons/acres (12,647 projected population/3,587 acres). By the year 2022, the overall gross population density is estimated to be approximately 4.0 persons/acres (14,425 projected population/3,587 acres). This future projection is assuming no new annexations take place within the City. It is important to note that this carrying capacity analysis does not necessarily mean that land will be built-out over the growth period. The

purpose of the carrying capacity analysis is to determine the extent or limit to which development could theoretically occur.

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A-3.1.2 Approach

The original carrying capacity analysis made extensive use of land use survey data collected in the Spring of 1994 as part of the comprehensive planning process. This information was then compiled into a database and displayed and analyzed using a Geographic Information System. Aerial photographs were also used to determine the level of development on non-residential land. For both the residential and non-residential land, all existing road and rail rights-of-way as well as sensitive areas and their buffers were not included (see Environmental Element).

The City is participating in the King County Buildable Lands Tracking Program that monitors land capacity. The revised information is based on the data gathered for this program, the City's Land Use Survey update including development permit data from 1993 to 2000, and other sources. This information is presented in Tables A3-3.1 through A3-3.12.

The analysis also assumed that no new non-conforming uses would occur. Only residentially zoned land is analyzed for residential carrying capacity while only commercially zoned land is considered for the employment carrying capacity.

A-3.1.3 Carrying Capacity Analysis for Existing Comprehensive Plan and Zoning Code

The estimates of residential and non-residential carrying capacity described below is based upon existing land use plans, policies, development standards and criteria as defined in the City of Woodinville's Comprehensive Plan and Zoning Code. Two assumptions were made prior to conducting this carrying capacity:

1. No residential development potential was assumed for parcels which currently have a non-residential use within a residential plan designation, and

2. No residential development potential was assumed for parcels within commercial plan designation and zones even though the Zoning Code allows multiple residential and mixed use development in commercial zones.

Residential Carrying Capacity Analysis

The calculation of residential carrying capacity involves the analysis of vacant and redevelopable lands which can accommodate future residential growth. Vacant land was defined as those parcels, which have no structure on them. Redevelopable land is defined as follows:

R-1 Parcels that contain over two acres of land that are subdividable.

R-4 through R-8 Parcels that contain greater than three times the base density per unit for the zone (R-4 = .75 or 32,670 square feet, R-6 = .50 or 21,780 square feet, R 8 = .38 or 16,335 square feet).

Example

R-4: 1 acre = 43,560/4 = 10,890 (base density); base density x 3 = 32,670
Multi-family parcels were considered redevelopable when the value of improvements on the land was less than 50% of the value of the land itself. These values were taken from the records of the King County Assessor's office. Redevelopable parcels found in subdivisions where further platting is not possible were removed from the Buildable Lands inventory. Existing

commercial entities within residential zoned land were considered redevelopable (except for churches).

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A summary of the steps involved in calculating the net additional residential holding capacity of vacant and redevelopable land follows:

1. Inventory the total acreage of vacant and redevelopable residentially designated parcels.

2. Reduce this total acreage by the following factors:

    1. sensitive areas and buffers including wetlands, streams, and steep slopes,

    2. market factor, (A reduction in the likelihood that any particular parcel will be available for sale at any given time),

    3. future public purpose, (storm drainage facilities, neighborhood parks, public utility facilities),

    4. right-of-way requirements. In some cases, known acreage totals were used. Where factor actuals were not known, a typical percentage amount was used, and

5. Multiply the total land available for development (acres) by the minimum density factor as defined by the Zoning Code.

The City's original Growth Management Act housing allocation from King County is 1,797 dwelling units for the time period 1992 through 2012. Between 1993 and 2000, 663 new housing units were constructed. During the same seven-year period 15 units were demolished, creating a net effect of 648 new dwelling units since 1993. Therefore the remaining units for the growth allocation period ending in 2012 equals 1,149 (1,797 – 648). The City has estimated the carrying capacity in Table A3-2. The carrying capacity analysis shown in Table A3-2 and Table A3-3 indicates the City is able to accommodate the remaining allocation under existing Comprehensive Plan land use designations and zoning. Buildable Lands calculated carrying capacity is shown graphically in Figure A3-3.

