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**From:** Steve White [mailto:stevenjuu@hotmail.com]  
**Sent:** Friday, March 02, 2007 2:58 PM  
**To:** Charleine Sell  
**Cc:** Cindy Baker  
**Subject:** Letter/Email to be shared at Hearing on R-1 Moratorium Extension meeting 3/5/07

Hi Charleine,

Could you present this letter to the meeting on Monday. Also could you respond to let me know that you can do this?

Thx, steve

Letter

My name is Steven White and I own 2 acres of land with a house on the corner of the lot at 18819 165<sup>th</sup> Ave NE tax parcel code 0126059217. I request that this information be shared at the "Hearing on R-1 Moratorium Extension" meeting on March 5, 2007 as I'll be travelling out of town. My goal is to subdivide my lot and start building a new house on it this year (ASAP). I am open to subdividing it for R1 to R4 and will plan the new house accordingly. However I do not want to wait for sewers, additional studies or other things that may delay this effort.

My lot is included in the "North Leota" area in your recent documents.

I encourage the City Hall to adopt R-2 rating in the Wellington and in particular North Leota area for the following reasons:

- **R2 zoning will blend with existing developments:** Houses on 164<sup>th</sup> Ave NE build around 2000 are built on approximately ½ acre lots. Specifically lot 6 is 24, 272 sq ft (110x222) and lot 5 is 24,247 sq ft (110x221). These houses sell in the range of around \$1.5 M and these houses fit the character of the Wellington neighborhood. Additionally a few of the lots on 165<sup>th</sup> Place are about ½ acres (not including the wetlands/drainage area). Directly to the north of 164<sup>th</sup> Ave of this is the 2005 Street of Dreams. These houses are all on lots less than 1 acre (after accounting for roads, etc). These houses sell in the \$3M range and also fit the character of Wellington albeit at a high end range.
- **Work towards GMA requirements:** Having areas of Wellington (or at least North Leota) at R2 will help achieve the requirements of the GMA (vs R1) to reduce urban sprawl.
- **R2 can work with Septic:** It is possible to build a house with septic with R2 zoning; Hence it is possible for individuals or small developers to develop a few acres. There are no large parcels of land in North Leota that are large enough to incent a developer to bring in a sewer (with pumping station), thus R4 zoning will not work unless the City and the Water district work together to make this happen without depending on a developer funding the majority of the project.
- **R2 will incent small developers to replace 40/50/60/70s houses with houses that fit in with the evolved Wellington:** R2 zoning will put a business case around removing a 60s/70s house on 1 acre and putting up two new houses that fit the new character of the new Wellington and that would apply to the new/recent covenants. The math is pretty simple: An acre lot is around \$400k. A ½ Acre lot is around \$300K-\$350. A 1960s 1800 sq home on an acre is around \$600K-\$700K. Thus there's a decent value proposition for developers to do this. This is not the

case if they need to buy a house/lot for \$700K and then just build one house on it. Thus R2 will help the area to gravitate towards newer and more consistent looking houses, thus increasing the value of the entire area.

- **R2 zoning ends up being close to 1 house/acre:** After roads, drainage ponds, slopes, wetlands, septic tank design restrictions, developers will never get 2 houses per acre or 4 houses per 2 areas.

I also encourage the city and King County to relax requirements for small plots if R2 zoning is going to take place. With drain ponds and their setbacks, road requirements, etc, may make it difficult for owners of 1 to 3 acres to rezone.

Also if the City puts in R4 zoning, I encourage you to have flexible rules to allow someone to subdivide now using septic with the idea of possibly having a house put on 1 side of a double lot. Thus people can leverage their land without waiting for septic.

Also if the city extends the Moratorium, I would like a statement from the city on what their goal for the area is (R1, R2, or R4). That way I can renovate the existing house in a manner that will blend with the new zoning.

Regards,

Steven White  
18819 165<sup>th</sup> Ave NE

Woodinville, WA 98072 Phone 408 499 7050 (cell)

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With tax season right around the corner, make sure to follow these few simple tips.

Council

Sus

**Jennifer Kuhn**

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**From:** Joe Brogan [BrogJ@foster.com]  
**Sent:** Friday, March 02, 2007 2:30 PM  
**To:** Don Brocha  
**Cc:** pgr@tsandm.com; MommaBaird@aol.com; lynne@tsandm.com; Steve Paulson; PapaBaird@aol.com; jancul@msn.com  
**Subject:** 3/5 Sustainable Development Comments  
**Attachments:** SFX222.pdf

Dear Councilmember Brocha,

I represent a number of Woodinville residents who have engaged Foster Pepper PLLC to advise them regarding the City's current planning effort and Sustainable Development Program. My clients live in single-family residences on R-1 acreage along the 156th Ave NE corridor. The properties are designated by the City as "vacant" or "redevelopable" under the City's Comprehensive Plan. The properties have direct access to a designated arterial, no designated critical areas, and urban services, including sewer, in close proximity.

My clients believe the responsible approach to balancing future growth and the environment within the UGA must include some allowance for certain R-1 properties to subdivide to greater densities where certain City criteria can be met. We agree that not all properties in R-1 are appropriately situated to accommodate increased density, e.g., R-4 zoning. Specifically, we would like the Council to consider maintaining R-1 zoning, with specific narrow criteria that would allow, along certain corridors or areas, the potential for approving rezones to R-4.

For your convenience, I attached a copy of a letter we submitted in the record during the Planning Commission proceedings. Together with my clients, I look forward to the opportunity to address the Council on this subject on Monday evening.

Sincerely,

**Joseph (Joe) A. Brogan**

Attorney

FOSTER PEPPER PLLC

1111 Third Avenue, Suite 3400

Seattle, WA 98101-3299

Phone: 206-447-6407

Fax: 206-749-1935

[brogj@foster.com](mailto:brogj@foster.com)

[www.foster.com](http://www.foster.com)



**FOSTER PEPPER** PLLC

## Jennifer Kuhn

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**From:** Joe Brogan [BrogJ@foster.com]  
**Sent:** Friday, March 02, 2007 2:06 PM  
**To:** Cathy VonWald  
**Cc:** pgr@tsandm.com; MommaBaird@aol.com; Steve Paulson; jancul@msn.com; PapaBaird@aol.com; lynne@tsandm.com  
**Subject:** 3/5 Hearing- Sustainable Development Comments  
**Attachments:** SFX222.pdf

Hon. Mayor VonWald,

I represent a number of Woodinville residents who have engaged Foster Pepper PLLC to advise them regarding the City's current planning effort and Sustainable Development Program. My clients live in single-family residences on R-1 acreage along the 156th Ave NE corridor. The properties are designated by the City as "vacant" or "redevelopable" under the City's Comprehensive Plan. The properties have direct access to a designated arterial, no designated critical areas, and urban services, including sewer, in close proximity.

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**FOSTER PEPPER** PLLC

## Jennifer Kuhn

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**From:** Joe Brogan [BrogJ@foster.com]  
**Sent:** Friday, March 02, 2007 2:10 PM  
**To:** Hank Stecker  
**Cc:** pgr@tsandm.com; MommaBaird@aol.com; lynne@tsandm.com; jancul@msn.com; Steve Pautson; PapaBaird@aol.com  
**Subject:** 3/5 Sustainable Development Comments  
**Attachments:** SFX222.pdf

Deputy Mayor Stecker,

I represent a number of Woodinville residents who have engaged Foster Pepper PLLC to advise them regarding the City's current planning effort and Sustainable Development Program. My clients live in single-family residences on R-1 acreage along the 156th Ave NE corridor. The properties are designated by the City as "vacant" or "redevelopable" under the City's Comprehensive Plan. The properties have direct access to a designated arterial, no designated critical areas, and urban services, including sewer, in close proximity.

My clients believe the responsible approach to balancing future growth and the environment within the UGA must include some allowance for certain R-1 properties to subdivide to greater densities where certain City criteria can be met. We agree that not all properties in R-1 are appropriately situated to accommodate increased density, e.g., R-4 zoning. Specifically, we would like the Council to consider maintaining R-1 zoning, with specific narrow criteria that would allow, along certain corridors or areas, the potential for approving rezones to R-4.

For your convenience, I attached a copy of a letter we submitted in the record during the Planning Commission proceedings. Together with my clients, I look forward to the opportunity to address the Council on this subject on Monday evening.

Sincerely,

**Joseph (Joe) A. Brogan**

Attorney

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Direct Facsimile (206) 749-1935  
E-Mail brogj@foster.com

January 25, 2007

**VIA U.S. MAIL**

Mr. Bob Wuotila, Senior Planner  
City of Woodinville  
Development Services Department  
17301 133<sup>rd</sup> Ave NE  
Woodinville, WA 98072

Re: City of Woodinville Sustainable Development Draft Report, Comprehensive Plan  
and Zoning Code Amendments

Dear Mr. Wuotila:

This firm represents Woodinville residents Peter Rothschild and Lynne Flaherty, Janice Culpepper and Steven Paulsen, and Randall and Patricia Baird (hereinafter referred to as the "Property Owners") on various land use and real estate matters. The Property Owners all own property within the City of Woodinville ("City") located within the R-1 Zone. At the present time, the Property Owners' private property is subject to a development moratorium originally imposed by the City through Ordinance No. 419.

This memorandum outlines the Property Owners' request with respect to suitable zoning for their properties. The Property Owners agree with the City that a proper balance between urban growth and environmental protection is appropriate in Urban Growth Areas consistent with the goals of the Growth Management Act ("GMA") (Chapter 36.70A RCW). However, the Property Owners' are concerned that the City may be considering curtailing any possibility of providing greater residential densities on their properties. The City should maintain a flexible approach to development of certain parcels within the existing R-1 Zone that would permit greater density consistent with the City's Comprehensive Plan, the goals of the GMA, and relevant Growth Management Hearings Board decisions.

**I. Background**

The Property Owners own property as follows:

- Rothschild & Flaherty: 20002 156<sup>th</sup> Avenue NE, Woodinville, Tax Parcel 0226059081;

- Paulson & Culpepper, 15641 NE 202<sup>nd</sup> Street, Woodinville, Tax Parcels 0226059129 and 0226059147; and
- Randall and Patricia Baird, 15638 NE 202<sup>nd</sup> Street, Woodinville, Tax Parcel 0226059128.

The above-referenced properties are contiguous with one another and access may be from 156<sup>th</sup> Avenue NE, which is designated as a Minor Arterial, or through existing access via NE 202<sup>nd</sup> Street. The properties are designated by the City on the Comprehensive Plan Buildable Lands Map as either “redevelopable” or “vacant.”

The City is engaged in a lengthy planning effort to determine whether development regulations within the R-1 Zone are appropriate and compliant with City policies and the goals of the GMA. The City has stated that a “significant probability exists that the City will amend several components of its Comprehensive Plan and development regulations upon completion of the Sustainable Development program – specifically and particularly including development regulations governing the current R-1 Zoning District.” Ordinance 419 at 6. The City’s findings concerning the development moratorium undoubtedly signal a shift away from focusing on allowing appropriate urban densities in the R-1 Zone in exchange for providing some greater level of protection for the environment.

## II. Appropriate Urban Densities

In *Viking Properties, Inc., v. Holm*<sup>1</sup>, the Washington State Supreme Court articulated that although there are no bright line rules for local jurisdictions planning for appropriate urban densities, jurisdictions must seek a proper balance of the GMA’s goals and not elevate one goal to the detriment of other important GMA goals.<sup>2</sup> The existing record, particularly Ordinance 419, suggests that the City is elevating protection of the local environment over planning for future urban growth. Alternatively, the City may simply use environmental values as a justification to address political or community pressure to preserve one-acre urban densities.

While *Viking* provides jurisdictions with flexibility in determining appropriate densities, nothing in the opinion changes the obligation of cities to properly balance the competing goals of the GMA on a case by case basis. Relevant GMA goals include the following:

- (1) Urban growth. *Encourage* development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. (emphasis added).
- (2) Reduce sprawl. Reduce inappropriate conversion of undeveloped land into sprawling low-density development.

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<sup>1</sup> 155 Wn.2d 112, 118 P.3d 322 (2005).

<sup>2</sup> *Viking Properties*, 155 Wn.2d at 127.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of the state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Maintenance of inflexible 1 du/acre zoning is inconsistent with *encouraging* urban growth, reducing sprawl and providing more affordable housing options in the City.

Post *Viking*, the Central Puget Sound Growth Management Hearings Board (“Central Board”) has maintained that a density of 1 du/acre is “not generally an appropriate urban density.” See *Fuhriman v. City of Bothell*, CPSGMHB Case No. 05-3-0025c, Final Decision and Order, (August 29, 2005). The Central Board has also held that “the GMA imposes an affirmative duty upon cities to “give support to,” “foster” and “stimulate” urban growth throughout the jurisdictions’ UGAs within the twenty-year life of their comprehensive plans.” *Kaleas v. City of Normandy Park*, CPSGMHB No. 05-3-0007c, Final Decision and Order, (July 19, 2005).

While accommodations may be made to address critical areas issues, such approaches must be rational and based on an inability to protect such areas through critical areas protections. *Kaleas* at 13. Where the Board has found noncompliance, it has concluded that the rationale for lower residential densities was not to provide added protection to environmentally sensitive areas, but to perpetuate existing low-density residential development patterns, i.e., sprawl.

The City has an affirmative obligation under the GMA to provide for appropriate residential densities. GMA decisions pre and post-*Viking* illustrate that maintaining 1 acre zoning in urban areas is, with limited exception, generally inconsistent with the goals of the GMA. The GMA, as interpreted by the Growth Boards, also places an affirmative duty on the City to think to the future and *encourage* urban densities within their UGAs.

### **III. Maintaining Inflexible 1-Acre Zoning is Inconsistent With the City’s Comprehensive Plan Policies and Development Regulations.**

#### **A. Comprehensive Plan**

The City’s Comprehensive Plan Land Use and Housing Policies provide a firm foundation for allowing greater density in the existing R-1 Zone.<sup>3</sup> The following Comprehensive Plan Goals and Policies support residential densities greater than 1-du/acre within the existing R-1 Zone and on the subject properties:

*LU 1.2 – Encourage future development in areas:*

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<sup>3</sup> It is noteworthy in the record that at the time of the enactment of the moratorium, the City expanded on what it believed were relevant Environmental Policies in the Comp Plan, yet the City failed to set out equally relevant Comprehensive Plan Land Use and Housing Policies. See Ordinance 419, Exhibit A.

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.*

As noted above, the subject properties are designated by the City as "vacant" or "underdeveloped land." Urban services can be provided in the area in a cost-effective manner. See Sustainable Development Review, Capital Facilities and Utilities Report at 13. Any adverse impacts to the environment caused by 4 du/acre residential development can be easily mitigated.

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

*LU-3.6 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 land is capable of supporting such uses, and where compatible with adjacent land uses.*

*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.*

Permitted densities of 4 du/acre in limited areas within the R-1 Zone would provide for a range of more affordable single-family housing in a city that has experienced a tremendous increase in housing prices over the last decade. The subject properties are capable of supporting greater residential density. The properties have direct access to a minor arterial, therefore, potential traffic impacts to the surrounding neighborhood would be minimal. Low density residential development, e.g. 4 du/acre, once properly conditioned, is traditionally considered compatible with adjacent residential development of lesser density.

#### *Future Land Use Map*

#### *Low Density Residential*

*This designation has been applied to all areas currently developed with predominately single-family detached dwellings. Other dwelling types will be allowed under certain circumstances, such as duplexes, single-family attached, or accessory (i.e., mother-in-law) dwellings. The permitted density for this designation will not exceed 4 dwelling units per acre.*

The subject properties are located within the Low Density Residential area. The City's Policy statement acknowledges that a residential density up to 4 du/acre is an appropriate urban density in this area. Denser residential development can be provided in certain locations, including those areas with direct access to arterials, where clustering or other creative design approaches can further enhance compatibility with surrounding residential uses.

*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-1.4 Define residential land use regulations to allow for development that will accommodate a range of incomes by providing 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,*
- 2. Allowing for bonus densities in developments that meet certain community goals such as senior housing, housing affordability, proximity to transit, dedication of parks/trails/open space, preservation of historic landmarks, energy conservation. Protection of sensitive areas, and tree preservation,*
- 3. Permitting high density for low income elderly housing projects when consistent with the Housing Strategy Plan and other applicable land use policies, and*
- 4. Providing flexible subdivision standards subject to adopted criteria.*

The existing Comprehensive Plan calls for a greater diversity of affordable housing throughout the City. Flexible zoning approaches in residential areas should be provided where urban services are available, adequate environmental protection may be achieved, direct access to arterials exists and where access to transit is possible. The Capital Facilities and Utilities Report supports the finding that urban services, including sanitary sewer, can be readily provided to the Property Owners' parcels. See Capital Facilities and Utilities Report at 13.

#### B. Development Regulations

Since incorporation, the City's Comprehensive Plan and zoning have allowed areas zoned for one dwelling unit per acre (R-1) to be converted, through a public hearing process, to up to four dwelling units per acre (R-4), contingent upon the provision of sanitary sewer service through a developer-provided extension of sewer lines. *City Staff Report, September 11, 2006.* This approach is entirely consistent with providing for appropriate urban density within a UGA and should be maintained.

Chapter 21.04 of the Municipal Code specifies the purpose of the City's residential (R) zones. Chapter 21.04.080 provides as follows:

#### *21.04.080 Residential Zones.*

*(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 predominately single-family detached dwelling units. Other development types, such as duplexes and accessory units,*

Mr. Bob Wuotila  
January 25, 2007  
Page 6

*are allowed under special circumstances. Developments with densities less than R-4 are allowed only if adequate services cannot be provided;...*

The City's existing code contemplates that 4 du/acre is an appropriate residential density in low density zones where adequate public services can be provided.

#### **IV. Interests of the Property Owners**

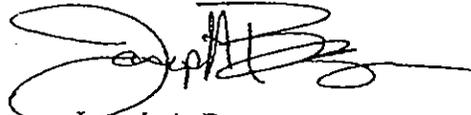
The Property Owners maintain that some flexibility should be provided for existing R-1 properties that are particularly suited for accommodating increased density. Higher urban densities are appropriate at locations along transportation corridors that can be supported by transit now or in the future. *Kaleas* at 10. Higher residential urban densities are also appropriate where urban services such as sewer service exist, or can readily be provided. *Kaleas* at 10. The Property Owners all own underdeveloped property adjacent to, or that can be accessed off of, a City arterial, 156<sup>th</sup> Ave NE. Preservation of existing densities and inflexible R-1 zoning in the North Wellington neighborhood based on a desire to "protect neighborhood character" would be inconsistent with GMA mandates.

The Property Owners request that the City permit a residential density of 4 du/acre on the subject properties. Implementation could take the form of the status quo (allowing rezones to R-4, with conditions), an overlay, or some other special exception to the R-1 regulations that allows for greater density where certain conditions exist and certain criteria may be satisfied.

The Property Owners look forward to presenting their position to you, the Planning Commission and the City Council. We would like to set up an informal meeting with you at your earliest convenience to discuss our proposal and the City's planning effort.

Sincerely,

FOSTER PEPPER PLLC



Joseph A. Brogan

Richard Settle  
Peter Rothschild & Lynne Flaherty  
Janice Culpepper & Steve Paulsen  
Patricia & Randall Baird

Council

Sus

Jennifer Kuhn

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**From:** CDambrosia@aol.com  
**Sent:** Friday, March 02, 2007 11:39 AM  
**To:** Cathy VonWald  
**Subject:** Sustainable Development-Zoning upgrades  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

March 5, 2007

Woodinville City Council  
City of Woodinville  
17301 -133rd Avenue NE  
Woodinville, WA 98072

**Reference:** City Council Meeting February 26, 2007  
Sustainable Development Study

**Subject:** Up-zoning in the current R-1 area

Dear Council member,

My name is Charles D'Ambrosia. My wife and I live at 15406 NE 182<sup>nd</sup> Pl. We have been Woodinville residents for 24 years.

I Attended the City Council meeting February 26 where the engineering consultants hired by the city and the city planning department presented the results of their Sustainable Development studies. The environmental studies identified two critical areas and some wetlands that require protection, probably through up-zoning limitations. The city appears to have a solid foundation from the studies to withstand legal challenges if zoning upgrades were restricted in those areas.

The studies also seem to support some restriction on up zoning in a few other areas in the remaining current R-1 area based on existing neighborhood character specifically in North Wellington and should be the basis for defense of zoning restrictions.

However, the studies do not support up-zoning restrictions in the remaining R-1 area. On the contrary they are a strong foundation of support for up zoning. Restricting up zoning in the remaining area is not, in my opinion, defensible. This is especially true now that there is a body of evidence as a matter of public record defined by the studies that can be pointed to supporting up zoning.

From what I heard at the City Council meeting, there appears to be a contrary view held by the Citizens Advisory Panel. While they seem to be hard working capable people, they have come to dominate the debate with a single point of view, and that, in my opinion, is to stop all up-zoning in the current R-1 area no matter what the studies say. I would like to point out that the CAP does not represent a cross section of Woodinville citizens on that view, but continues to drown out the rest of us who are in favor of a more reasoned approach.

I heard the engineering consultants and the city planning department tell the City Council, further study will be very expensive and unlikely to change their conclusions. Why then continue to delay action in the faint hope of coming up with a different answer?

The only basis I heard at the city council meeting on the 26th for stopping up-zoning is that the city believes they can meet their population quotas through 2028 holding everything at R-1 and therefore do not have to consider up-zoning at all. That, in my opinion, is a very thin argument. I believe it will prove to be indefensible when challenged. The city has spent a lot of money on the studies and the planning department has worked untold hours on figuring this all out. It's time to start listening to them and tune out the rhetoric coming from a biased group of people.

If the City Council adopts a blanket no up-zone policy in the R-1 area it is probably setting the city up for years of litigation. On the other hand, if it takes a step back and thinks a little, it can create a strong defensible position, protect critical areas, wetlands and neighborhoods that have been identified as sensitive, while allowing up zoning in certain areas. This balanced approach should insulate the City from the majority of legal challenges that are otherwise certain to come. Zoning Option 3, R-Multiple Factors Figure ES-9 in the Executive Summary shows a mix of zonings, which is supported by the studies and should be defensible over the long haul. I urge the City Council to adopt this alternative.

Respectfully,

Charles D'Ambrosia

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AOL now offers free email to everyone. Find out more about what's free from AOL at [AOL.com](http://AOL.com).

Council

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Jennifer Kuhn

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**From:** EddBk@aol.com  
**Sent:** Friday, March 02, 2007 4:26 PM  
**To:** Cathy VonWald  
**Subject:** 22yr. resident  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hello,

My name is Lark Arend and I have lived in Woodinville at 15830 N.E. 175th St. since 1985. Enough already with this MORITORIUM! I have already missed out on selling one acre of my property to a Woodinville couple who wanted to build their dream home on one of my back acres. I was shocked to receive this weeks Woodinville Weekly with atleast 3or 4 listings of Public Notice regarding either the moritorium extension and or the sustainable development. I have already attended quite a few meetings and I am appalled that this whole process is not yet resolved. Perhaps someone on the council would like to buy my property and get me out from under this moritorium mess!

Lark Arend

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## Jennifer Kuhn

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**From:** phart@parker.com  
**t:** Sunday, March 04, 2007 8:48 PM  
Council  
**Subject:** March 5th Council meeting issues  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178th/151st, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

- 178th/151st turns into a demolition derby every time it snows
- Parts of 178th/151st are more than 50% steeper than Woodinville's code allows

- Pedestrian traffic – school children – is heavy on this road because it's too steep for school buses

- The "engineered solutions" staff recommend – speed bumps – won't fix the traction problems we experience routinely because of the road's steepness

- Speed bumps are a completely inadequate solution to the additional 2700 trips a day that could be traveling through our neighborhood from the 70 acres on Laurel Plateau, that staff are proposing to upzone and apparently plan to route on 178th/151st.

- In the 2004 Draughn hearings, citizens submitted about 150 comments, most of which focused on the dangers of adding more traffic to 178th /151st.

Please do the following:

- Complete the R-1 critical areas studies using Best Available Science
- Conduct more complete and comprehensive traffic and street studies, including not only traffic volumes but identification of roads that are hazardous by virtue of their configurations and profiles.

- Keep the CAP impaneled to scope the next phase of the project, review the next phase with the consultants, review the consultant reports, and make recommendations

- Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner

- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does

- Renew the moratorium to achieve these goals.

Thank you.

Patrick Hart  
14315 NE. 178th St  
Woodinville, WA 98072

Council  
mor

**Jennifer Kuhn**

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**From:** Dick Boston [bosox4@msn.com]  
**To:** Sunday, March 04, 2007 9:46 PM  
**Subject:** Council  
Sustainable Development Report  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. City staff have failed to complete their assigned task of studying critical areas, the report is incomplete and ignores conditions in Woodinville that could become extremely hazardous if current staff commendations are followed.

As an example, 178th/151st, the road through Woodinville Heights, which appears to be the planned entry point to approximately 70 acres of land on Laurel Plateau, the staff is proposing upzoning to R-4. Your city staff neglected to mention to you that:

178th/151st is an extraordinarily hazardous road with limited sight-lines and slope exceeding city code and which turns into a skating rink every time it snows.

Parts of 178th/151st are greater than 50% steeper than Woodinville's code allows.

Pedestrian traffic – school children – is heavy on this road because it's too steep for school buses. The "engineered solutions" staff recommend – speed bumps – won't fix the traction problems we experience routinely because of the road's steepness. Speed bumps are a completely inadequate solution to the additional

10 trips a day that could be traveling through our neighborhood from the 70 acres on Laurel Plateau, that staff are proposing to upzone and apparently plan to route on 178th/151st.

In the 2004 Draughn hearings, citizens submitted about 150 comments, most of which focused on the dangers of adding more traffic to 178th/151st.

Please do the following:

Complete the R-1 critical areas studies using Best Available Science. Conduct more complete and comprehensive traffic and street studies, including not only traffic volumes but identification of roads that are hazardous by virtue of their configurations and profiles.

Keep the CAP impaneled to scope the next phase of the project, review the next phase with the consultants, review the consultant reports, and make recommendations. Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner. Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does. Renew the moratorium to achieve these goals.

Thank you,  
Richard Boston  
Homeowner

Council  
mur

Jennifer Kuhn

---

**From:** Dave.Shepherd@Emulex.Com  
**Sent:** Sunday, March 04, 2007 10:12 PM  
**To:** Council  
**Cc:** Cindy Baker; Cathy VonWald  
**Subject:** R1 Moratorium Citizens Response  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council,

A couple of years ago Oregon passed Measure 39 requiring government to compensate property owners for what was termed "damages received through government regulations". Since then there have been many consequences effecting everything from traffic through towns, to unrestricted growth, over crowding in public school, to logging and clearing near salmon streams.

In Nov 2006 voter in Washington were presented with Initiative 933 which was similar to Oregon's Measure 39. Initiative 933 required government to consider the rights property owners in such a way that "restrictions of the use of property by government has created a hardship for many and destroying reasonable expectations of being able to make beneficial use of their property".

This Initiative along with similar Initiatives in four other states went down to Sounding Defeat - in Washington by a margin of 60 percent.

What is this defeat telling us? How should we view and consider the rights of property owners that have purchased property "knowing fully well, that when they purchased their property, it was Zoned R-1". If we refuse to act on a re-zoning request that changes property from R-1 to R-6 - should we view that as a "Taking of their Property?"

The answer is clearly NO! - it is not at all taking of the property! Instead we citizens are protecting Our Rights to live un-fettered by consequences of uncontrolled (Un-sustainable Development ) that threaten our well being. Recently the city hosted and funded an open house that purports Sustainable Development - when we are today living with the consequences of Un-sustainable Development. Anyone that passed though downtown Woodinville on 175<sup>th</sup> street during the last city council elections sat in bumper to bumper traffic while listening to would be city council members campaign on the platform of the consequences of un-sustainable development.

The Moratorium put in place by the council in May of last year is being questioned. Many outside influences (developers) would very much like to see this moratorium eliminated. They would have us think that it is not the proper tool. That it should be only a stop gap measure.

Perhaps they would say "A moratorium is the wrong tool to control development". As shown by the sounding defeat of Initiative 933, that opinion would be far outside the norm. You on the council are there to represent us and do our bidding.

A moratorium against re-zoning R-1 property is the correct tool to use. Further it is the proper tool to use until we have thoroughly evaluated our options and completed the studies for which it was first put in place.

The citizens are now asking - why the city is NOT hosting and funding studies with titles like "The Consequences of Un-Sustainable Development in Woodinville" to be used a source of documented scientific reasons as to why we are maintaining the R1 Moratorium? Instead of looking to strengthen this tool, the

city appears for some reason looking for reasons to abolish it. That is in direct conflict with the citizens wishes! WE HAVE TO ASK WHY?

Further, we should not be afraid to stand up for Our Rights. Why is it so hard to do what is right for the citizens? We should not bend the terms of lawsuits by developers that on one hand pretend to be helping us while on the other threatening us with lawsuits. This council needs to recognize that the citizens are the city's first responsibility and that cannot be trumped by the threat of a lawsuit.

In conclusion, I ask the council request the resignation of Cindy Baker. She has not acted in a favorable manner for the Citizens of Woodinville. She has instead favored developers at every turn. She does not seem to know to where her loyalty should reside. Perhaps making her an example will send a broad message to others as to where their loyalties and responsibility should reside.

Thank you  
David Shepherd  
17615 148th Ave NE.  
Woodinville, WA 98072

Council

SUS

Jennifer Kuhn

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**From:** Scott Robinson [robinson.scott@verizon.net]  
**Sent:** Monday, March 05, 2007 4:01 PM  
**To:** Chuck Price  
**Subject:** Land Parcel #1126059008 ("The Draughn Property".) Zoning/Development  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Draughn Council Letter 030507.doc

Dear Council Member Price:

I wrote the council recently about my concern that members of the CAP I know believe crucial information to be included in the Sustainable Development Final Report is either incomplete, or inaccurate. Because re-zoning in my area will be affected by this study, I felt it essential to remind the council why, three years ago, movement to develop Land Parcel #1126059008 ("The Draughn Property".) and accompanying traffic on NE 178<sup>th</sup> St./151<sup>st</sup> Ave NE was wisely halted by the Planning Commission and the City Council. Attached is my formal letter and a short video addressing the dangers of this development.

I know there are huge pressures to develop, and I appreciate the Council's foresight thus far. Thank you for helping keeping my neighborhood safe. I've tried to keep the letter and video short; I know you're very busy. Acknowledgement that you've viewed them would be greatly appreciated.

<http://www.youtube.com/watch?v=0vHDR2oEJSA>

Sincerely,

Scott Robinson

## Jennifer Kuhn

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**From:** Scott Robinson [robinson.scott@verizon.net]  
**Sent:** Monday, March 05, 2007 4:03 PM  
**To:** Cathy VonWald  
**Subject:** Land Parcel #1126059008 ("The Draughn Property".) Zoning/Development  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Draughn Council Letter 030507.doc

Dear Mayor VonWald,

I wrote the council recently about my concern that members of the CAP I know believe crucial information to be included in the Sustainable Development Final Report is either incomplete, or inaccurate. Because re-zoning in my area will be affected by this study, I felt it essential to remind the council why, three years ago, movement to develop Land Parcel #1126059008 ("The Draughn Property".) and accompanying traffic on NE 178<sup>th</sup> St./151<sup>st</sup> Ave NE was wisely halted by the Planning Commission and the City Council. Attached is my formal letter and a short video addressing the dangers of this development.

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<http://www.youtube.com/watch?v=0vHDR2oEJSA>

Sincerely,

Scott Robinson

## Jennifer Kuhn

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**From:** Scott Robinson [robinson.scott@verizon.net]  
**Sent:** Monday, March 05, 2007 4:10 PM  
**To:** Hank Stecker  
**Subject:** Land Parcel #1126059008 ("The Draughn Property".) Zoning/Development  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Draughn Council Letter 030507.doc

Dear Deputy Mayor Stecker:

I wrote the council recently about my concern that members of the CAP I know believe crucial information to be included in the Sustainable Development Final Report is either incomplete, or inaccurate. Because re-zoning in my area will be affected by this study, I felt it essential to remind the council why, three years ago, movement to develop Land Parcel #1126059008 ("The Draughn Property".) and accompanying traffic on NE 178<sup>th</sup> St./151<sup>st</sup> Ave NE was wisely halted by the Planning Commission and the City Council. Attached is my formal letter and a short video addressing the dangers of this development.

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<http://www.youtube.com/watch?v=0vHDR2oEJSA>

Sincerely,

## Jennifer Kuhn

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**From:** Scott Robinson [robinson.scott@verizon.net]  
**Sent:** Monday, March 05, 2007 4:15 PM  
**To:** Scott Hageman  
**Subject:** Land Parcel #1126059008 ("The Draughn Property".) Zoning/Development  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Draughn Council Letter 030507.doc

Dear Council Member Hageman:

I wrote the council recently about my concern that members of the CAP I know believe crucial information to be included in the Sustainable Development Final Report is either incomplete, or inaccurate. Because re-zoning in my area will be affected by this study, I felt it essential to remind the council why, three years ago, movement to develop Land Parcel #1126059008 ("The Draughn Property".) and accompanying traffic on NE 178<sup>th</sup> St./151<sup>st</sup> Ave NE was wisely halted by the Planning Commission and the City Council. Attached is my formal letter and a short video addressing the dangers of this development.

I know there are huge pressures to develop, and I appreciate the Council's foresight thus far. Thank you for helping keeping my neighborhood safe. I've tried to keep the letter and video short; I know you're very busy. Acknowledgement that you've viewed them would be greatly appreciated.

<http://www.youtube.com/watch?v=0vHDR2oEJSA>

Sincerely,

Scott Robinson

## Jennifer Kuhn

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**From:** Scott Robinson [robinson.scott@verizon.net]  
**Sent:** Monday, March 05, 2007 4:16 PM  
**To:** Mike Roskind  
**Subject:** Land Parcel #1126059008 ("The Draughn Property".) Zoning/Development  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Draughn Council Letter 030507.doc

Dear Council Member Roskind:

I wrote the council recently about my concern that members of the CAP I know believe crucial information to be included in the Sustainable Development Final Report is either incomplete, or inaccurate. Because re-zoning in my area will be affected by this study, I felt it essential to remind the council why, three years ago, movement to develop Land Parcel #1126059008 ("The Draughn Property".) and accompanying traffic on NE 178<sup>th</sup> St./151<sup>st</sup> Ave NE was wisely halted by the Planning Commission and the City Council. Attached is my formal letter and a short video addressing the dangers of this development.

I know there are huge pressures to develop, and I appreciate the Council's foresight thus far. Thank you for helping keeping my neighborhood safe. I've tried to keep the letter and video short; I know you're very busy. Acknowledgement that you've viewed them would be greatly appreciated.

<http://www.youtube.com/watch?v=0vHDR2oEJSA>

Sincerely,

Scott Robinson

## Jennifer Kuhn

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**From:** Scott Robinson [robinson.scott@verizon.net]  
**Sent:** Monday, March 05, 2007 4:17 PM  
**To:** Gina Leonard  
**Subject:** Land Parcel #1126059008 ("The Draughn Property".) Zoning/Development  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Draughn Council Letter 030507.doc

Dear Council Member Leonard:

I wrote the council recently about my concern that members of the CAP I know believe crucial information to be included in the Sustainable Development Final Report is either incomplete, or inaccurate. Because re-zoning in my area will be affected by this study, I felt it essential to remind the council why, three years ago, movement to develop Land Parcel #1126059008 ("The Draughn Property".) and accompanying traffic on NE 178<sup>th</sup> St./151<sup>st</sup> Ave NE was wisely halted by the Planning Commission and the City Council. Attached is my formal letter and a short video addressing the dangers of this development.

I know there are huge pressures to develop, and I appreciate the Council's foresight thus far. Thank you for helping keeping my neighborhood safe. I've tried to keep the letter and video short; I know you're very busy. Acknowledgement that you've viewed them would be greatly appreciated.

<http://www.youtube.com/watch?v=0vHDR2oEJSA>

Sincerely,

Scott Robinson

## Jennifer Kuhn

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**From:** Scott Robinson [robinson.scott@verizon.net]  
**Sent:** Monday, March 05, 2007 4:22 PM  
**To:** Don Brocha  
**Subject:** Land Parcel #1126059008 ("The Draughn Property".) Zoning/Development  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council Member Brocha:

I wrote the council recently about my concern that members of the CAP I know believe crucial information to be included in the Sustainable Development Final Report is either incomplete, or inaccurate. Because re-zoning in my area will be affected by this study, I felt it essential to remind the council why, three years ago, movement to develop Land Parcel #1126059008 ("The Draughn Property".) and accompanying traffic on NE 178<sup>th</sup> St./151<sup>st</sup> Ave NE was wisely halted by the Planning Commission and the City Council. Attached is my formal letter and a short video addressing the dangers of this development.

I know there are huge pressures to develop, and I appreciate the Council's foresight thus far. Thank you for helping keeping my neighborhood safe. I've tried to keep the letter and video short; I know you're very busy. Acknowledgement that you've viewed them would be greatly appreciated.

<http://www.youtube.com/watch?v=0vHDR2oEJSA>

Sincerely,

Scott Robinson

March 5, 2007

Woodinville City Council Members  
City of Woodinville  
17301 133rd Avenue NE  
Woodinville, WA 98072

Dear Council Members:

I am writing to express my deep concern at the possibility of re-zoning land parcel #1126059008 ("The Draughn Property") for a housing development; and to support the City Planning Commission's suggestion to block N.E 178th St./151st Way N.E. ("Nosebleed Hill") to prevent future traffic increases. I am especially alarmed by the city staff's inaccurate "Sustainable Development Final Report" that will soon be submitted to base zoning decisions on.

A housing development alone would drastically change the character of the neighborhood. Many of the realities that justifiably halt such projects elsewhere apply here. Developing this lot would destroy one of the area's last large tracks of forested lands, which is home to extensive wildlife. Defoliating these hills would raise real risks of landslides and flooding. Additional development would further pollute the numerous streams on this hillside that flow into Woodinville's rivers.

But this letter especially addresses an issue that would make this development uniquely dangerous: the treacherous traffic conditions on N.E 178th St./151st Way N.E. that would access it. This road is extremely steep, often steeper than the 18% recommended maximum grade we residents were told the city must build under. The road has several blind hills and sharp, limited-visibility turns, often on the steepest sections. The situation is hazardous during light, dry conditions. At night, in the rain, they are extremely dangerous. During snow, hail, or high winds, the road becomes virtually unusable. And these are the conditions when people obey the posted speeds. But the steep hills mean traffic regularly doubles the limit. The street is truly unsafe, and even stop signs, speed bumps, or traffic lights would be unlikely to have any meaningful effect. I am producing several publicity videos which I hope illustrates the problem:

<http://www.youtube.com/watch?v=0vHDR2oEJSA>

The danger is especially pronounced by the fact that this is a residential neighborhood. Children regularly play around these blind streets. The lack of school bus service (due to the road conditions(!)) means children walk this winding hill to bus stops every day at rush hour.

Developers and the preparers of the "Sustainable Development Final Report" may have papers and lawyers which explain why such a development would be safe, environmentally friendly, and good for the community. Meanwhile in the real world, this hill is extremely unsafe and I urge decision-makers to visit it and see for themselves.

On a personal note: my wife and I chose this quiet street to settle and raise a family on. Any development and through-way would more than just ruin the neighborhood; it would jeopardize our safety. Really. Please do the right thing and decline any development or traffic increase.

Sincerely,

Scott Robinson

Council  
mor

Jennifer Kuhn

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**From:** Cindy Baker  
**Sent:** Monday, March 05, 2007 12:22 PM  
**To:** Jennifer Kuhn  
**Cc:** Richard Leahy  
**Subject:** FW: R1 Moratorium Citizens Response  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Another letter on Sustainable Development

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**From:** Dave.Shepherd@Emulex.Com [mailto:Dave.Shepherd@Emulex.Com]  
**Sent:** Sunday, March 04, 2007 10:12 PM  
**To:** Council  
**Cc:** Cindy Baker; Cathy VonWald  
**Subject:** R1 Moratorium Citizens Response

Dear Council,

A couple of years ago Oregon passed Measure 39 requiring government to compensate property owners for what was termed "damages received through government regulations". Since then there have been many consequences effecting everything from traffic through towns, to unrestricted growth, over crowding in public school, to logging and clearing near salmon streams.

In Nov 2006 voter in Washington were presented with Initiative 933 which was similar to Oregon's Measure 39. Initiative 933 required government to consider the rights property owners in such a way that "restrictions of the use of property by government has created a hardship for many and destroying reasonable expectations of being able to make beneficial use of their property".

This Initiative along with similar Initiatives in four other states went down to Sounding Defeat – in Washington by a margin of 60 percent.

What is this defeat telling us? How should we view and consider the rights of property owners that have purchased property "knowing fully well, that when they purchased their property, it was Zoned R-1". If we refuse to act on a re-zoning request that changes property from R-1 to R-6 - should we view that as a "Taking of their Property?"

The answer is clearly NO! - it is not at all taking of the property! Instead we citizens are protecting Our Rights to live un-fettered by consequences of uncontrolled (**Un-sustainable Development**) that threaten our well being. Recently the city hosted and funded an open house that purports Sustainable Development – when we are today living with the consequences of Un-sustainable Development. Anyone that passed through downtown Woodinville on 175<sup>th</sup> street during the last city council elections sat in bumper to bumper traffic while listening to would be city council members campaign on the platform of the consequences of un-sustainable development.

The Moratorium put in place by the council in May of last year is being questioned. Many outside influences (developers) would very much like to see this moratorium eliminated. They would have us think that it is not the proper tool. That it should be only a stop gap measure.

Perhaps they would say "A moratorium is the wrong tool to control development". As shown by the sounding defeat of Initiative 933, that opinion would be far outside the norm. You on the council are there to represent us and do our bidding.

420 A moratorium against re-zoning R-1 property is the correct tool to use. Further it is the proper tool to use until we

05/29/2007

have thoroughly evaluated our options and completed the studies for which it was first put in place.

