

RECEIVED

MAR 12 2007

EXECUTIVE OFFICE

March 12, 2007

Mr. Richard Leahy  
City Manager - City of Woodinville  
17301 - 133<sup>rd</sup> AVE NE  
Woodinville, WA 98072



Dear Mr. Leahy,

We all would like to take the opportunity to thank you for your time Thursday. An inventory of attendees unanimously thought our interchange to be engaging as well as candid. These are qualities we are pleased to have on board.

As each of us shared with you, we are acutely aware of the challenges you are facing. It is our intention to be at your service to support our mutual future successes in this community we call home.

In that regard additional information has come to our attention regarding one of the more immediate issues we shared with you at our meeting on Thursday. We feel it important to bring it to your attention as well as to the council and community.

This concern regards the chronic lack of proper legal notice according to WMC 17.11.030 of the Wood Trails and Montevallo Public Hearings originally scheduled on February 28<sup>th</sup> and March 1<sup>st</sup>.

We understand from Ms. Fessler's February 26<sup>th</sup> explanation at approximately 10:35PM during a specially held Woodinville City Council meeting, that the dates had been changed.

This particular city council meeting was not a regularly scheduled city council meeting but rather an additional scheduled special study group meeting. It was a study group on Sustainable Development.

The notice of this meeting was posted on the city website and not generally known by the community as a whole.

No one, including us, could have guessed that this meeting would include an announcement of the change of dates of the Montevallo and Wood Trails hearings from the subject matter of this meeting. Nor was this announcement included in the meeting agenda.

In addition, this announcement was made in the last 5 minutes of this meeting when approximately 70% of the original audience had already gone home to their families.

The placing of the actual notices on the public handout table was done at about the same time, 10:30PM.

There is some question as to whether Ms. Fessler would have engaged the announcement had it not been for a query by Councilmen Stecker just prior to the adjournment of the meeting at 10:38PM.

During our meeting we learned that the actual premise that precipitated the rescheduling of these hearings was due to defects in the legal public notice requirements on the original dates.

We shared with you a March 6<sup>th</sup> Email thread between Ms. Cindy Baker and Ms. Huso where Ms. Huso, an adjoining property owner to Montevallo, alerted Ms. Baker that the notices had not been updated with the new hearing dates. Further the noticed posted at the Woodinville Post Office had not been updated either.

As you know this is not within the 15 day notice requirement of WMC 17.11.030. At the end of this communication, the property postings were corrected but the post office postings were not. Although Ms. Baker was alerted March 6<sup>th</sup>, as of this morning, the notice at the post office still shows the hearing dates as 2/28 and 3/1.

Ms. Huso, who was present at our Thursday meeting, also shared that as a property owner within 500 feet of the property, she had never received any notices by mail as required by WMC 17.11.030 on the original hearing dates either nor these subsequent rescheduled hearing dates.

Where the argument exists that Ms. Huso is in fact in possession of knowledge of the hearings at this point, there is no way of knowing how many other property owners are not because of the failure to meet these gatekeepers.

Some absence of community outcry is quite likely a succinct reflection of lack of knowledge due to a result of this defect. This is the purpose behind legislation to prove transparency as for example in the Appearance of Fairness Doctrine.

During our meeting on Thursday we learned that it was believed a "continuation" rather than a "rescheduling" of the hearings relieved city staff of meeting public legal notice gatekeepers as required by WMC 17.11.030.

Further we learned the reason the hearing examiner was to be present to open the hearings on February 28 and March 1<sup>st</sup> was so the hearing could legally be defined as a "continuance" rather than a "rescheduling" to achieve the relief of these legal notice requirements.

City staff initiated the arrangement that the hearing examiner was to be flown over at city expense so he could officially lower the gavel at the dais although it ended up being facilitated by phone due to a negative response by council to this plan.

As we initially shared with you, we did not agree that this action would relieve city staff of the legally binding notice requirements as stated by WMC 17.11.030 as we feel it clearly states that gatekeepers must be met on a second hearing just as they would on the first.

Since our meeting however, there have been a number of additional and troubling concerns that have come to our attention that we feel you should be made aware of.

In reviewing the videotape of the February 26<sup>th</sup> meeting (see attached transcript) Ms. Fessler announced that, "We have meeting notices being passed out to you just very briefly. There was a telephonic discussion this afternoon between the city attorney, the hearings examiner and the attorneys representing both the applicant for Wood Trails and Montevallo and the attorney representing the Wellington neighborhood. They all agreed that the hearings on these projects will be rescheduled. Those two notifications lay that out. The hearings examiner will be here on February 28<sup>th</sup>. He will open the hearing. He will immediately reschedule it to March 14<sup>th</sup>." (See attached transcript)

Ms. Baker immediately jumped in and corrected Ms. Fessler's script.

Baker: "Continue it (emphasis added) - I'm sorry its us..."

Fessler: "Continue it! Thank you (looking at Baker) and uh he will do the same thing on Thursday uh March 1<sup>st</sup> continuing that hearing until those later dates March 14<sup>th</sup> and 15<sup>th</sup>."