Table A3-3 shows a summary of the City's "Buildable Lands" inventory for the five-year period 1996-2000. The Buildable Lands statute is a 1997 amendment to Washington's Growth Management Act. This statute (RCW.70A.215) includes as one of its requirements an inventory of the supply of land suitable for development. Based on this inventory, Table A3-3 also shows the remaining vacant and redevelopable lands in the various zones of the City and provides an estimate of remaining capacity in terms of dwelling units, commercial areas, and employment capacity. These estimates are based on the City's actual historical achieved development densities. Background data on the Buildable Lands Tables & referenced in Table A3-3, are on file at the City of Woodinville Community Development Department.

Table A3-2 2001 Residential Carrying Capacity Under Existing Comprehensive Plan/Zoning Code

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	Acres	Acres	X	City Method 1 Min. Density Factor	City Method 1 Housing Unit Capacity	Buildable Lands Method 2 Assumed Future Density	Buildable Lands Method 2 Housing Unit Capacity
Low Density Residential							
R-1 Vacant Gross Acres		114.83					
Critical Areas	(10.62)						
15% Rights-of-Way	(15.63)						
5% Public Purposes	(5.21)						
Total Reductions		(31.46)					
Net Acres		83.37					
15% Market Factor		(12.51)					
Adjusted Net Acres		70.86		1.0	71	0.97	68
R-1 Redevelopable Gross Acres		245.40					
Critical Areas	(18.92)						
10% Rights-of-Way	(22.65)						
5% Public Purpose	(11.32)						
Total Deductions		(52.89)					
Net Acres		192.51					
20% Market Factor		(38.50)					
Adjusted Net Acres		154.01		1.0	154	0.97	90
R-4 Vacant Gross Acres		128.93					
Critical Areas	(54.02)						
15% Rights-of-Way	(11.24)						
5% Public Purposes	(3.75)						
Total Deductions		(69.01)					
Net Acres		59.93					
15% Market Factor		(8.99)					
Adjusted Net Acres		50.94		3.0	153	5.40	275
R-4 Redevelopable Gross Acres		82.96					
Critical Areas	(16.79)						
10% Rights-of-Way	(6.62)						
5% Public Purposes	(3.31)						
Total Deductions		(26.72)					
Net Acres		56.24					
20% Market Factor		(11.25)					
Adjusted Net Acres		44.99		3.0	135	5.40	222
TOTAL NET ACRES		**320.80**					
TOTAL DWELLING UNIT CAPACITY LOW DENSITY RESIDENTIAL					**513**		**655**
Moderate Density Residential							
R-6 Vacant Gross Acres		16.26					
Critical Areas	(12.47)						
15% Rights-of-Way	(0.57)						
5% Public Purposes	(0.19)						
Total Decuctions		(13.23)					
Net Acres		3.03					
15% Market Factor		(0.45)					
Adjusted Net Acres		2.58		4.5	11.61	6.84	17
R-6 Redevelopable Gross Acres		159.47					
Critical Areas	(22.34)						
10% Rights-of-Way	(13.71)						
5% Public Purposes	(6.86)						
Total Deductions		(42.91)					
Net Acres		116.56					
20% Market Factor		(23.31)					
Adjusted Net Acres		93.25		4.5	420	6.84	581

	Acres	Acres	X	City Method 1 Min. Density Factor	Housing Unit Capacity	Buildable Lands Method 2 Assumed Future Density	Housing Unit Capacity
R-8 Vacant Gross Acres (Greenbrier Development)		21.68					
Critical Areas	(6.02)						
15% Rights-of-Way	(0.96)						
5% Public Purposed	0.00						
Total Deductions		(6.98)					
Net Acres		14.70					
15% Market Factor		(2.21)					
Adjusted Net Acres		12.49		6.8	85		170
TOTAL NET ACRES		**108.32**					
TOTAL DWELLING UNTI CAPACITY MODERATE DENSITY RESIDENTIA					**517**		**768**
High Density Residential							
R-24 Redevelopable Gross Acres		0.68					
Critical Areas	(0.33)						
10% Rights-of-Way	(0.04)						
5% Public Purposes	(0.02)						
Total Deductions		(0.39)					
Net Acres		0.29					
20% Market Factor		(0.06)					
Adjusted Net Acres		0.23		16.8	4	20.00	4
R-48/O Vacant Gross Acres		24.14					
Critical Areas	(6.10)						
15% Rights-of-Way	(2.71)						
5% Public Purposes	(0.90)						
Total Deductions		(9.71)					
Net Acres		14.43					
15% Market Factor		(2.16)					
Adjusted Net Acres		12.27		31.2	383	42.36	520
TOTAL NET ACRES		**12.50**					
TOTAL DWELLING CAPACITY HIGH DENSITY RESIDENTIAL					**387**		**524**
TOTAL RESIDENTIAL NET ACRES		**441.62**					
TOTAL RESIDENTIAL CARRYING CAPACITY					**1417**		**1947**
Remaing GMA Allocation					**1149**		**1149**
Net Surplus					**268**		**798**