The citizens are now asking - why the city is NOT hosting and funding studies with titles like "The Consequences of Un-Sustainable Development in Woodinville" to be used a source of documented scientific reasons as to why we are maintaining the R1 Moratorium? Instead of looking to strengthen this tool, the city appears for some reason looking for reasons to abolish it. That is in direct conflict with the citizens wishes! WE HAVE TO ASK WHY?

Further, we should not be afraid to stand up for Our Rights. Why is it so hard to do what is right for the citizens? We should not bend the knees to lawsuits by developers that on one hand pretend to be helping us while on the other threatening us with lawsuits. This council needs to recognize that the citizens are the city's first responsibility and that cannot be trumped by the threat of a lawsuit.

In conclusion, I ask the council request the resignation of Cindy Baker. She has not acted in a favorable agent for the Citizens of Woodinville. She has instead favored developers at every turn. She does not seem to know to where her loyalty should reside. Perhaps making her an example will send a broad message to others as to where their loyalties and responsibility should reside.

Thank you  
David Shepherd  
17615 148th Ave NE.  
Woodinville, WA 98072

Council  
Mar

**Jennifer Kuhn**

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**From:** Vicki Ward [vward@nsd.org]  
**t:** Monday, March 05, 2007 2:53 PM  
Jennifer Kuhn  
**Subject:** Public Comment for Sustainable Development and R-1 Moratorium Hearings  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178th/151st, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

- \* 178th/151st turns into a demolition derby every time it snows
- \* Parts of 178th/151st are more than 50% steeper than Woodinville's code allows
- \* Pedestrian traffic school children is heavy on this road because it's too steep for school buses
- \* The "engineered solutions" staff recommend speed bumps won't fix the traction problems we experience routinely because of the road's steepness
- \* Speed bumps are a completely inadequate solution to the additional 2700 trips a day that could be traveling through our neighborhood from the 70 acres on Laurel Plateau, that staff are proposing to upzone and apparently to route on 178th/151st.
- \* In the 2004 Draughn hearings, citizens submitted about 150 comments, most of which focused on the dangers of adding more traffic to 178th/151st.

Please do the following:

- \* Complete the R-1 critical areas studies using Best Available Science
- \* Conduct more complete and comprehensive traffic and street studies, including not only traffic volumes but identification of roads that are hazardous by virtue of their configurations and profiles.
- \* Keep the CAP impaneled to scope the next phase of the project, review the next phase with the consultants, review the consultant reports, and make recommendations
- \* Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner
- \* Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- \* Renew the moratorium to achieve these goals.

Thank you.

Ken and Vicki Ward  
17863- 149th Ave. NE  
Woodinville

Council

Jennifer Kuhn

mor

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**From:** EddBk@aol.com  
**Sent:** Monday, March 05, 2007 5:30 PM  
**To:** Jennifer Kuhn  
**Subject:** moritorium extension  
**Follow Up Flag:** Follow up  
**Flag Status:** Purple

Hello,

My name is Ms. Lark Arend and I am a 22 yr. resident of Woodinville residing at 15830 N.E. 175th St. since 1985.

I have attended many meetings and spoke to the Planning Commission and I am apalled that the council has yet to resolve this issue and that perhaps they are considering extending the moritorium. I have already become a victim to this MORITORIUM MESS as I had a buyer for one acre of my property, from a current Woodinville resident to build their dream home but because of the moritorium they have recently purchased property on the other side of Hollywood Hill in unincorporated King County to pursue their dream. I am land rich and money poor and was hoping to be able to divide my beautiful, flat, sunny, 2 -1/2 acres into 3 building lots. Under your Option 3, I am to remain R1 and yet my neighbors to the west of me will be rezoned R4. Since I live on the corner of 159th Ave N. E and N.E. 175th St, I would hope if you decide on Option 3 that someone will atleast consider moving the line of R4 to include my property.

Thank you for your consideration on this matter.

Sincerely,

Lark Arend

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AOL now offers free email to everyone. Find out more about what's free from AOL at [AOL.com](http://AOL.com).

Council  
msf

## Jennifer Kuhn

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**From:** John Halpin [johnh@casadecolumbia.com]  
**Sent:** Monday, March 05, 2007 8:15 AM  
**To:** Council  
**Subject:** Druagh Property

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178<sup>th</sup>/151<sup>st</sup>, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

- 178<sup>th</sup>/151<sup>st</sup> turns into a demolition derby every time it snows
- Parts of 178<sup>th</sup>/151<sup>st</sup> are more than 50% steeper than Woodinville's code allows
- Pedestrian traffic – school children – is heavy on this road because it's too steep for school buses
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- In the 2004 Draughn hearings, citizens submitted about 150 comments, most of which focused on the dangers of adding more traffic to 178<sup>th</sup>/151<sup>st</sup>.

Please do the following:

- Complete the R-1 critical areas studies using Best Available Science
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- Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner
- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- Renew the moratorium to achieve these goals.

Thank you.

John Halpi

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John Halpin  
[johnh@casadecolumbia.com](mailto:johnh@casadecolumbia.com)  
Tel: 206.763.2350 Fax: 206.763.7523  
[www.casadecolumbia.com](http://www.casadecolumbia.com)

Council

MML

Jennifer Kuhn

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**From:** Stefanzick, Heinz D [heinz.d.stefanzick@boeing.com]  
**Sent:** Monday, March 05, 2007 7:18 AM  
**To:** Council; Jennifer Kuhn  
**Subject:** Public Comment for Sustainable Development and R-1 Moratorium Hearings  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178<sup>th</sup>/151<sup>st</sup>, the road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for up zoning to R-4. Staff neglected to mention to you that:

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- Pedestrian traffic – school children – is heavy on this road because it's too steep for school buses
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- Speed bumps are a completely inadequate solution to the **additional 2700 trips a day** that could be traveling through our neighborhood from the 70 acres on Laurel Plateau, that staff are proposing to up zone and apparently plan to route on 178<sup>th</sup>/151<sup>st</sup>.
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Please do the following:

- Complete the R-1 critical areas studies using Best Available Science
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- Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner
- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- Renew the moratorium to achieve these goals.

Thank you.

Heinz and Lisa Stefanzick  
17851 151<sup>st</sup> Way NE  
Woodinville, WA 98072

Council

mar

Jennifer Kuhn

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**From:** EddBk@aol.com  
**Sent:** Monday, March 05, 2007 9:46 PM  
**To:** Jennifer Kuhn  
**Subject:** mistake made  
**Follow Up Flag:** Follow up  
**Flag Status:** Purple

Hello,

On my previous email to you I made a mistake as to which option I oppose, I meant Option 2 but stated Option 3. Will you please make the necessary corrections?

I'm so sorry for any inconvenience.

Sincerely,

Ms Lark Arend

15830 N.E. 175th St.

Woodinville, Wa. 98072

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AOL now offers free email to everyone. Find out more about what's free from AOL at [AOL.com](http://AOL.com).

Council

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Jennifer Kuhn

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**From:** Jennifer Kuhn  
**Sent:** Monday, March 05, 2007 1:38 PM  
**To:** Council  
**Cc:** Richard Leahy  
**Subject:** FW: Letter/Email to be shared at Hearing on R-1 Moratorium Extension meeting 3/5/07  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

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**From:** Steve White [mailto:stevenjuu@hotmail.com]  
**Sent:** Friday, March 02, 2007 2:58 PM  
**To:** Charleine Sell  
**Cc:** Cindy Baker  
**Subject:** Letter/Email to be shared at Hearing on R-1 Moratorium Extension meeting 3/5/07

Hi Charleine,

Could you present this letter to the meeting on Monday. Also could you respond to let me know that you can do this?

Thx, steve

Letter

My name is Steven White and I own 2 acres of land with a house on the corner of the lot at 18819 165<sup>th</sup> Ave NE tax parcel code 0126059217. I request that this information be shared at the "Hearing on R-1 Moratorium Extension" meeting on March 5, 2007 as I'll be travelling out of town. My goal is to subdivide my lot and start building a new house on it this year (ASAP). I am open to subdividing it for R1 to R4 and will plan the new house accordingly. However I do not want to wait for sewers, additional studies or other things that may delay this effort.

My lot is included in the "North Leota" area in your recent documents.

I encourage the City Hall to adopt R-2 rating in the Wellington and in particular North Leota area for the following reasons:

- **R2 zoning will blend with existing developments:** Houses on 164<sup>th</sup> Ave NE build around 2000 are built on approximately ½ acre lots. Specifically lot 6 is 24, 272 sq ft (110x222) and lot 5 is 24,247 sq ft (110x221). These houses sell in the range of around \$1.5 M and these houses fit the character of the Wellington neighborhood. Additionally a few of the lots on 165<sup>th</sup> Place are about ½ acres (not including the wetlands/drainage area). Directly to the north of 164<sup>th</sup> Ave of this is the 2005 Street of Dreams. These houses are all on lots less than 1 acre (after accounting for roads, etc). These houses sell in the \$3M range and also fit the character of Wellington albeit at a high end range.

- **Work towards GMA requirements:** Having areas of Wellington (or at least North Leota) at R2 will help achieve the requirements of the GMA (vs R1) to reduce urban sprawl.
- **R2 can work with Septic:** It is possible to build a house with septic with R2 zoning; Hence it is possible for individuals or small developers to develop a few acres. There are no large parcels of land in North Leota that are large enough to incent a developer to bring in a sewer (with pumping station), thus R4 zoning will not work unless the City and the Water district work together to make this happen without depending on a developer funding the majority of the project.
- **R2 will incent small developers to replace 40/50/60/70s houses with houses that fit in with the evolved Wellington:** R2 zoning will put a business case around removing a 60s/70s house on 1 acre and putting up two new houses that fit the new character of the new Wellington and that would apply to the new/recent covenants. The math is pretty simple: An acre lot is around \$400k. A ½ Acre lot is around \$300K-\$350. A 1960s 1800 sq home on an acre is around \$600K-\$700K. Thus there's a decent value proposition for developers to do this. This is not the case if they need to buy a house/lot for \$700K and then just build one house on it. Thus R2 will help the area to gravitate towards newer and more consistent looking houses, thus increasing the value of the entire area.
- **R2 zoning ends up being close to 1 house/acre:** After roads, drainage ponds, slopes, wetlands, septic tank design restrictions, developers will never get 2 houses per acre or 4 houses per 2 areas.

I also encourage the city and King County to relax requirements for small plots if R2 zoning is going to take place. With drain ponds and their setbacks, road requirements, etc, may make it difficult for owners of 1 to 3 acres to rezone.

Also if the City puts in R4 zoning, I encourage you to have flexible rules to allow someone to subdivide now using septic with the idea of possibly having a house put on 1 side of a double lot. Thus people can leverage their land without waiting for septic.

Also if the city extends the Moratorium, I would like a statement from the city on what their goal for the area is (R1, R2, or R4). That way I can renovate the existing house in a manner that will blend with the new zoning.

Regards,

Steven White  
18819 165<sup>th</sup> Ave NE

Woodinville, WA 98072 Phone 408 499 7050 (cell)

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With tax season right around the corner, make sure to follow these few simple tips.

Council  
Sus

**Jennifer Kuhn**

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**From:** Jennifer Kuhn  
**nt:** Monday, March 05, 2007 11:01 AM  
Council; Richard Leahy; Cindy Baker  
**Cc:** Ray Sturtz  
**Subject:** FW: March 5th Council meeting issues

-----Original Message-----

**From:** phart@parker.com [mailto:phart@parker.com]  
**Sent:** Sunday, March 04, 2007 8:48 PM  
**To:** Council  
**Subject:** March 5th Council meeting issues

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178th/151st, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

- 178th/151st turns into a demolition derby every time it snows
- Parts of 178th/151st are more than 50% steeper than Woodinville's code allows
- Pedestrian traffic – school children – is heavy on this road because it's too steep for school buses
- The "engineered solutions" staff recommend – speed bumps – won't fix the traction problems we experience routinely because of the road's steepness
- Speed bumps are a completely inadequate solution to the additional 2700 trips a day that could be traveling through our neighborhood from the 70 acres on Laurel Plateau, that staff are proposing to upzone and apparently plan to route on 178th/151st.
- In the 2004 Draughn hearings, citizens submitted about 150 comments, most of which focused on the dangers of adding more traffic to 178th /151st.

Please do the following:

- Complete the R-1 critical areas studies using Best Available Science
- Conduct more complete and comprehensive traffic and street studies, including not only traffic volumes but identification of roads that are hazardous by virtue of their configurations and profiles.
- Keep the CAP impaneled to scope the next phase of the project, review

the next phase with the consultants, review the consultant reports,  
and make recommendations

Direct the new City Manager to supervise the project closely to make  
sure the Council's directives are being fulfilled in a timely manner

Make sure that in the future, staff recommendations more accurately  
reflect actual conditions on the ground than the current set of  
recommendations does

Renew the moratorium to achieve these goals.

Thank you.

Patrick Hart  
14315 NE. 178th St  
Woodinville, WA 98072

Council

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**Jennifer Kuhn**

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**From:** Guillaume Estegassy [gestegassy@hotmail.com]  
**Sent:** Monday, March 05, 2007 1:36 PM  
**To:** Council; Jennifer Kuhn  
**Subject:** Woodinville Draughn Sustainable Development Final Report  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council,

You probably have received the email below from several Woodinville citizens. I am joining them as I fully agree with the numerous inconsistencies and overlooks regarding this project:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178<sup>th</sup>/151<sup>st</sup>, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

- 178<sup>th</sup>/151<sup>st</sup> turns into a demolition derby every time it snows
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- Speed bumps are a completely inadequate solution to the additional 2700 trips a day that could be traveling through our neighborhood from the 70 acres on Laurel Plateau, that staff are proposing to upzone and apparently plan to route on 178<sup>th</sup>/151<sup>st</sup>.
- In the 2004 Draughn hearings, citizens submitted about 150 comments, most of which focused on the dangers of adding more traffic to 178<sup>th</sup>/151<sup>st</sup>.

Please make sure that the following is done by your teams:

- Complete the R-1 critical areas studies using Best Available Science
- Conduct more complete and comprehensive traffic and street studies, including not only traffic volumes but identification of roads that are hazardous by virtue of their configurations and profiles.
- Keep the CAP impaneled to scope the next phase of the project, review the next phase with the consultants, review the consultant reports, and make recommendations
- Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner
- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- Renew the moratorium to achieve these goals.

Sincerely,

Guillaume Estegassy & Trang Billings

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## Jennifer Kuhn

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**From:** John C. Erdman [director@woodinvillechamber.org]  
**Sent:** Monday, March 05, 2007 4:10 PM  
**To:** Jennifer Kuhn  
**Cc:** Mick Monken; 'Pat Edmonds'  
**Subject:** Memo on Stewardship Plan for Sustainable Development  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** Stewardship Plan\_030507 (2).doc

Jenny,

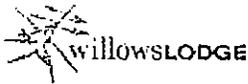
Attached is a proposal in for of a memo that I would like delivered to the City Council Members for tonight's study session. I would also like to read it to them at the session if possible. Give me a call on my cell as I am leaving the office shortly. 206-992-8405.

Enthusiastically,



John C. Erdman  
Executive Director  
Greater Woodinville Chamber of Commerce  
[director@woodinvilleChamber.org](mailto:director@woodinvilleChamber.org)  
[www.woodinvillechamber.org](http://www.woodinvillechamber.org)

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# Memorandum

To: Woodinville City Council  
CC: Public Record  
From: Ameen Quiriconi, John Erdman, and Vince Carlson  
Date: 05/29/2007  
Re: Stewardship Plan Proposal

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There is a proposal under discussion to maintain the "R-1 Only" designation throughout the study area. However, we, former members of the Citizens Advisory Panel on Sustainable Development (CAP), feel that this is not the appropriate measure to take.

We each volunteered to be a part of this CAP last summer so that we might be able to engage, discuss, and create a plan for urban growth in Woodinville, founded in sustainable design practices that would ensure the protection and enhancement of Woodinville's citizens, businesses and its natural environment. And those of us who are now former members were there, so we thought, to provide our direct relevant experience in sustainable design and policy making. The committee started strong, as we developed goals. But at the conclusion of goal-setting, it was quickly apparent that there wouldn't be any more discussions about the future and how we, as a group of citizen's could shape that future. Rather, much time and energy was devoted to developing an argument to support the continuation of an ultra-low zoning designation of R-1. And the three of us, outnumbered and unheard by the neighborhood preservationist members, each under our own will, resigned from the committee, conceding to the remaining members their "unanimous" voice for the continuation of the R-1 zoning.

However, as we were compelled originally to participate in a discussion about Sustainable Development, we still feel morally obliged, even as former members of the CAP, to present an alternative opinion. The difference is that our position is absent of the emotional connection the other members have for their neighborhoods but based on our cumulative professional, educational and personal experiences in sustainable design and development, which we were never able to present while we were on the CAP.

First, we would like the City Council, the Planning Commission, and the Public, to consider the following arguments against maintaining the R-1 Only options:

- Maintaining an ultra-low density within the boundaries of an urban growth area pushes the burden of addressing growth to beyond the perimeters of the community – forcing it into the outlying rural areas that people are trying to protect, thereby further contributing to sprawl in our region. This in turn creates the following:
  - An increase in pass-through traffic from King County into town to reach the urban amenities of shopping, freeway access, etc. This is important to consider because outlying rural areas tend to lack adequate alternative transportation options and most people have to rely on their vehicles to get to work.

- Subsequent increase in congestion on roadways entering into town because the R-1 roads will not be addressed to deal with the increased demand, so it will create bottlenecks
- Decrease in rural areas around Woodinville because development of new residences will be forced there
- Decrease in agricultural lands as development begins to consume the ranches and farms on the peripheral of the city, which is contradictory to the preservation of Woodinville's "agri-business" vision.
- Various studies can be found to show that lower densities contribute more to environmental degradation than higher densities, particularly from a transportation standpoint, loss of native vegetation, and impervious surfaces, because homes are spread out over a larger area of land than under higher, compact densities.
- Various studies can be found to support the attractiveness of urban settings because it puts people closer to jobs, amenities and resources. This is contrary to the argument that there is only an overwhelming preference for low-density suburb neighborhoods and that higher-densities mean lower property values.
- Maintaining an R-1 zone delays the construction of a sanitary sewer system, increasing the likelihood of raw sewage pollution from septic systems.
- Several areas in the R-1 are within  $\frac{1}{4}$  to  $\frac{1}{2}$  mile of regional transportation options, such as bus stops and the Park and Ride. And much of the area is located on major arterial roadways that are connected to the regional freeway. These are precisely the types of areas that should be more densely populated, in order to reduce the transportation demands of increased growth in our entire region.
- The current R-1, absent any additional zoning policy changes, precludes the integration of affordable housing into this area, creating further segregation of socio-economic populations, which in turn, destabilizes communities.

We recognize the major political factors at play here and that there is strong support for maintaining the R-1 designation. Therefore, without spending time trying to talk anyone completely out of the proposal on the table, we only ask the following alternative be considered: **The Stewardship Plan**. Because the environmental study performed by Steward & Associates found in several areas no strong environmental cases for maintaining the ultra-low density, with the only exception being the Lake Leota area, we think that there is a strong case for applying different measures, including the integration of more neighborhood business districts, across the 1,100 acres of land in the study area and not treating the entire area as an R-1.

We are also aware of the other argument for the preservation of the R-1 resides in the "neighborhood character" issue. This is a thorny issue because it is based on perceptions of "good character" and "bad character". We feel that this point, while emotional and strong for the neighborhood preservationists combined with the lengthy and detailed Neighborhood Character Study really cannot ultimately be legally protected as there is overwhelming evidence, supported by housing permits and real estate sales, about what people find to be "good neighborhoods" and "bad neighborhoods."

There has been a pervasive notion that this issue resides only in "black and white" – a paradox between higher zoning versus environmental/social protection. This is simply wrong. And unfortunately, it is based on the fact that there are definitely examples of higher density developments that *are* bad for the natural environment and for the quality of life in neighborhoods. But our proposal comes from removing the paradox from this issue and simply examining the following question:

"How do we increase zoning to responsibly meet urban demands and provide for sustainable growth in our region AND protect our natural environment and the social fabric of our neighborhoods?"

So, consider a proposal that maintains the R-1 Only throughout the existing area, as is presented now. However, if a developer/builder wants to re-zone a parcel into a higher density, there is a policy tool that puts responsibility onto the developer/builder to meet various conditions that are designed to protect

habitat, natural environments and to create or maintain social character in existing neighborhoods, a **Stewardship Plan**. This Stewardship Plan is an extension of the "R-Multiple Factors" option presented in the Study by Steward and Associates. Below is a short example of what such a proposal might look like:

**Allow a parcel to be re-zoned up to an R-4 only if the following conditions are met (if the area has been previously determined to accommodate that designation):**

- LID strategies used, such as bio-swales, constructed wetlands, impervious pavers, green roofs, limits on allowable pervious surfaces, etc. to create a net-zero impact or improvement on current hydrological conditions
- Green Building Standards (Built Green, 4-Star or LEED-Residential Certified) achieved on the construction of the residences
- Preserve at least 65% of existing vegetation, priority placed on mature tree canopy OR replant with native vegetation so that at least 65% of the un-built surface area is recovered to natural ecological conditions
- Limit lawns to less than 10% of the total land area.
- Limit total area of impervious surfaces to 10% of total land area (roofs, driveways, etc).
- Do not allow construction of properties in steep slope areas
- Integrate a wildlife corridor, either through stream habitat restoration/maintenance or otherwise
- Residential design must promote a "woodland setting"

We feel that the Stewardship Plan option has the two major benefits to consider:

1. It will ensure that there is strong stance taken towards creating a zoning and building policy that places emphasis on sustainable construction, design and planning. If a Petitioner is unwilling to implement the environmental and social strategies necessary to preserve the Woodinville character, then they are un-able to get their property re-zoned. This in turn keeps builders and developers who are unable or reluctant to meet these conditions from simply building in Woodinville. On the contrary, the Pacific Northwest is the *leader* in sustainable construction in the country and there are many builders and developers who are able to implement stringent conditions into their projects and would be willing to build in Woodinville under those circumstances.
2. This provides each land-owner with their choice to either maintain their ultra-low zoning designation, while those who might want to re-zone have that ability as well but under strong conditions. Because it isn't a carte-blanch re-zone to higher densities, the changes in the neighborhoods will likely be very gradual instead of sudden and dramatic.

Thank for your time and consideration of our Stewardship Plan. We truly believe that this is a reasonable approach for the City Council to consider in lieu of the R-1 Only option. We feel that maintaining an ultra-low density within an urban growth boundary is not only overtly contrary to the principles of sustainable development but will ultimately have negative repercussions for Woodinville, environmentally, socially, and economically. We are each available to discuss and answer any questions you might have as you consider your weighty decision on this issue.

Council  
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## Jennifer Kuhn

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**From:** John Halpin [johnh@casadecolumbia.com]  
**Sent:** Monday, March 05, 2007 8:15 AM  
**To:** Jennifer Kuhn  
**Subject:** Draughn Property  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178<sup>th</sup>/151<sup>st</sup>, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

- 178<sup>th</sup>/151<sup>st</sup> turns into a demolition derby every time it snows
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- In the 2004 Draughn hearings, citizens submitted about 150 comments, most of which focused on the dangers of adding more traffic to 178<sup>th</sup>/151<sup>st</sup>.

Please do the following:

- Complete the R-1 critical areas studies using Best Available Science
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- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- Renew the moratorium to achieve these goals.

Thank you.

---

John Halpin  
[johnh@casadecolumbia.com](mailto:johnh@casadecolumbia.com)  
Tel: 206.763.2350 Fax: 206.763.7523  
[www.casadecolumbia.com](http://www.casadecolumbia.com)

Council

mor

Jennifer Kuhn

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**From:** Heidi Fuhrmeister [h.fuhrmeister@comcast.net]  
**Sent:** Monday, March 05, 2007 11:37 AM  
**To:** Cathy VonWald  
**Subject:** Woodinville Draughn-related hearings  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

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- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- Renew the moratorium to achieve these goals.

Thank you.

Heidi Fuhrmeister

Council  
MOI

Jennifer Kuhn

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From: Joel Wilder [joelwilder@gmail.com]  
Sent: Tuesday, March 06, 2007 9:16 AM  
To: Council  
Cc: 'Erin Wilder'; 'Erin Wilder'

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178th/151st, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

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- Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner
- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- Renew the moratorium to achieve these goals.

**This is an extremely important issue to so many of us who will be dramatically affected by your decisions. Please don't ignore our message. We are counting on you to do the right thing and take the steps necessary to make the right decision. We need your leadership on this more than**

439

**ever. Please don't let us down!**

Thank you.

Joel and Erin Wilder

17922 151st Way NE

Woodinville, WA 98072

Council

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**Jennifer Kuhn**

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**From:** Jennifer Kuhn  
**Sent:** Tuesday, March 06, 2007 3:22 PM  
**To:** Council; Richard Leahy; Cindy Baker  
**Subject:** FW: mistake made

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**From:** EddBk@aol.com [mailto:EddBk@aol.com]  
**Sent:** Monday, March 05, 2007 9:46 PM  
**To:** Jennifer Kuhn  
**Subject:** mistake made

Hello,

On my previous email to you I made a mistake as to which option I oppose, I meant Option 2 but stated Option 3. Will you please make the necessary corrections?

I'm so sorry for any inconvenience.

Sincerely,

Ms Lark Arend  
15830 N.E. 175th St.  
Woodinville, Wa. 98072

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Council  
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**Jennifer Kuhn**

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**From:** Jennifer Kuhn  
**Sent:** Tuesday, March 06, 2007 3:22 PM  
**To:** Council; Richard Leahy; Cindy Baker  
**Subject:** FW: MBA Letter regarding proposed ordinance #441  
**Attachments:** #441.doc

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**From:** David Hoffman [mailto:dhoffman@MBAKS.COM]  
**Sent:** Monday, March 05, 2007 6:38 PM  
**To:** Jennifer Kuhn  
**Subject:** MBA Letter regarding proposed ordinance #441

Please find attached letter regarding proposed ordinance #441.

Thanks,  
David

**David Hoffman**

King County Manager  
Master Builders Association of King and Snohomish Counties  
O 425.460.8224  
C 206.605.3836



MBA of King and Snohomish Counties  
335 116th Avenue SE  
Bellevue, Washington 98004  
t 425.451.7920 / 800.522.2209  
f 425.646.5985 www.masterbuildersinfo.com

March 5, 2007

Woodinville City Council  
City of Woodinville  
17301 - 133rd Ave NE  
Woodinville, WA 98072

RE: Proposed Ordinance #441

Dear Council members:

On behalf of the more than 4,300 member companies of the Master Builders Association of King and Snohomish Counties (MBA), I am writing to provide you with comments on the proposed Ordinance #441, which would extend the current R-1 Zone Moratorium.

As we all know, the one-year anniversary of the R-1 zone moratorium is fast approaching. When first enacted, the City Council had specific rationale for halting development in the city's R-1 zone. Questions related to environmental impact, the city's changing character, and economic effects associated with continued growth.

At the May 1, 2006 meeting, in their Staff Report, city staff maintained that costs for the recommended environmental impact studies could reach and possibly exceed \$150,000. In June of last year, the Woodinville Planning Commission appointed an eleven member Citizen Advisory Panel to provide community input on the environmental studies being conducted and the Sustainable Development Program. The completed Sustainable Development Study was not available until January 22, 2007, which has caused concern in the community regarding a lack of time to properly review the study.

As was stated before, there has been clear concern regarding the time allowed for review of the Sustainable Development Study. Seeing this and clearly recognizing MBA's desire to work with the City, MBA would suggest reducing the proposed six-month moratorium to three-months, with public comment and review of the Sustainable Development Study, as well as any further studies, completed by June 20, 2007. This will provide the requested time for public review and may reduce, although not remove, anxiety from the property owners in the R-1 zone.

Thank you for your time and consideration. Should you have any questions, please do not hesitate to contact me at 425-460-8224 (direct line) or 206-605-3836 (cell phone).

Sincerely,

David Hoffman  
King County Manager

Council

Jennifer Kuhn

MOR

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**From:** Jennifer Kuhn  
**Sent:** Tuesday, March 06, 2007 3:21 PM  
**To:** Council; Richard Leahy; Cindy Baker  
**Subject:** FW: moritorium extension

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**From:** EddBk@aol.com [mailto:EddBk@aol.com]  
**Sent:** Monday, March 05, 2007 5:30 PM  
**To:** Jennifer Kuhn  
**Subject:** moritorium extension

Hello,

My name is Ms. Lark Arend and I am a 22 yr. resident of Woodinville residing at 15830 N.E. 175th St. since 1985.

I have attended many meetings and spoke to the Planning Commission and I am apalled that the council has yet to resolve this issue and that perhaps they are considering extending the moritorium. I have already become a victim to this MORITORIUM MESS as I had a buyer for one acre of my property, from a current Woodinville resident to build their dream home but because of the moritorium they have recently purchased property on the other side of Hollywood Hill in unincorporated King County to pursue their dream. I am land rich and money poor and was hoping to be able to divide my beautiful, flat, sunny, 2 -1/2 acres into 3 building lots. Under your Option 3, I am to remain R1 and yet my neighbors to the west of me will be rezoned R4. Since I live on the corner of 159th Ave N. E and N.E. 175th St, I would hope if you decide on Option 3 that someone will atleast consider moving the line of R4 to include my property.

Thank you for your consideration on this matter.

Sincerely,  
Lark Arend

---

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Jennifer Kuhn

---

**From:** Heidi Fuhrmeister [h.fuhrmeister@comcast.net]  
**Sent:** Tuesday, March 06, 2007 10:38 AM  
**To:** Council  
**Subject:** Woodinville Draughn related hearings

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178th/151st, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

- 178th/151st turns into a demolition derby every time it snows
- Parts of 178th/151st are more than 50% steeper than Woodinville's code allows
- Pedestrian traffic - school children - is heavy on this road because it's too steep for school buses
- The "engineered solutions" staff recommend - speed bumps - won't fix the traction problems we experience routinely because of the road's steepness
- Speed bumps are a completely inadequate solution to the **additional 2700 trips a day** that could be traveling through our neighborhood from the 70 acres on Laurel Plateau, that staff are proposing to upzone and apparently plan to route on 178th/151st.
- In the 2004 Draughn hearings, citizens submitted about 150 comments, most of which focused on the dangers of adding more traffic to 178th/151st.

Please do the following:

- Complete the R-1 critical areas studies using Best Available Science
- Conduct more complete and comprehensive traffic and street studies, including not only traffic volumes but identification of roads that are hazardous by virtue of their configurations and profiles.
- Keep the CAP impaneled to scope the next phase of the project, review the next phase with the consultants, review the consultant reports, and make recommendations
- Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner

- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- Renew the moratorium to achieve these goals.

Thank you,  
Heidi Fuhrmeister

Council

mor

**Jennifer Kuhn**

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**From:** Berta Borland [btborland@hotmail.com]  
**Sent:** Tuesday, March 06, 2007 5:55 PM  
**To:** Council  
**Cc:** Jennifer Kuhn  
**Subject:** Public Comment for Sustainable Development and R-1 Moratorium Hearings

Dear Council:

Please remove the word "Final" from the title of the Sustainable Development Final Report. The report is incomplete, and ignores current conditions in Woodinville that could become extremely hazardous if staff recommendations are followed.

For example, 178<sup>th</sup>/151<sup>st</sup>, the "Nosebleed Hill" road through Woodinville Heights, appears to be slated as the entry point to 70 acres of land on Laurel Plateau, which the staff is proposing for upzoning to R-4. Staff neglected to mention to you that:

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- Keep the CAP impaneled to scope the next phase of the project, review the next phase with the consultants, review the consultant reports, and make recommendations
- Direct the new City Manager to supervise the project closely to make sure the Council's directives are being fulfilled in a timely manner
- Make sure that in the future, staff recommendations more accurately reflect actual conditions on the ground than the current set of recommendations does
- Renew the moratorium to achieve these goals.

Thank you, Berta and Bob Anderson

14719 NE 178th Street, Woodinville, WA 98072

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**Sandy Guinn**

**From:** Lola Granola [lola\_granola@comcast.net]  
**Sent:** Monday, March 12, 2007 2:48 PM  
**To:** Cathy VonWald; Hank Stecker; Don Brocha; Gina Leonard; Mike Roskind; Chuck Price; Scott Hageman  
**Cc:** Cindy Baker; rleahy@ci.woodinville.wa.us  
**Subject:** Request Action on R-1 Zoning Protection

Members of the Council,

For a variety of reasons, I'll admit that I haven't been following the R-1 debate as closely as I would have like to of late. When reviewing the agenda for tonight's Council Meeting, I'll also admit that I was a bit confused as I attempted to balance the pros & cons of whether to throw my support behind an extended moratorium (Ord 441) or an affirmation of the Planning Commission's recommendations (Ord 431).

So, instead of advocating specifically for one or the other, I'll take a step back and advocate for my general point of view. I believe that there are many strong, diverse, and legally defensible reasons to keep the Wellington neighborhood zoned R-1 for many years to come. To the extent of my knowledge about the Planning Commission's recommendation, I believe that, in general, they concluded likewise.

It is my strong hope that you will act tonight in whatever manner will best ensure that the R-1 zoning remains R-1.

Sincerely,

Matt Jenson

P.S. Thanks for the help on the early morning visits from Waste Management. They now stop by our place around 6:30am (which is still much too early in my opinion). However, this is infinitely better than 5:30am.

Council

W, T

**Jennifer Kuhn**

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

Dear Ms. Baker and Ms. McCann,

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

Thank you very much for your assistance.

Sincerely,

Julia Poole  
[japoole1@earthlink.net](mailto:japoole1@earthlink.net)  
EarthLink Revolves Around You.

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

## Jennifer Kuhn

---

**From:** burkebarker [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-1. 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 152<sup>nd</sup>. 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](mailto:bbarker@empireremodeling.com)

206 391 8486

## Jennifer Kuhn

---

**From:** Cindy Baker  
**Sent:** Friday, March 16, 2007 5:05 PM  
**To:** Jennifer Kuhn; Chuck Price; bbarker@empireremodeling.com  
**Subject:** RE: City of Woodinville Zoning Decision

Hello Mr. Barker, I called earlier today to talk with you about your question. Please call me so I can be of service. 425-877-2271.

---

**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

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

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Thanks!

Burke G. Barker, Pres.

Empire Construction Inc.

[bbarker@empireremodeling.com](mailto:bbarker@empireremodeling.com)

206 391 8486

Council

W, T

**Jennifer Kuhn**

---

**From:** Susan Boundy-Sanders [sbsand@hotmail.com]  
**Sent:** Thursday, March 22, 2007 2:00 PM  
**To:** dhenrynase Henry; Richard Leahy; Council  
**Subject:** RE: Alert-- Alert--Cindy Baker--Alert--Alert

Dear Council and Mr. Leahy,

I am distressed but not in the least surprised to hear this report of Cindy Baker's instructions. She gave similar instructions to the Sustainable Development Study consultants: do not discuss their conclusions one-on-one, even with CAP members.

Ms. Baker has already wasted huge amounts of City funds by dragging consultants to meeting after meeting, and letting them do nothing more than introduce themselves. Conversely, she keeps telling us that critical areas studies are too expensive.

She appears to be on track to waste more City funds in legal fees for SLAPP suits, federal civil rights lawsuits, land use lawsuits, and so on.

I strongly urge the City to sever its employment relationship with Ms. Baker immediately. If you believe you must continue the employment relationship for any reason, I urge you to place Ms. Baker on administrative leave, paid or unpaid. I would suggest we are long past the point where the City can afford to continue to allow Ms. Baker free rein with her inimitable management style.

Respectfully,

Susan Boundy-Sanders  
425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)

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From: dhenrynase@msn.com  
To: qci@oz.net; peter.tountas@comcast.net; baumanps@verizon.net; paul.cline@comcast.net; harmonhouse@verizon.net; cmildew@comcast.net; charlieautoconnectionseast@hotmail.com; emmerdixon@yahoo.com; Fred@GreenFinancial.com; h.fuhrmeister@comcast.net; jgk@seanet.com; jeff@glickman.com; kscarbrough@verizon.net; newtl@msn.com; Lpetrin\_98@yahoo.com; alittleaccent@comcast.net; matt.s@verizon.net; SchultzMF@cdm.com; mdaudt@tousley.com; sequoia58@msn.com; maddex@comcast.net; maddex@comcast.net; oparis@comcast.net; richardblock@comcast.net; mason@ch2m.com; piaschool@comcast.net; acwindows@verizon.net; Sharon.Peterson@microsoft.com; thegottschalks@comcast.net; steve.cbs@comcast.net; smy850@comcast.net; Susan.Huso@nordstrom.com; sbsand@hotmail.com; tedpankowski@msn.com  
CC: chuckprice604@hotmail.com; hstecker@comcast.net; jimk@ci.woodinville.wa.us; jimk@ci.woodinville.wa.us; leonardb@cted.wa.gov; mdaudt@tousley.com; mroskind@seanet.com; richardl@ci.woodinville.wa.us  
Subject: Alert-- Alert--Cindy Baker--Alert--Alert  
Date: Thu, 22 Mar 2007 13:31:53 -0700

To all concerned citizens and valuable community members.

Please be advised;

I attended a meeting at city hall yesterday, March 21st, at our City Hall. I arrived early for the meeting and spoke to several staff members. I was quickly informed by a staff person that they had been

instructed by Cindy Baker not to speak with me and certain other members of the community. I was informed that Cindy Baker had already reprimanded some staff for speaking with me. I was also informed that Cindy Baker left orders with staff that if they were caught speaking with me, and some others in the community that she, Cindy Baker, was going to require that staff person be required to submit full report on the content of that conversation.

Because of the fear, that staff person was now being threatened by Cindy Baker, my conversation was very short and I was not able to get the names of the other citizens that are included in Cindy Bakers hit list, but I will secure that list, soon.

If we can take a short trip back through history, 1939 through 1943, comes to mind. NAZI Germany and the SS. This city is collapsing right before our eyes. This latest threat by Cindy Baker should absolutely send chills down our backs.

A short recap might be in order. Madam Mayor Von Wald has established a pattern of behavior with approximately 7 attempts to shut down public comment, limit public comment, or drag public comment out to the late hours, so as to wear down the public speakers or they become tired and leave.

We have a pattern of behavior with the former Planning Director, Ray Sturtz, with abuse of power, procedural errors, or other wise just not adhering to the very rules that he himself adopted and made public policy.

Our former city manager, Pete Rose, was finally confronted with numerous abuses of power, including the biggest abuse, with the right of way issue between Molback's and the owner of the Good Year property, amounting to taking a private citizen's property without due process. Mr. Rose was taken to task on many other very serious issues, and eventually found it to be in his best interest to leave the city.

And now we have Cindy Baker. She brings with her dirty laundry from her previous position in the form of a civil law suit, involving other private citizens. We have a Planning Director who seems to be willing to fall on her sword, to absolutely ram R-4 high, density development down our throats. In her short stay in Woodinville she has managed to turn this city up-side down. She has alienated her own staff, alienated members of the CAP, had one of her subordinates attempt to humiliate and threaten an elderly private citizens for speaking out against the high density development regarding Wood Trails. That subordinate has since resigned that position. Cindy Baker's pattern of behavior now continues. Cindy Baker threatened me with a slander law suit a few weeks back. I presented legal council at a recent city council meeting to alert the community, that Cindy Baker's pattern of behavior, was very serious, and presented an enormous threat to this community.

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One certainly has to wonder what is the driving force behind all of this aggressive and threatening type of behavior by a public official, towards all. Please be aware that these situations that currently exist in our city of Woodinville affect each and everyone of us. Not one citizen is immune from these abuses of power, especially by Cindy Baker. Her appearance of impropriety and the perception of impropriety regarding all of her approaches, none the least of which, may be her past association with the Master Builders and Phoenix Development, gives us the citizens and this community great cause for enormous and immediate concern.

I will be preparing other documents to forward to----GMA and SEPA. I will be contacting the Governors office for some direction, as to which agency may be brought in, in order to conduct a full investigation. I have also been advised by the legal staff in Olympia, that a formal complaint should be addressed to the Ethics Committee in Olympia

This city's unraveling is its own doing. This crusade by the committed and dedicated citizens is a testimony in itself.

Our right of free speech is in jeopardy,----- **NOW**-----

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PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF  
GRIEVANCES. ( guess where you can find this declaration)?**

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It has been my privilege and honor to work with all of you. The high degree of integrity, a moral compass, self-respect, honesty, commitment to justice and fairness each of you have is to be celebrated. All of you have dedicated time, talent and financial contributions. You can make a difference.

Dave Henry  
Woodinville  
206-940-1203

Council

Sus

## Jennifer Kuhn

---

**From:** Susan Boundy-Sanders [sbsand@hotmail.com]  
**Sent:** Thursday, March 22, 2007 2:00 PM  
**To:** dhenrynase Henry; Richard Leahy; Council  
**Subject:** RE: Alert-- Alert--Cindy Baker--Alert--Alert

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From: dhenrynase@msn.com  
To: qci@oz.net; peter.tountas@comcast.net; baumanps@verizon.net; paul.cline@comcast.net; harmonhouse@verizon.net; cmildew@comcast.net; charlieautoconnectionseast@hotmail.com; emmerdixon@yahoo.com; Fred@GreenFinancial.com; h.fuhrmeister@comcast.net; jgk@seanet.com; jeff@glickman.com; kscarbrough@verizon.net; newtl@msn.com; Lpetrin\_98@yahoo.com; alittleaccent@comcast.net; matt.s@verizon.net; SchultzMF@cdm.com; mdautd@tousley.com; sequoia58@msn.com; madddex@comcast.net; maddex@comcast.net; oparis@comcast.net; richardblock@comcast.net; mason@ch2m.com; piaschool@comcast.net; acwindows@verizon.net; Sharon.Peterson@microsoft.com; thegottschalks@comcast.net; steve.cbs@comcast.net; smy850@comcast.net; Susan.Huso@nordstrom.com; sbsand@hotmail.com; tedpankowski@msn.com  
CC: chuckprice604@hotmail.com; hstecker@comcast.net; jimk@ci.woodinville.wa.us; jimk@ci.woodinville.wa.us; leonardb@cted.wa.gov; mdautd@tousley.com; mroskind@seanet.com; richardl@ci.woodinville.wa.us  
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Dave Henry  
Woodinville  
206-940-1203

Jennifer Kuhn

---

**From:** Emma Dixon [emmerdixon@yahoo.com]  
**Sent:** Friday, March 23, 2007 2:36 PM  
**To:** 'dhenrynase Henry'; Richard Leahy; 'Richard Leahy'  
**Cc:** 'Paul Cline'; 'Bob Harmon'; 'Carol Wallace'; Cathy VonWald; 'Charlie Cox'; 'Chuck Price'; 'Fred Green'; Hank Stecker- Comcast; 'Heidi Fuhrmeister'; 'Jeanette Knutson'; 'Jeff Glickman'; Jim Katica; 'kari Scarobrough'; 'Leonard Bauer'; 'Linda Gray'; 'Linda Petrin'; 'MaryCharlie Cox'; 'Matt Schultz'; 'Matt Schultz'; 'Mike Daudt'; 'Mike Roskind @ Seanet'; 'Nancy Montgomery'; 'Norm Maddex'; 'Norm Maddex'; 'Otto Paris'; 'Paulette Bauman'; 'Peter Tountas'; 'Richard Block'; 'Roger Mason'; 'roy ghazamorad'; 'Scott Henry'; 'Sharon Peterson'; 'Steve Gottschalks'; 'Steve Maloney'; 'Steve Yabroff'; 'Susan Huso'; 'Susan Sanders'; 'Ted Pankowski'; 'Christie Diamond'; 'Christy Diamond'  
**Subject:** RE: Baker- Local News Woodinville cautiously reopens east area to builders Seattle Times Newspaper.htm

Mr. Leahy,

This is very disturbing. Yet again an interim employee is taking action/making statements that are in direct conflict with the intention of the Woodinville City Council. This is very similar to a recent incident involving your predecessor and the Brightwater project.

The Staff report presented to Council on 3/12 contained the following:

**PLANNING COMMISSION AND STAFF RECOMMENDATIONS:**

Previously, the Woodinville Planning Commission recommended that the City Council: **1) Retain the current R-1 zoning in the City;** 2) Amend the Zoning Code to remove the restriction of development with densities less than four dwelling units per acre; and 3) Develop, in the next 6 months, additional land use regulatory tools to guide and accommodate future growth planning in all residential zones in compliance with the Growth Management Act (GMA).

Ordinance No. 431, included as Attachment A - Alternative 1, would implement these actions.

Subsequent to the Planning Commission's recommendation, the staff prepared another ordinance that would implement the substance of the Planning Commission recommendation on an interim or temporary basis while the City Council considers adoption of permanent regulations and works to obtain and analyze additional limited information relevant to the Sustainability Study. Ordinance No. 431, included as Attachment A - Alternative 2, would establish these interim regulations in the R-1 zone.

Ms. Baker's recommendation to the Council, for both the permanent and interim ordinances, was to retain current R-1 zoning. The Council followed that recommendation and unanimously adopted Ordinance 431 as an interim regulation. It is hard to imagine that any Council Member voted to adopt that ordinance with the intention that the City would actively invite R-4 development applications and rezones to come before them for consideration. For Ms. Baker to state that "We're still studying this, trying to decide what the density up there should be," is to attempt to rewrite history. The decision has been unanimously made to retain R-1 – initially as an interim ordinance, until a permanent one can be intelligently crafted with the most current and accurate information.

This is a clear example of a problem that has been plaguing the City for some time. The citizens

have elected the Council members to make decisions that represent their best interests, but when the Council exercises that duty, it is undermined by the actions of certain staff members. It is unacceptable for any member of staff to subvert the will and intention of the Council's decision. The community is encouraged that under your management, such incidences will not continue to occur.

On a matter of such importance to so many citizens in the community, this situation warrants serious and appropriate action.

Sincerely,

Emma Dixon

-----Original Message-----

**From:** dhenrynase Henry [mailto:dhenrynase@msn.com]

**Sent:** Friday, March 23, 2007 12:14 PM

**To:** Richard Leahy; Richard Leahy

**Cc:** Paul Cline; Bob Harmon; Carol Wallace; Cathy VonWald; Charlie Cox; Chuck Price; Emma Dixon; Fred Green; Hank Stecker; Heidi Fuhrmeister; Jeanette Knutson; Jeff Glickman; Jim Katica; kari Scarobrough; Leonard Bauer; Linda Gray; Linda Petrin; MaryCharlie Cox; Matt Schultz; Matt Schultz; Mike Daudt; Mike Roskind; Nancy Montgomery; Norm Maddex; Norm Maddex; Otto Paris; Paulette Bauman; Peter Tountas; Richard Block; Roger Mason; roy ghazamorad; Scott Henry; Sharon Peterson; Steve Gottschalks; Steve Maloney; Steve Yabroff; Susan Huso; Susan Sanders; Ted Pankowski; Christie Diamond; Christy Diamond

**Subject:** Fw: Baker- Local News Woodinville cautiously reopens east area to builders Seattle Times Newspaper.htm

Richard;

this article appeared in the paper this morning. Very disturbing commentary by Cindy Baker. Its very alarming to the community that a, AT WILL TEMPORARY planning director possess this amount of control over our city. Cindy Baker actually invites the submission of R-4 applications, and then suggests applying for a re-zone.

How does she inherit that kind of authority? This city will be besieged with that kind documentation. We will be at risk forever.

Where does Cindy Baker acquire the authority to petition the GMA for an expedited review of Ordinance No.41? She is running her own private agenda at our city. Cindy Baker is a **AT WILL TEMPORARY PLANNING DIRECTOR**. She is trying to run this entire city. There a procedures. The city council is at the top of the food chain, the city manager is the acting CEO, of day to day operations.

Any person operating in the private business sector would be terminated on the spot for this type of activity, especially with a history of abuse of power.

Dave Henry  
Woodinville  
206-940-1203

----- Original Message -----

**From:** UnInformed Consent

**To:** Huso, Susan ; dhenrynase Henry ; Charlie Cox ; Emma Dixon ; Jeanette Knutson ; kari Scarobrough ; Linda Gray ; MaryCharlie Cox ; Nancy Montgomery ; Norm Maddex ; Paul Cline ; Paulette Bauman ; Peter Tountas ; Richard Block ; roy ghazamorad ; Sharon Peterson ; Steve

Maloney ; Susan Sanders  
Sent: Friday, March 23, 2007 8:44 AM  
Subject: Baker- Local News Woodinville cautiously reopens east area to builders Seattle Times Newspaper.htm

[http://seattletimes.nwsourc.com/html/localnews/2003631992\\_zoning23e.html](http://seattletimes.nwsourc.com/html/localnews/2003631992_zoning23e.html)



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### Woodinville cautiously reopens east area to builders

By Peyton Whitely

Seattle Times Eastside bureau

Woodinville has adopted temporary regulations to allow some development after a one-year moratorium in the eastern part of the city expired this week.

Under the interim regulations, an applicant could develop property in the city's R-1 zone by building up to one housing unit per acre. The R-1 zone is a largely residential area forming the eastern part of Woodinville east of Highway 522 and along the Woodinville-Duvall Road.

The city imposed interim rules to allow more time to determine what kind of development should take place in the R-1 zone, said Cindy Baker, interim director of the Development Services Department.

The zoning-code amendment, approved at the City Council's March 12 meeting, will be in effect until Sept. 21. During that period, city staff members will prepare permanent regulations for the City Council to consider.

"We're still studying this, trying to decide what the density up there should be," Baker said Thursday.

The situation with R-4 development, or four houses per acre, is less clear in the area, she explained.

"Someone could still submit an R-4 application and ask for a typical rezone," she said.

The City Council would make the final decision on any R-4 applications.

Recommendations about zoning densities in the area are being worked out by a citizen advisory panel working with the Planning Commission, Baker said.

The building moratorium placed in the city's R-1 zone was enacted in

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March 2006. It was allowed to expire Tuesday.

The moratorium was imposed as part of recommendations made by the Planning Commission on a Sustainable Development Study.

ADVERTISING

The study evaluated the environmental, transportation, public-services and other effects of development in the R-1 zone.

*Peyton Whitely: 206-464-2259 or [pwhitely@seattletimes.com](mailto:pwhitely@seattletimes.com)*

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Council

W, T

**Jennifer Kuhn**

---

**From:** Heidi Fuhrmeister [h.fuhrmeister@comcast.net]  
**Sent:** Sunday, March 25, 2007 10:45 AM  
**To:** Council  
**Subject:** She has got to go!!!

Dear City council members,

On top of the other revelations about Cindy Baker last week, we have another one: that Ms. Baker has falsified her academic credentials.

Written proof of this has been delivered to Mr. Leahy, along with a video clip of her introduction at the Wood Trails hearing: "I have degrees from the University of Denver and University of Washington, Masters in Soil Science and Geology."

The reality is she has a BA in Biology and a Master's in Forest Resources.

We all know that falsifying credentials is grounds for instant dismissal.

Please e-mail [richardl@ci.woodinville.wa.us](mailto:richardl@ci.woodinville.wa.us) and [council@ci.woodinville.wa.us](mailto:council@ci.woodinville.wa.us) and ask that Cindy Baker be fired immediately.

If they feel they can't do that, ask them to suspend her immediately -- they positively have the discretion to do this.

Then on Monday, please follow up with a phone call to Mr. Leahy, again asking for Ms. Baker's immediate dismissal. 425-489-2700.

Thank you so much,

Heidi fuhrmeister

Von Wald  
M.T

**Jennifer Kuhn**

---

**From:** dhenrynase Henry [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 Diamond; Christie Diamond; Bob Harmon  
**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

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](mailto:acwindows@verizon.net)  
**To:** [dhenrynase@msn.com](mailto: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

2007 Fox World (David H. J.)



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[bentley@connerhomes.com](mailto:bentley@connerhomes.com)

City Manager

W, T

**Jennifer Kuhn**

---

**From:** Lola Granola [lola\_granola@comcast.net]  
**Sent:** Wednesday, March 28, 2007 9:43 PM  
**To:** Richard Leahy  
**Cc:** Cathy VonWald; Hank Stecker- Comcast; Don Brocha; Gina Leonard; Scott Hageman; Mike Roskind; Chuck Price  
**Subject:** Serious Concerns about Cindy Baker's Credibility & Objectivity

Dear Mr. Leahy,

I'd like to start my email on a positive note by welcoming you to Woodinville. As a nearly 8 year resident, I was very pleased to see the council fill the City Manager vacancy with such a well qualified candidate (and a rare unanimous vote to boot!). If you haven't already, I think you'll quickly come to enjoy the special and unique attributes of Woodinville that distinguish it and, in my opinion, elevate it from all of the other greater Seattle municipalities.

Now, on to my concerns... Earlier today, I had a chance conversation with an acquaintance during which some disturbing accusations against Cindy Baker were made known to me. Specifically, it was asserted that Ms. Baker had misrepresented her credentials not only on her resume, but also in a very material manner during the recent Wood Trails / Montevallo EIS hearings. I have been involved to varying degrees in the Wood Trails / Montevallo process over the last few years. At several points, it was the citizens of Woodinville who drug the city staff kicking and screaming to do the right thing. At other times, I would have sworn that some staff were actively conspiring to subvert not only the will of those who ultimately employ them but also any pretense of a fair and impartial process.

IF it is true that Ms. Baker has padded her credentials by claiming to have a Master's in Geology and in Soil Sciences, then her un-credentialed manipulation of Golder's landslide information during her EIS testimony casts a grievous and sinister shadow (yet one more in a long line of them) on the fairness and impartiality of this entire process. It is my understanding that the evidence is rather indisputable. Therefore, I call upon you to take immediate action to investigate this matter, and if true, to dismiss Ms. Baker immediately.

Further, if the accusations are well founded, then it stands to reason that she probably falsified, padded, or otherwise manipulated other critical aspects of her work for the city. I would proffer that the only effective way to mitigate the city's legal jeopardy would be to question, investigate, and re-evaluate every decision that she has made.

If it turns out that there is no "there" there, then I will sincerely and personally apologize to Ms. Baker and to you. I do not expect that to be the case.

Sincerely,

Matt Jenson  
19122 148<sup>th</sup> AVE NE

Council

Sus

Jennifer Kuhn

---

**From:** Susan Boundy-Sanders [sbsand@hotmail.com]  
**Sent:** Thursday, March 29, 2007 3:08 PM  
**To:** Ray Sturtz; ellenjeane@msn.com; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; Matt & Lisa Wellington2006 Schultz  
**Cc:** art@pregler.org; Pat Edmonds; Hank Stecker; Chuck Price  
**Subject:** Sustainable Development scope

Hi Ray,

Following the conversation at the CAP meeting and other conversations since, I'd like to refine one point of the scope for the next phase of the Sustainable Development Project.

Currently, the landslide hazard areas in the Golf Course, Hillside, and Woodin Creek basins are described in words. I've seen that there's room for interpretation in the words. I'd urge strongly that the scope include having Dave Findley -- no one else -- put lines on a map for the boundaries of these areas.

This might mean generating a LiDAR map, topo map, gradient map like the Figure II-2 map Steward produced (page 24 of the Environmental Report, Attachment A), or some combination of these, but overall shouldn't represent much incremental expense. And it would pay for itself very rapidly in the future simply by averting uncertainty.

I'm cc'ing the Planning Commissioners and Council members who were present at the last CAP meeting, since I'm guessing they're involved in the approval process.

Thanks,

Susan Boundy-Sanders  
425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)

---

Subject: RE: Next CAP meeting  
Date: Wed, 21 Mar 2007 12:20:28 -0700  
From: RayS@ci.woodinville.wa.us  
To: RayS@ci.woodinville.wa.us; ellenjeane@msn.com; vince.carlson@comcast.net; sbsand@hotmail.com; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; JCErdman@comcast.net  
CC: CindyB@ci.woodinville.wa.us; BobW@ci.woodinville.wa.us; CharleineS@ci.woodinville.wa.us; art@pregler.org; vintageauto@comcast.net; lrubstello@ci.lynnwood.wa.us; mcorning@aspalliance.com; patrick\_edmonds@hotmail.com; prelnick@comcast.net; vic@orris.org; LGrueter@jsanet.com; gcerise@jsanet.com

Dear CAP Member,

I've just learned that the 28<sup>th</sup> is the date we need to include your ideas in a report to City Council regarding the additional work for the R-1 Sustainable Development Study. So, are you available on Monday the 26<sup>th</sup> at 6 or 7 p.m.? The alternative would be Tuesday evening the 27<sup>th</sup>. The preferred day is Monday because we need time to determine any costs associated with the work as well as prepare the report.

Please let me know if you are available next Monday and a preferred start time.

Thank you.  
Ray

Ray Sturtz, Planning Manager  
17301 133 Avenue NE  
Woodinville, WA. 98072  
phone: 425-489-2757 ext. 2281  
fax: 425-489-2756

---

**From:** Ray Sturtz  
**Sent:** Wednesday, March 21, 2007 11:43 AM  
**To:** 'ellenjeane@msn.com'; 'vince.carlson@comcast.net'; 'Susan Boundy-Sanders';  
'thegottschalks@comcast.net'; 'rmasonshome@aol.com'; 'matt.s@verizon.net';  
'kscarbrough@verizon.net'; 'kathylitke@yahoo.com'; 'JCErdman@comcast.net'  
**Cc:** Cindy Baker; Bob Wuotila; Charleine Sell; Art Pregler; Cherry Jarvis; Les Rubstello; Michael  
Corning; Pat Edmonds; Phil Relnick; Victor Orris  
**Subject:** Next CAP meeting

Dear Sustainable Development CAP Member,

Are you available to meet with fellow CAP members and City staff next week? The preferred date at this time is Thursday, March 29<sup>th</sup> at 6 p.m. or 7 p.m. in the City Hall Council Chambers. An alternative would be Wednesday evening the 28<sup>th</sup>. The purpose of the meeting will be to identify a scope of work and schedule for completing additional information for the Sustainable Development Study as requested by City Council.

Please let me know your availability and preference on the meeting date and time.

Thank you.  
Ray

Ray Sturtz, Planning Manager  
17301 133 Avenue NE  
Woodinville, WA. 98072  
phone: 425-489-2754 ext. 2281  
fax: 425-489-2756

**Jennifer Kuhn**

---

**From:** Susan Boundy-Sanders [sbsand@hotmail.com]  
**Sent:** Friday, March 30, 2007 5:18 PM  
**To:** Richard Leahy  
**Cc:** Council; sbsand@hotmail.com  
**Subject:** RE: Cindy Baker falsified credentials; please dismiss her immediately

Dear Mr. Leahy,

I very much appreciate your investigation of this matter, and I further appreciate the clarification that "material accuracy" is the standard by which you judge this matter (and, I infer, all matters with regard to staff performance).

I would urge you, however, to pay strict heed to the words of Robin Donovan of the University of Washington Office of the Registrar, which Jeff Glickman just e-mailed to you. The University awards degrees, and the University spokesperson says it is unacceptable to change the attribution of the degree in any way.

I would add that standard practice out here in the "real world" is, if you embellish your resume, which is *exactly* what Ms. Baker has done, you get fired.

Moreover, I would point out that if the standard is "material accuracy," Ms. Baker has failed spectacularly in instances such as the following:

- Ms. Baker's claim, which she repeated even after being corrected, that Best Available Science *requires* publication in a peer-reviewed journal.
- Ms. Baker's *failure to inform* an official body that the Sustainable Development report, prepared by extremely qualified and impartial consultants, *identified most or all of the Hillside and Golf Course slopes as landslide hazard area*.
- Ms. Baker's representation to Council on October 23 that steep slope and wetland studies would cost "millions" of dollars.
- Ms. Baker's representation to CAP (included in the Executive Summary of the Sustainable Development report) that Council "directed" her on October 23 to *not* conduct the steep slope and wetland studies.

Again, I appreciate the communication, but assure you that in the realm of "material accuracy," Ms. Baker is a train wreck. If "material accuracy" is the standard for her continued retention by the City of Woodinville, she should be dismissed immediately.

The original contract with Prothman offers two alternatives that I think are viable. The second paragraph of the contract allows you to dismiss Ms. Baker immediately, and the third paragraph allows you to ask Prothman to replace her at any time.

I'm very sorry to welcome you to Woodinville with such a miserable issue -- it is certainly a trial by fire, and I hope it's one that you come through successfully.

Respectfully,

Susan Boundy-Sanders  
425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)  
17859 149th Av. NE  
Woodinville, WA 98072-6202

---

Subject: RE: Cindy Baker falsified credentials; please dismiss her immediately  
Date: Fri, 30 Mar 2007 16:09:11 -0700  
From: RichardL@ci.woodinville.wa.us  
To: sbsand@hotmail.com

Dear Ms. Boundy-Sanders:

I've had opportunity to investigate this matter with the University of Washington.

The University of Washington, College of Forestry reports that it is materially accurate for a graduate with an "MS in Forest Resources (college name) with the research area/specialization of Forest Soils" to state that they have an MS in Soils and Geology.

---

**From:** Susan Boundy-Sanders [mailto:sbsand@hotmail.com]  
**Sent:** Sunday, March 25, 2007 10:28 AM  
**To:** Richard Leahy; Council  
**Subject:** Cindy Baker falsified credentials; please dismiss her immediately

Dear Mr. Leahy and Council,

I understand that on Friday, Mr. Leahy received documentation that Cindy Baker falsified her academic credentials.

This is grounds for instant dismissal anywhere, and should be even more so in an organization that exists to uphold laws and be an honest broker in the public arena.

And it's on top of the many, many other major concerns citizens have raised over the past months, and particularly in the past week, about Ms. Baker's conduct.

Please dismiss her immediately.

Respectfully,

Susan Boundy-Sanders  
425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)

Council

W, T

Jennifer Kuhn

---

**From:** Richard Leahy  
**Sent:** Friday, March 30, 2007 4:22 PM  
**To:** lola\_granola@comcast.net  
**Cc:** Council  
**Subject:** RE: Serious Concerns about Cindy Baker's Credibility & Objectivity

I very much appreciate the welcome and your comments. While I'm not the Hearing Examiner and will not speculate as to his opinion about this, I did investigate this matter with the University of Washington.

The University of Washington, College of Forestry reports that it is materially accurate for a graduate with an "MS in Forest Resources (college name) with the research area/specialization of Forest Soils" to state that they have an MS in Soils and Geology.

In regards to objectivity, there are always two sides to each coin. If you are participating in any of the on-going development hearings and you believe that inaccurate information has been presented, it is very important that you point out those inaccuracies so that the record can be corrected and made as accurate as possible. That's one of the purpose of these types of hearings, to get the most accurate information available so that an informed decision can be made.

Richard A. Leahy  
City Manager

---

**From:** Lola Granola [mailto:lola\_granola@comcast.net]  
**Sent:** Wednesday, March 28, 2007 9:43 PM  
**To:** Richard Leahy  
**Cc:** Cathy VonWald; Hank Stecker- Comcast; Don Brocha; Gina Leonard, Scott Hageman; Mike Roskind; Chuck Price  
**Subject:** Serious Concerns about Cindy Baker's Credibility & Objectivity

Dear Mr. Leahy,

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Now, on to my concerns... Earlier today, I had a chance conversation with an acquaintance during which some disturbing accusations against Cindy Baker were made known to me. Specifically, it was asserted that Ms. Baker had misrepresented her credentials not only on her resume, but also in a very material manner during the recent Wood Trails / Montevallo EIS hearings. I have been involved to varying degrees in the Wood Trails / Montevallo process over the last few years. At several points, it was the citizens of Woodinville who drug the city staff kicking and screaming to do the right thing. At other times, I would have sworn that some staff were actively conspiring to subvert not only the will of those who ultimately employ them but also any pretense of a fair and impartial process.

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If it turns out that there is no "there" there, then I will sincerely and personally apologize to Ms. Baker and to you. I do not expect that to be the case.

Sincerely,

Matt Jenson  
19122 148<sup>th</sup> AVE NE

Council

Sus

## Jennifer Kuhn

---

**From:** Cindy Baker  
**Sent:** Friday, March 30, 2007 12:49 PM  
**To:** ellenjeane@msn.com; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net  
**Cc:** Ray Sturtz; Richard Leahy; Findley, Dave; Council; Art Pregler; 'Les Rubstello'; 'Michael Corning'; Pat Edmonds; 'Phil Relnick'; Susan Webster; Victor Orris  
**Subject:** FW: Sustainable Development scope  
**Importance:** High

Hi Susan, Ray forwarded your e-mail to me about the LiDAR map. Does the 2007 King County LiDAR map on page 11 of the Final Sustainable Development Document (February 20, 2007) provide the information you are looking for? The area in white and outlined in red are all slopes greater than 15%, which would include any erosion hazard, steep slope or potential other geotechnical hazard) – with the exception of seismic, coal mine hazard etc. The city's GIS expert created the map, indicating the slope area. Dave Findley can certainly take a look at the map to let us know whether or not the map approximates the field conditions. We are working on the scope of work for the CAP's review and are trying to finish by today. If you think there is something else that needs to be included, please let me know.

Have a good weekend.

P.S For some reason my computer does not recognize

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**From:** Susan Boundy-Sanders [mailto:sbsand@hotmail.com]  
**Sent:** Thursday, March 29, 2007 3:08 PM  
**To:** Ray Sturtz; ellenjeane@msn.com; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; Matt & Lisa Wellington2006 Schultz  
**Cc:** art@pregler.org; Pat Edmonds; Hank Stecker; Chuck Price  
**Subject:** Sustainable Development scope

Hi Ray,

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This might mean generating a LiDAR map, topo map, gradient map like the Figure II-2 map Steward produced (page 24 of the Environmental Report, Attachment A), or some combination of these, but overall shouldn't represent much incremental expense. And it would pay for itself very rapidly in the future simply by averting uncertainty.

I'm cc'ing the Planning Commissioners and Council members who were present at the last CAP meeting, since I'm guessing they're involved in the approval process.

Thanks,

Susan Boundy-Sanders

425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)

---

Subject: RE: Next CAP meeting  
Date: Wed, 21 Mar 2007 12:20:28 -0700  
From: RayS@ci.woodinville.wa.us  
To: RayS@ci.woodinville.wa.us; ellenjeane@msn.com; vince.carlson@comcast.net; sbsand@hotmail.com; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; JCErdman@comcast.net  
CC: CindyB@ci.woodinville.wa.us; BobW@ci.woodinville.wa.us; CharleineS@ci.woodinville.wa.us; art@pregler.org; vintageauto@comcast.net; lrubstello@ci.lynnwood.wa.us; mcorning@aspalliance.com; patrick\_edmonds@hotmail.com; prelnick@comcast.net; vic@orris.org; LGrueter@jsanet.com; gcerise@jsanet.com

Dear CAP Member,

I've just learned that the 28<sup>th</sup> is the date we need to include your ideas in a report to City Council regarding the additional work for the R-1 Sustainable Development Study. So, are you available on Monday the 26<sup>th</sup> at 6 or 7 p.m.? The alternative would be Tuesday evening the 27<sup>th</sup>. The preferred day is Monday because we need time to determine any costs associated with the work as well as prepare the report.

Please let me know if you are available next Monday and a preferred start time.

Thank you.  
Ray

Ray Sturtz, Planning Manager  
17301 133 Avenue NE  
Woodinville, WA. 98072  
phone: 425-489-2757 ext. 2281  
fax: 425-489-2756

---

**From:** Ray Sturtz  
**Sent:** Wednesday, March 21, 2007 11:43 AM  
**To:** 'ellenjeane@msn.com'; 'vince.carlson@comcast.net'; 'Susan Boundy-Sanders'; 'thegottschalks@comcast.net'; 'rmasonshome@aol.com'; 'matt.s@verizon.net'; 'kscarbrough@verizon.net'; 'kathylitke@yahoo.com'; 'JCErdman@comcast.net'  
**Cc:** Cindy Baker; Bob Wuotila; Charleine Sell; Art Pregler; Cherry Jarvis; Les Rubstello; Michael Corning; Pat Edmonds; Phil Relnick; Victor Orris  
**Subject:** Next CAP meeting

Dear Sustainable Development CAP Member,

Are you available to meet with fellow CAP members and City staff next week? The preferred date at this time is Thursday, March 29<sup>th</sup> at 6 p.m. or 7 p.m. in the City Hall Council Chambers. An alternative would be Wednesday evening the 28<sup>th</sup>. The purpose of the meeting will be to identify a scope of work and schedule for completing additional information for the Sustainable Development Study as requested by City Council.

Please let me know your availability and preference on the meeting date and time.

Thank you.  
Ray

Ray Sturtz, Planning Manager  
17301 133 Avenue NE  
Woodinville, WA. 98072  
phone: 425-489-2754 ext. 2281  
fax: 425-489-2756

## Jennifer Kuhn

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**From:** Gustafsons [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. Demand 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

Carol

Sus

## Jennifer Kuhn

---

**From:** Susan Boundy-Sanders [sbsand@hotmail.com]  
**Sent:** Sunday, April 01, 2007 11:05 PM  
**To:** Cindy Baker; ellenjeane@msn.com; vince.carlson@comcast.net; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; Charleine Sell; art@pregler.org; vintageauto@comcast.net; lrubstello@ci.lynnwood.wa.us; mcorning@aspalliance.com; patrick\_edmonds@hotmail.com; prelnick@comcast.net; vic@orris.org; lgrueter@jsanet.com; gcerise@jsanet.com; Findley, Dave; bob\_anderson@golder.com; John Lombard; Mick Monken; Yosh Monzaki; deanf@perteet.com  
**Cc:** Richard Leahy; Ray Sturtz; Sandy Guinn; Council  
**Subject:** RE: Sustainable Development scope

Dear Ms. Baker,

Thank you for the timely generation of this list. However, I am concerned that despite the high page count, tasks are described so generally as to be easily misinterpreted, misunderstood, or misrepresented.

For example, the "detailed" description of the entire set of hydrologic studies, which could easily cost north of \$100,000, is *in its totality* as follows:

**"Goal 1** Review Basin areas around Lake Leota

**Goal 2** Evaluate surface water comprehensively; coordinate with city on Surface Water Management Plan (under separate contract).

**Goal 3** Further evaluate Low Impact Development --look at other jurisdictions' code"

On behalf of the CAP and of the citizens who are paying for these studies, I must state that I am extremely uncomfortable with a scope of work that is so poorly scoped, especially when it is accompanied by statements like, "I am not anticipating big revisions."

The CAP will certainly review the document as you request, but as you know we are constrained by other events this week. In the meantime, as a matter of good faith to the citizens of Woodinville, I think we would be negligent to not bring the shortcomings of the document to the attention of the City Council, City Manager, and consultants.

Thank you,

Susan Boundy-Sanders  
425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)

---

Subject: RE: Sustainable Development scope  
Date: Sun, 1 Apr 2007 17:58:28 -0700  
From: CindyB@ci.woodinville.wa.us  
To: ellenjeane@msn.com; vince.carlson@comcast.net; sbsand@hotmail.com; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; CharleineS@ci.woodinville.wa.us; art@pregler.org; vintageauto@comcast.net; lrubstello@ci.lynnwood.wa.us; mcorning@aspalliance.com; patrick\_edmonds@hotmail.com; prelnick@comcast.net; vic@orris.org; LGrueter@jsanet.com; gcerise@jsanet.com; DFindley@golder.com; bob\_anderson@golder.com;

jlombard2415@earthlink.net; MickM@ci.woodinville.wa.us; YoshM@ci.woodinville.wa.us;  
deanf@perteet.com; LGrueter@jsanet.com  
CC: RichardL@ci.woodinville.wa.us; RayS@ci.woodinville.wa.us; SandyG@ci.woodinville.wa.us

Hello to all, tomorrow the attached scope of work and schedule will be sent to the city council as a draft. Most of you have been participating in the preparation of the scope of work for the Sustainable Development Study; however, there are others of you that may not have. I have compiled all the elements into one table, and attached the more detailed information as "Attachments."

I am hoping you will take a moment to review the scope and if you see anything that is different than what was expressed in last Mondays meeting please let me know by mid week so I can prepare a revised scope to be presented to the council next Monday. I am not anticipating big revisions.

**Consultants:** I will need the remainder of the cost estimates no later than Wednesday.

Thank you for your help.

VonWald

ISUS

**Jennifer Kuhn**

---

**From:** 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

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AOL now offers free email to everyone. Find out more about what's free from AOL at [AOL.com](http://AOL.com).

Hageman

W, T

Jennifer Kuhn

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**From:** Sharon Peterson (FOREFRONT SECURITY) [Sharon.Peterson@microsoft.com]  
**Sent:** Monday, April 02, 2007 5:46 PM  
**To:** Scott Hageman  
**Cc:** Sharon Peterson (FOREFRONT SECURITY)  
**Subject:** Request: Terminate Cindy Baker's contract with the City of Woodinville tonight  
**Importance:** High  
**Attachments:** BakerResume.tif

Dear Council Member Hageman,

I know from hearing you speak on various topics that you are an active advocate for young people and a strong supporter of teaching morals and ethics—both to our community of children, as well as through various youth advocacy groups, such as Scouts.

If you were to continue to employ Cindy Baker when it is obvious that she neither respects or upholds the value of the truth, but instead twists it to conform to whatever need she may have at the moment, how is that choice demonstrating good leadership as an adult, and as a parent, to the youth in this community??

Remember that actions of the council are very public and statements made by our elected and City Officials are on public record for years.

Please do practice what you preach and discontinue the employment, tonight, of this contracted individual who has caused strife, anger, disappointment and who has outright lied to various citizens. I'm certain the volume of email that you've received gives you more than enough grounds for termination.

At Microsoft Corporation, where I work, a contractor may be terminated with no notice whatsoever, for any grounds, as WA is an at-will employment state. Cindy Baker has no grounds for recourse if she is terminated so don't believe there may be negative consequences to ending her employment.

Instead, the consequences can only be positive—both for the image of the City of Woodinville as a whole, and for the professional reputation of both the City Council and of the Woodinville City staff as well.

Thanking you in advance for your careful consideration of this matter and for your timely and prompt action this evening on this topic,

Sharon Peterson  
Cell: 425.503.0069

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**From:** UnInformed Consent [mailto:qci@oz.net]  
**Sent:** Monday, April 02, 2007 5:20 PM  
**To:** Richard Leahy; Cathy VonWald; Chuck Price; Council; Don Brocha; Gina Leonard; Hank Stecker; 'Jim Katica'; Linda Petra; Mike Roskind; Scott Hageman  
**Subject:** Baker Degree Validation

Dear Mr. Leahy and Council,

I understand you have been told Ms. Baker's degree description of "*Soils and Geology*" at the Wood Trails Public Hearing is materially accurate by someone at the UW.

Given the appearances of overwhelming amounts of Ms. Baker's questionable allegiances recorded and otherwise during her employment within our community and now from other communities where she has been employed (also with oddly seridipitous similarities with ours), I cannot feel entirely comfortable

with this explanation without seeing it in writing on UW letterhead, signed along with the quoted policy statement containing the source cite from the UW registrar's office or an appropriate authority.

Would you please be so kind as to request this information for those of us who are interested? I have sent this request out to a number of my own sources and expect responses within the week.

Thank you,  
Christy Diemond

**Is Baker's verbal representation at the Public Hearing on Wood Trails- "Soil and Geology" a reflection of her masters degree validation? Below are the facts:**  
*On line from the University of Washington:*

- "MASTER OF SCIENCE (FOREST RESOURCES) , earned August 20, 1982
  - "TRACE-METAL DYNAMICS IN SOILS FROM A SUBALPINE FOREST ECOSYSTEM,CASCADE RANGE, WASHINGTON."

February 14, 2007

Wood Trails Public Hearing 7:37 PM

Transcript

**Baker:** "And I'm Cindy Baker. I have two degrees. uh One from the University of Washington, one from the University of Denver. Uh Masters degree in Soils and Geology and I...uh...worked for King County in subdivisions for eight years doing preliminary plats. um I ran short plat planning in King County for that same amount of time. And I have been uh director of environment and planning for three large engineering firms for the last...uh approximately eight years. And I've been in business over twenty years in uh I'm a American Institute Certified Planner."

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Verbal verification from the American Institute of Certified Planners, AICP #013796. Baker is paid in good standing through March 31, 2007. It was paid for by Kitsap County during her employment there.

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From the University of Denver:

This is to certify that Cynthia L. Burdick graduated *cum laude* from the University of Denver on June 2, 1979, with a Bachelor of Arts (B.A.) degree in Biology.

Lainie Meilinger, Asst. to the Registrar

University of Denver

2197 S. University Blvd.

Denver, CO 80208

303.871.4033

303.871.4300 fax



[UW Home > Directories](#)

## UW Degree Validation

Degrees awarded beginning in 1983 are available through this system. Some degree information prior to 1983 is available but prospective employers should call the Office of the Registrar at (206) 543-8580 to verify degrees prior to 1983 or if there are questions. The names of students who have restricted the release of Directory Information cannot be verified through this system.

Last Name:	<input type="text" value="Burdick"/>	Full Name Required
First Name:	<input type="text" value="Cynthia"/>	Partial Required
	<input type="button" value="Search"/>	<input type="button" value="Clear"/>

## UW Graduate(s)

Cynthia Lark Burdick - first enrolled fall 1979

- MASTER OF SCIENCE (FOREST RESOURCES) , earned August 20, 1982
  - "TRACE METAL DYNAMICS IN SOILS FROM A SUBALPINE FOREST ECOSYSTEM,CASCADE RANGE, WASHINGTON."



Office of the Registrar  
registrar@u.washington.edu  
March 29, 2007

CYNTHIA BAKER, AICP  
P.O. Box 2051 Poulsbo, WA 98370  
(206) 819-2027 ♦ Cindy.Baker@comcast.net

**Director, Department of Community Development**

2003-2006

*Kitsap County, Port Orchard, WA*

- Managed eight divisions, 87+ professionals (union, non-union)
  - Community/Long-range Planning,
  - Natural Resources,
  - Buildings and Code Enforcement,
  - Land Use/Environmental Review, including forest practice permits
  - Fire Marshall,
  - Development Engineering,
  - Community Development Block Grants,
  - Administration.
- Reported to Board of County Commissioners and County Administrator (Held assistant and interim positions prior to director position)
- Directed operations, procedures, technical practices, resource allocation, strategic planning, systems & program analyses, code development, and \$6M yearly budget + \$6 million in block grants.
- Coordinated with departments, jurisdictions, agencies, tribes, organizations (regional coordinating council, planning commission, Kitsap Transit, schools, Homebuilders Association) and public.
- Key accomplishments: Growth Management Act compliance (2 sub-area plans, critical areas ordinance, new land capacity analysis, county-wide planning policies), new programs (nuisance abatement, code development "LIST," on-going problem resolution (preliminary plats, code update, management procedures). Awarded Kitsap Homebuilders Association's Public Official of the Year.

**President (self-employed)**

2002-2003

*Lexington Consulting, Inc., Seattle, WA*

City of Tacoma: Consultant for planning & environmental programs/projects, including HUD Hope VI Grant Redevelopment (Salishan), innovative SEPA/GMA integrated document for zoning code.

**Manager, Department of Planning and Environmental Services**

2000-2002

*David Evans & Associates, Inc., Bellevue, WA*

- Managed 26 planners, natural resource scientists, GIS analysts and landscape architects.
- Reported to Senior Vice President
- Directed department operations, staffing, resource projections, budget, contract negotiations, government agency coordination, systems analysis and technical quality control of planning, natural resources, regulatory compliance (SEPA, NEPA, GMA, SMA, ESA, CWA), community involvement.
- Public Sector Management. WSDOT EIS I-405 Corridor Program (Project won national/local awards for complexity and planning efforts). Sound Transit, Lakewood-to-Tacoma Commuter Rail, City of Tacoma planning, Tacoma Power.

**Manager, Department of Planning and Environmental Services**

1997-2000

*BERGER/ABAM Engineers Inc., Federal Way, WA*

- Managed planning, land use development, and natural resources services.
- Reported to President of Berger/ABAM;
- Directed department operations, marketing, \$2M budget, staffing, and technical oversight of projects (watershed planning, transportation, hazardous waste, soils/geotechnical, environmental assessments, and community involvement)
- Public Sector Management. Sound Transit Commuter Rail (Lakewood-to-Tacoma) EIS and initial engineering, Pierce County Chambers Creek Master Plan initial implementation and Upper Puyallup Watershed & Kitsap/Gig Harbor/Island Watershed Plans, City of Tacoma Police Headquarters EIS.

Cynthia L. Baker

**Manager, Department of Planning and Environmental Services**  
*URS Greiner, Seattle, Washington*

1991-1996

- Managed 25+ planners, scientists, engineers, architects, community involvement experts
- Reported to Northwest Regional Manager
- Directed department operations, resource projections, budget, strategic planning and marketing, and government agency coordination.
- Responsible for planning, natural resources, risk assessments, regulatory compliance (SEPA, NEPA, GMA, SMA, CERCLA, RCRA, MTCA, CWA), and community involvement. Negotiated EPA Federal Facilities Agreement and 50 Navy contracts. Prepared large community involvement plans.
- **Public Sector Management:** Directed 40 staff and \$25 million portion of Navy contract (land use, environmental, economic redevelopment, base closures, and remedial investigations/clean-up actions); City of Seattle Sand Point Redevelopment EIS and the Magnolia Bridge transportation EIS.

**King County, Renton, WA:**

1984-1991

**Manager (Supervising Engineer, Subdivisions)**

**Department of Development & Environmental Services (1986-1991)**

- Managed 25+ planners, civil engineers, and scientists (union, non-union)
- Reported to Division Manager, Subdivisions
- Responsible for operations, resource allocation, procedures, practices, regulatory compliance in urban design/planning, surface water, roadway design, forest practice and critical areas protection.
- Oversight of >1000 development reviews per year (preliminary subdivisions through final engineering).
- Represented county at >400 public hearings and court cases.
- Liaison with federal, state, local agencies, tribes, county council and executive. Assisted new cities with annexations & permits.
- Accomplishments: Created innovative peer review and variance processes. Co-authored comprehensive plans, zoning code updates, development regulations, and 1990 *Surface Water Design Manual* and the 1990 *Sensitive Areas Ordinance*; Committee Chair of Stream Protection, Livestock and Hobby Farms.

**Environmental Scientist, Subdivisions, Public Works Division (1985-1986)**

- Supervised 10 engineers and technicians on erosion control and water quality.
- Responsible for site constraint analysis of preliminary development projects, including forest practice permits. Coordinated with local, state, and federal agencies and county council. Prepared policies, guidelines, and videos. Represented the county at public hearings and meetings. Coordinated capital improvements.

**Engineer, Surface Water, Roadways, & Environmental, Public Work Divisions (1984-1985)**

- Inspected development sites for correct engineering/construction practices & critical areas protection.
- Approved 100 miles of newly constructed storm drainage systems and roadways.

**EDUCATION**

**University of Washington, 1982**

*Master of Science, Soil Science*

**University of Denver, 1979 (Cum Laude)**

*Bachelor of Arts, Biology*

Cynthia L. Baker

### **ASSOCIATIONS, COMMITTEES & AWARDS**

- American Institute of Certified Planners, AICP #013796, 1998-present
- American Water Resources Association, (1995-2005), Board Member, (2002-2004)
- Special Olympics Summer Games Management Team, 1987-2004
- Water Quality Technical Advisory Committee (Appointed by King County Council, 1997-98)
  
- Public Official of the Year, Kitsap County Homebuilders Assoc., (2004)
- American Public Works Association, Award of Merit (1987)
- Forestry Honorary, University of Washington (1982)
- Walter B. Nettleton Fellowship, College of Forest Resources, University of Washington (1982)
- Xi Sigma Pi, University of Washington (1982)
- University Honor Scholar, University of Denver (1979)
- Alpha Epsilon Delta, University of Denver (1979)
- Premed Honorary, University of Denver (1979)
  
- Nature Conservancy
- Seattle Art Museum

### **PUBLICATIONS:**

Cynthia L. Baker and Howard Haemmerle. Native Growth Protection Easements: Survival and Effectiveness. Department of Ecology Grant #WF688046, June 1990.

King County Surface Water Design Manual, 1990 (co-author)

King County Sensitive Area Ordinance, 1990 (co-author)

C.L. Burdick (Baker), F.C. Ugoini, and R.J. Zasoski (1983). Trace Metal Dynamics in Soils from a Sub-alpine Forest Ecosystem (Cedar River Watershed). *Journal of Science of the Total Environment*.