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1. Assumes a minimum required number of units per acre per zone based on Woodinville Municipal Code Title 21 12.030.
2. Assumes future densities based on actual past development densities (See Table A3-3 for additional information)

Exhibit 151

One DVD of the Wood Trails Video taped at April 5, 2007 public hearing

Available for review at City of Woodinville's Development Services's counter

Or

DVD may be purchased at Kinko's, 13620 N.E. 175th Street, Suite 110,
Woodinville, Washington
(or other place to be designated in the future)

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SIGN UP SHEET
April 5, 2007

IF YOU WISH TO TESTIFY OR RECEIVE NOTICE OF THE DECISION REGARDING THE **WOOD TRAILS PRELIMINARY PLAT AND REZONE**

Please print your name and give your current mailing address including zip code ***AND*** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both.

Please make sure all information is readable

		Do you want to Testify?	Is this your first time testifying?	Notify of Hearing Examiner's Decision?
1.	Name: PAUL CLINE			
	Mailing address 18533 15ETH AVE NE WOOD 98072			
	Email address paul.cline@comcast.net			
2.	Name: Jim Mason			
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	Email address rmasonshome@aol.com			
3.	Name: Christy Diemond			
	Mailing address 14211 NE Wood-Duv.			
	Email address			
4.	Name: Jack McJamil			
	Mailing address 14903 NE 201 ST WOOD.			
	Email address			
5.	Name: JonOtto			
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6.	Name: BRIAN ORTON			
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8.	Name: EUGENE LAMB			
	Mailing address P.O. Box 292 WOODINVILLE			
	Email address eugenelamb@msn.com			
9.	Name: E. Nadine Jones			
	Mailing address 14903 N.E 201st. Woodinville.			
	Email address			
10.	Name: BARBARA CZUBIT	X	NO	X
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11.	Name: Austin Winant			
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	Email address jwinant@comcast.net			

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Please make sure all information is readable

		Do you want to Testify?	Is this your first time testifying?	Notify of Hearing Examiner's Decision?
12.	Name: Susan Huso	Y	N	Y
	Mailing address PO Box 1176 Wood			
	Email address			
13.	Name: Vicky DeLoff-Season	yes	yes	yes
	Mailing address 14821 NE 201st			
	Email address			
14.	Name: Brad Walker			
	Mailing address 15216 NE 195th St			
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	Email address			
16.	Name: Nathan Rich	yes	no	yes
	Mailing address ~~19~~ 15914 NE 163rd Street			
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17.	Name: Patrick Perkins			
	Mailing address 24209 75th Ave SE			
	Email address Patkins1@msn.com			
18.	Name: James & Wendy Avery	YES	NO	YES
	Mailing address 14906 NE 202nd St			
	Email address wkavery@comcast.net			
19.	Name: Helen Gottschalk	Yes	Yes	Yes
	Mailing address 14918 NE 198 St			
	Email address hgotts@hotmail.com			
20.	Name: Alexander Coyne	Yes	Yes	Yes
	Mailing address 14925 NE 202nd St.			
	Email address sandy@coynefamily.com			

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Please print your name and give your current mailing address including zip code ***AND*** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both.

Please make sure all information is readable

		Do you want to Testify?	*Is this your first time testifying?*	*Notify of Hearing Examiner's Decision?*
21.	Name: James Snell	✓	✓	
	Mailing address 15009 NE 198th St Email address jes3788@yahoo.com			
22.	Name:	✓		
	Mailing address ROGER MASON Email address 15023 NE 195th			
23.	Name: Steve Gottschalk	✓		
	Mailing address 14918 NE 198th ST Email address THE GOTTSCHALKS@COM			
24.	Name: Susan Boundy-Sanders	✓		
	Mailing address 17859 / 149th Av. NE Email address sbsand@hotmail.com			
25.	Name: Matt Schultz	✓		
	Mailing address 16206 NE 200th Ct. Email address			
26.	Name: RICK ARAMBURU	✓		✓
	Mailing address 505 MADISON Email address SEA 98104			
27.	Name: Ryan Olson			✓
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28.	Name: Alice Capell			
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30.	Name: Janet McDaniel			
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Please print your name and give your current mailing address including zip code ***AND*** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both.

Please make sure all information is readable

		Do you want to Testify?	Is this your first time testifying?	Notify of Hearing Examiner's Decision?
31.	Name: LEONARD + SHARON CLEMESON			X
	Mailing address 15103 NE 202ND Email address ALMETCLEM@COMCAST.NET			
32.	Name: HAL LANSEN			X
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33.	Name: KERRI W. SCARBROUGH			X
	Mailing address 15124NE198th St Email address KScarbrough@verizon.net			
34.	Name: JOEL CALVERT			✓
	Mailing address 15375 NE 201st Email address SAMIAM522@AOL.COM			
35.	Name: Todd Hull			X
	Mailing address PO Box 1176 Email address [illegible]			
36.	Name: LeRoy W Kuebler			X
	Mailing address 20255 149TH PL NE Woodinville 98072 Email address KAYNLEROY1@Verizon.net			
37.	Name: Geoff Knutzen	X	X	X
	Mailing address 14818 NE 198th St Woodinville WA Email address gcoffrey1@seanet.com			
38.	Name: Janet Littlefield			X
	Mailing address P.O. BOX 550 Woodinville 98072 Email address jrlittlefield@msn.com			
39.	Name: Rick HANIKA			X
	Mailing address 24320 75th AVE SE Woodinville WA 98072 Email address			

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April 5, 2007
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Please print your name and give your current mailing address including zip code ***AND*** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both.

Please make sure all information is readable

		Do you want to Testify?	*Is this your first time testifying?*	*Notify of Hearing Examiner's Decision?*
40.	Name: Glenn Hoogerwerf	Yes	No	Yes
	Mailing address 14826 NE 192nd St., Woodinville 98072 Email address glennh@ymc.com			
41.	Name: Clint Olson	no	–	–
	Mailing address 15858 SE 195 St. Woodinville 98072 Email address			
42.	Name: Tony Grasso	No		
	Mailing address 16122 NE 198th Woodinville Email address tony_grasso@comcast.net			
43.	Name: Jo Ann Hood			
	Mailing address 15116 NE 202 Woodinville WA 98072 Email address			
44.	Name: Dave Henry	YES	NO	YES
	Mailing address 15019 NE 201st ST. Woodinville Email address dhenrynase@msn.com			
45.	Name: Sara Shahah			
	Mailing address 15363 NE 201st St Woodinville 98072 Email address sarashahar@aol.com			
46.	Name:			
	Mailing address Email address			
47.	Name:			
	Mailing address Email address			
48.	Name:			
	Mailing address Email address			
49.	Name:			
	Mailing address Email address			

	SIGN UP SHEET **April 5, 2007** IF YOU WISH TO TESTIFY OR RECEIVE NOTICE OF THE DECISION REGARDING THE **WOOD TRAILS PRELIMINARY PLAT AND REZONE** ***Please print*** your name and give your current mailing address including zip code ***AND*** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both. **Please make sure all information is readable**			
		Do you want to Testify?	***Is this your first time testifying?***	***Notify of Hearing Examiner's Decision?***
50.	Name: STEVE & SHERRY BROWN	NO		YES
	Mailing address 15218 NE 198th ST. WOODINVILLE, WA 98072 Email address			
51.	Name: Sue Swan	yes	yes	yes
	Mailing address 14906 NE 198th St. Wood. WA Email address sue.swan@comcast.net			
52.	Name:			
	Mailing address Email address			
53.	Name:			
	Mailing address Email address			
54.	Name:			
	Mailing address Email address			
55.	Name:			
	Mailing address Email address			
56.	Name:			
	Mailing address Email address			
57.	Name:			
	Mailing address Email address			
58.	Name:			
	Mailing address Email address			
59.	Name:			
	Mailing address Email address			