C.L. Burdick (Baker) (1982). Trace Metal Dynamics in Soils from a Sub-alpine Forest Ecosystem, Cascade Range, Washington. M.S. Thesis. University of Washington, Seattle, WA. Presented at the 21st Hanford Life Sciences Symposium on the Biological Availability of Trace Metals, Richland, Washington.

E.J. McGuire and Cynthia L. Burdick (Baker) (1976). Intercellular Adhesive Selectivity. *The Journal of Cell Biology*, 68:80-89.

## **Additional Work Experience**

### **Water Quality Planner: Conservation, Water Protection, Erosion Control**

#### **King Conservation District, Renton, Washington**

Technically trained and assisted county engineers, planners, and inspectors about erosion/sediment control, water quality, soil classifications and their land use capabilities and environmentally sensitive areas. Reviewed erosion control plans. Prepared and presented technical information for pamphlets/videos and at seminars. Coordinated with King County METRO on water quality public outreach.

### **Soil Scientist: On-Site Wastewater Treatment**

#### **Nautilus Associates, Ltd., Sequim, Washington**

Described and evaluated soils on tracts of one to 600 acres according to Soil Conservation Service criteria and health regulations for use in on-site wastewater treatment design. Collected and analyzed soil samples, and water samples for Biological Oxygen Demand (BOD), Dissolved Oxygen(DO), coliform, nitrogen, chlorine, trace metals, and other chemical constituents. Responsible for data synthesis and interpretation, technical reports, graphics, and agency submittals.

### **Graduate Research Assistant (Part time): Soil Science**

#### **College of Forest Resources, University of Washington, Seattle, WA**

Organized and conducted field investigations and lab analyses for 3-year National Science Foundation (NSF) research project on metal and organic chemical transport in soils. Responsible for data interpretation, publication and presentation. Completed soil and water analyses. Designed, implemented, and completed research project on trace metal dynamics in the Cedar River Watershed. Taught lab classes.

Council

W.T

**Jennifer Kuhn**

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**From:** Lola Granola [lola\_granola@comcast.net]  
**Sent:** Monday, April 02, 2007 2:18 PM  
**To:** Council  
**Subject:** Ethics Do Matter

Dear Members of the City Council,

I am having a very difficult time swallowing the explanation (see below) offered up by Mr. Leahy regarding the authenticity of Ms. Baker's degree. I certainly know that I would never misstate MS in Electrical Engineering as an MS in Control Systems Theory despite the fact that my MS thesis dealt completely with a very specific area of control system theory.

However, be that as it may, it is my understanding that you must decide in the very near future whether or not to renew Ms. Baker's contract. As an interested observer of City government, I must say that I personally do not believe Ms. Baker is representing the best interests of Woodinville's citizens. Moreover, as you are most certainly aware, there is a great deal of information presently circulating through the community regarding Ms. Baker's past and present actions as a public servant (e.g. [www.tangledwebsite.net](http://www.tangledwebsite.net), off the record latitude, misleading statements to many, etc.). Any one particular incident might be explained away and I could accept that. However, taken en masse, it seems to represent a clear pattern of behavior that I would have a difficult time explaining to my children.

I believe that Woodinville could and should do better than this. I would encourage each of you to study the matter thoughtfully before making a decision on the matter. Finally, before casting a vote one way or another, I would ask you to ask yourself if you would be comfortable explaining your decision to your own children.

Sincerely,

Matt Jenson  
19122 148<sup>th</sup> AVE NE

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**From:** Richard Leahy [mailto:RichardL@ci.woodinville.wa.us]  
**Sent:** Friday, March 30, 2007 4:22 PM  
**To:** lola\_granola@comcast.net  
**Cc:** Council  
**Subject:** RE: Serious Concerns about Cindy Baker's Credibility & Objectivity

I very much appreciate the welcome and your comments. While I'm not the Hearing Examiner and will not speculate as to his opinion about this, I did investigate this matter with the University of Washington.

The University of Washington, College of Forestry reports that it is materially accurate for a graduate with an "MS in Forest Resources (college name) with the research area/specialization of Forest Soils" to state that they have an MS in Soils and Geology.

In regards to objectivity, there are always two sides to each coin. If you are participating in any of the on-going development hearings and you believe that inaccurate information has been presented, it is very important that you point out those inaccuracies so that the record can be corrected and made as accurate as possible. That's one of the purpose of these types of hearings, to get the most accurate information available so that an informed decision can be made.

Richard A. Leahy

487

05/29/2007

Council  
W.T

City Manager

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**From:** Lola Granola [mailto:lola\_granola@comcast.net]

**Sent:** Wednesday, March 28, 2007 9:43 PM

**To:** Richard Leahy

**Cc:** Cathy VonWald; Hank Stecker- Comcast; Don Brocha; Gina Leonard; Scott Hageman; Mike Roskind; Chuck Price

**Subject:** Serious Concerns about Cindy Baker's Credibility & Objectivity

Dear Mr. Leahy,

I'd like to start my email on a positive note by welcoming you to Woodinville. As a nearly 8 year resident, I was very pleased to see the council fill the City Manager vacancy with such a well qualified candidate (and a rare unanimous vote to boot!). If you haven't already, I think you'll quickly come to enjoy the special and unique attributes of Woodinville that distinguish it and, in my opinion, elevate it from all of the other greater Seattle municipalities.

Now, on to my concerns... Earlier today, I had a chance conversation with an acquaintance during which some disturbing accusations against Cindy Baker were made known to me. Specifically, it was asserted that Ms. Baker had misrepresented her credentials not only on her resume, but also in a very material manner during the recent Wood Trails / Montevallo EIS hearings. I have been involved to varying degrees in the Wood Trails / Montevallo process over the last few years. At several points, it was the citizens of Woodinville who drug the city staff kicking and screaming to do the right thing. At other times, I would have sworn that some staff were actively conspiring to subvert not only the will of those who ultimately employ them but also any pretense of a fair and impartial process.

IF it is true that Ms. Baker has padded her credentials by claiming to have a Master's in Geology and in Soil Sciences, then her un-credentialed manipulation of Golder's landslide information during her EIS testimony casts a grievous and sinister shadow (yet one more in a long line of them) on the fairness and impartiality of this entire process. It is my understanding that the evidence is rather indisputable. Therefore, I call upon you to take immediate action to investigate this matter, and if true, to dismiss Ms. Baker immediately.

Further, if the accusations are well founded, then it stands to reason that she probably falsified, padded, or otherwise manipulated other critical aspects of her work for the city. I would proffer that the only effective way to mitigate the city's legal jeopardy would be to question, investigate, and re-evaluate every decision that she has made.

If it turns out that there is no "there" there, then I will sincerely and personally apologize to Ms. Baker and to you. I do not expect that to be the case.

Sincerely,

Matt Jenson  
19122 148<sup>th</sup> AVE NE

Council  
Sus

Jennifer Kuhn

---

From: Matt Schultz [matt.s@verizon.net]  
Date: Wednesday, April 04, 2007 1:06 PM  
To: Cindy Baker  
Cc: Wendi Pedersen; Vince Carlson; Susan Boundy-Sanders; Steve Gottschalk; Roger Mason; K Scarbrough; Charleine Sell; Art Pregler; vintageauto@comcast.net; lrubstello@ci.lynnwood.wa.us; Michael Corning; patrick\_edmonds@hotmail.com; prelnick@comcast.net; vic@orris.org; Council; LGrueter@jsanet.com; gcerise@jsanet.com; Findley, Dave; bob\_anderson@golder.com; John Lombard; Mick Monken; Yosh Monzaki; Dean Franz; Richard Leahy; Ray Sturtz; Sandy Guinn  
Subject: Re: Sustainable Development scope  
Attachments: Letter to Baker.doc; ATT57787.txt



Letter to Baker.doc (35 KB) ATT57787.txt (1 KB)

Cindy,

Please see the attached letter for my comments regarding the scope of the Sustainable Development Study.

Thanks,

Matt Schultz

ATT57787.txt

On Apr 1, 2007, at 5:58 PM, Cindy Baker wrote:

> Hello to all, tomorrow the attached scope of work and schedule will  
> be sent to the city council as a draft. Most of you have been  
> participating in the preparation of the scope of work for the  
> Sustainable Development Study; however, there are others of you  
> that may not have. I have compiled all the elements into one  
> table, and attached the more detailed information as "Attachments."  
>  
>  
> I am hoping you will take a moment to review the scope and if you  
> see anything that is different than what was expressed in last  
> Mondays meeting please let me know by mid week so I can prepare a  
> revised scope to be presented to the council next Monday. I am not  
> anticipating big revisions.  
>  
>  
> Consultants: I will need the remainder of the cost estimates no  
> later than wednesday.  
>  
>  
> Thank you for your help.  
>  
> <Compilation of Goals to Complete Sustainable Development Study.doc>

Dear Ms. Baker,

In reviewing the proposed scope of services and cost estimates to complete the outstanding issues identified by the Planning Commission, City Staff, and Citizens Advisory Panel, I am concerned that the planned approach to the continuing studies is not cost effective.

On a study wide scale, it appears that the estimated costs for the continuing studies are approaching \$500,000 or more, not including consideration of time spent by City staff. When compared to the roughly \$150,000 to \$200,000 (I don't know the exact number) spent on the initial studies, it seems we are more than doubling the initial efforts. The initial Sustainable Development Study (SDS) is a very valuable document with much useful information. I believe that answering the fundamental remaining questions need not require this level of expenditure. It would be prudent to consider means to answer some of the fundamental questions without spending this much money.

Let me speak to some of the issues with which I am most familiar, hydrology and storm water. In this discussion, it is useful to re-visit some of the general questions not fully addressed in the original SDS:

- How much water does the School Basin contribute to the Lake Leota/Cold Creek flow?
- If this water flow is significant as a percentage, then should the School Basin or parts thereof be considered part of the "Litowitz" area?
- How much of the water flow into Lake Leota is from storm water?
- Can we better define the groundwater divide between the Daniels Creek and School Basins?
- If the City were to decide to support greater density in the area, what upgrades in storm water treatment and how much space would be required to construct new storm water control systems?
- What low -impact development methods should be incorporated for any future development?
- How do we ensure that the current groundwater and surface water flow regimes are unchanged by future development?
- How much water flows out of the Golf Course Basin through streams identified by Bob Harmon?

- Is Little Bear Creek and its drainage basin an environmentally sensitive area that would meet the Litowitz criteria? It did not receive any consideration in the SDS, but is affected by potential development in the R-1 area.

At first glance, these questions seem very complex and might appear to require extensive study. However, consider the following:

- Golder Associates already demonstrated that the prevailing groundwater flow is west/southwest for much of the R-1 area. By measuring the water levels in the area of the School Basin/Daniels Creek Basin we can better understand the divide. It may be necessary to install one or two piezometers to answer this question.
- One can install flow gauges and or take direct in-stream or surface water level measurements during rains to determine the amount of surface water flows. Measuring one event will give us better data than we currently have.
- Once we have a better understanding of the groundwater and surface water flow regimes in the School Basin and Lake Leota/Cold Creek we can decide whether or not it is necessary to expand the "Litowitz" area defined in the original SDS.
- We already understand that Lake Leota water levels change rapidly after a heavy rain storm. One can make the decision to critique activities in the Lake Leota drainage basin to ensure that they do not contribute pollution or storm water surges. A separate study of Lake Leota, outside the context of the SDS, may then be conducted.
- Considering that the current storm water control systems were built for R-1 developments, or were not installed at all, one can assume that there is insufficient capacity for greater density.
- Low Impact Development techniques for storm water are well understood and should be developed and implemented regardless of the status of the SDS. The goal must be to maintain current hydrological regimes under any development scenario.

Much of the concern regarding the original study was that conclusions were being made suggesting that development to greater densities would be acceptable, when in fact the environmental and other studies were incomplete. If one were to approach this situation conservatively and recognize that much of the R-1 area is environmentally valuable and/or has high neighborhood character, as was done in the SDS, then one can justify retaining the area in its present density.

While it is true that the Planning Commission, City, and CAP recognized a fair number of data needs not covered in the SDS, it is possible to resolve these issues more

economically. Two simple examples are to ask other residents to approach neighbors with wells in the study area to access the wells for water level measurements; and to compile CC&Rs already collected by the citizens rather than approaching title companies. Finally, it would be useful to prioritize the data needs and/or determine how much data is required to support a particular determination. For example, a study is being released indicating the presence of earthquake faults in the R-1 area. One can easily make the recommendation that potential development in that area be restricted until a determination is made that it is safe to build on that fault.

I also note that a number of the scope items appear to address future planning needs as opposed to answering the outstanding technical issues of the SDS.

Not every question or issue raised by the groups needs to be completely resolved to support a recommendation. As described above, there are means to answer the fundamental questions for purposes of future planning, provided we use a conservative approach that protects areas absent fully developed data.

My comments focus on the hydrology and storm water elements, but I recommend a similar analysis be applied to the other study areas. The proposed level of expenditures for the second phase of study suggests that only a third of the necessary work was completed in the original SDS. I believe the SDS gave us more information than that. When we consider that we may only have about 12 weeks practically to complete the next phase of study, we must focus our efforts on the most significant efforts that will yield answers, and if doubt remains, then conservative decisions be made until such time as further study clarifies the matter.

I highly recommend that you discuss with the consulting team options to obtain similar information using less costly approaches. Also, it will be useful to consider if the scope developed addresses SDS issues alone, or whether the scope extends into areas of future planning.

Although time is important for this next phase of work, I believe we have rushed into this effort and the responses indicate a rushed response. We should take a breath and carefully examine the requested scope to determine the issues that need to be addressed now as opposed to those for future study or those to be addressed by a project proponent. It appears we are trying to fold a lot of issues into this one study, and the likely outcome will be an unmanageable study.

Thank you.

Matt

Matthew F. Schultz, PE  
CAP Member

Council  
sus

## Jennifer Kuhn

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**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

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 greenhouse 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. Governor Gregoire 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 Cantwell, 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](http://www.cascade.sierraclub.org)  
WWRP - [www.wildliferecreation.org](http://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.

Photo #1: Aerial view of our existing neighborhood.  
[http://www.savewoodinville.com/ProjectWithoutWTMV\\_A.jpg](http://www.savewoodinville.com/ProjectWithoutWTMV_A.jpg)

Photo #2: Neighborhood if the proposed new homes are allowed to go in.  
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Photo #3: Possible development that could be proposed east of 156<sup>th</sup> if sewer comes to Montevallo.  
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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](mailto:shaniparrott@earthlink.net)

Council

W.T

## Jennifer Kuhn

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**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  
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Thank you for your time,  
Shani Parrott

[shaniparrott@earthlink.net](mailto:shaniparrott@earthlink.net)

Council

She

**Jennifer Kuhn**

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**From:** Julie Parrott [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 than \$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 interest 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

Council

Sus

Jennifer Kuhn

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**From:** Susan Boundy-Sanders [sbsand@hotmail.com]  
**Sent:** Monday, April 09, 2007 10:30 PM  
**To:** Sandy Guinn; Cindy Baker; ellenjeane@msn.com; vince.carlson@comcast.net; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; Charleine Sell; art@pregler.org; vintageauto@comcast.net; lrubstello@ci.lynnwood.wa.us; mcorning@aspalliance.com; patrick\_edmonds@hotmail.com; prelnick@comcast.net; vic@orris.org; lgrueter@jsanet.com; gcerise@jsanet.com; Findley, Dave; bob\_anderson@golder.com; John Lombard; Mick Monken; Yosh Monzaki; deanf@perteet.com  
**Cc:** Richard Leahy; Ray Sturtz; Council  
**Subject:** RE: Sustainable Development Scope of Work - CAP Meeting April 11th @ 7 p.m. in the Council Chambers

Hi Cindy,

Would you please send us the current draft of the Sustainable Development scope? The draft we have is a week old and fairly incomplete with respect to cost estimates; the CAP can do a much better job for the City if we have something solid to review before Wednesday's meeting.

Thanks,

Susan Boundy-Sanders  
425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)

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Subject: Sustainable Development Scope of Work - CAP Meeting April 11th @ 7 p.m. in the Council Chambers

Date: Mon, 9 Apr 2007 15:55:25 -0700

From: SandyG@ci.woodinville.wa.us

To: CindyB@ci.woodinville.wa.us; sbsand@hotmail.com; ellenjeane@msn.com; vince.carlson@comcast.net; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; CharleineS@ci.woodinville.wa.us; art@pregler.org; vintageauto@comcast.net; lrubstello@ci.lynnwood.wa.us; mcorning@aspalliance.com; patrick\_edmonds@hotmail.com; prelnick@comcast.net; vic@orris.org; lgrueter@jsanet.com; gcerise@jsanet.com; dfindley@golder.com; bob\_anderson@golder.com; jlombard2415@earthlink.net; MickM@ci.woodinville.wa.us; YoshM@ci.woodinville.wa.us; deanf@perteet.com  
CC: RichardL@ci.woodinville.wa.us; RayS@ci.woodinville.wa.us

Hi everyone,

Confirming April 11<sup>th</sup> at 7:00 p.m. for the CAP meeting (changed from 6:30 p.m.). The Council Chambers has been reserved.

Confirmed: Pat Edmonds, Matthew Schultz, Susan Boundy-Sanders, Vince Carlson  
Lisa Grueter (Jones & Stokes), John Lombard (Steward & Associates), Dean Franz  
(Perteet), Peter Eglick (EKW Law),  
Cindy Baker, Mick Monken, Yosh Monzaki, Ray Sturtz  
Tentative: Steve Gottschalk (will do best to attend)

Sandy

Sandy Guinn  
Sr. Administrative Assistant  
City of Woodinville

Phone: (425) 489-2754, Ext. 2211

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**From:** Cindy Baker

**Sent:** Wednesday, April 04, 2007 4:21 PM

**To:** Cindy Baker; Susan Boundy-Sanders; ellenjeane@msn.com; vince.carlson@comcast.net; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; Charleine Sell; art@pregler.org; vintageauto@comcast.net; lrubstello@ci.lynnwood.wa.us; mcorning@aspalliance.com; patrick\_edmonds@hotmail.com; prelnick@comcast.net; vic@orris.org; lgrueter@jsanet.com; gcerise@jsanet.com; Findley, Dave; bob\_anderson@golder.com; John Lombard; Mick Monken; Yosh Monzaki; deanf@perteet.com

**Cc:** Richard Leahy; Ray Sturtz; Sandy Guinn

**Subject:** RE: Sustainable Development Scope of Work

After compiling everyone's scope of additional work, with the list of tasks and rough costs, we are finding the scope to be quite extensive. The city would like to meet again with the CAP and all the consultants to possibly refine the list. Would next week on Wednesday, April 11 at 6:30 work for all of you? Sandy Guinn will be trying to coordinate this effort.

Also, on Monday April 9, 2000 we will be presenting the **working draft** of the scope of work to the city council with the caveat that additional refinement will occur with the CAP and consultants.

Respectfully,

Council

W.T

## Jennifer Kuhn

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**From:** dhenrynase Henry [dhenrynase@msn.com]  
**Sent:** Tuesday, April 10, 2007 1:16 PM  
**To:** Cathy VonWald; Richard Leahy; Mike Roskind @ Seanet  
**Cc:** Council; Bob Harmon; Carol Wallace; Charlie Cox; Christie Diamond; Emma Dixon; Chuck Price; Hank Stecker- Comcast; Heidi Fuhrmeister; Jeanette Knutson; Jeff Glickman; Jim Katica; kari Scarobrough; Linda Gray; MaryCharlie Cox; Matt Schultz; Mike Daudt; Nancy Montgomery; Norm Maddex; Otto Paris; Paul Cline; Paulette Bauman; Peter Tountas; Richard Block; Roger Mason; roy ghazamorad; Scott Henry; Sharon Peterson; Steve Gottschalks; Steve Maloney; Steve Yabroff; Susan Huso; Susan Sanders  
**Subject:** Re: ARCH Presentation

All;

Pete rose had less than clean hands regarding many issues. His involvement in the confiscation of private land from a private citizen was outrages. His giving Ray Sturtz, the Planning Director at that time, full and un- controlled authority over every aspect of the Planning Department, was almost not real.

Pete Rose gave Ray Sturtz unfettered authority to rubber stamp everything, that crossed his desk.

The demonstration at last nights council meeting, by Cindy Baker was cunning and deceitful. Her attempt to gloss over extremely important issues was a disgrace. Cindy Baker's agenda is extremely clear, continue to push for high density, R-4 and above. Two council members quickly shed light on huge errors on the part of Cindy Baker's presentation and should have raised all sorts of red flags. The two council members brought these errors to the attention of the community. Cindy Baker's attempt to do slight of hand, has been a PATTERN OF BEHAVIOR by the city, with Ray Sturtz, Pete Rose ever since my involvement with the Wood Trails high density nightmare began.

Same type of behavior on the part of the Planning Department, just a different day. As was originally predicted, Cindy Baker abused her power and position, with her attempts to diminish the effectiveness of the CAP. Just more of the same.

Dave Henry  
Woodinville  
206-940-1203

----- Original Message -----  
From: Mike Roskind

To: 'Cathy VonWald' ; 'Richard Leahy'  
Cc: 'Council'  
Sent: Tuesday, April 10, 2007 12:01 PM  
Subject: RE: ARCH Presentation

Rich-

I was on the TOHD Citizen Advisory Panel. The CAP was clear that the proposed construction was not acceptable to the surrounding community, including the neighborhoods and businesses. To quote one CAP member, a VP of a local bank, 'I'll never do this again (participate in a CAP) I have better things to do with my time than be ignored'. The TOHD was moved forward by the City Staff and ARCH, until Pete Rose put an end to it after the election, it an attempt to reduce the heat he was taking as he searched for a new job.

ARCH and the TOHD were classic 'ram it down the community's throat projects'. It is part of the atmosphere of mistrust that is plaguing City Government which we expect will end...at least after the next election.

As for a mis-statement about their role, well I can never tell who is doing what in Woodinville Government, it has always been done behind closed doors and with a deaf ear to the public. That's the "Woodinville Way".

Thanks,

Mike Roskind  
206.499.6116

-----Original Message-----

From: Cathy VonWald [mailto:CVonWald@ci.woodinville.wa.us]  
Sent: Tuesday, April 10, 2007 11:12 AM  
To: Richard Leahy  
Cc: Council  
Subject: ARCH Presentation

Hi Rich,

Last night during the Special Presentation by Arthur Sullivan on the ARCH 2007 Work Plan, there was a statement made by Councilmember Roskind that I believe was not accurate and I am seeking clarification. The statement made reference to ARCH being responsible for forcing an affordable housing project into Woodinville. I believe the statement was in reference to the Park and Ride project (TOHD) that Metro and Sound Transit envisioned in Woodinville a few years ago. Would you please research the sequence of events on that particular project and clarify for me who the partners were and how the project came to be? It is my recollection that Metro and Sound Transit initiated the conversation and that ARCH came in later to represent the City of Woodinville's interest in the project.

Thanks for your help,  
Cathy VonWald

**Jennifer Kuhn**

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**From:** Linda [lsroundhill@comcast.net]  
**Sent:** Wednesday, April 11, 2007 8:21 AM  
**To:** Cathy VonWald  
**Subject:** R1 re-Zoning

Dear Woodinville City Council,

I am opposed to Re-zoning of R-1 into anything else.

We moved here because of the R-1 zoning.

What ever happened to "City Living, Country Style"??

Please don't allow Woodinville to deteriorate further for the sake of placating the developer's greed.

Many thanks for all you do for all of us.

Linda Roundhill  
18121 157<sup>th</sup> Ave NE  
Woodinville WA 98072  
425-481-0720

Council

W.T

**Jennifer Kuhn**

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**From:** ktidball@att.net  
**Sent:** Thursday, April 12, 2007 3:12 PM  
**To:** Don Brocha  
**Subject:** RE: Party of Record Request for Wood Trails and Montevallo projects

Mr. Brocha:

Thank you for taking time to respond to my email and concerns. Although we may not technically live within the defined Woodinville city limits, we would be impacted by the re-zoning with higher demands on schools and traffic (which is already a challenge depending on the time of day) to name simply a couple of obvious areas. We're not that far away from the currently proposed development sites.

Once developers have their "foot in", their lack of concern for our beautiful, country-like environment won't stop with two developments....they will keep asking for more and more land.

I grew up in S. Calif and saw it destroyed, in my opinion, by developers who stripped the land and built houses practically on top of each other. My husband and I choose to live in Woodinville because there is room to breath, country trails to walk on, the natural beauty that surrounds us (Cascade and Olympic mountain ranges) is good for our souls....we will be greatly disappointed in the Council if you ignore what is one of Woodinville's greatest claims to "fame"....Country living ..and give in to developers who *will* strip the land, leave behind traffic congestion, etc and won't care because they've made their "buck".

They'll "pave paradise and put up a parking lot"! I strongly and respectfully encourage the council to preserve our country style living....once it's gone, there's no turning back. What a shame that would be for those of us who call Woodinville home and for further generations.

Thank you for taking time to read my comments and take them into consideration.

Respectfully,

Karen Tidball

A concerned citizen

----- Original message from "Don Brocha" <DBrocha@ci.woodinville.wa.us>: -----

> Ms. Tidball,

>  
> your concern is shared by many that we have heard from.

>  
> However, from your address I see that you are well outside the city limits and  
> that any zoning change in the city limits will have no effect on your immediate  
> or even your extended vicinity.

>  
> As to what the zoning within the city may become, as a government we need to  
> consider all options before selecting the appropriate course of action. Please  
> remember that consideration of options doesn't insure their adoption.

>  
> Don Brocha  
> Councilmember

>  
> \_\_\_\_\_  
>  
> From: Karen [mailto:ktidball@att.net]  
> Sent: Thu 04/12/2007 11:12 AM  
> To: Council  
> Cc: ktidball@att.net  
> Subject: Party of Record Request for Wood Trails and Montevallo projects

>  
>  
>  
> To the Woodinville City Council Members,

>  
>  
>  
> I request that you include me as a "party of record" regarding the rezoning  
> changes you are currently considering. I adamantly oppose the rezoning from R-1  
> to R-4!!! I'm saddened and angry that you are even considering these changes  
> to Woodinville...you will ruin our community by changing its "face" forever!!!  
> We live here because we love our "country living".

>  
>  
>  
> Pls do NOT rezone the tranquil place we call home...Woodinville...into an over  
> developed, congested environment.

>  
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>  
> I'm submitting this email on behalf of my husband and me:

>  
>  
>  
> Steve and Karen Tidball

>  
> 15302 181st Ave NE  
>  
> ; Woodinville, 98072  
>  
>  
>  
> Blessings  
>  
> Karen  
>  
>  
>

Council

W.T

**Jennifer Kuhn**

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**From:** Karen [ktidball@att.net]  
**Sent:** Thursday, April 12, 2007 11:12 AM  
**To:** Council  
**Cc:** ktidball@att.net  
**Subject:** Party of Record Request for Wood Trails and Montevallo projects

To the Woodinville City Council Members,

I request that you include me as a "party of record" regarding the rezoning changes you are currently considering. I adamantly oppose the rezoning from R-1 to R-4!!! I'm saddened and angry that you are even considering these changes to Woodinville...you will ruin our community by changing its "face" forever!!! We live here because we love our "country living".

Pls do NOT rezone the tranquil place we call home...Woodinville...into an over developed, congested environment.

I'm submitting this email on behalf of my husband and me:

Steve and Karen Tidball  
15302 181<sup>st</sup> Ave NE  
Woodinville, 98072

Blessings  
Karen

Council

W.7

## Jennifer Kuhn

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**From:** Jane Winant [jwinant@comcast.net]  
**Sent:** Friday, April 13, 2007 12:52 PM  
**To:** Don Brocha; Scott Hageman; Gina Leonard; Chuck Price; Mike Roskind; hstecker@woodinville.wa.us; Cathy VonWald; reahy.@ci.woodinville.wa.us  
**Cc:** cbaker@ci.woodinville.wa.us; gsmith@ci.woodinville.wa.us  
**Subject:** Woodinville Traffic Planning

### Woodinville Traffic Planning

On Thursday night, April 5, 2007, at the Wood Trails Public hearing, the Woodinville traffic specialist addressed the potential traffic problems associated with rezoning the Wood Trails and Montevallo areas. He first displayed a series of charts depicting the data from traffic sampling along the Woodinville-Duvall Road and 156<sup>th</sup> Ave. He pointed out that the data was too sparse, contradictory, and much of it out of date, to allow any accurate analysis of traffic growth on these roads and their intersection. He did not address the reason for not having adequate data to make an analysis. Traffic impact on 156<sup>th</sup> Ave, should be of major importance when considering a zoning change for the area.

In spite of the lack of useful data, he stated that the city's position is that the traffic growth on these roads will be 2.5% based on the Puget Sound Regional Council's (PSRC) analysis of growth in this area. The Regional Council's analysis is based on a study of business and employment projections. However, the PSRC analysis is "growth as usual". It applies to the average increase in traffic across all roads, not to any individual road.

156<sup>th</sup> Avenue is the only access to the city central area and Woodinville Duvall Rd. Traffic on this road apparently increased 16% due to the opening of the COSTCO store. The number of homes in the Wellington area will increase by more than 30% under the two proposed rezoning actions and by more than 50% if all the large landowners, who have indicated a desire to cash in on a rezoning, are successful. An assumption of a 2.5% growth rate seems irrational.

The traffic specialist went on to say that he had no plans for addressing the existing problems which he acknowledged already exist on 156<sup>th</sup> Avenue and feeder streets, primarily 195<sup>th</sup> St., prior to the Wood Trails development.

It is apparent from this issue as well as a host of others that surfaced in these meetings, that the city Planning Department takes a very narrow view of their

responsibility to the city and its citizens. Specifically, they appear to lean toward an attitude of Review and Approve developers plans. They do not look for the costs to the city's infrastructure or the future consequences of developer's activities,

With the current overload of the city road project budget and the shortfall of developer impact fees, they are asking the city to approve a project with very little merit, without in any way quantifying the expected costs to the city. Further, the city Planning Director stated that she would not estimate the potential long term impact of the Wood Trails project on growth in the Wellington area. This appears to be ignoring rather than planning.

The Woodinville Planning Department together with the developer are asking the city to accept undefined and open-ended costs to the city transportation budget. This is not just short-sighted. It is irresponsible and unacceptable. Added to the other significant issues associated with these proposed developments, no rezoning should be approved until the traffic plan and budget are capable of handling the rational expectation of long term growth.

Austin Winant  
15908 NE 198<sup>th</sup> street  
Woodinville WA 98072

Council

SUS

**Jennifer Kuhn**

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**From:** Susan Boundy-Sanders [sbsand@hotmail.com]  
**Sent:** Sunday, April 15, 2007 8:57 PM  
**To:** 'Phil Relnick'; Council; Richard Leahy  
**Cc:** Emma SKEA Dixon; Linda SKEA Gray  
**Subject:** Appeal the Brightwater Permits

Council:

I'd like to echo Commissioner Relnick's request that you appeal the Brightwater Digestion and Energy Building permit.

The building permits are a critical piece of the concerns SKEA has been voicing for years. It is *exactly* the issue of erecting essential public facilities on top of fault traces, in violation of the IBC, that is the crux of the matter. Now is the perfectly appropriate time to act -- and you're the appropriate body to instruct Woodinville's staff to act before the appeals period expires a week from now.

I'd like to add a concern about Brightwater that has arisen from the Sustainable Development Study.

We're learning that the Southwest Whidbey Island Fault Zone, which goes through the Route 9 Brightwater site, has a significant impact on the groundwater and surface water of the R-1 zone. I think we can assume that those impacts are also present on the Brightwater site. I am concerned that the effects of any failures at Brightwater may have a greater effect on groundwater than has previously been recognized.

Thank you,

Susan Boundy-Sanders  
425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)  
17859 149th Av. NE  
Woodinville, WA 98072-6202

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**From:** Phil Relnick [mailto:prelnick@comcast.net]  
**Sent:** Sunday, April 15, 2007 6:09 PM  
**To:** council@ci.woodinville.wa.us; richardl@ci.woodinville.wa.us  
**Cc:** info@nobrightwater.com  
**Subject:** Appeal the Brightwater Permits

To: Woodinville City Council and Woodinville City Manager

Re: **APPEAL THE BRIGHTWATER PERMITS**

April 15, 2007

Snohomish County has issued a building permit for the Digestion and Energy building that does not comply with the laws of the International Building Code. I urge you to appeal this permit and protect the citizens of Woodinville for the coming decades.

## **PERMIT DETAILS**

The building is shown on the map below with four circles - The USGS viewed the trench just to the right of the south trenching conducted last July and saw evidence of faulting. They indicated that *"In particular, we are struck with the similarities between the deformation pattern in trench 1 compared with the trench dug on lineament 4 at the north end of the Brightwater site."* Lineament 4 is a confirmed active fault!

The International Building Code actually requires that all of the buildings on the site be cleared of active faulting. However, both King and Snohomish Counties have disregarded the highly qualified observations of the USGS and created a development agreement for this project that *only* requires that the chemical buildings be trenched.

Last July, King County told the public that it had trenched under the proposed locations of the chemical buildings and that there was no evidence of faulting. Even though this is completely contrary to the USGS observations!

The public was later informed by a Seattle Times article in September that there had been a "mistake" about the location of the trenches and that King County had dug some new trenches - this time actually under the South Chemical Building. However, this time only the King and Snohomish County consultants were present for the trenching. Neither the USGS or Washington State DNR geologists were invited to attend, even though they had offered and their presence had been specifically requested by Snohomish County. One can only speculate that King County did not want the possibility of a contrary opinion during this trenching.

So King County's consultant has looked at the trenches under the chemical buildings and come to the conclusion that the top, younger layers of soils are undisturbed and that therefore precludes the possibility of any faulting being active - as any earthquake events that did occur would have been too long ago. However, the actual carbon dating tests on soil samples collected in these trenches did not yield dates that actually support this theory. Nonetheless, King County has applied this theory to the entire site and failed to conduct any further investigation of all these possible faults on the site. This is a violation of the International Building Code.

Last December, the city of Woodinville sent a letter to Snohomish County in which Dr. Yeats pointed out that King County has not complied with the specific chapters of the IBC that prevent these types of facilities from being placed on top of an active fault and require detailed investigation of any potential earthquake hazard. The County has still not done this work and the permit issued by Snohomish County for the Digestion and Energy building does not comply with those chapters of the IBC.

## **PERMIT APPEAL**

The City of Woodinville should appeal this permit because:

- On July 20th, last year the Woodinville City Council voted unanimously to appeal any Brightwater permits.

- The City's world class seismic expert has identified that the current seismic study does not comply with the laws of the International Building Code and all the facility foundations need to be trenched.
- The USGS experts have identified evidence of faulting at this location – similar to the confirmed active fault on the site.
- This presents a strong case to challenge the permit.
- The City has the funding to appeal. On April 10th, 2006 the Council voted to set aside \$200K to tackle the Brightwater odor and seismic issues. About half of that budget remains unused.
- Woodinville will be the jurisdiction most significantly affected in the event of a massive sewage spill as a result of an earthquake damaged facility.
- The City previously attempted to resolve these issues through the mediation clause of the Brightwater Memorandum of Agreement with King County – but Ron Sims refused.

**The risks to the City of Woodinville are incredibly high. King County expects the City and the surrounding community to accept:**

- an unnecessary sewage plant that is not at all needed to accommodate population growth but is really being built to treat stormwater and provide a catalyst for development.
- that King County won't rescue this site in the aftermath of an earthquake because they've "built it to such high shaking standards" when the real danger here is from surface rupture earthquake faults they admit they cannot design against.
- that there are now 7 faults (one confirmed active, and another six potential ones that they refuse to investigate) all under key buildings - chemical storage, conveyance line, operations building, Digester, power substation, etc.
- that the County can't guarantee Chlorine Gas won't be formed following an earthquake should those chemical buildings get destroyed because they likely sit atop active faults.
- that there's only storage capacity for a total of 11 Million gallons of raw sewage should an earthquake damage the plant. But the Dec 06 rainstorm overwhelmed West Point and dumped over 60 Million gallons of raw sewage into Puget Sound. Where would that go if it happened in Woodinville?

If King County is forced, through appeal, to follow the laws of the IBC and trench this building foundation and active faulting is confirmed, it would finally prove what SKEA has believed for many years - that this site is highly compromised by multiple fault strands and is wholly unsuitable for a sewage plant.

Regards,

Phil Relnick  
19112 152nd Ave. NE  
Woodinville, WA 98072-8433  
Tel: 425-489-1992  
Mobile: 425-218-2882  
prelnick@comcast.net

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**Ray Sturtz**

**From:** hstecker@comcast.net  
**Sent:** Monday, April 16, 2007 2:25 PM  
**To:** Susan Boundy-Sanders; Cindy Baker; Ray Sturtz; vince.carlson@comcast.net; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; Mick Monken; Zach Lell- City Attorney; Peter J. Eglick; Art Pregler; Greg Baker; Les Rubstello; Michael Corning; Pat Edmonds; Phil Relnick; Susan Webster; Victor Orris  
**Cc:** Charleine Sell; Sandy Guinn; Richard Leahy; gcerise@jsanet.com; lgrueter@jsanet.com; Joel Birchman; deanf@perteet.com; John Lombard; Findley, Dave; Bob Anderson; Council  
**Subject:** RE: Sustainable Development Phase 2(A) Work Plan

Susan,

The City Council specifically asked that we be given an update of the Scope of Work from this past Wednesday nights meeting at the Council meeting tonight on 4/16/2007.

We did discuss the option of another meeting this month if additional work was needed. That is to be decided on, after our review this evening.

Regards,

Hank Stecker

----- Original message -----

**From:** Susan Boundy-Sanders <sbsand@hotmail.com>  
**Hi** Cindy,

Could you clarify for us? Is "next Monday's council meeting" a special meeting that is not yet on the Web site and Council members have not been notified? I just spoke with the Deputy Mayor and he knows nothing about it.

In the interests of the citizens of Woodinville, I think the scope of work we agreed to Wednesday night should be presented to the Council tonight.

Thanks,

Susan Boundy-Sanders  
 425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)

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**Subject:** RE: Sustainable Development Phase 2(A) Work Plan  
**Date:** Mon, 16 Apr 2007 13:27:10 -0700  
**From:** CindyB@ci.woodinville.wa.us  
**To:** RayS@ci.woodinville.wa.us; sbsand@hotmail.com; vince.carlson@comcast.net; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; MickM@ci.woodinville.wa.us; zlell@omwlaw.com; eglick@EKWLaw.com; art@pregler.org; greg.baker@homestreetcapital.com; lrubstello@ci.lynnwood.wa.us; mcorning@aspalliance.com; patrick\_edmonds@hotmail.com; prelnick@comcast.net;

gatheringfabric@aol.com; vic@orris.org  
 CC: CharleineS@ci.woodinville.wa.us; SandyG@ci.woodinville.wa.us;  
 RichardL@ci.woodinville.wa.us; gcerise@jsanet.com; lgrueter@jsanet.com;  
 JoelB@perteet.com; deanf@perteet.com; jlombard2415@earthlink.net;  
 dfindley@golder.com; banderson@golder.com

I just spoke with Rich to explain that the information on the second phase of the Sustainable Development Study came late in the week to the city and that each of you only received the draft this morning. Rich has agreed that we will wait to distribute the scope, schedule and budget until next Monday's council meeting; however, we still need to finish the packet as soon as possible for the council so send your comments. I will let the council know tonight that the meeting with the CAP seemed very productive and that the work was divided into phases. The CAP also reduced the scope in a number of ways.

How many of you (CAP, city, consultants, planning commission representatives) can teleconference on Tuesday from 6-7:30 (other times?)? to finalize the information? If so, I will send you a teleconference number and code.

Thanks again for everyone's participation.

Regards

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**From:** Ray Sturtz  
**Sent:** Monday, April 16, 2007 9:46 AM  
**To:** Richard Leahy; Cindy Baker; sbsand@hotmail.com; vince.carlson@comcast.net; thegottschalks@comcast.net; rmasonshome@aol.com; matt.s@verizon.net; kscarbrough@verizon.net; kathylitke@yahoo.com; Mick Monken; Zach Lell- City Attorney; 'Peter J. Eglick'; Art Pregler; Greg Baker; Les Rubstello; Michael Corning; Pat Edmonds; Phil Relnick; Susan Webster; Victor Orris  
**Cc:** Charleine Sell; Sandy Guinn  
**Subject:** Sustainable Development Phase 2(A) Work Plan

Sustainable Development CAP,  
 Attached for your review and comment is the Work Plan for additional work on Sustainable Development Study. It reflects the revisions proposed at the April 11<sup>th</sup> CAP meeting. The table includes only Phase 2(A) goals and tasks. The detail following the table includes both phase 2(A) and Phase 2(B) information. Detail on the Transportation portion, Phase 2(B), to follow. In the interest of time and efficiency, please send any comments you have directly to Cindy Baker.  
 Thank you.  
 Ray

Ray Sturtz, Planning Manager  
 17301 133 Avenue NE  
 Woodinville, WA. 98072  
 phone: 425-489-2757 ext. 2281  
 fax: 425-489-2756

**ATTACHMENT A**

Summary - Work Plan for Additional Work on Sustainable Development Study

<i><b>Goals to Complete Sustainable Development Study (see attachments for detailed tasks)</b></i>	<i><b>Estimated Costs</b></i>	<i><b>Consultants/ Comments</b></i>
<b>1. Transportation</b>		
<b>Goal 1</b> Identify transportation needs that would support Maximum (R-4) development	To be provided.	
<b>Goal 2</b> Identify non-motorized improvements	To be provided.	
<b>Goal 3</b> Identify transportation system costs for needed roadway systems improvements	To be provided.	
<b>Goal 4</b> Assist in Low Impacts Development Standards	To be provided.	
<b>Goal 5</b> Assist in Development Standards	To be provided.	
<b>Goal 6</b> Evaluate Safety	To be provided.	
<b>Goal 7</b> Develop a Transportation Report	To be provided.	
<b>2. Hydrology</b>		
<b>Surface Water</b>		<b>Perfect</b>
<b>Goal 1</b> Identify storm system needs to support development alternatives <b>Goal 2.</b> Develop storm system improvement development plan with costs; evaluate <b>Goal 3.</b> Develop water quality protection plan (The above includes Review Basin areas around Lake Leota; coordinate with surface water management plan (under separate contract); further evaluate Low Impact Development –look at other jurisdictions' codes; evaluate if flows to Bear Creek could meet a refined "Litowitz" test; Review Bob Harmon data)	To be provided.	
<b>Groundwater</b> <b>Goal 1</b> Update & Improve groundwater flow map in R-1 zone	To be provided.	Options for cost savings Right-of-Entry possible problem
City time meetings, coordination, review, etc	To be provided.	
<b>3. Geotechnical</b>		
<b>Goal 1</b> Review and update landslide hazard areas in R-1 <b>Goal 2</b> Evaluate active faults in R-1 <b>Goal 3</b> Prepared Stratigraphic Study in R-1 <b>Goal 4</b> Coordinate with CAP	To be provided	Right-of-Entry possible problem

<b>4. Other Critical Areas Information</b>		Jones & Stokes
<b>Goal 1</b> Identify additional wetlands <b>Goal 2</b> Identify any wildlife corridors in R-1 <b>Goal 3</b> Reassess Bear Creek systems for Litowitz”	To be provided	J&S (review by Steward & Assoc.) Right-of-Entry possible problem
<b>5. Neighborhood Character &amp; Land Use</b>		Jones & Stokes
<b>Goal 1</b> Identify and evaluate CC&R's <b>Goal 2</b> Review & strengthen Neighborhood Character report <b>Goal 3</b> Re-evaluate residential zones in WMC <b>Goal 4</b> Evaluate Density Transfer <b>Goal 5</b> Prepare Documents, assist staff and CAP <b>Goal 6</b> Prepare Buildable Lands Data and Report	To be provided	Right-of-Entry possible problem
<b>6. Other</b>		
<b>Goal 1</b> Request Health Department assist city with knowledge about alternative septic systems	To be provided	

# 1. Transportation

## Sustainable Development Study

March-September 2007 Continuation  
Prepared by Perteet, City, Roger Mason  
Revision: 30 March 2007

The community, CAP, and decision makers need additional information to understand the following:

1. Existing area-wide constraints and deficiencies related to the transportation system in the R-1 area.
2. Traffic related information to understand how re-zone scenarios affect capacity, safety and operations of existing arterials and local access roads within the R-1 area.
3. Review and consider impacts (environmental, right-of-way, and budget) of potential improvements required to address traffic capacity, safety and operations.
4. Major issues or fatal flaws resulting from potential transportation/traffic improvements that would be needed to accommodate higher densities.
5. Additional thoughts: The SDS scope outline defines a future year of 2022. Although it would be more efficient/timely to use the same 2030 forecast year (consistent with PSRC regional models), staying consistent with the previous analysis (a 2022 forecast year) be achieved by developing an interim 2022 forecast year for the SDS by interpolating between the 2007 and the new 2030 land use forecasts.

### **Goal 1. Identify transportation needs to support R-4 development – assume for a 20 year period 2005-2022 (or appropriate period consistent with other forecast data)**

- Task 1. Presentations and interface with CAP on transportation data collection, modeling methods of analysis, review of results. Develop foundation to understand results.
- Task 2. Acceptance of assumption used in transportation modeling (e.g. growth rate, standards, historical data)
- Task 3. Projection of development/redevelopment of the R-1 zone to R-4 through 2028 (or appropriate period consistent with other forecast data)
- Task 4. Projection of development in Snohomish County that will impact the R-1 zone
- Task 5. Projection of development in King County that will impact the R-1 zone
- Task 6. Develop baseline traffic conditions for 2008(or appropriate period consistent with other forecast data) .
  - Sub 1. Turn movement counts at key arterial and collector intersections (W-D/156<sup>th</sup> Ave, W-D/167<sup>th</sup> Ave, W-D/168<sup>th</sup> Ave, 164<sup>th</sup> Ave/175<sup>th</sup> St, 173<sup>rd</sup> St/152<sup>nd</sup> Pl, NE W-D/W-D)
  - Sub 2. Turn movement counts at 6 key local/arterial intersections (195<sup>th</sup> St/156<sup>th</sup> Ave, 198<sup>th</sup> St/156<sup>th</sup> Ave, 202<sup>nd</sup> St/156<sup>th</sup> Ave, 152<sup>nd</sup> Ave/W-D, 154<sup>th</sup> Ave/W-D, 160<sup>th</sup> Ave/W-D)
  - Sub 3. Traffic tube counts along at 10 locations on arterial and collector system roads (W-D east of 156<sup>th</sup> Ave, W-D west of 156<sup>th</sup> Ave, W-D east of 168<sup>th</sup> Ave, 156<sup>th</sup> Ave south of 188<sup>th</sup> Pl, 156<sup>th</sup> Ave south of City Limit, 168<sup>th</sup> Ave north of W-D, 167<sup>th</sup> south of W-D, 164<sup>th</sup> Ave south of 180<sup>th</sup> St, 175<sup>th</sup> St west of 164<sup>th</sup> Ave, 171<sup>st</sup> St east of 143<sup>rd</sup> Pl.)
  - Sub 4. Identify any trip generations impacts from adjoining regions in both King and Snohomish County

Sub 5. Perform Level of Service (LOS) analysis on all intersections identified under Sub 1 and Sub 2.

Task 7. Project traffic conditions for 2028 (or appropriate period consistent with other forecast data)

Sub 1. Develop assumptions and get approval from City of Woodinville

Sub 2. Project regional traffic generation on roadway system (show new and accumulative trips on arterial and collector system)

Sub 3. Project local traffic generation (show new and accumulative trips on arterial and collector system)

Sub 4. Analysis of LOS at identified intersections under current road configuration (Task 4 sub 1 & 2)

Sub 5. Identify needed system improvements on identified intersections exceeding LOS E

Sub 6. Analysis on W-D with a three lane and five lane standard including intersections

Sub 7. Analysis of 156<sup>th</sup> Avenue with a three lane standard including intersections

Sub 8. Identify needed system improvements on other arterial and collector roadway segments exceeding ADT capacity under current industrial standards for urban roadways

Sub 9. Analysis of potential for future road connections to improve circulation in R-1 zone

Sub 10. Provide system map ADT, LOS, turn movement for current and 2028

## **Goal 2. Identify non-motorized improvements**

Task 1. Identify school pedestrian and bike travel routes

Task 2. Identify existing non-motorized system for pedestrian and bikes entire R-1 zone area

Task 3. Review City's Non-motorized plan and perform needs review in field

Task 4. Identify non-motorized system needs with recommended priority list

## **Goal 3. Identify transportation system costs for needed roadway system improvements**

Task 1. Perform field review of existing edge conditions for arterial and collector road system to include photos of key areas of design concerns (ie: steep slopes, fill/cut sections, large trees, location of homes and structures)

Task 2. Provide engineering cost opinion (in Excel format), including anticipated property takes and impacts, storm water system including detention/WQ, street lighting, associated PS&E, construction, and 20% contingency, for:

- Sub 1. W-D from 156<sup>th</sup> Ave to east City limit with three lane cross section using existing standards
- Sub 2. W-D from 156<sup>th</sup> Ave to east City limit with five lane cross section using existing standards
- Sub 3. W-D from 156<sup>th</sup> Ave to east City limit with three lane cross section using a modified standard (to be provided by City)
- Sub 4. W-D from 156<sup>th</sup> Ave to east City limit with five lane cross section using a modified standard (to be provided by City)
- Sub 5. W-D west of 156<sup>th</sup> Ave to match into existing five lane section with five lane cross section using existing standards
- Sub 6. W-D west of 156<sup>th</sup> Ave to match into existing five lane section with five lane modified standard cross section (developed by consultant to have minimum impact)
- Sub 7. 156<sup>th</sup> Ave from W-D to north City limit with three lane cross section using existing standards
- Sub 8. 156<sup>th</sup> Ave from W-D to north City limit with three lane cross section using a modified standard (to be provided by City)
- Sub 9. 168<sup>th</sup> Ave north of W-D to NE 195<sup>th</sup> with three lane cross section using a modified standard (to be provided by City)
- Sub 10. 167<sup>th</sup> from W-D 164<sup>th</sup> Ave with three lane cross section using a modified standard (to be provided by City)
- Sub 11. 164<sup>th</sup> Ave from 180<sup>th</sup> St to south City limit with three lane cross section using a modified standard (to be provided by City)
- Sub 12. 175<sup>th</sup> St west of 164<sup>th</sup> Ave to 143<sup>rd</sup> Pl. with three lane cross section using a modified standard (to be provided by City)

**Goal 4. Assist in development of Low Impact Development Standards**

- Task 1. Review existing standards
- Task 2. Provide recommendation of improvements to existing standards to address LID for short and long term
- Task 3. Recommendation of LID improvement to incorporate into arterial and collector standards

**Goal 5. Assist in development of Standards**

- Task 1. Review existing standards
- Task 2. Provide recommendation of improvements to existing standards

**Goal 6.** Evaluate safety (pedestrian and vehicular), including during inclement weather

**Goal 7.** Develop a Transportation Report

Task 1. Summarize findings

Task 2. Diagram maps of existing and 2028 traffic volumes, LOS, and turn movements

Task 3. Diagram map showing existing and 2028 roadway deficiencies

Task 4. Diagram map showing existing pedestrian & bike travel, existing deficiencies.

Task 5. Diagram map showing capital need for road improvements

Task 6. Diagram map showing capital need for non-motorized improvement

Task 7. Provide an aerial map for each cost estimate identifying edge conditions, estimate property takes, anticipate impact areas to structures and significant trees (16 inch dia. or larger)

Task 8. Item level cost opinions

Task 9. Provide standard plans used in report

Task 10. Document study material

Task 11. Identify transportation funding alternatives

Task 12. Provide CIP timeline

## 2. Groundwater

For Sustainable Development

Prepared by David Findley

Golder & Associates

March 29, 2007

Purpose : Update and improve groundwater flow map in R-1 Report to confirm groundwater flow directions and relationships between regional flow, Lake Leota, Cold Creek Springs, and hillside discharges.

Approach : Phased tasks to manage cost and fill data gaps incrementally.

### Task 1 : Well Inventory and Topographic Control

Field locate and obtain access to as many of the following wells as possible:

From King County Database

1. Vannoy
2. Larson
3. Searight
4. Lisheness
5. Drennan
6. Kirvans
7. Wright
8. Cottage Lake
9. Mack
10. Kaplan
11. Rojers
12. Neisenuimer
13. Doughty
14. Woodinville Water
15. Woodinville

Additional Wells in WDOE Database

1. Hoflin
2. Nason
3. Schnoebelen
4. Brady
5. Hanawalt

Field GPS location/elevation, combined with LIDAR for location and elevations of Lake Leota, Cold Creek Springs and selected wells. Cost also assumes City can provide raw LIDAR data to extract elevations. Assumes preparation of a short memo with a list of wells visited and suggested monitoring approach.

### Task 2 : Water Levels

Combination of manual and automated water level monitoring depending on well construction and landowner access. Include automated monitoring of Lake Leota. Include visual observation/documentation of seepage along hillside. Automated instruments would measure both water level and water temperature. Depends how many wells can be accessed and whether modification of the wellhead is necessary to measure water level. Cost assumes City purchases two transducers, and that bi-weekly measurements (once every two weeks) are taken at 10 wells through April 2007. Assumes no modifications are necessary to obtain water levels.

### **Task 3 : Install Piezometers**

Installation of shallow piezometers to fill data gaps if data from tasks 1 and 2 cannot resolve groundwater flow directions. Piezometers would be located in each of the following basins:

- Cold Creek/Lake Leota Basin
- School Basin

Depends how many existing wells can be accessed and whether well coverage is sufficient to confirm flow directions. For budgeting purposes, cost assumes one drilled piezometer in each sub-basin (Lake Leota, School), with automated water-level/temperature measurements. Assumes City secures all necessary access and site permits (except for drilling permits).

### **Task 4 : Analysis and Report**

Update groundwater analysis to include:

- Revised groundwater flow map
- Tabulate domestic well information
- Prepare water-level hydrographs for wells monitored
- Describe hydraulic connection between Lake Leota and Cold Creek area
- Describe hydraulic connection between School basin and Lake Leota
- Describe groundwater discharge along hillside drainages and connection to the sub-basin divide (between Hillside and Lake Leota)

If necessary, prepare analytical groundwater modeling calculations to describe:

- Seepage rate out of Lake Leota and proportion of flow discharging to Cold Creek Springs
- Range of seepage distances at the sub-basin divide between Hillside and Lake Leota sub-basins.

**NOTE: Right of Entry on private property may be difficult**

# 3. Geologic

For Sustainable Development Study

Prepared by David Findley

Golder & Associates

March 29, 2007

## Task 1: Review and update Landslide Hazard areas

Purpose: To evaluate slopes within City Limits in addition to the Hillside Drainages, such as the east-facing slopes on the west side of the Sammamish Valley, and other smaller slopes within the City Limits from a Landslide Hazard perspective. Activities would include LiDar imagery and aerial photograph review, ground reconnaissance, review of previous geotechnical reports, and possible excavation of exploratory test pits, updating/ revising the existing slope hazard mapping.

Assumptions: City LiDar data base is available and right-of-entry will be obtained by the City, May want to dig backhoe excavated test pit, similar to what was done in January 2007 for the Sustainability Study, for subsurface information. Assumes the City can provide a backhoe and operator.

## Task 2: Earthquake Hazard (active fault) Evaluation

Purpose: This task will review and update the current state of knowledge regarding the location and nature of suspected active faults within and around the City of Woodinville. The United States Geological Survey has recently completed several active fault studies/investigations that have extended and or revised the eastward extension of the South Whidbey Island fault. The location of the South Whidbey Island Fault and associated splays needs to be documented and mapped for the City's data base and potential future use for regulating surface fault rupture earthquake hazards.

Assumptions: This task will primarily be completed as a desk top study and meeting with U.S. Geological Survey personnel. The review and analysis of available LiDar imagery and will be an integral part of the study. A report documenting the results with maps showing the current locations of known active faults would be prepared as well as recommendations for future earthquake hazard reduction needs.

## Task 3 Detailed Stratigraphic Study R1 area

Purpose: This task would provide a complete stratigraphic record of the slope beneath the R1 area. We have assumed a single 250 feet deep exploratory boring that would be completed with a piezometer. The exploratory hole would be drilled utilizing sonic drilling technology that provides a continuous stratigraphic record of the subsurface. The will include a brief report and complete geologic log and record of the boring. This task could be coordinated with Groundwater Task 3.

## Task 4 CAP Facilitation Services

This task will help the Cap define objectives and out comes of additional technical activities. We have assumed that Golder participation will be requested at selected CAP meetings. This task's activities could be coordinated with similar citizen group with whom we are currently working with in the adjacent portion of southern Snohomish County.

Task 5 Evaluate/propose additional Woodinville Municipal Code for stormwater discharge requirements on or near steep slopes

NOTE: Right of Entry on private property may be difficult

## **4. Hydrology: Surface Water**

# 5. Other Critical Areas Information

## Sustainable Development Study

March-July 2007 Continuation

Jones & Stokes-related Sustainable Development Scope of Work

Revision: 29 March 2007

This preliminary scope of work identifies Sustainable Development work program items that City may ask Jones & Stokes to take on as part of an augment to the existing Sustainable Development Study scope of work. All tasks are performed by Jones & Stokes unless noted as a City task.

### **Goal 1. Identify means of finding additional wetlands within the R-1 Study Area**

- Task 1. Investigate whether use of infrared aerial photography is an appropriate technology for finding additional wetlands in R-1 Study Area. Conduct literature search, and interview Jones & Stokes' wetland biologists to make this determination.
- Task 2. Prepare cost estimate for use of aerial infrared photography and color aerial photography of R-1 Study Area at timeframe and scale appropriate for identifying wetlands.  
[Note: City may already have color aerial photography being shot in Spring 2007 that would satisfy color aerial photography need - ask Adam Urbaniak]
- Task 3. Prepare cost estimates for field work necessary to verify wetlands identified using aerial imagery.
- Task 4. Make decision on aerial photography tool to use in identifying additional wetlands in R-1 Study Area.
- Task 5. Obtain appropriate aerial photography and review for areas identified as question marks on Final Planning Commission Sustainable Development Study Wetlands Map (February 20th) to identify possible additional wetland locations
  - Sub 1. Characterize wetland, then add wetland from Golf Course Basin
- Task 6. City obtains private property owner permission for follow-up field reconnaissance for wetland identification from results of Task 5 above.
- Task 7. Jones & Stokes conducts follow-up field reconnaissance of areas where possible wetlands have been identified and property owner permission has been obtained.
- Task 8. Conduct GIS analysis for mapping of any additional wetlands found in areas shown as unknowns on latest wetland map.
- Task 9. Describe findings in an update memorandum on wetlands reconnaissance for the R-1 Study area.

### **Goal 2. Identify existing wildlife corridors in the R-1 Study Area**

- Task 1. Review published sources for maps or descriptions of existing wildlife corridors in the R-1 Study Area.
- Task 2. Review existing data, including aerial photography of the Study Area and critical area maps to find water courses, areas of significant vegetation, and connectivity of

watercourses and areas of significant vegetation that could provide wildlife corridors within the existing R-1 Study Area. Meet with State Fish and Wildlife.

- Task 3. Based on results of Tasks 1 and 2, identify possible wildlife corridors and properties for follow-up field reconnaissance.
- Task 4. City obtains private property owner permission for follow-up field reconnaissance.
- Task 5. Conduct follow-up field reconnaissance of identified possible wildlife corridors in R-1 Study Area. This task assumes up to two days of field reconnaissance by 2 wildlife biologists.
- Task 6. Prepare GIS-format map to document findings of follow-up field reconnaissance. This task assumes one draft map and one final map are produced.
- Task 7. Prepare memorandum to be included in the Sustainable Development Study that documents findings of follow-up field reconnaissance.
- Task 8. Add all additional critical areas to existing city maps
  - Sub 1. Create map with >15% slopes
  - Sub 2. Create map with >40% slope
  - Sub 3. Recheck LiDAR maps for consistencies

# 6. Neighborhood Character & Land Use

## Sustainable Development Study

March-July 2007 Continuation

Jones & Stokes-related Sustainable Development Scope of Work

Revision: 29 March 2007

This preliminary scope of work identifies Sustainable Development work program items that City may ask Jones & Stokes to take on as part of an augment to the existing Sustainable Development Study scope of work. All tasks are performed by Jones & Stokes unless noted as a City task.

**Goal 1.** Identify Covenants, Codes, and Restrictions (CC&R's) that are in existence in the R-1 Study Area as a means of helping identify neighborhoods with high neighborhood character ranking.

Task 1. Review City's existing maps showing subdivisions, plats, and short plats within the R-1 Study Area to help refine cost estimates for obtaining existing CC&R's.

Task 2. Obtain cost estimates from a maximum of two title companies for obtaining existing CC&R's in R-1 Study Area

Task 3. Review results of title company research and identify plats and short plats that may have King County ordinances with CC&R information on them.

Task 4. Research King County ordinances for possible CC&R's in the R-1 Study Area.

Task 5. Identify which CC&R's are active and in force, and which ones are expired CC&R's.

Task 6. Incorporate results of title company and King County ordinance research into a GIS-based map of subdivisions and short plats showing which subdivisions and short plats have active and inactive CC&R's. This task assumes one draft map and no final map is created.

Task 7. Incorporate results of research on CC&R's into a memorandum summarizing findings. The memorandum will outline the types of things that CC&R's govern in the R-1 Study Area; how many of the CC&R's are active vs. inactive; the effect of CC&R's on neighborhood character; and recommendations for how the results of this review may change the Neighborhood Character Report.

**Goal 2.** Review Neighborhood Character Report with the Sustainable Development CAP and public input to strengthen analysis of neighborhood character for the R-1 Study Area.

Task 1. Incorporate demographic and social aspects that are currently missing into the Neighborhood Character report.

Sub 1. Review 2000 or more recent U.S. Census data at the block level for the R-1 Study Area.

Sub 2. Review demographic and/or socio-economic data collected from the State Office of Financial Management, King County, and Puget Sound Regional Council that can be collected at or near the R-1 Study Area boundaries to

help define demographic and social conditions existing in the R-1 Study Area.

- Sub 3. Analyze data collected to determine any social or demographic attributes within the R-1 Study Area that would help define neighborhood subarea boundaries.
- Sub 4. Develop maps showing the data collected for the R-1 Study Area. This subtask assumes up to 3 maps produced showing demographic and/or social data.
- Sub 5. Compile results of demographic analysis into a memorandum that can be incorporated as an appendix to Neighborhood Character report.

Task 2. Conduct up to 2 organized field trips to the R-1 Study Area with city staff & Sustainable Development CAP. This task assumes use of City-provided vehicles for neighborhood character field trips in the study area.

Task 3. Review basis for neighborhood subarea boundaries within the R-1 Study Area.

- Sub 1. Coordinate with City Community Relations Manager and City Police staff to identify other forms of neighborhood subarea identification within the R-1 Study Area. This subtask includes identifying any neighborhood block watches within the R-1 Study Area.
- Sub 2. Review transportation connectivity within the R-1 Study Area as relates to current subarea boundaries. Identify subarea boundaries that could potentially change due to connectivity issues.
- Sub 3. Review existing factors used to identify neighborhood subareas in current Neighborhood Character report to see if they are still appropriate or adequately emphasized.
- Sub 4. Review CC&R results, socio-economic/demographic data analysis, review of other neighborhood subarea identification aspects, and connectivity between subareas to evaluate existing neighborhood subarea boundaries.
- Sub 5. Produce recommendations for possible changes to neighborhood subarea boundaries.
- Sub 6. Update GIS-based map of neighborhood subareas based upon Subtask 5 above. This subtask assumes 1 draft neighborhood subarea map being produced with 1 final subarea map.

Task 4. Evaluate the indicators used to rank neighborhood subarea character in current Neighborhood Character report.

- Sub 1. Review definitions of existing indicators and add further detail to their definitions and/or modify their titles to clarify their meaning. This subtask assumes assistance from city staff to further refine definitions and titles of indicators.
- Sub 2. Re-evaluate the relevance of measures being used to categorize neighborhood subarea character in the R-1 Study Area.

Sub 3. Re-evaluate how data is presented in maps used to define neighborhood subareas degree of character.

Sub 4. Re-evaluate the weight given to measures being used to define neighborhood subareas' degree of neighborhood character.

Task 5. Re-evaluate the Neighborhood Character rankings for neighborhood subareas using results of above tasks within this Goal.

Task 6. Revise Neighborhood Character matrix, maps, and report, as appropriate based upon results of Task 5. This task assumes that 1 draft one 1 final version of up to 7 neighborhood character maps.

**Goal 3. Re-evaluate the definitions of residential zones contained in the Woodinville Municipal Code.**

Task 1. Review how other cities in King County define their residential zones.

Task 2. Analyze results of review to determine relevance of amending City of Woodinville residential zone definitions.

Task 3. Draft revisions to city residential zone definitions based upon results of analysis using strike-through/underline. This task assumes one draft and one round of revisions for draft.

**Goal 4. Re-evaluate the City's Transfer of Density Credits/Transfer of Development Rights (TDC/TDR) regulations to determine their relevance in preserving critical environmental or neighborhood character attributes in the R-1 Study Area while meeting other City goals.**

Task 1. Review TDC/TDR regulations and programs in other cities and jurisdictions within King County.

Task 2. Review case law and Growth Management Hearings Board cases that support or do not support the use of these TDC/TDR.

Task 3. Evaluate how appropriate this issue is to the City's existing plans and regulations.

Task 4. Develop recommendations for possible amendments to the City's TDC/TDR regulations that would assist in preserving critical environmental or neighborhood character attributes of the R-1 Study Area and achieve other city goals. This task assumes production of 1 draft memorandum explaining findings of analysis and outlining recommendations with 1 final memorandum.

Task 5. Draft revisions to the City's TDC/TDR regulations. This task assumes 1 draft of amendments to regulations in strike-through/underline with 1 final version of amendments.

**Goal 5. Provide Assistance to City Staff at CAP and Planning Commission meetings, updating Sustainable Development Study Executive Summary, and related document management for updated Sustainable Development Study.**

Task 1. Incorporate updates provided by City staff and subconsultants into the Sustainable Development Study. This task assumes the City will consolidate updates and provide no more than 2 rounds of updates. Jones & Stokes assumes all updates and revisions will be provided by electronic copy only.

Task 2. Revise and update Sustainable Development Study Executive Summary. This task assumes no more than 2 rounds of revisions. Jones & Stokes assumes all updates and revisions will be provided by electronic copy only.

Task 3. Attend and act as a resource to City staff at Sustainable Development CAP and Planning Commission meetings related to the Sustainable Development Study. This task assumes attendance of up to one staff person at no more than 10 Sustainable Development CAP meetings, and no more than 2 additional Planning Commission meetings.

**Goal 6. Provide a completed 2001 – 2005 Buildable Lands Report as an addendum to the City of Woodinville Sustainable Development Study - R-1 Zone Report.**

Task 1. Complete filed work on updated Buildable Lands inventory map.

Task 2. Revise Buildable Lands inventory map as necessary.

Task 3. Determine for the CBD and TB Zones:

- A. Achieved % of net land developed residential.
- B. Achieved % of net land developed commercial.
- C. Assumed future % of net land developed residential.
- D. Assumed future % of net land developed commercial.
- E. Reasons/documentation for differences between B and D or C and E.

Task 4. Determine assumed future density for all residential zones.

Task 5. Determine floor area ratio in all non-residential zones.

Task 6. Determine mixed-use land supply in CBD and TB Zones.

Task 7. Summarize development capacity.

Task 8. Review Buildable Lands data with Suburban Cities Association Buildable Lands Manager for compliance with applicable State guidelines.

Task 9. Finalize Draft Buildable Lands Report.

Task 10. Prepare Buildable Lands briefing and staff report for Planning Commission.

Task 11. Present Buildable Lands Report to CAP for review and comment.

Task 12. Amend Report if necessary.

Task 13. Present Buildable Lands briefing & Report at Planning Commission study session.

Task 14. Prepare Buildable Lands briefing & staff report for City Council study session.

Task 15. Present Buildable Lands briefing & Report at City Council study session.

Task 16. Prepare Final Buildable Lands Report.

Task 17. Present Final Buildable Lands Report to CAP for review & comment.

Task 18. Prepare Planning Commission staff report.

Task 19. Present Final Buildable Lands Report to Planning Commission for recommendation.

Task 20. Prepare City Council staff report & Resolution.

Task 21. Present Final Buildable Lands Report & Resolution to City Council for adoption.

Task 22. Amend Report if necessary.

Task 23. Submit Buildable Lands Report to Suburban Cities Association Buildable Lands Manager.

### General Schedule

Date	Task
April 2007	Work with CAP, consultants, and attorney Finalize scope of work and prioritize elements. Begin work on well defined issues/topics.
<del>May 7, 2007</del>	<del>Public Hearing at City Council on Interim R-1 Regulations</del> Seek Council approval on full scope of work and project budget.
June 18, 2007	Initial draft of report complete.
<del>June 2007</del> (to be determined)	<del>Possible joint meeting of City Council and Planning Commission</del> Review preliminary report findings.
July 3, 2007	Finalize report.
July 6, 2007	Submit possible code revisions (if any) to CTED for 60-day Review and Comment Period
<del>July 18, 2007</del>	<del>Planning Commission Public Hearing</del>
Aug. 1, 2007	Planning Commission Public Hearing – Recommendations to City Council
<del>Aug. 20, 2007</del>	<del>City Council – 1st Reading of Planning Commission Recommendations</del>
<del>Sep. 4, 2007</del>	<del>City Council – 2nd Reading and Adoption</del>
Sep. 10, 2007	Back-up Date for City Council Action
Sep. 11, 2007	Interim R-1 Development Regulations Expire

## Sustainable Development Study 2007 Detailed Schedule

Date	Task	Notes/ Comments
	Conduct studies; prepare working draft of documents	
	Meeting with CAP, consultants & staff to discuss Initial Findings & working draft of Study	
	Prepare Draft Sustainable Development Report	Tuesday
	Meeting with CAP, consultants & staff to discuss Draft Sustainable Development Report	
	Complete Draft Sustainable Development Report	
	Prepare staff report for Joint City Council & Planning Commission Study Session	Friday
	Submit Joint City Council & Planning Commission Study Session Staff Report to City Clerk	Wednesday
	City Council receives Joint City Council & Planning Commission Study Session staff report and Draft sustainable Development Report	
	Joint City Council & Planning Commission Study Session	Review of Findings
	Finalize Sustainable Development Report and prepare draft code revisions (if any)	
	Submit Sustainable development and code revisions (if any) to State for 60-day Review and Comment Period	to
	Prepare staff report with code revisions (if any) for Planning Commission Public Hearing	Wednesday
	Distribute staff report with code revisions (if any) for Planning Commission Public Hearing	Friday
	Planning Commission Public Hearing	
	Planning Commission Study Session to deliberate and adopt recommendation(s) to City Council/	
	Prepare Ordinance and staff report for City Council 1 <sup>st</sup> & 2 <sup>nd</sup> Reading and Adoption	
	Submit Ordinance and staff report for City Council 1 <sup>st</sup> & 2 <sup>nd</sup> Reading and Adoption to City Clerk	Wednesday
	City Council receives Ordinance and staff report for 1 <sup>st</sup> & 2 <sup>nd</sup> Reading and Adoption	Friday
	City Council meeting to conduct 1 <sup>st</sup> & 2 <sup>nd</sup> Reading and Adoption	Tuesday due to Monday holiday

	Ordinance Adoption Notice to Weekly	Wednesday
	Ordinance Adoption Notice Published	Monday
	Ordinance Effective Date	Saturday 5 days after publication

## Jennifer Kuhn

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**From:** Susan Boundy-Sanders [sbsand@hotmail.com]  
**Sent:** Wednesday, May 16, 2007 9:15 PM  
**To:** Ray Sturtz  
**Cc:** Charleine Sell; Council; Richard Leahy; Peter LandUseAtty Eglick; Pat Edmonds; art@pregler.org; Mike and Katy neighbor Corning; Les PlanComm Rubstello; Phil Wellington Relnick; Roger Wellington Mason; Matt & Lisa Wellington2006 Schultz; Steve Wellington Gottschalk; Kerri Wellington Scarbrough; ellenjeane@msn.com; sbsand@hotmail.com  
**Subject:** RE: CAP Work

Hi Ray,

Thanks for getting in touch! I'm taking the liberty of looping in the other concerned parties since we're on such a short time-line and people have been asking whether this particular issue is getting any traction.

Here's what I've been talking about at the past couple Council meetings: Over the course of a few Council and CAP meetings and a few brief conversations with Peter Eglick, it became clear that with a small amount of effort the City could find itself in a lot stronger position with respect to R-1 than it did with respect to the Brightwater building permits.

With Brightwater the City felt it needed, but didn't have, the words "identified fault" from its experts. I'm guessing there are similar words that would enable us to protect the Bear Creek and Little Bear Creek salmon runs, and I'm confident Peter Eglick could tell us what those words are with a minimum of research. Is it as simple as "Chinook" and "cold clear water"? We just need to know.

CAP members and other citizens are tracking down salmon experts to do the writing. We suspect that the salmon habitat issue is well enough understood for the two creeks that we can get the words committed to paper at relatively little cost, without having to pay for much field work if any.

The way I'd characterize the City's current status is this: With the first phase of the SD project, we held ourselves to an ultra-super-Litowitz standard. We didn't just protect high-ranking sensitive area; that would have been the whole Bear Creek and Little Bear Creek basins. We limited ourselves to the highest-ranking fraction of the highest-ranking fraction of the highest ranking sensitive area: Leota Basin of the Cold Creek basin of the Bear Creek watershed.

I can say with confidence that the entire CAP -- especially our most knowledgeable members -- think we can do more. And residents are overwhelmingly supportive.

Even the Supreme Court is on Woodinville's side on this one! Between the recent Supreme Court decision regarding the EPA, the endangered status of both Puget Sound Chinook salmon and the Puget Sound resident orcas that depend on them, and last week's addition of Puget Sound steelhead to the federal endangered species list, Woodinville is in a very strong position to protect its cold clear stream flows. The CAP would like to help!

For the record, please bear in mind that the CAP is also committed to increasing density downtown, where the infrastructure and environment are better able to support growth.

Thanks again for getting in touch. You take care too!

Susan Boundy-Sanders  
425-591-3672 cell  
[sbsand@hotmail.com](mailto:sbsand@hotmail.com)

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Subject: CAP Work  
Date: Wed, 16 May 2007 18:11:45 -0700  
From: RayS@ci.woodinville.wa.us  
To: sbsand@hotmail.com  
CC: CharleineS@ci.woodinville.wa.us

Susan

Good to see you the other night, but sorry we didn't get a chance to visit more. You mentioned during the Council meeting some work or contacts you thought the CAP could accomplish in the near term. Can you call me with the specifics? It sounded like a good idea.

Just about got the consultant contracts lined up and probably will have a draft schedule out tomorrow for everyone to look at to see if the meeting dates etc. are do-able.

Take care,  
Ray

Ray Sturtz, Planning Manager  
17301 133 Avenue NE  
Woodinville, WA. 98072  
phone: 425-489-2757 ext. 2281  
fax: 425-489-2756

Council

W.T

Jennifer Kuhn

---

From: Richard Leahy  
Sent: Wednesday, May 16, 2007 5:11 PM  
To: Council  
Cc: Jennifer Kuhn; Zach Lell  
Subject: FW: Decisions on Wood Trails and Montevallo

Importance: High

Attachments: ZMA2004-053, PPA2004-054, Wood Trails, Phoenix.pdf; ZMA2004-094, PPA2004-093, Montevallo, Phoenix.pdf



ZMA2004-053, PPA2004-054, Wood Trails, Phoenix.pdf; ZMA2004-094, PPA2004-093, Montevallo, Phoenix.pdf

Attached is the Hearing Examiner's Decision for these two projects. Because it is likely that these matters will come before you in the near future, the City Attorney recommends that you avoid discussing the Decision or the applications.

Richard A. Leahy  
City Manager

---Original Message---

From: Reid, Lee Ann [mailto:areid@spokanecity.org]  
Sent: Wednesday, May 16, 2007 5:00 PM  
To: Rich@mhseattle.com  
Cc: Susie McCann; Zach Lell- City Attorney; Sandy Guinn; rick@aramburu-eustis.com  
Subject: Decisions on Wood Trails and Montevallo  
Importance: High

Please find attached the Hearing Examiner's decisions on the Wood Trails ZMA2004-053 and PPA2004-054; and the Montevallo ZMA2004-094 and PPA2004-093 applications.

<<ZMA2004-053, PPA2004-054, Wood Trails, Phoenix.pdf>> <<ZMA2004-094, PPA2004-093, Montevallo, Phoenix.pdf>>

Sincerely,  
Lee Ann

Lee Ann Reid  
Office of the Hearing Examiner  
City of Spokane  
608 West Spokane Falls Blvd, Rm 605  
Spokane, WA 99201

Phone: 509.625.6010  
Fax: 509.625.6059

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF WOODINVILLE**

In the Matter of the Application of	)	FILE NO. ZMA2004-094 and
	)	PPA2004-093
Phoenix Development for the Montevallo	)	
	)	
Rezone and Preliminary Plat Application	)	FINDINGS, CONCLUSIONS, AND DECISION

**SUMMARY OF PROPOSAL**

**Proposal:** The applicant seeks approval of a rezone petition from R-1 to R-4 along with a preliminary plat approval to allow the subdivision of approximately 16.48 acres into 66 single-family residential lots. The preliminary plat application includes a request for surplus density of 19 lots to be transferred from another site.

**Decision:** The Hearing Examiner recommends approval of the rezone and also approves the preliminary plat with a reduced density transfer of nine lots.

**SUMMARY OF RECORD**

**Hearing Date:**

This matter was scheduled for hearing on March 1, 2007. Because of a possible defect in the public notice and the fact that the staff report was not issued within the time frames set forth in the ordinance, the matter was continued until March 15, 2007. No testimony was taken on March 1<sup>st</sup>, but testimony was taken on March 15<sup>th</sup> and also April 5, 2007, at a continued hearing for the Wood Trails proposal.

**Testimony:**

A full list of those who provided oral testimony is attached to this decision. At the hearings on this matter, the applicant, Phoenix Development, was represented by G. Richard Hill, Attorney at Law; McCullough Hill, PS, 701 5<sup>th</sup> Avenue, Suite 7220; Seattle, WA 98104. Some of the citizens who testified were organized in a group called "Concerned Neighbors of Wellington" and they were represented by J. Richard Aramburu, Attorney at Law; Aramburu-Eustis; 505 Madison Street, Suite 209; Seattle, WA 98104.

**Exhibits:**

A full exhibit list is attached to this decision. The record remained open until April 26, 2007, to allow further information to be submitted to the official record.

## PROCEEDURAL ISSUES

Several procedural issues were brought up during the course of the Hearing Examiner's consideration of this matter both in testimony and through exhibits. The following findings and conclusions are hereby made on some of those procedural issues.

1. An objection was made to the consolidation of the request for the rezone with the application for the preliminary plat. The Woodinville Municipal Code (WMC) states at WMC 20.80.020 (3) that, "unless the applicant requests otherwise, a subdivision or short subdivision application shall be processed simultaneously with application for variances, conditional uses, street vacations, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to those actions permit simultaneous processing." The applicant did not request separate processing of these two matters and the Hearing Examiner concludes that the rezone qualifies as a quasi-judicial action under the ordinance. Therefore it was proper for these two actions to be heard together. This is in accord with RCW 58.17.070.

2. The Concerned Neighbors of Wellington (CNW) argue that the rezone application should not be considered vested and should be considered under the regulations in effect at the time of the hearing rather than under previous regulations. The City and Phoenix contend that the rezone and preliminary plat applications were deemed complete on July 8, 2004, and a letter was sent to that effect. Exhibit #13 and Exhibit #20. The Hearing Examiner concludes that the letter established vesting on that date and the applications are therefore to be considered under the codes and regulations in effect on July 8, 2004. This is consistent with the process set forth in RCW 36.70B.070. See also *Schultz v. Snohomish County* 101 Wn.App 693, 701 (2000). This is also consistent with the Supreme Court's decision in *Association of Rural Residents v. Kitsap County*, 141 Wn.2d 185, 193, where the Court held that when a preliminary plat application vested, the accompanying planned unit development application vested also because it was the entire application that vested not just the preliminary plat. Planned unit developments are considered rezones under Washington law. *Lutz v. Longview*, 83 Wn.2d 566 (1979). Therefore the applicant has the right to have the entire application heard under the rules in effect on July 8, 2004, when the City determined that the application was complete.

3. This application was heard in the same time frame as the application for the Montevallo rezone and preliminary plat. The two projects were combined for the preparation of an environmental impact statement but were separate applications, filed on different dates, and were considered at separate hearings. As a courtesy to those who came to testify, the Hearing Examiner allowed testimony at each hearing on either proposal. They were not consolidated, however, into one application and are being treated by the City as separate applications. This is allowed under WMC 20.08.020(1) which would require their consolidation if the two properties were contiguous. They are not contiguous so consolidation was not required.

4. CNW objected several times throughout the proceedings about possible defects in the public notice. The first objection resulted in both plat hearings being continued from February 28<sup>th</sup> and March 1, 2007, to March 14<sup>th</sup> and 15, 2007, with the Wood Trails proposal being continued again until April 5, 2007. The main objection was to the misidentification of the Wood Trails property, but other objections were made, also. One objection was that the final hearing on April 5, 2007, was moved, at the last minute, from the Woodinville City Council Chambers to the Carol Edwards Center Gymnasium which is approximately a block away. This was done because of the size of the crowd. The combined hearings lasted for almost 15 hours. A large number of people testified

and many people testified more than once. The two proposals have been in the public's eye for an extended period of time and it would be difficult for the Hearing Examiner to conclude that anybody was unable to present written or oral testimony because of the alleged defects in the public notices. In fact, no one has come forth with any convincing argument that they were prejudiced by any defect in notice.

5. CNW also alleges that this zoning application cannot be approved because it is an illegal spot zone. Washington Case Law provides a concise definition of illegal spot zoning:

*Spot zoning is an action by which an area is carved out of a larger area and specially zoned for use totally different from, and inconsistent with, the surrounding land and not in conformance with the comprehensive plan. Save a Neighborhood Environment v City of Seattle, 101Wn.2d 280 (1984).*

The proposal's compliance with the comprehensive plan will be examined later in this decision. The Hearing Examiner concludes, however, that this is not an illegal spot zone because the use, detached single-family residential is not totally different from and inconsistent with surrounding properties which are also developed with detached single-family residential uses. The difference is density, not use. The Hearing Examiner finds that CNW has drawn too fine a line in attempting to find incompatibility. Both R-1 uses and R-4 uses are considered low density residential under Woodinville's Comprehensive Plan and would be considered as such under virtually every other comprehensive plan in any urban area in the State of Washington. Therefore, the Hearing Examiner concludes that this re-zone is not an illegal spot zone.

6. CNW argues that the hearing on this matter and any decision is premature because final plans and certain studies have not yet been completed. As an example, the applicant submitted a conceptual plan at the hearing on March 14, 2007, demonstrating how the project may look if all proposed conditions of approval recommended by staff were imposed. CNW argued that the proposal is not in final form, and, therefore, the hearings were premature.

This proposal is for preliminary plat. Plats are a two-step process with the preliminary plat being the initial step. A preliminary plat is defined in the State Law as:

*"A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of the subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of the subdivision".*

A final plat is defined as:

*"The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter. RCW 58.17.020(4)(5)".*

CNW argues that all studies and final design elements should be in place prior to this approval. That is not the way that the two-step process works, however. Many of the preliminary studies are set forth in the Final Environmental Impact Statement but final design takes place after the

preliminary plat has been approved and before the final plat is signed by the City. The Hearing Examiner finds that there is sufficient information in the record to adequately evaluate the preliminary plat application.