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		Do you want to Testify?	***Is this your first time testifying?***	***Notify of Hearing Examiner's Decision?***
60.	Name: Fred Green	✓		
	Mailing address 20624 86th Ave SE Snohomish, WA 98296 Email address (previously testified)			
61.	Name:			
	Mailing address Email address			
62.	Name:			
	Mailing address Email address			
63.	Name:			
	Mailing address Email address			
64.	Name:			
	Mailing address Email address			
65.	Name:			
	Mailing address Email address			
66.	Name:			
	Mailing address Email address			
67.	Name:			
	Mailing address Email address			
68.	Name:			
	Mailing address Email address			
69.	Name:			
	Mailing address Email address			

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Please print your name and give your current mailing address including zip code ***AND*** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both.

Please make sure all information is readable

		Do you want to Testify?	*Is this your first time testifying?*	*Notify of Hearing Examiner's Decision?*
70.	Name: Rick Hanika	X	yes	X
	Mailing address 24320 75th Ave SE Woodinville WA			
	Email address			
71.	Name:			
	Mailing address			
	Email address			
72.	Name:			
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Please make sure all information is readable

		Do you want to Testify?	*Is this your first time testifying?*	*Notify of Hearing Examiner's Decision?*
80.	Name: ROY & SHERI GHAZIMORAD			✓
	Mailing address 15121 NE 201 ST. WOODINVILLE, WA. 98072 Email address			
81.	Name: Brad Stoll			
	Mailing address 20222 151st Ave NE Woodinville, WA 98072 Email address			
82.	Name:			
	Mailing address Email address			
83.	Name:			
	Mailing address Email address			
84.	Name:			
	Mailing address Email address			
85.	Name:			
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86.	Name:			
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	Mailing address Email address			
89.	Name:			
	Mailing address Email address			

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90.	Name:			
	Mailing address Email address			
91.	Name:			
	Mailing address Email address			
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		Do you want to Testify?	Is this your first time testifying?	Notify of Hearing Examiner's Decision?
101.	Name: ROBERT A HARMAN	yes		
	Mailing address 14949 NE 202 ST 98072			
	Email address harmanhouse@verizon.ne			
102.	Name: Lisa Rhodes	yes		
	Mailing address 15725 NE 198th St Woodinville, WA 98072			
	Email address lisarhodes@windermere.co			
103.	Name: Matthew Jenson	yes		
	Mailing address 19122 148th AVE NE Woodinville			
	Email address lola-granola@comcast.net			
104.	Name: STEVE YABROFF	No		Yes
	Mailing address 19320 162ND AVE NE WNDVL 98072			
	Email address			
105.	Name: MIKE POLLARD	X		
	Mailing address 20104 163RD AVE N			
	Email address MIKE.POLLARD@COSTCO.CO			
106.	Name: BRIAN MANN			
	Mailing address 19225 162ND AVE NE WOODINVILLE			
	Email address BRIANRMANN@MSN.COM			
107.	Name: JANet WATSON	yes		
	Mailing address 15701 NE 145th St			
	Email address woodinville wa 9807			
108.	Name: Darcy Morrissey	yes		
	Mailing address 8111 NE 145th Street Bothell WA 98011			
	Email address dmorrissey@lwsd.org			
109.	Name: Mike O'Grady	y		
	Mailing address 14906 NE 204th St Woodinville, WA 98072		No	Y
	Email address seamog@verizon.net			
110.	Name: SHANI PARROTT	NO		Yes
	Mailing address 16212 NE 200th CT, WDL			
	Email address SHANIPARROTT@EARTHLINK.NET			
111.	Name: Jan Pollard	no		yes
	Mailing address 20104 163rd Ave NE			
	Email address Calamityjan@comcast.net			