7. The record in this case is voluminous. The public hearings on this project and the Montevallo project lasted for almost fifteen hours and there are literally thousands of pages of exhibits. Many issues were raised in public testimony and in the written submittals by both CNW and Phoenix Development, as well as by City staff. Because of the volume of comments, the Hearing Examiner cannot address every issue raised. The Hearing Examiner will, however, address relevant issues that are necessary for the issuance of a decision pursuant to the regulations. However not every comment will be addressed.

8. CNW and others have objected to the subdivision of the Montevallo property because the prior plat of Summer's Addition shows a road on site. It is argued that the plat cannot proceed until this public road is properly vacated. See Exhibit #88, pages 4 through 7. Phoenix Development has responded to that allegation in Exhibit #95, pages 71 and 72. The research done by Phoenix Development's project surveyor showed that there was no record of that road ever being dedicated as a public road in the King County records. It also has never been improved. The notations on the plat bear this out along with the fact that the lot owner has been paying taxes on the property shown as a road for over thirty years according to the evidence. For the reasons set forth in Exhibit #95 submitted by Phoenix Development, it does not appear that road was dedicated to the public even though the northern portion has been used by various adjacent property owners. Based on the evidence the Hearing Examiner cannot find that this allegation should keep the plat from moving forward through the process.

#### **GENERAL FINDINGS**

1. The applicant proposes to rezone the Montevallo project site from R-1 (1 unit per acre) to R-4 (4 units per acre) and to subdivide the property into 66 single-family residential lots. The property contains 16.48 acres. The proposed 66 lots include 19 surplus density credits to be transferred from the Wood Trails project site, which is also owned by the applicant. Transfers of density credits are allowed under WMC Chapter 21.36. Exhibit #1, page 5. The site is located on the west side of 156<sup>th</sup> Avenue NE directly south of the King-Snohomish County line and the Wellington Hills Golf Course. Exhibit #1, page 5. The legal description is lots 1 through 5, Summers Addition, according to the plat thereof, recorded in volume 100 of plats, pages 33 and 34 in King County, Washington. Exhibit #4.

2. As stated, property to the north is in Snohomish County and developed with the Wellington Hills Golf Course. To the west and south are single-family residential uses and the properties are zoned R-1 and most are built on large lots. Along the east side of the site is 156<sup>th</sup> Avenue NE and there is a large undeveloped parcel across that street to the east. Exhibit #1, page 5.

3. The site is irregular in shape and contains approximately 16.48 acres in area. It is reasonably flat with a topography sloping gently from east to west at slope gradients in the range of five to 10 percent. Elevations on this site range from approximately 430 feet on the western part of the property to 490 feet at the eastern edge. The wetland located at the western end of the property is a topographic low point. The soil type is Alderwood Type C (6 to 15% slope) which has a moderate erosion hazard. Exhibit #1, page 5.

4. A single forested and emergent delineated Class 2 Wetland is located on the west side of the site. It is approximately 71,567 square feet in size. Water within this wetland drains to the north offsite in an intermittent flow, ditched stream feature. This stream eventually enters a more defined ravine offsite to the west which flows several thousand feet down a steep hillside before being culverted under the highway (SR 522) and eventually entering Little Bear Creek. Due to the length of its culverted channel just east of SR 522, as well as the very steep topography along the hillside to the north and west of the site, fish cannot enter or access the tributary that the site's wetland drains into on the west side of SR 522. See Exhibit #27, page 6; Exhibit #1, page 5 and Exhibit #40, page 3.2-11.

5. The applicant will protect the wetland with a fifty-foot buffer, which was the standard minimum buffer from the edge of the wetland for Class 2 Wetlands under the 2004 code when the application vested. Originally the wetland buffer was to be averaged and some portion used as a detention facility, but testimony by Mr. Sewall, the applicant's wetland expert, stated that the proposal no longer needs a buffer reduction. See Exhibit #1, Page 5 and Exhibit #95, page 10.

6. The tie-in to provide sewer service to the development will require construction in the wetland. While the original plan was to construct the sewer line through the wetland and restore it, testimony at the hearing was that the proponent will bore the sewer line underneath the wetland because it had an impermeable bottom and boring under it would be possible. Wood Trails, Exhibit #133, page 3.

7. The applicant seeks approval to subdivide this 16.48 acre site into 66 single-family residential lots along with a rezone from R-1 to R-4. The 66 lots include 19 density credits transferred from Wood Trails as calculated by the developer. The City has calculated the density credits to be 9. See Exhibit #1, page 19 and Wood Trails Exhibit #1, pages 22 and 23. The lots will range in size from 5,500 square feet to 13,737 square feet averaging approximately 6,708 square feet. The proposal is to construct single-family detached residential dwellings on site. Sewer and water will be supplied by the Woodinville Water District. See Exhibit #1, page 9 and Exhibit #95, page 17.

8. Access to this site will be via 156<sup>th</sup> Avenue NE, which is a north south collector. Two new access streets labeled as NE 203<sup>rd</sup> and NE 204<sup>th</sup> are shown on the Montevallo plat map. Exhibit #11. The plat map also shows three north south streets, 155<sup>th</sup> NE, 154<sup>th</sup> Avenue NE and 153<sup>rd</sup> Avenue NE serving several of the lots. The two east west streets dead end before leaving the plat on the west side and the north south streets stay within the boundaries of the plat. Exhibit #11. There is also a conceptual site plan in the record, which shows how the site might be developed if it complied with all of the staff recommended conditions of approval. See Exhibit #67. Exhibit #67, as a conceptual plan, shows the number of lots being reduced to 56, complying with Staff's calculations of transferred densities. It also shows the roadways being reconfigured with only one entrance from 156<sup>th</sup> Avenue NE. The lots are shown to be slightly larger due to the reduction of ten lots on site from the original drawing. See Exhibit #67.

#### **FINDINGS RELATED TO THE REZONE**

9. The proposal vested in November of 2004 and is governed by the 2004 Comprehensive Plan. The plan designates this site as low density residential which includes R-1 (1 unit per acre) through R-4 (4 units per acre). The property is currently zoned R-1 and the applicant seeks a

rezone to R-4. Exhibit #,1 page 13 and Exhibit #20.

10. The Woodinville Water District will provide sewer and water services to the proposed subdivision. Each lot in the development will be connected to the District's sewer and water systems, pending construction of site collection and distribution systems by the applicant. See Exhibits # 7 and 8. See also Exhibit #95, page 17.

11. R-4 as proposed, is designated as low density residential in the relevant comprehensive plan. Other relevant plan policies include:

- a. Land Use Policy LU-1.1 preserve neighborhood character, while accommodating for GMA Growth Forecasts.
- b. Land Use Policy LU-1.2 guide growth to areas with capacity, where impacts will be minimized, and where growth will help areas appearance or vitality.
- c. Land Use Policy LU-1.3 phase growth and municipal services together.
- d. Land Use Policy LU-2.2 connect development, open space, recreation areas by planned street, path, and utility corridor networks.
- e. Land Use Policy LU-3.1 development should compliment existing residential development patterns.
- f. Land Use Policy LU-3.2 preserve neighborhood natural environment.
- g. Land Use Policy LU-3.4 provide controls to minimize encroachment by incompatible land uses.
- h. Land Use Policy LU-3.7 permit a range of densities to encourage a variety of housing types to serve a range of incomes.
- i. Housing Policy H-1.1 allow a variety of housing types and lot sizes.
- j. Community Design Policy CD-1.2 preserve views, natural features, and landmarks.
- k. Community Design Policy CD-2.2 encourage native vegetation in residential, commercial, industrial areas.
- l. Community Design Policy CD-2.3 use trees and landscaping to buffer surrounding land uses.
- m. Community Design Policy CD-2.4 require street trees in all development.
- n. Community Design Policy CD-2.5 require developments to retain existing significant vegetation, where feasible, through regulations in the Woodinville Zoning Code.

- o. Community Design Policy CD-3.1 integrate existing development into the character of surrounding area.
- p. Capital and Public Facilities Policy CF-3.1 require the City or other service providers to establish capital facilities service standards.
- q. Environmental Policy ENV-3.1 encourage urban forest preservation.
- r. Environmental Policy ENV-3.2 protect critical habitat areas.
- s. Environmental Policy ENV-3.3 maintain a standard of no net loss of critical habitat functions and values.
- t. Environmental Policy ENV-3.4 maintain critical area connectivity.
- u. Environmental Policy ENV-3.7 encourage native plant use.
- v. Environmental Policy ENV-4.1 protect public safety and potential seismic, flood hazard and slide hazard areas.
- w. Environmental Policy ENV-4.2 minimize the adverse affects of development on topographic, geologic and hydrologic features and native vegetation. City of Woodinville Exhibit #1 pages 13-19.

12. The staff report sets forth an analysis of the City's housing allocation under the Growth Management Act (GMA) for the planning period from 2001 to 2022. The allocation comes from the overall King County carrying capacity allocation attributed to Woodinville. Staff's conclusion is that the residential zones have the capacity necessary to meet the housing allocation now without further zone changes to higher density. Exhibit #1 page 4.

13. There was evidence presented by CNW, both in oral testimony and in writing, that there are large numbers of single-family detached homes on lots approximately the size proposed by Phoenix for Montevallo, within ten miles of this area and therefore there is no need for more density on this site. While many of the lots listed were in communities other than Woodinville and also related primarily to the resale of homes rather than the development of new lots, the data is relevant to the Hearing Examiner's decision. See Exhibit #91, pages 11 and 12.

14. Phoenix counters with an analysis of the remaining R-4 inventory in Woodinville arguing that the City has a faulty capacity analysis as it pertains to properties zoned R-4 and available for new development. Phoenix argues that land zoned R-4 and developed between 2002 and 2007 has not been removed from the City's inventory and that the remaining vacant and redevelopable R-4 lands have not been adjusted to affect new critical area boundaries, buffers and stormwater detention requirements adopted after 2002. Their experts state that the available land with R-4 zoning was 2.7% of the entire City in 2001 and it is less today because of the increased critical area buffers. See Exhibit #95, pages 63 through 67. The land zoned R-1 represents approximately 30% of the total area of the City and approximately 50% of the residentially zoned land. Exhibit #1, page 5. See also Wood Trails Exhibit #128.

15. The City ordered the preparation of an EIS for this development and the Wood Trails development. The technical appendices to the Draft EIS include two geotechnical engineering

studies in Appendix C and D, a drainage report in Appendix E, a wetland and stream report in Appendix I and a wildlife habitat report in Appendix K. There are summaries of the geotechnical report, which were submitted after the EIS was finalized and they are in the record as Exhibit #95, pages 21 through 23. and Wood Trails Exhibit #131.

16. Those reports conclude that the site is appropriate for development due to the fact that it is relatively flat and grading would be minor. The wetland will be protected pursuant to City regulations and stormwater will be directed to a detention facility, treated and then dispersed to the wetland. See Exhibit #40, page 2-12.

17. The geotechnical reports also studied the erosion issue. WMC 21.24.290.2A classifies erosion areas within the City of Woodinville. As stated in the geotechnical reports, however, site-specific investigations with the knowledge of the proposed development activities provides a more thorough evaluation of a potential erosion hazard. The reports state, that based on the site-specific evaluations, the Montevallo site exhibits little evidence of erosion. As the site is developed, the City will require the use of best management practices (BMP) so that soil erosion can be managed and impacts minimized. See Exhibit #40, page 3.1-15.

18. Considerable information was submitted on storm drainage controls for the site including possible impacts to Little Bear Creek. Storm drainage was studied extensively in the DEIS and FEIS. See Exhibit #35, Appendix E and Exhibit #40, pages 3.2-1 through 3.2-37. The analysis follows the King County Surface Water Design Manual (KCSWDM), which was used by the City at the time this plat was filed. The analysis was based upon the KCSWDM and the analysis was accepted by the City with some modifications. Those modifications are in the conditions of approval. Water quality impacts to Little Bear Creek were also studied. See Wood Trails Exhibit #134; Exhibit #95, pages 68 through 70; Exhibit #27 and Exhibit #35, Appendix J, pages 1 through 8.

19. The proposal is reasonably compliant with the Woodinville Comprehensive Plan. The Hearing Examiner hereby adopts and incorporates the discussion of Comprehensive Plan Policies set forth in Exhibit #1, pages 10 through 16. Specifically the Hearing Examiner finds that the zone change will allow the development of low-density detached single-family homes in an area designated in the comprehensive plan as low density residential. While arguments have been made that the adjacent neighborhood is much less dense, R-4 is still classified as low density. In addition, buffering as recommended by the City can alleviate impacts from a slight difference in density. The site will be served with City water and sewer and the street network will be improved. The west side of the site will be left in a Native Growth Protection Area (NGPA) which will provide habitat and open space and enhance a degraded wetland. It presents a range of densities, which encourages a variety of housing types to serve a variety of income levels. It preserves much of the natural features of the site, such as the wetland and will preserve trees in accordance with the City's Tree Retention regulations. Exhibit #1, pages 10 through 16 and Exhibit #19 pages 7 through 11.

#### **Criteria for a Rezone**

WMC 21.44.070 sets forth the zone reclassification criteria. It states: "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 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.

In addition, in WMC 21.04.080, which describes the residential zones, it states:

*(1)(a) providing, in the low density zones (R-1 through R-4), for predominately 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; (emphasis added)*

Washington courts have held:

*Rezoning are not presumed valid. The applicant has the burden of showing that either conditions have changed since the original zoning or that the proposed rezone implements policies of the comprehensive plan and that the rezone bears a substantial relationship to the public health, safety, morals or welfare. Only general, not strict conformance with the Comprehensive Plan is required. The requirements of local ordinances must also be satisfied. Woods v Kittitas County 130 Wn App 573 (2005).*

### **Conclusions on Rezone Application**

1. Based on the findings by the Hearing Examiner as stated above, The Hearing Examiner concludes that the proposal is in fact consistent with the City's Comprehensive Plan. See Exhibit #1, pages 10 through 16 and Exhibit #40, pages 3.4-22 through 3.4-28. Courts have held that consistency with a Communities Comprehensive plan is evidence that a rezone promotes public health, safety, morals and welfare. Henderson v. Kittitas Co., 124 Wn.App 747, 756 (2004)
2. The Hearing Examiner concludes, based upon the findings above that the criteria for a rezone have been met. They are:

- A. There is a demonstrated need for additional zoning of the type proposed.

This criterion is a many faceted criteria. The City has analyzed it according to its GMA growth allocation from King County and found that Woodinville could meet its housing allocation without this rezone. The applicant's expert criticized the City's study as not fully analyzing the amount of actual R-4 Zoning there was in the city for development. Most of the housing development that has occurred since 2002 has been in apartments and condominiums rather than single-family residential uses. As the applicant's expert demonstrated, if the amount of R-4 developed between 2002 and 2007 were removed from the available R-4 land totals, the amount of R-4 available for new development or redevelopment would be much less than the existing amount cited by the City which still

was only 2.7% of the land area of the City. The R-1 Zone by contrast, makes up nearly 30% of the City's zoning. Clearly more R-4 Zoning is needed to create a diversity of building sites availability by establishing more areas where detached single-family can be constructed at lower densities than R-1 densities. In addition, the Growth Management Hearings Board has held that Woodinville is not to perpetuate one-acre lots that will effectively thwart urban development. Urban develop being defined by the Board as four units per acre. See Hensley v Woodinville CPSGMHB Case number 96-3-0031 (February 25, 1997).

The Growth Hearing Board has held that a minimum urban density is four units per acre. The Supreme Court held in the case of Viking Properties v. Holm 155 Wn.2d. 112 (2005) that the Growth Boards don't have the authority to make "Bright line tests". The Boards do have authority, however, to determine whether a City is in compliance with GMA. RCW 36.70A.280. One of the goals of GMA is to encourage urban development within urban areas and reduce sprawl. RCW 36.70A.020. The Hearings Board in the Hensley case, as cited above, have determined that one acre zoning will effectively thwart urban development. Therefore, the fact that the City has 30% of its zoning in R-1 and only 2.7% in R-4 clearly demonstrates the need for more R-4 zoning. Therefore, the Hearing Examiner finds that this criterion has been met.

B. The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.

To the north is Snohomish County and the land has a rural designation. The adjacent zoning to the west, east and south is R-1. As stated above, both R-1 and R-4 are designated in the low-density residential category and this site will be developed with single-family residential uses although at a higher density than the R-1. While there was considerable argument that the R-4 would not be compatible with the R-1, both uses are detached single-family residential uses and both are considered low-density zoning by the City. See WMC 21.04.080(1)(a).

In addition, the Woodinville code in place when this application vested, stated that this property could not be developed as R-1 because utilities are available. This would put the applicant in a Catch-22 position of having property that could not be developed with either R-4 or R-1. The code has since been changed, but the old code still applies to this application. It should also be noted that pursuant to WMC 21.08.030, the R-1 through R-4 are located in what's known as the "Residential Low Density Zone". Therefore the Hearing Examiner must find that the zone reclassification to R-4 is consistent and compatible with the zoning of the surrounding properties.

C. The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

As noted above, the property was studied extensively in the DEIS and FEIS. Both the applicant's experts and the City's reviewing experts concluded that the site was suitable based on the characteristics of the site. The extensive study of geotechnical aspects, stormwater drainage, and the wetland convinces the Hearing Examiner to conclude that the site is suitable. The soils on the site have the strength to be developed with single-family units at the proposed density and the wetland area on the site will be retained in its

natural state as open space. Stormwater can be accommodated and with the conditions of approval as set forth in this decision, the site is suitable for development.

### **FINDINGS RELATED TO THE PRELIMINARY PLAT**

1. The Hearing Examiner hereby adopts and incorporates all findings and conclusions from the previous section relating to the rezone request as well as the General Findings.
2. The preliminary plat as filed is set forth in the record as Exhibit #11. The applicant also submitted a conceptual Montevallo site plan which depicted recommended conditions of approval from the staff report. That is in the record as Exhibit #62. The Montevallo plat with data information is set forth in Exhibit #63.
3. Montevallo as proposed meets the requirements for depth, front and side lot lines and building setbacks as they were set forth in the subdivision code when this proposal was vested. Exhibit #1, page 17. The proposed lot and street layout will be in conformance with the Woodinville Municipal Code. See WMC 20.06.040 and 20.06.130. Exhibit #1, page 17.
4. The Montevallo proposal is for detached single-family residential uses which is allowed in the zoning code. WMC 21.08.
5. This preliminary plat proposes sixty-six lots with approximately 3.43 acres of open space protected in perpetuity as a Native Growth Protection Area (NGPA). The gross density is set forth in the application as 4.0 units per acre. Exhibit #19, pages 2 and 3. This will be reduced because of a reduce density transfer allowance.
6. Montevallo contains a wetland that is being enhanced. The wetland will be located in the NGPA area located on Tract A. Exhibit #1, pages 16 and 17.
7. The applicant has asked for the right to receive residential density from the Wood Trails sending site. Under the applicant's analysis, nineteen credits can be transferred. Staff has analyzed the applicant's calculation and revised them based on additional conditions of approval, such as wider roadways in Wood Trails and determined that nine density transfer credits should be allowed. See Wood Trails Exhibit #1, pages 22 and 23. The preliminary plat will be served by public water and sewer service from the Woodinville Water District. Exhibit #95, page 17.
8. Comments from the Woodinville Fire and Life Safety Deputy Chief and also the Chief of Police for Woodinville indicated neither agency found any significant impacts on their operations from the development of the site. Exhibit #40, pages 7.2 and 7.3.
9. The internal roadways will be constructed to full standard and will connect with existing rights-of-way at 156<sup>th</sup> Avenue NE. The original plat showed two connections to 156<sup>th</sup> Avenue NE, one at NE 204<sup>th</sup> Street and one at NE 203<sup>rd</sup> Street. The conceptual plan submitted by the applicant and in the record as Exhibit #62, which shows a redesigned plat complying with City staff conditions, shows only one entrance to the plat approximately in the center. That plan also shows all lots being served by two east west streets and two north south streets for circulation purposes. See Exhibit #62.

10. The transportation network and the projects on that network were studied extensively in the EIS. See Exhibit #40, section 3.5. Traffic safety was studied in Exhibit #40, section 3.5.1.8 and concluded that safety should not be a big concern despite the limitations of the roadways in the surrounding neighborhood. The traffic study also did a Level Of Service (LOS) analysis and found that all of the intersections would still be within acceptable LOS standards. Exhibit #40, table 3.5-6 on page 3.5-56. The traffic analysis and the FEIS received a peer review from Parametrix the consultant to the City's Public Works Department and Parametrix agreed with the traffic analysis. See Exhibit #40-additional information located in the back of the FEIS.
11. Many issues were raised during the hearing process regarding sight deficiencies, inferior road widths and lack of sidewalks in the adjoining neighborhood. Those comments were responded to by the Transpo Group, the company that prepared the FEIS analysis, and their responses convinced the Hearing Examiner that the FEIS analysis is correct and that traffic impacts should be minimal. See Exhibit #165, pages 14 through 16 and Wood Trails Exhibit #129.
12. The City of Woodinville requires payment of a Traffic Impact Mitigation fee (TIF) for each dwelling unit created. TIF fees are determined by the zone in which the site is located. This site is in the Leota Zone. TIF fees are paid at the time a building permit for a dwelling unit is issued. The amount of the fee will be determined by the applicable fee ordinance at the time the complete building permit application is submitted to Development Services Department. See Chapter 3.39 WMC and Exhibit #1, page 21.
13. Students who reside in the Montevallo plat will attend schools in the North Shore School District #17. They would attend either the Wellington Elementary School, or the Leota Junior High School or Woodinville High School. Staff states that enrollment in the North Shore School District; particularly in the eastern portion of the district where the plat is located is experiencing slow growth and declining enrollment. Therefore adding some number of students to the schools would not have a significant adverse impact on those schools. The applicant has submitted a North Shore School District school walk safety assessment. Exhibit #9. The school district currently does not assess impact fees. Exhibit #1, page 22.
14. There are no existing City of Woodinville parks, recreation facilities or properties in the West Wellington Neighborhood or within close walking distance. This plat is subject to the Park Impact Fee Ordinance, Chapter 3.36 WMC. A park impact fee will have to be paid to contribute to future park improvements.
15. There are no transit stops within what would be considered walking distance from this proposed plat. There is transit service to Woodinville, however. King County Metro operates two transit routes in the vicinity of the project site. A park and ride lot is located in the downtown area. Exhibit #40, page 3.5-30.
16. The applicant has submitted a preliminary tree retention map which is in the record as Exhibit #12. Staff has found that the proposal complies with landscape and tree retention standards of WMC 21.16.130 through 200. A final plan will be required.
17. The applicant has requested several deviations from standards set forth in Woodinville's codes and regulations. Those requests and the City's response are set forth in Exhibit #1, page 8. The proposed deviations which have been granted by the City include:

- a. The applicant has requested to divert more stormwater away from the natural discharge point, i.e. the wetland, and connect a vault outfall to a closed pipe system. The City did not approve that deviation because it was determined that the diversion proposed would not continuously hydrate the wetland. Therefore a detention pond is recommended by the City. The applicant has requested a slight modification in the City's condition on that detention pond and the Hearing Examiner agrees to the language submitted by the applicant. It will become a condition of approval.
- b. The applicant has requested a reduction in right-of-way width standards from sixty feet to fifty feet. For various reasons set forth in Exhibit #1, page 8, the City has rejected that modification.
- c. The applicant proposes placing the sewer line underneath the wetland through boring. The City agrees that noninvasive boring under the wetland area is appropriate.

No other deviations were approved by the City. See Exhibit #1, pages 10 and 11.

## **Conclusions on Preliminary Plat Application**

### **Jurisdiction**

The Hearing Examiner is granted jurisdiction to hear and decide preliminary plat applications pursuant to Woodinville Municipal Code (WMC) Section 20.08.030.

### **Criteria for Review**

To approve a preliminary plat, the Hearing Examiner must find that the following criteria set forth in WMC 20.06.020 are satisfied:

- A. Goals and Policies. The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville comprehensive plan, community urban forestry plan, and parks, recreation and open space plan;
- B. Development Standards. The proposal conforms to the development standards set forth in WMC Title 21, Zoning Code;
- C. Subdivision Standards. The proposal conforms to the requirements of WMC 20.06.020 – Review and Approval Criteria for Subdivisions, WMC 20.06 – Subdivisions and WMC 17.09.020 – Project Permit Application;
- D. Proposed Street System. The proposed street system conforms to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;

- E. Utilities. The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
- F. Layout of Lots. The proposed layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;
- G. Geologically Stable Soil. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;
- H. Safe Walking to School Procedures. Safe walking to school procedures, as established by the City, have been met;
- I. Tree Preservation. Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.

### **Conclusions Based on Findings**

1. With conditions, the proposal complies with "Criteria A." in that it conforms to the goals, policies, criteria, and plans set forth in the City of Woodinville Comprehensive Plan, community urban forestry plan, and parks, recreation and open spaces plan. Subdivision development will occur in an area zoned low-density residential and surrounded by existing low-density residential except for the area to the north which is rural. In the FEIS developed for the proposed subdivision the mitigation suggested will become conditions of approval. Significant trees will be preserved and the applicant shall establish a Native Growth Protection Area (NGPA) to preserve open space and the site's wetland. See also the Findings and Conclusions on the Comprehensive Plan Compliance set forth under the Zoning Section. Conditions of approval are necessary to insure that any erosion resulting from subdivision development is adequately controlled using best management practices and that stormwater is adequately controlled and disposed of.

2. As proposed, the project meets "Criteria B." because it is consistent with the density and dimensional standards of the R-4 zoning district and is compatible with surrounding development. With an approval of a rezone to R-4, the proposed subdivision density is consistent with the density provisions of the City code. No lot is to be less than the minimum lot size or minimum lot width. The proposed subdivision while being slightly more dense than the properties around, will still result in low density detached single-family residential development, which is consistent with uses on those lands.

3. With conditions, the proposal conforms to "Criteria C" because it would be consistent with the subdivision standards set forth in WMC Chapter 20.06, including those pertaining to lot standards, easements, water supply, sewage disposal, storm drainage, watercourses, street right-of-way widths, street lighting and recreation. Subdivision lots will meet minimum lot size and width standards for the R-4 zone. Woodinville Water District will provide water and sewer service to the proposed subdivision. Stormwater runoff from the subdivision will be collected and impounded on site and then directed to the wetland on site to keep it hydrated. The preliminary plat map is

consistent with R-4 zoning. The applicant shall pay a park mitigation fee to the City upon the issuance of a building permit for each dwelling.

Certain conditions of approval are necessary to ensure the proposed subdivision meets the code and those conditions will be in place for this plat.

4. The proposal meets "Criteria D." because the proposed street system conforms to the City of Woodinville standards and provides for the safe, orderly, and efficient circulation of traffic. The streets in the plat conform to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and are laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic.

5. The proposed subdivision meets "Criteria E." because it will be served with water and sewer by the Woodinville Water District.

6. The proposal meets "Criteria F" because the layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings maybe reasonably sited and that the least disruption of the site, topography, trees and vegetation will result. The site is reasonably flat and the soils are stable. Many trees will be retained and a Natural Growth Protection Area (NGPA) will be established around the wetland and it will be preserved and enhanced. A landscape plan and tree retention plan has been submitted and will be a final requirement with final plat submission.

7. A geotechnical study concluded that the site soils are suitable for urban residential development design of the lots and the stormwater system considered site grades, topography and the existing wetland. Therefore, the proposal meets "Criteria G."

8. Safe walk to school procedures have been complied with, meeting "Criteria H."

9. "Criteria I." has been met because tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.

### **DECISION**

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends that the rezone from R-1 to R-4 be approved by the City Council and also approves the subdivision of this property into 56 residential lots with a density transfer of 9 lots from the Wood Trails plat. The property shall be developed substantially in accordance with plans submitted and as modified by these conditions of approval. This approval is granted subject to the following conditions:

#### **GENERAL:**

1. The Department Director shall have the authority to direct the developer or his on-site representatives to immediately cease activities and redirect their attention to resolving any problem, particularly any environmental degradation, which in the director's opinion needs immediate resolution. Failure of the developer or his representative to redirect such labor and equipment shall result in immediate project closure and resolution of the problem by the City. The developer will be billed for such City time and materials involved in resolving the problem, which shall include a penalty of 10% of the assessed cost. Such bill shall be paid prior to the

City removing the closure.

2. Mail routes and mailbox locations shall be approved by the postmaster. Mailbox locations shall also be approved by the City Engineer to insure they do not interfere with traffic sight distances.

3. The Natural Growth Protection Area (NGPA), the landscape strips and any other private common areas shall be maintained by a homeowners association. A set of covenants, conditions, and restrictions (CC&Rs) prepared for the proposed development is subject to review and approval by the City of Woodinville, and shall be recorded with the King County Auditor's Office prior to the recording of the final plat. The CC&Rs shall address the duties and responsibilities of the homeowners association with respect to common areas. This includes, but is not limited to the levying and collection of assessments, and the operation, maintenance and preservation of all common areas and facilities and shall also provide for the administration and enforcement of these duties and responsibilities. The City shall be kept informed of all names and addresses of current association officers.

4. The final plat shall include a clause requiring property owners and the homeowners association to maintain, in a uniform manner, city right-of-way/easements located between their property lines and the back of adjacent sidewalks. The city shall have the authority to enforce such maintenance. If, upon being informed by the City to perform such maintenance and said property owner does not comply, the City shall have the option of maintaining the right-of-way/easement and shall bill the property owner for all associated costs including administrative costs. If city invoices are not paid within ninety (90) days, the city shall have the option of attaching a lien against said property.

5. Maintenance bond(s) amounts shall be approved by the Public Works Department and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the city shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City.

6. Nine (9) dwelling units may be transferred from the Wood Trails property (sending site) in accordance with the WMC 21.36.030 and WMC 21.36.050 (Transfer of Residential Density Credits).

**ENVIRONMENTAL** – Reference Final EIS (Exhibit 40)

1. The wetland location and class must be shown on the plat drawing.

2. The pedestrian access trail easement shall be removed from the proposal.

3. The wetland must be properly restored after installation of the storm drainage and sanitary sewer pipes. A restoration plan shall be submitted with the engineering plans.

4. The current Wetland Report does not address the wetland recharge method proposed by the Applicant. Discharge is to be from the detention facility.

5. The Geotechnical Engineering Study does not address the utility installation by boring in the wetland area. The applicant's geotechnical engineer shall provide recommendations for utility installation in the wetland area. This is to be submitted with engineering plans.
6. A Native Growth Protection Area (NGPA) shall be placed upon all areas not included within the site development (lot and right of way) areas of the subdivision and shall be designated on the final plat. The onsite wetland and required buffers are to be protected as an NGPA. NGPA Tract A is to be dedicated to the homeowners association.
7. The boundary of the Native Growth Protection Area (NGPA) shall be designated by signs to be approved by the City. The signs shall be located every 100 feet along the NGPA boundary; additionally, there shall be a sign centered along each lot line adjacent to the NGPA.
8. The boundary of the NGPA shall be delineated by an approved fence (split-rail).
9. The applicant shall comply with the suggested mitigating measures set forth in the FEIS Exhibit #40.

## **FIRE**

1. Road width and construction for Fire Department access must meet City of Woodinville Transportation design requirements.
2. Curb turning radius shall be a 25-foot curvature.
3. Fire Department access roads with dead-ends over 150 feet, such as NE 204th Street near Tract B, shall have an approved turn-around per City of Woodinville Transportation Infrastructure Standards and Specifications (TISS)
4. The Fire Department shall have access to within 150 feet of any portion of a buildable portion of any lot.
5. A current hydrant flow chart is required for the closest hydrant to each structure at the time of building permit application for that structure. Fire flow will be calculated based on square footage of each structure. Homes not meeting minimum fire flow requirements shall be provided with an automatic fire sprinkler system.
6. Hydrant spacing shall be in accordance with Uniform Fire Code, Appendix III-B
7. Homes 5,000 square feet in size or greater shall be provided with an automatic fire sprinkler system per International Fire Code (IFC) pending site development.
8. Homes served by access roads greater than 15% grade shall be provided with an automatic fire sprinkler system.
9. Any road used for fire department access 28 feet or less in width shall have parking on one side of the street only. Any road used for fire department access 26 feet or less shall have no parking on either side of the street. Note: This requirement is not to be construed as an approval of any deviation request for roads narrower than that required by the City of Woodinville Transportation and Infrastructure Standards.

## **IMPACT FEES**

1. This project is subject to the following impact fee Ordinances:

- Transportation Impact Fee (TIF) Ordinance (Chapter 3.39 WMC) and
- Park Impact Fee (PIF) Ordinance (Chapter 3.36)

2. As provided for under the City of Woodinville Municipal Code and the City of Woodinville Comprehensive Plan, and analysis by the Northshore School District Number 417, it has been determined that this development will not have an adverse impact on the School District.

## **LANDSCAPE & TREE RETENTION**

1. This project shall comply with applicant City street tree requirements. Street trees shall be provided as follows, per WMC 21.16.050:

a. The trees shall be owned and maintained by the homeowners association, unless located in the City right-of-way. Ownership and maintenance shall be noted on the face of the final recorded plat.

b. The species of trees shall be approved by the City of Woodinville Development Services Department. If located within the right-of-way, tree shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers or which are not compatible with overhead utility lines.

c. Trees shall be located within the street right-of-way and planted in accordance with WMC 2.24.090, City of Woodinville Public Infrastructure Standards and Specifications, Landscaping Section 7, Details 341, 342, and in accordance with the Public Tree Care Standards Manual.

d. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, the performance bond must be replaced with a maintenance bond, and per WMC 21.24.150, held for a period of up to five (5) years. The duration of maintenance/monitoring obligations shall be established by the Planning Director, based upon the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures. After the maintenance period has ended, the maintenance bond may be released after the City of Woodinville Development Services Department has completed a second inspection and determined that the trees have been kept healthy and thriving.

2. A detailed tree retention plan shall be submitted with the final engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of WMC 21.16.140.

3. No clearing of the subject property is permitted until the final tree retention plan is approved

by the City of Woodinville Development Services Department. Flagging and temporary fencing of trees to be retained shall be provided, consistent with WMC 21.16.160.

4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant WMC 21.16.160.

5. A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with WMC 20.06.175 20.06.190 and 21.16.

6. Plat plans shall include a City signature block.

7. Track C, as shown on the preliminary plat, shall be maintained by the Home Owner's Association.

### **SURFACE WATER**

1. Storm drainage containment, treatment and disposal must be in compliance with the 1998 King County Surface Water Design Manual requirements.

2. The storm drainage easement on Tract D will be dedicated to the City for the purpose of storm facilities maintenance only.

3. The Track B Detention Pond or other detention system that is demonstrated to promote continued hydration of the wetland – Shall be dedicated to the City of Woodinville after the required maintenance period has ended.

4. The total of impervious areas on each lot and for all roadways must be labeled on the plat drawing.

### **TRANSPORTATION**

1. A transportation impact fee is required. This project is subject to the City's Transportation Impact Fee (TIF) Ordinance (Chapter 3.39 WMC). TIF fees are paid at building permit issuance for each residence. The fee amount shall be the amount in effect as of the date of complete building application. Submit a completed TIF Worksheet with each new dwelling building permit.

2. 156<sup>th</sup> Avenue NE right-of-way must be shown with dimensions and labeled on the plat drawing.

3. The proposed roads shown on plat drawings must satisfy City standards for high density residential streets (TISS Detail 104A and 104B). Full width right-of-ways and roadways are required, which may mean a reduction in the number of lots.

4. The street layout/geometry must satisfy City TISS requirements.

5. The Geotechnical Engineering Study does not address the proper road pavement section. City standard roadway section (TISS Detail 104B) for High Density Residential Streets must be

used. Right-of way must be shown with dimensions and labeled on the plat drawing.

6. The City Limits must be shown on the plat drawing.
7. According to a site traffic impact analysis of the City of Woodinville Public Works Department, Chapter 3.5 Transportation in the Final Environmental Impact Statement issued on December 12, 2006, the City projected additional peak period traffic generated by this project. Therefore, this project is subject to City of Woodinville Transportation Impact Fee Ordinance No. 356.
8. All required improvements shall be completed before final plat approval.
9. Drawings of record shall be approved and signed by the Public Works Director prior to final plat approval.
10. The original plat drawing showed two access roads to the plat from 156<sup>th</sup> Avenue NE. The conceptual plan shown at the hearing depicts only one access road. Any reduction in access roads from two to one, must be approved by the City Engineer and the Fire Department. The City Engineer shall approve all plans for city infrastructure and shall approve such installation prior to acceptance by the City.
11. Maintenance bond(s) amounts must be approved by the Public Works Department and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the city shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City.  
Example:
  - a. Landscape – 2-Year Maintenance Guarantee
  - b. Lighting – 2-Year Maintenance Guarantee
  - c. Site Improvements – 2-Year Maintenance Guarantee
  - d. Wetland – 5-Year Maintenance Guarantee
12. Street lighting shall be in compliance with city standards as approved by the City Engineer.
13. All utilities shall be underground within the development.

#### **L. OTHER CONSIDERATIONS**

Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:

- a. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE
- b. Water Quality Modification Permit from WSDOE
- c. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.

DATED this 16th day of May 2007.

  
Greg Smith  
City of Woodinville Hearing Examiner pro tem

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Shading represents difficulty in reading sign on sheet

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**Montevallo PPA and ZMA Exhibit Index List –  
Revised 05/01/2007 by Sandy Guinn**

<b>Exhibit Number</b>	<b>Description</b>	<b>Number of Pages</b>
1	Woodinville Staff Report, including referenced to all applicable codes, comprehensive plan, regulations Exhibits 2 through 54	
2	PPA MT Preliminary Plat General Application PPA2004-093	5
3	PPA MT Title Report	113
4	PPA MT Legal Description	1
5	PPA MT Vicinity Map	1
6	PPA MT Density	1
7	PPA Certificate of Water Availability	6
8	PPA Certificate of Sewer Availability	4
9	PPA Northshore School District Walk Safety Assessment	1
10	PPA Development Consistency Checklist	4
11	PPA MT Preliminary Plat Plan	8
12	PPA MT Preliminary Tree Retention Plan	1
13	PPA - Letter of Complete Application	2
14	PPA Signed Notice of Application 12/20/07	2
15	PPA Proof of Publication - Notice of Application	1
16	PPA Affidavit of Site Posting Notice 12/21/04	2
17	MT General Application ZMA 2004-094	5
18	ZMA Application SEPA Checklist	14
19	ZMA Project Description and Rezone Analysis - Triad	12
20	ZMA Letter of Complete Application	2
21	ZMA Signed Notice of Application 12/20/04	1
22	ZMA PPA Proof of Publication – Notice of Application	1
23	ZMA Property Owner Radius Map and Mailing List	5
24	ZMA State of Washington Department of Community, Trade and Economic Development – Reviewing and approval letter with list of reviewing agencies.	2
25	SEPA Application SEP2004-095 11/08/04	5
26	SEPA Environmental Checklist	14
27	Applicant's Wetland and Stream Analysis 11/08/04	14
28	Conceptual Mitigation Plan	1
29	SEP Letter of Complete Application	2
30	Signed Notice of Revised EIS Scope 12/20/04	2
31	Signed Notice: Determination of Significance - Comment Period Extension 1/10/05	1
32	Wood Trails and Montevallo EIS Application	1
33	Signed Notice of Draft Environmental Impact Statement (DEIS) - Availability	1
34	Proof of Publication - Notice of Draft Environmental Impact Statement (DEIS) - Availability Notice	4
35	Draft Environmental Impact (DEIS)	2 Volumes
36	Signed Notice of Official Director's Interpretation Regarding Appeals Procedure of Final Impact Statement (FEIS) 11/6/06	11

37	Proof of Publication - Of Official Director's Interpretation Regarding Appeals of Adequacy of Final Impact Statement (FEIS)	1
38	Signed Notice - Final Environmental Impact Statement (FEIS) - Availability Notice 12/13/06	4
39	Proof of Publication - Final Environmental Impact Statement (FEIS) - Availability Notice	1
40	Final Environmental Impact Statement – Report and Appendices A-P	3 Volumes
41	Applicant's Requests for Deviation From Standards on project	5
42	Montevallo Area Property Owners; Party of Record; and Agency Distribution Lists	12
43	Public Comment Regarding all aspects of the Wood Trails/Montevallo project; (PPA, ZMA, SEPA, EIS Scoping, DEIS, FEIS) Chronological Order	230
44	Signed Public Hearing Notice of Rezoning and Preliminary Plat Application for Montevallo – 2/12/07	3
45	Proof of Publication - of Rezoning and Preliminary Plat Application for Montevallo- Public Hearing	1
46	Affidavit of Site Posting Notice 2/12/07	2
47	Public Hearing Examiner's Letter	1
48	Applicant's Consent Letter for Separate Public Hearings	1
49	Moratorium Ordinances #419; #424, #427	24
50	Agency Distribution List	3
51	Additional Public Comments Received as of 02/22/07	29
52	Montevallo Preliminary Technical Information Report dated 11/5/04	107
53	Comment Letter from McCullough Hills, PS Received 2/23/07	2
54	Notice of Continuation of Public Hearing 02/26/07	20
55	Public Comments	16
56	Board – Compilation of Wetlands, Reconnaissance, and Inventories See Wood Trails Exhibit 63	1
57	Board – Woodinville Neighborhoods (Wood Trails and Montevallo land area highlighted See Wood Trails Exhibit 67	1
58	Board – Land Use: Residential Parcel Size (R-1 zoning) with Montevallo and Wood Trails parcels highlighted See Wood Trails Exhibit 68	1
59	Board – 2004 Topography of the City Woodinville, Lidar Source: King County See Wood Trails Exhibit 69	1
60	Board –Montevallo Preliminary Plat; Wetland and buffer outlined	1
61	Board –Montevallo Preliminary Drainage and Utility Plan	1
62	Board - Conceptual Montevallo Site Plan	1
63	Board –Montevallo - Data Information	1

64	Red folder: Public Comments received 03/13/ through 03/15/07; Staff's Closing Request dated March 15, 2007; Other Information/Errata – Montevallo; Letter dated February 13, 2007 from J. Richard Aramburu addressed to Cindy Baker (16 pages with fax cover); AND Transmittal dated March 14, 2007 from Triad Associates addressed to Cindy Baker, City of Woodinville with following attachments: Montevallo Conceptual Site Plan (2), Transmittal dated March 9, 2007 from Triad Associates addressed to Cindy Baker, Memo dated March 7, 2007, from Phoenix Development (Loree Quade) addressed to Cindy Baker, and letter dated March 8, 2007 from G. Richard Hill of McCullough Hill, addressed to Cindy Baker	37
65	Applicant Phoenix Development's Hearing Memorandum	32
66	Letter dated March 15, 2007 addressed to Mr. Greg Smith Hearing Examiner from Bob Vick, Senior Vice-President, Phoenix Development	14
67	Conceptual Site Plan Montevallo	1
68	Where the Forest Meets the Sea	36
69	Comments to the Hearing Examiner on FEIS and Rezone and Preliminary Plat Application for Montevallo and Wood Trails	8
70	Written comments from Christina McMartin dated March 15, 2007, Attn: Woodinville City Council, Ms. Cindy Baker and City Attorney	1
71	Letter dated March 15, 2007 from J. Richard Aramburu to Greg Smith, Hearing Examiner	43
72	Letter dated March 15, 2007 from Adam Gold to the Hearing Examiner	3
73	CNW Members – Yield public testimony time to CNW presenters (submitted by Mr. Fred Green)	1
74	Analysis of Montevallo Rezone and Preliminary Plat Application, Volume One, Two and Three (plus CD). Two sets of 3 volumes were submitted to the Hearing Examiner by the public. It was stated that both sets were exactly the same except the cover. One cover was Montevallo and one was Wood Trails. Because of their size, only one will be relied on as an exhibit - Analysis of Montevallo Rezone and Preliminary Plat Application, Volumes One, Two, Three, and one CD – Montevallo Exhibit #74.	2144 and one CD
75	Documents received March 15, 2007, from Susan Boundy Sanders	28
76	Wildlife Information	1
77	Fred Green, Concerned Neighbors of Wellington letter dated March 3, 2006 regarding Wood Trails / Montevallo DEIS Review	157

78	Huckell/Weinman Associates, Inc., March 16, 2005 memo to Ray Sturtz and Dick Fredlund, City of Woodinville	4
79	Letter dated December 15, 2005 to Mr. Fred Green, President, concerned Neighbors of Wellington signed Pete Rose, City Manager	2
80	Letter dated March 2, 2007, from Fred Green, President, CNS, to Cindy Baker, Interim Development Services Director	2
81	Sign Up Sheet March 15, 2007 Montevallo Preliminary Plat and Rezone	19
82	DVD of the Montevallo Video taped at March 15, 2007 public hearing	One DVD
83	Correspondence submitted by citizens; Jones & Stokes (Lisa Grueter) email dated April 6, 2007, addressed to Cindy Baker regarding noise attenuation from trees; Perteet (Joel E. Birchman) email dated April 04, 2007, addressed to Cindy Baker, regarding WT & Montevallo Rebuttal	36
84	Green folder: Correspondence/emails from citizens, Memorandum dated February 27, 1997 from Stephanie Cleveland, Project Planner to Planning Commission, and copy of Request for Public Records #2007-043 and documentation provided	97
85	Letter from Cindy Baker, City of Woodinville, dated April 16, 2007, addressed to Greg Smith, Hearing Examiner with attachments (best available science) – See Wood Trails Exhibit #155	373
86	Email dated April 13, 2007 from Jane Winant to Cindy Baker; Richard Leahy; Email dated April 16, 2007 from Mike Daudt to Susie McCann; Jennifer Kuhn; gsmith@spokanecity.org	7
87	Email sent December 8, 2006 from Yosh Monzaki to Cindy Baker, Steve Munson, Susie McCann, Mick Monken; email sent December 13, 2006 from Sandy Guinn to Development Services; Correspondence from Traci Herman to Cindy Baker responding to email request of March 2, 2007; Email sent April 16, 2007, from Lee Ann Reid to Sandy Guinn; Copy of letter dated March 2, 2007 from Fred A. Green, President, CNW, to Cindy Baker; copy of letter dated March 15, 2007, from Sunday and Scot McCallum to Woodinville City Council & Planning Commission; and copy of letter received April 16, 2007, from Austin T. Winant to Mr. Greg Smith, Hearing Examiner	13

88	Letter dated November 1, 2006 from Cindy Baker, Interim Development Services Director to Richard Aramburu, Attorney at Law; letter dated September 22, 2006 from J. Richard Aramburu to J. Zachary Lell, Ogden Murphy Wallace, PLLC, and Ray Sturtz, Planning Director; letter dated April 16, 2007 from Michael Daudt to Greg Smith Hearing Examiner; Email sent April 12, 2007, from Steve and Karen Tidball to Council; Email sent April 18, 2007, from Susan Huso to Richard Leahy	15
89	Evidence Summary and Arguments by Concerned Neighbors of Wellington In Opposition To Rezone and Plats – See Wood Trails Exhibit #159	50
90	Hand typed note from Kathy McLemore to Jeff/Lisa with ABC Legal Service form dated 4-19-07 – See Wood Trails Exhibit #160	2
91	Analysis of Wood Trails Rezone and Preliminary Plat Application , Volume Four, prepared by Concerned Neighbors of Wellington – See Wood Trails Exhibit #161	196
92	Letter dated April 19, 2007, from Otto K. Paris, L.G., L.HG., Hydrogeologist to Ms. Cindy Baker, Interim Director of Development Services – See Wood Trails Exhibit #162	3
93	Tree Preservation Plan for Wood Trails & Montevallo projects dated April 19, 2007, from Peter C. Blansett, S. A. Newman Firm	6
94	Email sent March 11, 2007 from Kerry Kunnanz to Susie McCann	1
95	Transmittal dated April 26, 2007, from Triad Associates, addressed to Hearing Examiner with attachments (Phoenix Development Rebuttal Memorandum prepared by G. Richard Hill; Response Letter to Additional Review Comments prepared by Transpo; Response Letter prepared by Woodinville Water District; Response Letter prepared by Sewall Wetland Consulting; Response Letter to CNW Comments prepared by Earth Solutions NW; Rebuttal to CNW Narrative prepared by Phoenix Development Inc.; Response to Comments RE: City Capacity Analysis prepared by Erika Jensen; Response Letter to CNW Volume 4 Comments prepared by Mark Keller; Letter regarding Summers Addition prepared by Mark Harrison – See Wood Trails Exhibit #165	72
96	Email sent April 27, 2007, from Cindy Baker to Susie McCann, forwarding email sent April 26, 2007, from Rich Hill to Zach Lell-City Attorney; Rick Aramburu; Cindy Baker – See Wood Trails Exhibit #166	13

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF WOODINVILLE**

In the Matter of the Application of	)	FILE NO. ZMA2004-053 and
	)	PPA2004-054
Phoenix Development for the Wood Trails	)	
	)	
Rezone and Preliminary Plat Application	)	FINDINGS, CONCLUSIONS, AND DECISION

**SUMMARY OF PROPOSAL**

**Proposal:** The applicant seeks approval of a rezone from R-1 to R-4 along with a preliminary plat approval to allow the subdivision of approximately 38.7 acres into 66 single-family residential lots with a request for surplus density of 19 lots to be transferred to another site. There will also be 21.9 acres of open space.

**Decision:** The Hearing Examiner recommends approval of the rezone and also approves the preliminary plat with a reduced density transfer.

**SUMMARY OF RECORD**

**Hearing Date:**

This matter was scheduled for hearing on February 28, 2007. Because of a possible defect in the public notice and also because the staff report was not available the required number of days before the hearing, the matter was continued until March 14, 2007. It was continued again until April 5, 2007. No testimony was taken on February 28<sup>th</sup>, but testimony was taken on both March 14<sup>th</sup> and April 5, 2007.

**Testimony:**

A full list of those who provided oral testimony is attached to this decision. At the hearings on this matter, the applicant, Phoenix Development, was represented by G. Richard Hill, Attorney at Law; McCullough Hill, PS, 701 5<sup>th</sup> Avenue, Suite 7220; Seattle, WA 98104. Some of the citizens who testified were organized in a group called "Concerned Neighbors of Wellington" and they were represented by J. Richard Aramburu, Attorney at Law; Aramburu-Eustis; 505 Madison Street, Suite 209; Seattle, WA 98104.

**Exhibits:**

A full exhibit list is attached to this decision. The record remained open until April 26, 2007, to allow further information to be submitted.

## PROCEEDURAL ISSUES

Several procedural issues were brought up during the course of the Hearing Examiner's consideration of this matter both in testimony and through exhibits. The following findings and conclusions are hereby made on some of those procedural issues.

1. An objection was made to the consolidation of the request for the rezone with the application for the preliminary plat. The Woodinville Municipal Code (WMC) states at WMC 20.80.020 (3) that, "unless the applicant requests otherwise, a subdivision or short subdivision application shall be processed simultaneously with application for variances, conditional uses, street vacations, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to those actions permit simultaneous processing." The applicant did not request separate processing of these two matters and the Hearing Examiner concludes that the rezone qualifies as a quasi-judicial action under the ordinance. Therefore it was proper for these two actions to be heard together. This is in accord with RCW 58.17.070.
2. The Concerned Neighbors of Wellington (CNW) argue that the rezone application should not be considered vested and should be considered under the regulations in effect at the time of the hearing rather than under previous regulations. The City and Phoenix contend that the rezone and preliminary plat applications were deemed complete on July 8, 2004, and a letter was sent to that effect. Exhibit #13 and Exhibit #20. The Hearing Examiner concludes that the letter established vesting on that date and the applications are therefore to be considered under the codes and regulations in effect on July 8, 2004. This is consistent with the process set forth in RCW 36.70B.070. See also *Schultz v. Snohomish County* 101 Wn.App 693, 701 (2000). This is also consistent with the Supreme Court's decision in *Association of Rural Residents v. Kitsap County*, 141Wn.2d 185, 193, where the Court held that when a preliminary plat application vested, the accompanying planned unit development application vested also because it was the entire application that vested not just the preliminary plat. Planned unit developments are considered rezones under Washington law. *Lutz v. Longview*, 83 Wn.2d 566 (1979). Therefore the applicant has the right to have the entire application heard under the rules in effect on July 8, 2004, when the City determined that the application was complete.
3. This application was heard in the same time frame as the application for the Montevallo rezone and preliminary plat. The two projects were combined for the preparation of an environmental impact statement but were separate applications, filed on different dates, and were considered at separate hearings. As a courtesy to those who came to testify, the Hearing Examiner allowed testimony at each hearing on either proposal. They were not consolidated, however, into one application and are being treated by the City as separate applications. This is allowed under WMC 20.08.020(1) which would require their consolidation if the two properties were contiguous. They are not contiguous so consolidation was not required.
4. CNW objected several times throughout the proceedings about possible defects in the public notice. The first objection resulted in both plat hearings being continued from February 28<sup>th</sup> and March 1, 2007, to March 14<sup>th</sup> and 15, 2007, with the Wood Trails proposal being continued again until April 5, 2007. The main objection was to the misidentification of the Wood Trails property, but other objections were made, also. One objection was that the final hearing on April 5, 2007, was moved, at the last minute, from the Woodinville City Council Chambers to the Carol Edwards Center Gymnasium which is approximately a block away. This was done because of the size of

the crowd. The combined hearings lasted for almost 15 hours. A large number of people testified and many people testified more than once. The two proposals have been in the public's eye for an extended period of time and it would be difficult for the Hearing Examiner to conclude that anybody was unable to present written or oral testimony because of the alleged defects in the public notices. In fact, no one has come forth with any convincing argument that they were prejudiced by any defect in notice.

5. CNW also alleges that this zoning application cannot be approved because it is an illegal spot zone. Washington Case Law provides a concise definition of illegal spot zoning:

*Spot zoning is an action by which an area is carved out of a larger area and specially zoned for use totally different from, and inconsistent with, the surrounding land and not in conformance with the comprehensive plan. Save a Neighborhood Environment v City of Seattle, 101Wn.2d 280 (1984).*

The proposal's compliance with the comprehensive plan will be examined later in this decision. The Hearing Examiner concludes, however, that this is not an illegal spot zone because the use, detached single-family residential is not totally different from and inconsistent with surrounding properties which are also developed with detached single-family residential uses. The difference is density, not use. The Hearing Examiner finds that CNW has drawn too fine a line in attempting to find incompatibility. Both R-1 uses and R-4 uses are considered low density residential under Woodinville's Comprehensive Plan and would be considered as such under virtually every other comprehensive plan in any urban area in the State of Washington. Therefore, the Hearing Examiner concludes that this re-zone is not an illegal spot zone.

6. CNW argues that the hearing on this matter and any decision is premature because final plans and certain studies have not yet been completed. As an example, the applicant submitted a conceptual plan at the hearing on March 14, 2007, demonstrating how the project may look if all proposed conditions of approval recommended by staff were imposed. CNW argued that the proposal is not in final form, and, therefore, the hearings were premature.

This proposal is for preliminary plat. Plats are a two-step process with the preliminary plat being the initial step. A preliminary plat is defined in the State Law as:

*"A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of the subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of the subdivision".*

A final plat is defined as:

*"The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter. RCW 58.17.020(4)(5)".*

CNW argues that all studies and final design elements should be in place prior to this approval. That is not the way that the two-step process works, however. Many of the preliminary studies are

set forth in the Final Environmental Impact Statement but final design takes place after the preliminary plat has been approved and before the final plat is signed by the City. The Hearing Examiner finds that there is sufficient information in the record to adequately evaluate the preliminary plat application.

7. The record in this case is voluminous. The public hearings on this project and the Montevallo project lasted for almost fifteen hours and there are literally thousands of pages of exhibits. Many issues were raised in public testimony and in the written submittals by both CNW and Phoenix Development, as well as by City staff. Because of the volume of comments, the Hearing Examiner cannot address every issue raised. The Hearing Examiner will, however, address relevant issues that are necessary for the issuance of a decision pursuant to the regulations. However not every comment will be addressed.

### **GENERAL FINDINGS**

1. The Wood Trails property is located north and west of the intersection of NE 195<sup>th</sup> Street and 148<sup>th</sup> Avenue NE. It is west of the terminus of NE 195<sup>th</sup>, NE 198<sup>th</sup>, NE 201<sup>st</sup>, and NE 202<sup>nd</sup> Street. It is located in the NE quarter of Section 3, Township 26<sup>th</sup> North, Range 5, Willamette Meridian, King County. A full legal description is in the record in Exhibit #4. The property consists of approximately 38.7 acres. Exhibit #1, page 7.

2. The Wood Trails site topography is varied, with the overall slopes descending to the west. Elevations on the site range from approximately 250 feet in places along the western edge of the property to 430 feet at the eastern boundary. The most distinguishing site features include a series of east/west trending ravines with relatively moderate to steep side slopes. The ravine areas of the site generally contain slopes of 40% or steeper. Some relatively gentle sloping areas are located along the margins of the ravines, and throughout the easterly portions of the site. Moderately sloping areas are located along the westerly margins of the property. Exhibit #39, page 3.1-2.

3. To the north of the site is an undeveloped tract designated for future development; to the east and south the property is zoned R-1 and developed primarily with single-family homes on large lots, between one-half and one and one-half acres. To the west, the property is zoned Industrial and is developed with industrial uses. See Exhibit #39, pages 3.4-2 through 3.4-11.

4. The applicant proposes to subdivide the property into a total of 66 lots. The lots range in size from 5,060 square feet to 13,787 square feet with an average of 6,930 square feet. The proposal is to locate the lots on site in three groups. Thirteen lots would be located on the south side of the site near the intersection of 148<sup>th</sup> Avenue NE and NE 195<sup>th</sup> Street; in the middle of the site on the eastern side, there is to be twenty lots located along 148<sup>th</sup> Avenue NE extended and in the northeastern portion of the site there are to be thirty-three lots located near the western terminus of NE 202<sup>nd</sup> Street. Exhibit #1, page 8.

5. A conceptual preliminary plat of Wood Trails with the applicant's depiction of the proposal as complying with conditions of approval in the staff report is in the record as Exhibit # 65.

6. The applicant also seeks to transfer development rights from excess density in the Wood Trails plat to the Montevallo plat. The applicant seeks a density transfer of nineteen units. The

City has recalculated the density figures and has determined that nine units may be transferred. See Exhibit #1, pages 22 and 23.

7. The City issued a Determination of Significance under the State Environmental Policy Act (SEPA) on October 11, 2004. A Draft Environmental Impact Statement (DEIS) was issued on January 17, 2006, and a Final EIS (FEIS) was issued on December 13, 2006. See Exhibits #28, 34, and 39.

### **FINDINGS RELATED TO THE REZONE**

8. The proposal vested in July of 2004 and is governed by the 2004 Comprehensive Plan. The plan designates this site as low density residential which includes zoning designations of R-1 (1 unit per acre) through R-4 (4 units per acre). The property is currently zoned R-1 and the applicant seeks a rezone to R-4. Exhibit #,1 page 13.

9. The Woodinville Water District will provide sewer and water services to the proposed subdivision. Each lot in the development will be connected to the District's sewer and water systems, pending construction of site collection and distribution systems by the applicant. See Exhibits # 7, 8 and 165, page 17.

10. R-4 as proposed, is designated as low density residential in the relevant comprehensive plan. Other relevant plan policies cited include:

- a. Land Use Policy LU-1.1; preserve neighborhood character, while accommodating for GMA Growth Forecasts.
- b. Land Use Policy LU-1.2; guide growth to areas with capacity, where impacts will be minimized, and where growth will help areas appearance or vitality.
- c. Land Use Policy LU-1.3; phase growth and municipal services together.
- d. Land Use Policy LU-2.2; connect development, open space, recreation areas by planned street, path, and utility corridor networks.
- e. Land Use Policy LU-3.1; development should compliment existing residential development patterns.
- f. Land Use Policy LU-3.2; preserve neighborhood natural environment.
- g. Land Use Policy LU-3.4; provide controls to minimize encroachment by incompatible land uses.
- h. Land Use Policy LU-3.7; permit a range of densities to encourage a variety of housing types to serve a range of incomes.
- i. Housing Policy H-1.1; allow a variety of housing types and lot sizes.

- j. Community Design Policy CD-1.2; preserve views, natural features, and landmarks.
- k. Community Design Policy CD-2.2; encourage native vegetation in residential, commercial, industrial areas.
- l. Community Design Policy CD-2.3; use trees and landscaping to buffer surrounding land uses.
- m. Community Design Policy CD-2.4; require street trees in all development.
- n. Community Design Policy CD-2.5; require developments to retain existing significant vegetation, where feasible, through regulations in the Woodinville Zoning Code.
- o. Community Design Policy CD-3.1; integrate existing development into the character of surrounding area.
- p. Capital and Public Facilities Policy CF-3.1; require the City or other service providers to establish capital facilities service standards.
- q. Environmental Policy ENV-3.1; encourage urban forest preservation.
- r. Environmental Policy ENV-3.2; protect critical habitat areas.
- s. Environmental Policy ENV-3.3; maintain a standard of no net loss of critical habitat functions and values.
- t. Environmental Policy ENV-3.4; maintain critical area connectivity.
- u. Environmental Policy ENV-3.7; encourage native plant use.
- v. Environmental Policy ENV-4.1; protect public safety and potential seismic, flood hazard and slide hazard areas.
- w. Environmental Policy ENV-4.2; minimize the adverse affects of development on topographic, geologic and hydrologic features and native vegetation. City of Woodinville Exhibit #1 pages 13-19.

11. A majority of the Wood Trails site has been identified by the King County (1990) Sensitive Areas Map folio as an erosion hazard area. Further, multiple localized areas on the Wood Trails site have slopes exceeding 40% and therefore meet WMC criteria for identification as a landslide hazard. Exhibit #1, page 9.

12. The staff report sets forth an analysis of the City's housing allocation under the Growth Management Act (GMA) for the planning period from 2001 to 2022. The allocation comes from the overall King County carrying capacity allocation attributed to Woodinville. Staff's conclusion is that the residential zones have the capacity necessary to meet the housing allocation now without further zone changes to higher density. Exhibit #1 pages, 5 and 6.

13. There was evidence presented by CNW, both in oral testimony and in writing, that there are large numbers of single-family detached homes for sale on lots approximately the size proposed by Phoenix for Wood Trails, within ten miles of this area and therefore there is no need for more of these on this site. While many of the lots identified were in communities other than Woodinville and also related to resale of existing homes rather than new homes, the data is relevant to the Hearing Examiner's decision. See Exhibit #161, pages 11 and 12.
14. Phoenix counters with an analysis of the remaining R-4 zoning in the City and argues that the City has used a flawed capacity analysis as it relates to properties zoned R-4 and available for new development. Phoenix argues that R-4 land developed between 2002 and 2007 has not been removed from the City's inventory of available R-4 land and that the remaining vacant and redevelopable R-4 lands have not been adjusted to affect new critical area boundaries, buffers and stormwater detention requirements adopted after 2002. Phoenix Development's expert states that the available land with R-4 zoning was 2.7% of the entire City in 2001 and it is less today because of development that has occurred and because of the increased critical area buffers. See Exhibit #165, pages 63 through 67. The land zoned R-1 represents approximately 30% of the total area of the City and approximately 50% of the residentially zoned land. Exhibit #1, page 7. See also Exhibit #128.
15. There was considerable oral and written testimony regarding the site itself and whether it is suitable for the proposed development. The City directed the preparation of an EIS for this development and the Montevallo development. The technical appendices to the DEIS include two geotechnical engineering studies in Appendix C and D, a drainage report in Appendix E, a wetland and stream report in Appendix I and a wildlife habitat report in Appendix K. Responses to public comment on the geotechnical report, submitted after the EIS was finalized are in the record as Exhibit #'s 131 and 165, pages 21 through 23.
16. CNW has also submitted a substantial amount of information, which is set forth in the record as Exhibit #101, Volumes 1 and 2. Volume 1 included sections on infrastructure, transportation, stormwater and sanitary sewer. Volume 2 included sections on zoning, a buildable land survey, well established subdivisions, impacts, environment, critical areas, wildlife, hydrology and preliminary plat details. The resumes of the members of CNW who prepared the information were also set forth and showed that the preparers had creditable credentials in scientific pursuits.
17. Phoenix Development responded to some of the information in Volumes 1 and 2 submitted by CNW. See Exhibits 128 through 143.
18. The geotechnical studies found in Appendix C and D of the EIS, conclude that while there are steep slopes on the Wood Trails site, the upland areas where development is proposed are not a landslide hazard area. This is based on subsurface explorations including forty-five test pits and two borings, one to forty-nine feet. See, for example, Exhibit #131, page 2. These are site-specific studies showing that the area of the Wood Trails site which is to be developed with roads and housing exhibiting good stability and soil strength characteristics. See Exhibit #131, page 4.
19. The geotechnical reports also studied the erosion issue. WMC 21.24.290.2A classifies erosion areas within the City of Woodinville. As stated in the geotechnical reports, however, site-specific investigations with the knowledge of the proposed development activities provides a more thorough evaluation of a potential erosion hazard. The reports state, that based on the site-specific evaluations, the upland areas where the development will occur, exhibit little evidence of wide spread erosion. As the site is developed, the City will require the use of best management

practices (BMP) so that soil erosion can be managed and impacts minimized. The open space areas of the site will retain their native vegetation, and a tree retention plan has been prepared. See Exhibit #39, page 3.1-18 and Exhibit #131, page 5.

20. The materials submitted by CNW, take issue with the applicant's conclusions. Those materials show mapping of the site and indicate areas where landsliding or erosion are most likely. Their conclusion is that the landslide and erosion hazards are sufficient to disallow the R-4 zoning. Their conclusions would make any development of the site questionable, however. Exhibit #101, Volume 2 (Critical Areas).

21. The Hearing Examiner finds the evidence presented by Phoenix to be credible on this issue. After completing the analysis on 45 test pits and two borings on site, in the areas where development will actually occur, the stability of the site for development has been established by the applicant. See Exhibit #131, pages 2 through 5.

22. Seismic hazards were also presented as an issue. A relatively recent study by the U. S. Geological Service (USGS) studied a hypothesized southeastward extension of the South Whidbey Island Fault Zone. One conclusion was that strong evidence suggests that two fault strands in the Maltby-Woodinville area slipped multiple times in the Holocene (present day to approximately to 11,500 years ago). The study concludes that the overall hazards posed by the South Whidbey Island Fault Zone remain in question. The geotechnical report states that the definition in the Woodinville Municipal Code defining seismic hazard areas does not apply to the subject site. The City apparently does not disagree. The Hearing Examiner finds that the evidence of potential seismic hazards is speculative and should not be used to prohibit this development. See Exhibit #131, page 6, WMC 21.24.290.2c. Exhibit #165, page 24 and Exhibit #1, page 19.

23. Considerable information and comment was submitted on storm drainage controls for the site including information related to possible impacts to Little Bear Creek. See Exhibit #101, Volume 1 (Stormwater Drainage); Volume 2 (Critical Areas) and Exhibit #39. Storm drainage was studied extensively in the DEIS and FEIS. See Exhibit #34, Appendix E and Exhibit #39, pages 3.2-1 through 3.2-37. The analysis follows the King County Surface Water Design Manual (KCSWDM), which was used by the City at the time this plat application was filed. The analysis was based upon the KCSWDM and the analysis was accepted by the City with some modifications. Those modifications include a detention vault instead of a detention pond because of possible erosion hazards and also an upgrade to the proposed piping system if needed. Water quality impacts to Little Bear Creek were also studied. See Exhibit #134; Exhibit #165, pages 68 through 70; and Exhibit #1, pages 19 and 28.

24. It is clear that any development of the site is going to create more impervious surfaces requiring storm drainage to be adequately managed. The applicant has confirmed that the site is not suitable for infiltration and therefore proposes a tight-line piping system to a detention vault located at the bottom of the slope. That will manage the storm drainage from the developed portion of the site but the twenty-one acres of land left in open space will still produce natural storm drainage. As stated, the applicant will comply with the KCSWDM regulations, which were in effect when the plat was filed. This includes treatment of the storm drainage, which is channeled to the detention vault. While the protection of Little Bear Creek must be of area wide concern, there is no evidence submitted that convinces the Hearing Examiner that complying with the King County regulations and controlling stormwater as proposed, will have any measurable effect on

Little Bear Creek. That matter was studied extensively by the applicant in the EIS. See Exhibit #39, page 3.2-1 through 3.2-11. See also Exhibit #134 and Exhibit #165, pages 68 through 72.

25. Materials submitted by CNW dispute the applicant's analysis of wildlife on the site. See Exhibit #101, Volume 2 (Wildlife). Members of CNW have spotted numerous types of birds and other fauna in their yards, adjacent to the site and on the site. They claim that the applicant has not done enough to protect wildlife habitat on site. Wildlife was studied for the EIS and that study is found in Exhibit #34, Technical Appendix K. A summary of that technical report is set forth in the FEIS, Exhibit #39, pages 3.3-1 through 3.3-7 and 3.3-11 through 3.3-14. The conclusions are that while some urban tolerant wildlife no doubt use the site because of its forested terrain, that there is no priority wildlife habitat, or endangered or threatened species on site. The western portion of the site is to be left in open space, in its natural condition and will still provide wildlife habitat, migration opportunities and the applicant will take measures to improve the foraging for wildlife on site. See Exhibit #133 and Exhibit #165, pages 18, 19 and 20. The Hearing Examiner finds that the applicant has presented credible evidence regarding wildlife habitat protections.

26. The proposal is reasonably compliant with the Woodinville Comprehensive Plan. The Hearing Examiner hereby adopts and incorporates the discussion of Comprehensive Plan Policies set forth in Exhibit #1, pages 13 through 19; Exhibit #39, pages 3.4.22 through 3.4.28 and Exhibit #19, pages 6 through 11. Specifically the Hearing Examiner finds that the zone change will allow the development of low-density detached single-family homes in an area designated in the comprehensive plan as low density residential. While arguments have been made that the adjacent neighborhood is much less dense, R-4 is still classified as low density. In addition, this development only borders the R-1 on one side and buffering, as has been recommended by the City, can alleviate impacts from a slight difference in density. The site will be served with City water and sewer and the street network will be improved. Much of the site will be left in a Native Growth Protection Area (NGPA) which will provide habitat and open space. It presents a range of densities, which encourages a variety of housing types to serve a variety of income levels. It preserves much of the natural features of the site, such as the steep slopes and will preserve trees in accordance with the City's Tree Retention regulations. Exhibit #1, pages 13 through 19.

#### **Criteria for a Rezone**

WMC 21.44.070 sets forth the zone reclassification criteria. It states: "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 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.

In addition, in WMC 21.04.080, which describes the residential zones, it states:

*(1)(a) providing, in the low density zones (R-1 through R-4), for predominately 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; (emphasis added)*

The courts have held:

*Rezoning is not presumed valid. The applicant has the burden of showing that either conditions have changed since the original zoning or that the proposed rezoning implements policies of the comprehensive plan and that the rezoning bears a substantial relationship to the public health, safety, morals or welfare. General conformance with the Comprehensive Plan, not strict conformance is all that is required. The requirements of local ordinances must also be satisfied. Woods v Kittitas County 130 Wn App 573 (2005).*

### **Conclusions on Rezone Application**

1. Based on the findings by the Hearing Examiner as stated above, the Hearing Examiner concludes that the proposal is generally consistent with the City's Comprehensive Plan. See Exhibit #1, pages 13 through 18 and Exhibit #39, pages 3.4-22 through 3.4-28. A proposed rezoning that furthers the goals of the local Comprehensive Land Use Plan, bears a substantial relationship to the public health, safety, morals or general welfare. Henderson v. Kittitas Co. 124 Wn.App. 747, 756 (2004)
2. The Hearing Examiner concludes, based upon the findings above that the criteria for a rezoning have been met. They are:

- A. There is a demonstrated need for additional zoning of the type proposed.

This criterion is a many faceted criteria. The City has analyzed it according to its GMA growth allocation from King County and found that Woodinville could meet its housing allocation without this rezoning. The applicant's expert criticized the City's study as not fully analyzing the amount of actual R-4 Zoning there was in the city for development. Most of the housing development that has occurred since 2002 has been in apartments and condominiums rather than single-family residential uses. As the applicant's expert demonstrated, if the amount of R-4 developed between 2002 and 2007 were removed from the available R-4 land totals, the amount of R-4 available for new development or redevelopment would be much less than the existing amount cited by the City which still was only 2.7% of the land area of the City. The R-1 Zone by contrast, makes up nearly 30% of the City's zoning. Clearly more R-4 Zoning is needed to create a diversity of building sites availability by establishing more areas where detached single-family can be constructed at lower densities than R-1 densities. In addition, the Growth Management Hearings Board has held that Woodinville is not to perpetuate one-acre lots that will effectively thwart urban development. Urban develop being defined by the Board as four units per acre. See Hensley v Woodinville CPSCMHB Case number 96-3-0031 (February 25, 1997).

The Growth Hearing Board has held that a minimum urban density is four units per acre. The Supreme Court held in the case of Viking Properties v. Holm 155 Wn.2d. 112 (2005) that the Growth Boards don't have the authority to make "Bright line tests". The

Boards do have authority, however, to determine whether a City is in compliance with GMA. RCW 36.70A.280. One of the goals of GMA is to encourage urban development within urban areas and reduce sprawl. RCW 36.70A.020. The Hearings Board in the Hensley case, as cited above, have determined that one acre zoning will effectively thwart urban development. Therefore, the fact that the City has 30% of its zoning in R-1 and only 2.7% in R-4 clearly demonstrates the need for more R-4 zoning. Therefore, the Hearing Examiner finds that this criterion has been met.

B. The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.

The uses to the west are industrial but the steep slope's natural vegetation will create an appropriate buffer between the R-4 and the industrial uses. To the north is Snohomish County and the land has a rural designation and is outside the City and any urban growth area. The adjacent zoning to the east and south is R-1. As stated above, both R-1 and R-4 are designated in the low-density residential category and this site will be developed with single-family residential uses although at a higher density than the R-1. While there was considerable argument made that the R-4 would not be compatible with the R-1, both are detached single-family uses and both are considered low-density zoning by the City. See WMC 21.04.080(1)(a).

In addition, the Woodinville code in place when this application vested, clearly stated that this property could not be developed as R-1 because utilities are available. This would put the applicant in a Catch-22 position of having property that could not be developed with either R-4 or R-1. The code has since been changed, but the old code still applies. It should also be noted that pursuant to WMC 21.08.030, the R-1 through R-4 are located in what's known as the Residential Low Density Zone. Therefore the Hearing Examiner must find that the zone reclassification to R-4 is consistent and compatible with the zoning of the surrounding properties.

C. The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

As noted above, the property was studied extensively in the DEIS and FEIS. Both the applicant's experts and the City's reviewing experts concluded that the site was suitable based on the characteristics of the site. The extensive study of geotechnical aspects, stormwater drainage, landslide hazards and erosion hazards convinces the Hearing Examiner to conclude that the site is suitable. The soils in the upper portion of the site have the strength to be developed with single-family dwelling units at the proposed density and the steeper portions of the site will be retained in their natural state as open space. Stormwater can be accommodated and with the conditions of approval as set forth in this decision, the site is suitable for development.

#### **FINDINGS RELATED TO THE PRELIMINARY PLAT**

1. The Hearing Examiner hereby adopts and incorporates all findings and conclusions from the previous section relating to the general findings and the rezone request.

2. The preliminary plat as filed is set forth in the record as Exhibit #11. The applicant also submitted a conceptual Wood Trails site plan which depicts recommended conditions of approval from the staff report. That is in the record as Exhibit #65. The Wood Trails plat with data information is set forth in Exhibit #64.
3. Wood Trails as proposed meets the R-4 zoning criteria for depth, front and side lot lines and building setbacks as they were set forth in the subdivision code when this proposal was vested. Exhibit #1, page 20. The proposed lot and street layout will be in conformance with the Woodinville Municipal Code. See WMC 20.06.040 and 20.06.130. Exhibit #1, page 20.
4. The Wood Trails proposal is for detached single-family residential uses which is allowed in the zoning code. WMC 21.08.
5. This preliminary plat proposes sixty-six lots with approximately 21.9 acres of open space protected in perpetuity as a Native Growth Protection Area (NGPA). The gross density is set forth in the application as 1.7 units per acre. Exhibit #19, pages 2 and 3.
6. Wood Trails contains a wetland that is being eliminated for the installation of a drainage vault. The wetland will be relocated to the NGPA area located on Tract A and it will be enhanced/enlarged on a two to one basis. Exhibit #1, page 21.
7. The applicant has asked for the right to transfer residential density to the Montevallo receiving site. Under the applicant's analysis, nineteen credits can be transferred. Staff has analyzed the applicant's calculation and revised them based on conditions of approval, such as additional roadway improvements and determined that nine density transfer credits should be allowed. See Exhibit #1, pages 22 and 23. The preliminary plat will be served by public water and sewer service from the Woodinville Water District. Exhibit #165, page 17.
8. Comments from the Woodinville Fire and Life Safety Deputy Chief and also the Chief of Police for Woodinville indicated neither agency found any significant impacts on their operations from the development of the site. Exhibit #39, pages 7.2 and 7.3.
9. The internal roadways will be constructed to full standards and will connect with existing rights-of-way. Four east west streets will serve the plat. NE 195<sup>th</sup> Street, NE 198<sup>th</sup> Street, NE 201<sup>st</sup> Street, and NE 202<sup>nd</sup> Street. The connections to those streets will also be constructed to full standards. Those four streets connect to 156<sup>th</sup> Avenue NE to the east. Staff has noted that road section "B" as depicted on the plat, will be allowed to be built to a reduced standard because of environmental and grade constraints and to allow for a reduction in impervious surface. Exhibit #1, page 25.
10. The transportation network and the project's impacts on that network were studied extensively in the EIS. See Exhibit #39, section 3.5. Traffic safety was studied in Exhibit #39, section 3.5.1.8 and the conclusion was that safety should not be a big concern despite the limitations of the roadways serving the plat. The traffic study also did a Level Of Service (LOS) analysis and found that all of the intersections would still be within acceptable LOS standards. Exhibit #39, table 3.5-6 on page 3.5-56. The traffic analysis in the FEIS received a peer review from Parametrix a consultant to the City's Public Works Department and Parametrix agreed with the traffic analysis that had been performed by Transpo Group and Perteet Engineering. See Exhibit #39-Additional Information located in the back of the FEIS.

11. Many issues were raised both during the hearings and in written testimony regarding the transportation system. Those concerns related to sight deficiencies on existing roadways, inferior road widths and lack of sidewalks on the four streets that provide access to this plat and a concern that the consultant used inadequate traffic growth figures. See Exhibit #101, Volume 1 (Transportation). The Transpo Group who did the EIS analysis responded to that information. See Exhibit #129. CNW responded again at Exhibit #161 and Transpo responded one more time at Exhibit #165, pages 14 through 16. The Hearing Examiner understands that the four roads which access Wood Trails are not built to City standards, have some sight distance deficiencies and very few sidewalks. The Hearing Examiner is not convinced, however, that will result in a significant number of accidents or other safety concerns. The people who now drive these roads are obviously careful because the accident reports are minimal. There was no convincing evidence submitted that people living in Wood Trails will drive otherwise. Further, the applicant's consultant has suggested mitigating measures in the way of signage and other traffic calming devices which could result in safer roadways if found necessary by the City. See Exhibit #129, page 2. The applicants consultant, the Transpo Group and the City's consultant, Pertect Engineering have followed standard methodology in conducting these traffic studies. They were given a peer review and the Hearing Examiner finds them to be credible.
12. The City of Woodinville requires payment of a Traffic Impact Mitigation Fee (TIF) for each dwelling unit created. TIF fees are determined by the zone in which the site is located. This site is in the Leota Zone. TIF fees are paid at the time a building permit for a dwelling unit is issued. The amount of the fee will be determined by the applicable fee ordinance at the time the complete building permit application is submitted to the Development Services Department. See Chapter 3.39 WMC and Exhibit #1, page 26.
13. Students who reside in the Wood Trails plat will attend schools in the North Shore School District #17. They would attend the Wellington Elementary School, the Leota Junior High School or the Woodinville High School. Staff states that enrollment in the North Shore School District; particularly in the eastern portion of the district where the plat is located, is experiencing slow growth and declining enrollment. Therefore, adding some number of students to the schools would not have a significant adverse impact on those schools. The applicant has submitted a North Shore School District school walk safety assessment. Exhibit #9. The school district reviewed the proposed subdivision and suggested that the area along NE 198<sup>th</sup> Street meets acceptable standards. Exhibit #1, page 26.
14. There are no existing City of Woodinville parks, recreation facilities or properties in the West Wellington Neighborhood or within close walking distance. This plat, however, is subject to the Park Impact Fee Ordinance, Chapter 3.36 WMC. A park impact fee will have to be paid to contribute to future park improvements.
15. There are no transit stops within what would be considered walking distance from this proposed plat. There is transit service to Woodinville, however. King County Metro operates two transit routes in the vicinity of the project site. A park and ride lot is located in the downtown area. Exhibit #39, page 3.5-30.
16. The applicant has submitted a preliminary tree retention map which is in the record as Exhibit #12. Staff has found that the proposal complies with landscape and tree retention standards of WMC 21.16.130 through 200. A final plan will also be required.

17. The applicant has requested several deviations from standards set forth in Woodinville's codes and regulations. Those requests and the City's response are set forth in Exhibit #1, pages 10 and 11. The proposed deviations which have been granted by the City include:

- a. The first request is to divert stormwater away from the natural discharge point and connect pond outfall to a closed pipe system. This was approved by the City with the conditions that an analysis of the conveyance systems sizing must be made to reduce impacts on the existing system. If the existing stormwater system cannot accept flows, that system must be upgraded.
- b. The applicant has requested a deviation to reduce right-of-way width standards. This was not allowed except for road section "B". That will be allowed to be built to a reduced standard because of environmental and grade constraints and a reduction in impervious surface.
- c. The applicant's road "B" is a modified loop cul-de-sac. The City has found that it meets the design criteria for a deviation from the standard that streets be no longer than 150 feet.
- d. The City has approved the elimination of a Class 3 wetland at the bottom of the slope in order to provide an area for a detention facility. Mitigation will be required on a two to one basis on Tract A, prior to any final plat approval.
- e. The applicant requested a deviation to allow the installation of utilities in steep slope areas. The City will allow it upon a showing of proper design and anchorage of utilities within a combined trench. Stormwater pipes must be anchored on the surface.

No other deviations were approved by the City. See Exhibit #1, pages 10 and 11.

## **Conclusions on Preliminary Plat Application**

### **Jurisdiction**

The Hearing Examiner is granted jurisdiction to hear and decide preliminary plat applications pursuant to Woodinville Municipal Code (WMC) Section 20.08.030.

### **Criteria for Review**

To approve a preliminary plat, the Hearing Examiner must find that the following criteria set forth in WMC 20.06.020 are satisfied:

- A. Goals and Policies. The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville comprehensive plan, community urban forestry plan, and parks, recreation and open space plan;
- B. Development Standards. The proposal conforms to the development standards set forth in WMC Title 21, Zoning Code;

- C. Subdivision Standards. The proposal conforms to the requirements of WMC 20.06.020 – Review and Approval Criteria for Subdivisions, WMC 20.06 – Subdivisions and WMC 17.09.020 – Project Permit Application;
- D. Proposed Street System. The proposed street system conforms to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;
- E. Utilities. The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
- F. Layout of Lots. The proposed layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;
- G. Geologically Stable Soil. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;
- H. Safe Walking to School Procedures. Safe walking to school procedures, as established by the City, have been met;
- I. Tree Preservation. Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.

### **Conclusions Based on Findings**

1. With conditions, the proposal meets "Criteria A." because it conforms to the goals, policies, criteria, and plans set forth in the City of Woodinville Comprehensive Plan, community urban forestry plan, and parks, recreation and open spaces plan. Subdivision development will occur in an area zoned for low-density residential development and surrounded by existing low-density residential development except for the area to the west which is zoned industrial. In the FEIS developed for the proposed subdivision, the mitigation suggested will become conditions of approval. Significant trees will be preserved and the applicant shall establish a Native Growth Protection Area (NGPA) to preserve open space and steep slopes. See also the Findings and Conclusions on the Comprehensive Plan Compliance set forth under the Zoning Section. Conditions of approval are necessary to insure that erosion and sedimentation resulting from subdivision development is adequately controlled using Best Management Practices and that stormwater is adequately controlled and disposed of.