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		Do you want to Testify?	Is this your first time testifying?	Notify of Hearing Examiner's Decision?
112.	Name: Julie PARROTT	No	—	Yes
	Mailing address 16212 NE 200TH CT Woodinville, Wa 98072			
	Email address			
113.	Name: Joel Lenox	NO		YES
	Mailing address 20110 186th PL NE 98072			
	Email address lenoxjs@gmail.com			
114.	Name: Sierra Construction	NO		
	Mailing address 19900 144 Ave NE Woodinville, WA 98072			
	Email address rogerc@sierraind.com			
115.	Name: Jonathan Harman	YES		YES
	Mailing address 14949 NE 202nd St Woodinville WA 98072			
	Email address jon@studiohatch.com			
116.	Name: Gordon Thorpe	No	—	Yes
	Mailing address 19807 156th Ave NE.			
	Email address gordy@computer.org			
117.	Name: CHARLIE COX	Yes		Yes
	Mailing address 15454 NE 182nd PL			
	Email address Woodinville, WA 98605			
118.	Name: Kim Osgood			
	Mailing address 20019 164th Ave NE Woodinville WA 98072			
	Email address kimosgood@comcast.net			
119.	Name: Ann Taylor			
	Mailing address 20024 164 AVE NE Woodinville WA 98072			
	Email address annstaylor@comcast.net			
120.	Name: Paul Sharp			
	Mailing address 15008 NE 198 St Woodinv. 98072			
	Email address paul.sharp@verizon.net			

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		Do you want to Testify?	*Is this your first time testifying?*	*Notify of Hearing Examiner's Decision?*
121.	Name: DAVID CHRISTIANSEN	N	N	Y
	Mailing address 16021 147th Pl NE Email address davidchr@amazon.com			
122.	Name: JACK RIGGS			
	Mailing address 14952 NE 202 ND ST Email address j.riggs@comcast.net			
123.	Name: MARTIN & JACKIE SCHWARZ	N	N	Y
	Mailing address 20122 148th AVE NE WOODINVILLE WA 98072 Email address martin@atchurch.com			
124.	Name: Jennifer Hallman			
	Mailing address 19160 160th Ave NE Woodinville Email address Jenhallman@hotmail.com			
125.	Name: Julia Poole			
	Mailing address 15306 NE 202nd St Email address japoole1@earthlink.net			
126.	Name: Jeff Glickman	Yes	Yes	Yes
	Mailing address 19465 148th Ave NE Woodinville WA 98072 Email address jeff@glickman.com			
127.	Name: Cindi Stinson	NO	NO	yes
	Mailing address 15009 NE 195th St. Wdvl 98072 Email address crstinson@yahoo.com			
128.	Name: LEE CAPELL	YES	YES	YES
	Mailing address 16212 NE 203RD PLACE WOODINVILLE WA 98072 Email address LeeAliceC@Comcast.net			
129.	Name:			
	Mailing address Email address			
130.	Name:			
	Mailing address Email address			

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131.	Name:			
	Mailing address Email address			
132.	Name:			
	Mailing address Email address			
133.	Name:			
	Mailing address Email address			
134.	Name:			
	Mailing address Email address			
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136.	Name:			
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140.	Name:			
	Mailing address Email address			
141.	Name:			
	Mailing address Email address			
142.	Name:			
	Mailing address Email address			
143.	Name:			
	Mailing address Email address			
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146.	Name:			
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147.	Name:			
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	Mailing address Email address			
151.	Name:			
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152.	Name:			
	Mailing address Email address			
153.	Name:			
	Mailing address Email address			
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160.	Name:			
	Mailing address Email address			
161.	Name:			
	Mailing address Email address			
162.	Name:			
	Mailing address Email address			
163.	Name:			
	Mailing address Email address			
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166.	Name:			
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	Mailing address Email address			

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170.	Name:			
	Mailing address Email address			
171.	Name:			
	Mailing address Email address			
172.	Name:			
	Mailing address Email address			
173.	Name:			
	Mailing address Email address			
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	Mailing address Email address			
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182.	Name:			
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183.	Name:			
	Mailing address Email address			
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