2. As proposed, the proposal meets "Criteria B." because the lots in the plat are consistent with the density and dimensional standards of the R-4 zoning district and would be compatible with surrounding development. With an approval of a rezone to R-4, the proposed subdivision density is consistent with the density provisions of the City code. No lot is to be less than the minimum lot size or minimum lot width. The proposed subdivision while being slightly more dense than the

properties to the east, will still result in low density detached single-family residential development, which is consistent with uses on the lands to the east.

3. With conditions, the proposal meets "Criteria C." because the proposal is consistent with the subdivision standards set forth in WMC Chapter 20.06, including those pertaining to lot standards, easements, water supply, sewage disposal, storm drainage, watercourses, street right-of-way widths, street lighting and recreation. Subdivision lots will meet minimum lot size and width standards for the R-4 zone. Woodinville Water District will provide water and sewer service to the proposed subdivision. Stormwater runoff from the subdivision will be collected and impounded on site and then routed off-site in accordance with applicable stormwater regulations. The preliminary plat map is consistent with R-4 zoning. The applicant shall pay a park mitigation fee to the City upon the issuance of a building permit for each dwelling.

Certain conditions of approval are necessary to ensure the proposed subdivision meets the code and those conditions will be in place for this plat.

4. With the deviations granted by the City engineer, the proposal meets "Criteria D." because the proposed street system conforms to the City of Woodinville standards and provides for the safe, orderly, and efficient circulation of traffic. The streets in the plat conform to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and are laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic.

5. The proposed subdivision meets "Criteria E." because it will be served with water and sewer by the Woodinville Water District.

6. The proposal meets "Criteria F." because the layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings maybe reasonably sited and that the least disruption of the site, topography, trees and vegetation will result. The eastern upper portions of the site are the flattest and will be where development occurs and the steep slopes will be left in open space. Trees will be retained in accordance with code requirements, and a Natural Growth Protection Area (NGPA) will be established. A landscape plan and tree retention plan has been submitted and will be a requirement with final plat submission.

7. A geotechnical study concluded that the site soils are suitable for urban residential development. The design of the lots and the stormwater system considered site grades and topography. Therefore, the proposal meets "Criteria G."

8. Safe walk to school procedures have been complied with, meeting "Criteria H."

9. "Criteria I." has been met because tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.

### **DECISION**

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends that the rezone from R-1 to R-4 be approved by the City Council and also approves the subdivision of this property into 66 residential lots with a density transfer of 9 lots to the Montevallo plat. The

property shall be developed substantially in accordance with plans submitted and as modified by these conditions of approval. This approval is granted subject to the following conditions:

### **GENERAL**

1. The City Development Services Director shall have the authority to direct the developer or his on-site representatives to immediately cease activities and redirect their attention to resolving any problem, particularly any environmental degradation, which in the director's opinion needs immediate resolution. Failure of the developer or his representative to redirect such labor and equipment shall result in immediate project closure and resolution of the problem by the City. The developer will be billed for such City time and materials involved in resolving the problem, which shall include a penalty of 10% of the assessed cost. Such bill shall be paid prior to the City removing the closure.

2. Mail routes and mailbox locations shall be approved by the postmaster. Mailbox locations shall also be approved by the City Engineer to insure they do not interfere with traffic sight distances.

3. The Natural Growth Protection Area (NGPA), the landscape strips and any other private common areas shall be maintained by a homeowners association. A set of covenants, conditions, and restrictions (CC&Rs) prepared for the proposed development is subject to review and approval by the City of Woodinville, and shall be recorded with the King County Auditor's Office prior to the recording of the final plat. The CC&Rs shall address the duties and responsibilities of the homeowners association with respect to common areas. This includes, but is not limited to the levying and collection of assessments, and the operation, maintenance and preservation of all common areas and facilities and shall also provide for the administration and enforcement of these duties and responsibilities. The City shall be kept informed of all names and addresses of current association officers.

4. The final plat shall include a clause requiring property owners and the homeowners association to maintain, in a uniform manner, City right-of-way/easements located between their property lines and the back of adjacent sidewalks. The City shall have the authority to enforce such maintenance. If, upon being informed by the City to perform such maintenance and said property owner does not comply, the City shall have the option of maintaining the right-of-way/easement and shall bill the property owner for all associated costs including administrative costs. If City invoices are not paid within ninety (90) days, the city shall have the option of attaching a lien against said property.

5. Maintenance bond(s) amounts must be approved by the Public Works Director and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the City shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineer's direction, be repaired or replaced to the satisfaction of the City.

6. A maximum of nine (9) dwelling units are eligible to be transferred from the Wood Trails (sending site) in accordance with the WMC 21.36.030 and WMC 21.36.050 (Transfer of Residential Density Credits) to the proposed Montevallo project site, which is being processed under a separate permit number.

7. Plat plans shall include City signature block.

**ENVIRONMENTAL** – Reference Final EIS (Exhibit 39).

1. The wetland relocation and class must be shown on the plat drawing. The site receiving the wetland must submit an application for environmental review (separate Land Modification Permit). The restored wetland will be replaced on a 2:1 ratio on Tract A prior to issuance of the first home certificate of occupancy. The restoration plan shall be submitted with the engineering plans.
2. The geotechnical Engineering Study does not address the utility installation in the geological hazard area. Applicant's geotechnical engineer shall provide a comprehensive geotechnical report and recommendations for the application of utilities, infrastructure, and housing.
3. The Natural Growth Protection Area (NGPA) is to be dedicated to the homeowners association. The boundary of the NGPA shall be delineated by an approved fence (split-rail) with signage approved by the City. The signs shall be located every 100 feet along the NGPA boundary; additionally, there shall be a sign centered along each lot line adjacent to the NGPA.
4. Anywhere on the slope where infiltration or dispersion is proposed within 50 feet of the top of the slope, piping to a detention facility shall be required because of erosion hazards.
5. The applicant shall comply with the suggested mitigating measures set forth in the FEIS Exhibit #39.

**FIRE**

1. Road width and construction for Fire Department access must meet City of Woodinville Transportation design requirements (TISS).
2. Curb turning radius shall be a 25-foot curvature.
3. Fire Department access roads with dead-ends over 150 feet shall have an approved turn-around per City of Woodinville Transportation Infrastructure Standards and Specifications (TISS).
4. Fire hydrants shall be installed in compliance with requirements of the City Engineer and the Fire Marshall. Hydrant spacing shall be in accordance with Uniform Fire Code, Appendix III-A and B.
5. A current hydrant flow chart is required at the closest hydrant to each structure at the time of building permit submittal for that structure. Fire flow will be calculated based on the square footage of each structure. Homes not meeting minimum fire flow requirements shall be provided with an automatic fire sprinkler system.
6. Homes served by access roads greater than a 15 percent grade shall be provided with an automatic fire sprinkler system.
7. City "No Parking" signs shall be provided for one side of any street less than 28 feet wide.

8. Any road used for fire department access which is 28 feet or less in width shall have parking on one side of the street only. Any road used for fire department access 26 feet or less shall have no parking on either side of the street. Note: This requirement is not to be construed as an approval of any deviation request for roads narrower than that required by the City of Woodinville Transportation and Infrastructure Standards. Example: A deviation is noted on Road B

9. Homes 5,000 square feet or greater in size shall be provided with an automatic fire sprinkler system per International Fire Code (IFC) pending site development.

### **IMPACT FEES**

1. This project ~~is subject~~ to the following impact fee Ordinances:

- a. Transportation Impact Fee (TIF) Ordinance codified at Chapter 3.39 WMC
- b. Park Impact Fee (PIF) Ordinance codified at Chapter 3.36 WMC

### **LANDSCAPE & TREE RETENTION**

1. The applicant shall develop the same size lots immediately adjacent to the site on the east, compatible with adjacent existing Wellington neighborhood lots or plant a 50 foot (this is an increased width) Type I Full Screen Buffer per Chapter 21.16.040(1).

2. This project shall comply with City street tree requirements. Street trees shall be provided as follows, per WMC 21.16.050:

a. The trees shall be owned (unless in the City right-of-way) and maintained by the homeowners association. Ownership and maintenance shall be noted on the face of the final recorded plat.

b. The species of trees retained shall be reviewed and approved by the City of Woodinville Development Services Department. If located within the right-of-way, trees shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers or which are not compatible with overhead utility lines.

c. Street trees shall be located within the street right-of-way and planted in accordance with WMC 2.24.090, City of Woodinville Public Infrastructure Standards and Specifications, Landscaping Section 7, Details 341, 342, and in accordance with the Public Tree Care Standards Manual.

d. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, the performance bond must be replaced with a maintenance bond, per WMC 21.24.150, held for a period of up to five (5) years. The duration of maintenance/monitoring obligations shall be established by the Planning Director, based upon the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures. After the

maintenance period has ended, the maintenance bond may be released after the City of Woodinville Development Services Department has completed a second inspection and determined that the trees have been kept healthy and thriving. A detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of WMC 21.16.140;

3. No clearing of the subject property is permitted until the final tree retention and grading plan is approved by the City of Woodinville Development Services Department. Flagging and temporary fencing of trees to be retained shall be provided, consistent with WMC 21.16.160;

4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant WMC 21.16.160;

5. A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with WMC 20.06.175 20.06.190 and 21.16. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.);

#### **SURFACE WATER**

1. Detention Pond Tract D – The City requires the installation of a detention vault instead of a detention pond because of erosion hazards and close proximity to adjacent industrial buildings that could pose a safety concern. Measures shall be taken to limit erosion along the slopes above the vault to stabilize the site. Example: installation of erosion control mats, hydroseeding, or other appropriate permanent vegetation.

2. Tract D shall be dedicated to the City of Woodinville for maintenance of the vault.

3. Allowable impervious areas on each lot must be labeled on the plat drawing.

4. Stormwater shall be conveyed by using continuous fused HDPE pipe on the hillside and constructed per standards; including anchoring to the surface to reduce erosion impacts.

#### **TRANSPORTATION**

1. A transportation impact fee is required. This project is subject to Transportation Impact Fee (TIF) Ordinance 3.39. TIF fees are paid at the time of building permit issuance. The fee amount shall be the amount in effect as of the date of the filing of a complete building permit application for each dwelling unit. The applicant shall submit a completed TIF Worksheet with each (new dwelling) building permit.

2. All street names shall be shown on the plat plans (Example: 156<sup>th</sup> Avenue NE).

3. Bollards shall not be installed in any public right-of-way.

4. All north/south roads will be constructed to full standards. Connections from existing rights of way (NE 195<sup>th</sup> St, NE 198<sup>th</sup> St, NE 201<sup>st</sup> St, and NE 202<sup>nd</sup>) will be constructed to full standards. Only road section "B" will be allowed to be built to a reduced standard because of environmental and grade constraints and a reduction of impervious surface. Note: Density will

be calculated using full roadway standards – including Road B. (Exhibit 11).

5. The proposed roads shown on the plat drawings must satisfy City standard for high density residential streets (TISS Detail 104A and 104B).

6. Street layout/geometry must satisfy City TISS requirements.

7. The Geotechnical Engineering Study does not address the proper road pavement section. City standard roadway section (TISS Detail 104B) for High Density Residential Streets must be used.

8. All right-of way must be shown with dimensions and labeled on the plat drawing.

9. The City Limits must be shown on the plat drawing.

10. According to a site traffic impact analysis of the City of Woodinville Public Works Department (Exhibit #38), Chapter 3.5, Transportation, in the Final Environmental Impact Statement issued on December 12, 2006, the City projected additional peak period traffic generated by this project. Accordingly, this project is subject to the City of Woodinville Transportation Impact Fee Ordinance codified at Chapter 3.39 WMC.

11. All required improvement shall be completed before final plat approval.

12. Drawings of record shall be approved and signed by the Public Works Director prior to final plat approval.

13. The City Engineer shall approve all plans for city infrastructure and shall approve such installation prior to acceptance by the City.

14. Maintenance bond(s) amounts are to be approved by the Public Works Department and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the city shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City.

This includes:

- a. Landscape – 2-Year Maintenance Guarantee
- b. Lighting – 2-Year Maintenance Guarantee
- c. Site Improvements – 2-Year Maintenance Guarantee
- d. Wetland – 5-Year Maintenance Guarantee

15. Street lighting shall be in compliance with city standards as approved by the City Engineer.

16. Future connectivity points (manholes and lateral connections) shall be provided per Woodinville Water District (at all street connections at property boundaries).

17. City of Woodinville recommends that sewer laterals be placed at every other property edge along 202<sup>nd</sup> Street between Wood Trails and Montevallo developments as a mitigation measure

of street impacts.

18. All other utilities shall be placed underground within the development.

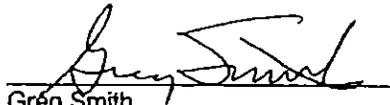
19. The final plat must show proper design and anchoring of utilities within a combined trench. They must meet the requirements for steep slopes and erosion hazard areas.

**OTHER CONSIDERATIONS:**

Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:

- a. Forest Practice Permit from the Washington State Department of Natural Resources.
- b. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE.
- c. Water Quality Modification Permit from WSDOE.
- d. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.

DATED this 16th day of May 2007.



Greg Smith

City of Woodinville Hearing Examiner pro tem

**Testimony Listing:**

Spoke 03/14/2007 Spoke 4/05/2007 Spoke 03/15/2007

Shading represents difficulty in reading sign in sheet

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Mathew Gardner Gardner Johnson LLC 119 First Avenue South, Suite 410 Seattle, Washington			3/15/2007
Jeffrey Cox Triad Associates 12112 115th Avenue NE Kirkland, WA 98034	3/14/2007		3/15/2007
Ray Coglas Earth Solutions NW 2881 152nd Avenue NE Redmond, WA 98052	3/14/2007	4/5/2007	
Ed Sewall Sewall Wetland Consulting at time work was done on this project operated under trade name of B12 Wetland Consulting	3/14/2007	4/5/2007	
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Debra Crawford City of Woodinville Development Services Department 17301 133rd Avenue NE Woodinville, WA 98072	3/14/2007	4/5/2007	
Susie McCann City of Woodinville Development Services Department 17301 133rd Avenue NE Woodinville, WA 98072	03/14/2007 did not discuss - She identified herself & stated her qualifications		
Yosh Monzaki City of Woodinville Public Works Department 17301 133rd Avenue NE Woodinville, WA 98072	3/14/2007		3/15/2007
Ray Sturtz City of Woodinville Development Services Department 17301 133rd Avenue NE Woodinville, WA 98072	3/14/2007		3/15/2007
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Bala Dodoye-Alali Nelson Geotechnical Associates	03/14/2007 - did not discuss, she identified herself & stated qualifications		
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Richard Weinman Weinman Consulting	3/14/2007		

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**Wood Trails PPA and ZMA Exhibit Index List –  
Revised 05/01/2007 by Sandy Guinn**

Exhibit Number	Description	Number of Pages
1	Wood Trail Staff Report, including referenced to all applicable codes, comprehensive plan, regulations. <b>Exhibits 2 through 51 are exhibits to the staff report (Exhibit 1).</b>	41
2	PPA WT Preliminary Plat General Application PPA2004-54	4
3	PPA WT Title Report	54
4	PPA WT Legal Description	1
5	PPA WT Vicinity Map	1
6	PPA WT Density	2
7	PPA Certificate of Water Availability	5
8	PPA Certificate of Sewer Availability	4
9	PPA Northshore School District Walk Safety Assessment	3
10	PPA Development Consistency Checklist	4
11	PPA WT Preliminary Plat Plan	9
12	PPA WT Preliminary Tree Retention Map (duplicate of page 3 of Exhibit 11 to staff report)	1
13	PPA - Letter of Completed Application	2
14	PPA Signed Notice of Application	2
15	PPA Proof of Publication - Notice of Application	1
16	PPA Affidavit of Site Posting Notice	4
17	WT General Application ZMA 2004-053	4
18	ZMA Application SEPA Checklist	15
19	ZMA Project Description and Rezone Analysis - Triad	26
20	ZMA Letter of Complete Application	2
21	ZMA Signed Notice of Application	2
22	ZMA PPA Proof of Publication – Notice of Application	1
23	ZMA Property Owner Radius Map and Mailing List	5
24	ZMA State of Washington Department of Community, Trade and Economic Development – Reviewing and approval letter with list of reviewing agencies.	2
25	SEPA Application SEP2004-055	3
26	SEPA Environmental Checklist	15
27	SEP Letter of Complete Application	2
28	Scoping EIS – Signed Notice of Determination of Significance	3
29	Proof of Publication - Scoping EIS - Notice of Determination of Significance	2
30	Signed Notice of Revised EIS Scope 12/20/04	2
31	Left Intentionally Blank	1
32	Signed Notice of Draft Environmental Impact Statement (DEIS) - Availability Notice	2
33	Proof of Publication - Final Environmental Impact Statement (DEIS) - Availability Notice	1

34	Cover Sheets for Volume One and One Appendices of the Draft Environmental Impact (DEIS) – Report and Appendices A-L. Draft available for review at City of Woodinville's Development Services's counter. <b>SEE MONTEVALLO EXHIBIT #35</b>	2
35	Signed Notice of Official Director's Interpretation Regarding Appeals Procedure of Final Impact Statement (FEIS) 11/6/06	11
36	Proof of Publication - Of Official Director's Interpretation Regarding Appeals of Adequacy of Final Impact Statement (FEIS)	1
37	Signed Notice - Final Environmental Impact Statement (FEIS) - Availability Notice 12/13/06	4
38	Proof of Publication - Final Environmental Impact Statement (FEIS) - Availability Notice	1
39	Cover sheets for Volume One and Two Appendices of the Final Environmental Impact Statement – Report and Appendices A-P. Draft available for review at City of Woodinville's Development Services's counter. <b>SEE MONTEVALLO EXHIBIT #40</b>	3
40	Applicant's Requests for Deviation From Standards on project	31
41	Wood Trails Area Property Owners; Party of Record; and Agency Distribution Lists	12
42	Public Comment Regarding all aspects of the Wood Trails project/Montevallo; (PPA, ZMA, SEPA, EIS Scoping, DEIS, FEIS) Chronological Order	241
43	Signed Notice of Rezoning and Preliminary Plat Application for Wood Trails – Public Hearing 02/12/07	3
44	Proof of Publication - of Rezoning and Preliminary Plat Application for Wood Trails – Public Hearing	1
45	Affidavit of Site Posting Notice 2/12/07	2
46	Public Hearing Examiner's Letter	1
47	Applicant's Consent Letter for Separate Public Hearings	1
48	Moratorium Ordinances #419; #424, #427	24
49	Agency Distribution List	3
50	Additional Public Comments Received as of 02/22/07	31
51	Public Hearing Notice of Continuation 02/26/07	19
52	Earth Consultants Hand Auger Logs 06/07/06	7
53	Public Comments Comments	16
54	Letter dated March 13, 2007, from George and Sandra White	2
55	Email sent March 13, 2007 from Teddy Lopez to Susie McCann	1
56	Email sent March 13, 2007 from Julia Poole to Susie McCann; Cindy Baker; Fred Green; Barbara Poole with cc to Council	1
57	Email dated March 13, 2007 from Leroy Kuebler to Cindy Baker	1
58	Email dated March 13, 2007 from Patricia Zulauf to Susie McCann	1
59	Letter dated March 14, 2007 from Cindy Baker, Interim Development Services Director, City of Woodinville to Fred Green, President, Concerned Citizens of Wellington with attachments	7
60	Letter dated March 12, 2007 from Jeff Glickman (with attachments) to Mr. Richard Leahy, City Manager	10

61	Letter dated March 12, 2007 from Richard Block, Peter Tountas, Christy Diamond, Susan Huso, Dave Henry, and Emma Dixon to Mr. Richard Leahy, City Manager, City of Woodinville	7
62	Email dated March 14, 2007 from Adele Traverso to Jennifer Kuhn and forwarded to Cindy Baker March 14, 2007	1
63	Board – Compilation of Wetlands, Reconnaissance, and Inventories	1
64	Board – Wood Trails - Data Information	1
65	Board - Conceptual Wood Trails Site Plan (Applicant's Depiction of Staff Report)	1
66	Board – Wood Trails Preliminary Grading and Utility Plan with easements highlighted in orange	1
67	Board – Woodinville Neighborhoods (Wood Trails and Montevallo land area highlighted)	1
68	Board – Land Use: Residential Parcel Size (R-1 zoning) with Montevallo and Wood Trails parcels highlighted	1
69	Board – 2004 Topography of the City Woodinville, Lidar Source: King County	1
70	Board - Wood Trails Preliminary Plat submitted 6/19/04 with approximated steep slopes and wetlands outlined	2
71	Email dated March 14, 2007 from Cindi Stinson to Cindy Baker; Susie McCann	3
72	Email dated March 6, 2007, from Susan Huso to Cindy Baker	2
73	Letter dated March 8, 2007, from Greg Smith, City of Woodinville Hearing Examiner pro tem, to G. Richard Hill, J. Richard Aramburu, J. Zachary Lell, and Cindy Baker	2
74	Letter dated February 22, 2007 from J. Richard Aramburu to Mr. Greg Smith, City of Woodinville Hearing Examiner (with attachments)	12
75	Clarification of Table 2. Residential Capacity Analysis	1
76	Wood Trails 2004-2007 compilation of Public Notices (to be deposited)	60
77	Letter dated February 23, 2007 from G. Richard Hill, McCullough Hill, to Greg Smith, Hearing Examiner	3
78	Letter from Laura Glickman dated March 13, 2007 to City of Woodinville, Susie McCann	4
79	Sign In Sheet	10
80	Errata and other information	2
81	Letter dated March 12, 2007 from Becky N. Warden to Cindy Baker, Interim Development Services Department, City of Woodinville	2

82	DVD of the Wood Trails Video taped at March 14, 2007 public hearing	1 DVD
83	Sustainable Development Study – R-1 Zone Final ■ City of Woodinville ■ February 20, 2007	524
84	Ordinance 431	8
85	Boundary Line Adjustment	4
86	Memorandum to Mick Monken from Mike Swenson, Memorandum about the Final Environmental Impact Statement dated March 6, 2007	7
87	Relinquishment of Easement	5
88	Applicant Phoenix Development Hearing Memorandum	32
89	Qualifications of Jeffrey L. Cox	1
90	Conceptual Site Plan	1
91	Copy of Mr. Coglas resume	1
92	Resolution 93 – Includes e-mailed letter from D. Henry to S. Botteim	6
93	Picture of clustering homes	1
94	Documents Submitted by Robert Harmon	291
95	Jonathan Yang letter dated March 14, 2007	1
96	Letter dated March 14, 2007 from Frederick C. Motteler to Hearing Examiner City of Woodinville	5
97	DVD One: Traffic 4 PM_March-08-2007 Woodinville - Dvuall Rd 156th Avenue NE  DVD Two: Traffic 5 PM_MAR_08_07 Woodinville – Duvall Road	2 DVDs
98	Wellington CCRs	1 cd
99	Letter submitted by Mike O'Grady dated March 14, 2007	2
100	Species Occurrence by Month 2000-2006 (Yard list from 15124 NE 198 <sup>th</sup> St)	2

101	Two sets of 3 volumes were submitted to the Hearing Examiner by the public. It was stated that both sets were exactly the same except the cover. One cover was Montevallo and one was Wood Trails. Because of their size, only one will be relied on as an exhibit. Analysis of Wood trails Rezone and Preliminary Plat Application, Volumes One, Two, Three, and one CD – See Montevallo Exhibit #74	2144 and one CD
102	Letter dated April 5, 2007 from Jeff Glickman addressed to Greg Smith, Hearing Examiner - submitted by Jeff Glickman	69
103	Photographs/documentation submitted by Robert Harman	11
104	Letter from Helen Gottschalk dated April 3, 2007, addressed to Mr. Examiner submitted by Helen Gottschalk	1
105	Woodinville City Council Hearing of March 12, 2007, verbatim transcript submitted by Attorney Aramburu	22
106	Typed Comments submitted by Lisa Rhodes	2
107	Woodinville Weekly Editorials dated April 5, 2007, submitted by Matthew Jenson	33
108	MLS Analysis of "Need" dated April 5, 2007 submitted by Matthew Jenson	8
109	Comments submitted by Matthew Jenson	2
110	Letter from Doyle & Janet Watson dated April 3, 2007 addressed to City Hall c/o Hearing Examiner submitted by Janet Watson	2
111	Letter from The Children of Doyle and Janet Watson dated April 3, 2007 addressed to Hearing Examiner, City of Woodinville and written comments from Darcy Morrissey submitted by Darcy Morrissey	2
112	Letter from Todd Higgins dated April 1, 2007, submitted by Roger Mason	1
113	Todd Higgins Informed Consent DVD interview submitted by Roger Mason	1 DVD
114	Typed comments submitted by Susan Huso	6
115	Typed comments submitted by Susan Huso	5
116	Complaint For Declaratory Relief and Petition for Writ of Review dated July 13, 2005, Kitsap Citizens for Rural Preservation, a non-profit organization, v. Kitsap County, Respondent/Defendant, submitted by Susan Huso	11
117	Copy of Kitsap County Ordinance No. 350-2005 dated November 28, 2005, submitted by Susan Huso	2
118	Letter from Jeff Glickman dated April 5, 2007 (with attachments) addressed to Greg Smith, Hearing Examiner, submitted by Jeff Glickman	10

119	Email sent April 4, 2007 from Jeff Glickman to Mr. Richard Leahy, City Manager, Mr. Zach Lell, City Attorney, Mr. Greg Smith, Hearing Examiner, Ms. Cynthia Baker, Interim Development Services Director (submitted by Jeff Glickman)	1
120	Typed comments from Brad Rich read/submitted into the record by Nathan Rich	2
121	Typed comments, with attachments, from Steve Gottschalk addressed to Mr. Smith, submitted by Steve Gottschalk	36
122	Narrative to accompany video of traffic operations at Woodinville-Duvall Rd and 156 <sup>th</sup> Avenue NE submitted by Roger J. Mason, PE	4 pages and 2 DVDs
123	Letter dated April 5, 2007 from Susan Boundy-Sanders addressed to Hon. Greg Smith, Hearing Examiner pro tem for the City of Woodinville regarding R-1 versus R-4 in recent Woodinville City Council and Woodinville Planning Commission deliberations, recommendations, and decisions – submitted by Susan Boundy-Sanders	18
124	Letter dated April 5, 2007 from Susan Boundy-Sanders, MS Geology, Caltech, addressed to Hon. Greg Smith, Hearing Examiner pro tem for the City of Woodinville, Re: Earthquake faults on the Wood Trails and Montevallo sites – submitted by Susan Boundy-Sanders	117
125	The Woodinville Conservancy Exhibit for a hearing before the Woodinville Planning Commission to consider a Comprehensive Plan amendment and rezoning application, to change the 19.77 acre Draughn property from R-1 to R-6 submitted by Susan Boundy-Sanders	244
126	"What Wood Trails/Montevallo may bring to you!!" submitted by Sharon Peterson	2
127	Typed comments dated April 5, 2007 from Mike and Michelle O'Grady	2
128	Letter dated April 5, 2007 from Bob Vick, Phoenix Development Incorporated, addressed to Mr. Greg Smith following up on demonstrated need analysis relating to the proposal submitted by Rich Hill	2
129	Memorandum dated April 5, 2007 from Michael Swenson, The Transpo Group, addressed to Rich Hill, McCullough Hill, PS, (a response to public comments on transportation issues prepared by Mr. Swenson) - submitted by Rich Hill	6
130	Michael Swenson, P.E., P.T.O.E., of The Transpo Group, resume - submitted by Rich Hill	1
131	Earth Solutions NW LLC Addendum Report Geologic Hazards Proposed Wood Trails Project Woodinville, Washington ES-0067(Addendum Report which Mr. Coglas testified this evening) submitted by Rich Hill	12
132	Raymond A. Coglas, M.S., P.E., resume submitted by Rich Hill	1
133	Letter dated April 5, 2007, from Ed Sewall, President/Senior Biologist, Sewall Wetland Consulting, Inc., to Hearing Examiner, Re: Applicant Response to Wellington Community Group Comments on Plants and Animals Section of Wood Trails/Montevallo EIS SWC Job #A4-166 submitted by Rich Hill	12

134	Memorandum dated April 4, 2007, from Mark Keller, P.E., (Drainage Engineer) of Triad Associates addressed to Rich Hill, re: Wood Trails and Montevallo Drainage - submitted by Rich Hill	3
135	Proposed Revision to City Staff Drainage Condition Recommendations on Montevallo relating to the proposed detention vault - submitted by Rich Hill	1
136	Memorandum dated April 4, 2007, from Triad Associates addressed to George Newman addressing the capacity analysis of the City and demonstrating the City will not be meeting its growth targets -submitted by Rich Hill	5
137	Memorandum dated April 4, 2007, from George Newman addressed to Rich Hill, McCullough Hill, relating to the right of way issue on the Montevallo Summers addition plat submitted by Rich Hill	2
138	Memorandum dated April 5, 2007, from Gardner Johnson Matthew Gardner of that firm to G. Richard Hill addressing the need for diversity of housing opportunities in the City of Woodinville submitted by Rich Hill	5
139	Copy of Executive Summary of the City of Woodinville's Sustainable Development Study and Attachment A Environmental Report on the Sustainable Development project submitted by Rich Hill	80
140	Copy of Central Puget Sound Growth Management Hearings Board decision in Hensley vs City of Woodinville submitted by Rich Hill	12
141	Applicant Phoenix Development's Reply Memorandum on Montevallo, submitted by Rich Hill	30
142	Applicant Phoenix Development's Reply Memorandum on Wood Trails submitted by Rich Hill	31
143	Copy of Sundquist Homes Presentation 3-2007 and DVD	15 pages 1 DVD
144	CD submitted by Perteet	20 pages CD
145	Green folder - Correspondence from citizens submitted outside of the Hearing on March 15, 2007 – submitted by Cindy Baker, City of Woodinville	22
146	Green folder - Emails from citizens concerning issue of two separate hearings and other concerns – submitted by Cindy Baker, City of Woodinville	88
147	Green folder - Correspondence from citizens and copy of Request for Public Records (#2007-043) and documentation supplied – submitted by Cindy Baker, City of Woodinville	4
148	Green folder - Correspondence from citizens submitted outside of the Hearing on March 15, 2007 – submitted by Cindy Baker, City of Woodinville	3
149	Green folder - Correspondence and emails from residents and citizens; letter dated March 30, 2007 from Northshore School District to Cindy Baker, City of Woodinville; letter dated February 23, 2007 from G. Richard Hill, McCullough Hill, PS, to Greg Smith, Hearing Examiner – submitted by Cindy Baker, City of Woodinville	76
150	City of Woodinville comprehensive Plan, Land Use Appendix, Appendix 3: Land Use November 2003 – submitted by City of Woodinville	6
151	DVD of the Wood Trails Video taped at April 5, 2007 public hearing - submitted by City of Woodinville	1 DVD

152	Sign In Sheet for April 5, 2007 public hearing – submitted by City of Woodinville	20
153	Green Folder – See Montevallo Exhibit #84 (submitted by City of Woodinville)	97
154	Correspondence submitted by citizens; Jones & Stokes (Lisa Grueter) email dated April 6, 2007, addressed to Cindy Baker regarding noise attenuation from trees; Perteet (Joel E. Birchman) email dated April 04, 2007, addressed to Cindy Baker, regarding WT & Montevallo Rebuttal	36
155	Letter from Cindy Baker, City of Woodinville, dated April 16, 2007, addressed to Greg Smith, Hearing Examiner with attachments (best available science)	373
156	Email dated April 13, 2007 from Jane Winant to Cindy Baker; Richard Leahy; Email dated April 16, 2007 from Mike Daudt to Susie McCann; Jennifer Kuhn; gsmith@spokanecity.org	7
157	Email sent December 8, 2006 from Yosh Monzaki to Cindy Baker, Steve Munson, Susie McCann, Mick Monken; email sent December 13, 2006 from Sandy Guinn to Development Services; Correspondence from Traci Herman to Cindy Baker responding to email request of March 2, 2007; Email sent April 16, 2007, from Lee Ann Reid to Sandy Guinn; Copy of letter dated March 2, 2007 from Fred A. Green, President, CNW, to Cindy Baker; copy of letter dated March 15, 2007, from Sunday and Scot McCallum to Woodinville City Council & Planning Commission; and copy of letter received April 16, 2007, from Austin T. Winant to Mr. Greg Smith, Hearing Examiner	13
158	Letter dated November 1, 2006 from Cindy Baker, Interim Development Services Director to Richard Aramburu, Attorney at Law; letter dated September 22, 2006 from J. Richard Aramburu to J. Zachary Lell, Ogden Murphy Wallace, PLLC, and Ray Sturtz, Planning Director; letter dated April 16, 2007 from Michael Daudt to Greg Smith Hearing Examiner; Email sent April 12, 2007, from Steve and Karen Tidball to Council; Email sent April 18, 2007, from Susan Huso to Richard Leahy	15
159	Evidence Summary and Arguments by Concerned Neighbors of Wellington In Opposition To Rezone and Plats	50
160	Hand typed note from Kathy McLemore to Jeff/Lisa with ABC Legal Service form dated 4-19-07	2
161	Analysis of Wood Trails Rezone and Preliminary Plat Application , Volume Four, prepared by Concerned Neighbors of Wellington	196
162	Letter dated April 19, 2007, from Otto K. Paris, L.G., L.HG., Hydrogeologist to Ms. Cindy Baker, Interim Director of Development Services	3
163	Tree Preservation Plan for Wood Trails & Montevallo projects dated April 19, 2007, from Peter C. Blansett, S. A. Newman Firm	6
164	Email sent March 11, 2007, from Kerry Kunnanz to Susie McCann	1

165	Transmittal dated April 26, 2007, from Triad Associates, addressed to Hearing Examiner with attachments (Phoenix Development Rebuttal Memorandum prepared by G. Richard Hill; Response Letter to Additional Review Comments prepared by Transpo; Response Letter prepared by Woodinville Water District; Response Letter prepared by Sewall Wetland Consulting; Response Letter to CNW Comments prepared by Earth Solutions NW; Rebuttal to CNW Narrative prepared by Phoenix Development Inc.; Response to Comments RE: City Capacity Analysis prepared by Erika Jensen; Response Letter to CNW Volume 4 Comments prepared by Mark Keller; Letter regarding Summers Addition prepared by Mark Harrison	72
166	Email sent April 27, 2007, from Cindy Baker to Susie McCann, forwarding email sent April 26, 2007, from Rich Hill to Zach Lell-City Attorney; Rick Aramburu; Cindy Baker	13

Council

W.7

## Jennifer Kuhn

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**From:** Jim Dunlap [jimwdunlap@comcast.net]  
**Sent:** Thursday, May 17, 2007 7:56 AM  
**To:** Cathy VonWald; Hank Stecker; Chuck Price; Scott Hageman; Mike Roskind; Gina Leonard; Don Brocha  
**Subject:** Rezoning and Proposed R4 development.

Dear City Council Members,

I first want to say that I am a proud resident of the City of Woodinville, since 1990. I have seen many changes over that time and want to say thank you to all City staff, elected or hired, for the efforts in making this a great small suburban city. I have always felt that the development which has occurred was beneficial to the city and it has been well done. We no longer need to leave our town for many shopping needs, we have more parks and this is growing, and we have an emerging tourist industry and local Farmer's Market.

I commend the City for reviewing the 1R1 zoning and not rushing to any decisions. Woodinville faces a challenge to maintain life as our motto says "Country Living City Style". Clearly as a City, we need more dense development close to the town center to accommodate growth and keep pass thru traffic down. As one travels outside of the town, there are many parcels that appeal to denser development, as with Montevideo and Wood Trails. From what I have read I am concerned that a developer can pass density credits from one area to another. This make Montevideo more like a 1R6 or 1R8, while Wood Trails sounds like a reasonable transition density from 1R1 to 1R2. Placing a 1R6 or 1R8 zoning in the middle of 1R1 seems excessive and inconsistent with its surroundings. Also I seriously doubt the planned traffic improvements will correct the congestion on Woodinville-Duvall Rd and 156 Ave NE. As a result, dense single family residents, will travel on country style access roads. These two roads require side walks and turn lanes to support denser development, in my opinion. Several years ago the citizens were asked what to do with Woodinville-Duvall road. Leave it alone, add turn lanes, four lanes or five. The majority of the survey wanted it to have turn lanes only. Clearly this indicates the citizens of this town prefer less development in outlying areas of the city.

As housing prices have sky rocketed over the past few years Woodinville has become unaffordable to many families. These higher density developments, such as Montevideo and Wood Trails, will not provide affordable housing. These homes will resemble Tanglin Ridge as minimum, or most likely, be similar to those on Highway 202 south of Theno's Dairy. Developers have a simple financial model. The largest house per lot on the smallest lot means more profit. If these developments can be done in a way that blends into the existing neighborhoods I would support them. While the 1R1 designation seems much more private than 1R5, this may or may not be true. I have seen many homes in 1R5 with more privacy than 1R1 and many 1R1 homes that are right next to their neighbor's house. It seems backing down the density in these two developments to 1R2 to 1R4 creates a successful and tasteful compromise.

While I currently live just north of Leota Jr. High and would not be adversely effected by the rezoning in the Wellington area, after reading what is happening, I am very concerned to the proposed development as it sets a precedent. I have followed this through our city newspaper and am by no means an expert on this highly debatable issue. However in my opinion, the common sense thing to do is to allow denser development, in a way that blends with the existing community, as allowed by best available science. Each parcel should stand on its own merit and the transfer of density credits disallowed. In my opinion transferring credits to another lot in 1R1 as to get more houses is unacceptable, unless it is expanding from a development of similar density. A good example of expanding 1R5 housing is on the top of 151<sup>st</sup> Way NE. The 20+ acre "Nelson" property borders on 1R5 housing to the west, and 1R1 to the east. The property has sewer and is zoned 1R1. Assuming that all development requirements were met it would be reasonable (I recognize there are access issues with steep grade roads here) to develop 1R5, but transition to less density towards 1R1 homes. A developer will never suggest this it is up to the City to dictate zoning.

In conclusion, anyone who thinks their neighborhood is immune to change is unrealistic, however I would consider anyone who think it is reasonable to pack 6 to 8 homes on an acre when the surrounding community is zoned 1R1 is an inconsiderate neighbor. While growth is critical to our City's future well being, I urge you to make the tough decision and phase density into neighborhoods as opposed to transforming them into something the

majority of residents seem to oppose.

Thank you for time in reading this E-mail.

Sincerely,

Jim Dunlap  
19726 166 th Ave NE  
Woodinville WA 98072

## Jennifer Kuhn

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**From:** Michael Ochoa [michaeldochoa@msn.com]  
**Sent:** Thursday, May 24, 2007 2:29 PM  
**To:** Scott Hageman; Chuck Price; Mike Roskind @ Seanet; Hank Stecker; Cathy VonWald; Lane Youngblood  
**Cc:** editor@woodinville.com  
**Subject:** RE: Vote NO on Wellington Development Re-Zone!  
**Follow Up Flag:** Follow up  
**Flag Status:** Yellow

Woodinville Council Members and Citizens, and Editor, Woodinville Weekly,

I hope you and your fellow City Council Members know what is at stake with this rubber stamp hidden in "process" that the "impartial" "Hearing Examiner" has decided. At stake is the nature of Woodinville. Let there be no mistake about it. If you want "Bellevue - Kirkland" type high rise and over development, more and more expensive houses, crowded into more and more expensive land, traffic nightmares and noise without end, long term residents forced to choose between forced high sewage utility hook up costs, overcrowding and a strong profit motive, then you should vote to accept the recommendation of the hearing examiner. Oh yes, and by the way, ANYONE who votes for this whitewash will lose in their next election stand! If you think the examiners recommendation gives you or anyone else political cover, FORGET IT! The residents of Wellington should be proud of the stand they have made, proud of the effort, proud of the undisputed scientific evidence they have presented. The wrong decision will change the nature of Woodinville forever.

And one point that should clarify that stand was made by the residents of Wellington: If Phoenix had asked to build 10 or 12 or 15 houses with an R-1 zoning, we would not even be having this conversation. No one wants to restrict their property rights, but they knew what they were buying when they bought it... and so did we! Why should we allow them to change our neighborhood and indeed our City forever? Country Living, City style will simply become City Living, Over Crowded Style.

**Therefore I implore my fellow residents of Woodinville, and members of the City Council, to say NO to Phoenix Development and the rezoning of the R-1 greenbelt between the Industrial zone and the Wellington Hills neighborhood to R-4. Our City does not need the density, there IS NO justification for it, and clearly, Phoenix does not want to pay the full costs of their profit! They want you and me to pay! And if you think for one minute this does not create precedent, think again. It does!**

Michael & Charlotte Ochoa

15403 - NE 198th Street

Woodinville, WA 98072

206-459-0539 Cell

## Jennifer Kuhn

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**From:** Mike Roskind [mroskind@seanet.com]  
**Sent:** Thursday, May 31, 2007 7:10 PM  
**To:** Jennifer Kuhn  
**Subject:** FW: Multiple public hearings for both proposed Wellington developments

Public request on Wood Trails and Montevallo

Thanks,

Mike Roskind  
206.499.6116

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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.

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**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](mailto:ann@wildlifecomputers.com)

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Wk: +1(425) 881-3048  
Cell: +1 (206) 963-9847

16324 NE 203rd Place, Woodinville, WA 98072

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## Jennifer Kuhn

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**From:** Mike Roskind [mroskind@seanet.com]  
**Sent:** Thursday, May 31, 2007 7:10 PM  
**To:** Jennifer Kuhn  
**Subject:** FW: separate hearings, February 28 and March 1

Public request on Wood Trails and Montevallo

Thanks,

Mike Roskind  
206.499.6116

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**From:** pkforman@juno.com [mailto:pkforman@juno.com]  
**Sent:** Monday, February 12, 2007 9:41 PM  
**To:** cindyb@ci.woodinville.wa.us  
**Cc:** cvonwald@ci.woodinville.wa.us  
**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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