You may notice from the transcript it was never shared with Council during this discussion that there was an intention to avoid requirements of legal notice to the public on this second meeting by facilitating a *continuation* rather than a *rescheduling*. Thus neither the Council nor the public were made aware of this fact.

In addition we have been made aware of a note that Ms. Fessler passed to Mayor VonWald during this February 26<sup>th</sup> meeting regarding this announcement.

Fessler advises Mayor VonWald that "it may be wise to give me (Fessler) the opportunity prior to public comments to explain the resolution the attorneys (all parties) & the Hearing Examiner reached today, plus pass out the revised hearing notice. This may resolve some of the issues & let it be known all parties have agreed prior to the folks making accusations."

Ms. Fessler goes on to inform Mayor VonWald that "the notices will be available in a few minutes (8:30PM)."

By 10:34PM none of Fessler's suggestions were acted upon by Mayor VonWald.

Our concerns are multiple.

- 1) If the notice requirements on the original dates were agreed upon as defective how is relieving staff from meeting any gatekeepers by employing a *continuance* going to cure that situation a second time?
- 2) The appearance (again) of misdirection, withholding of information, otherwise a technique known as "*steering*" of the city manager and council at the dais sourced by Ms. Cindy Baker is absolutely unacceptable and completely out of scope with her job description.
- 3) It is very clear Ms. Baker has used her position with the city to fulfill an unknown but separate agenda not commensurate with her charge of responsibility to the community, the council and the City of Woodinville
- 4) In doing so Ms. Baker has actively violated her fiduciary duties to the city and the public.
- 5) Given this lack of credibility on Ms. Baker's part, anything she has touched or been involved with should be immediately investigated, reviewed, overturned (if necessary) and/or redone. She has not only demonstrated a clear lack of competence but worse, a complete lack of loyalty, credibility and ethics.
- 6) Her bond should be activated to pay for employment of labor required to correct her actions.
- 7) Given the enormous importance of this issue to the community, the appearance of some active cooperation by Mayor VonWald is also deeply disturbing.
- 8) It remains obvious that the city still has not met proper legal notice gatekeepers of WMC 17.11.030 neither with the first scheduled hearings nor the second.
- 9) It is our intention to place this letter in the public record tonight, Monday March 12, 2007.
- 10) It is also our intention to place this letter in the public record during the Montevallo and Wood Trails public hearings both March 14<sup>th</sup> and March 15<sup>th</sup>.
- 11) Upon a possible failing of the Hearing Examiner to act up this information to commence an immediate cure of this defection, we, as a community, will be forced to file an official complaint as a violation under the Appearance of Fairness Doctrine and these violations of public trust against all parties made aware of this issue who failed to take the appropriate actions to correct it.

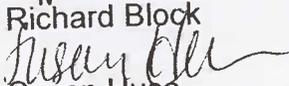
Again as you are quickly learning, these are only some of the issues facing your tenure at the City of Woodinville. As leaders of a great many community members, we sincerely apologize that you should be faced with such challenges while still acclimating to your new position. It is our hope you will prevail with strength and heart and we look forward to an easier time working together.

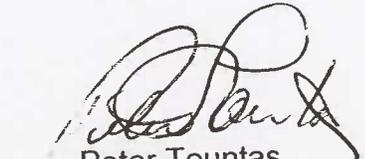
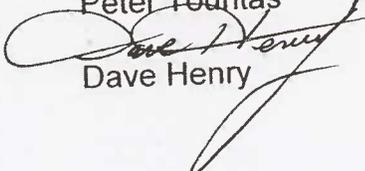
EXHIBIT 84  
PAGE 5 OF 97

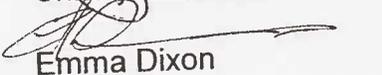
As the City Manager, we believe you may have the authority to either reschedule the hearings or to offer other reasonable solutions to cure this situation. In the absence of those possibilities, we would respectfully request that these hearings are rescheduled again, and ensure that proper notice of the hearings is given as required under WMC 17.11.030.

In view of the City's repeated and inexcusable past failures to give proper notice, we also request that you appoint a panel of community member ombudsmen to act as a check and gatekeeper for all future scheduling matters for the Wood Trails and Montevallo projects.

Yours truly,

  
Richard Block  
  
Susan Huso

  
Peter Tountas  
  
Dave Henry

  
Christy Diamond  
  
Emma Dixon

Attachments:

Transcript of February 26<sup>th</sup> announcement  
February note from Fessler to Mayor

Cc: Woodinville City Council  
Woodinville Weekly  
Mike Daudt

Transcript of Feb. 26, 2007 Announcement of hearing date change  
Start - 10:35PM

EXHIBIT 84  
PAGE 6 OF 91

Stecker: Yeah a report coming from the city manager on a particular issue.

Fessler: Oh yes we have... uh thank you... We have meeting notices um being passed out to you just very briefly. Um there was a telephonic uh discussion this afternoon between the city attorney, the hearings examiner and the attorneys representing both the applicant for ah Wood Trails and Montevallo and the attorney representing the Wellington neighborhood. Um they all agreed that the hearings on these projects will be rescheduled. Those two notifications lay that out. Um the hearings examiner will be here on February 28th. He will open the hearing. He will immediately reschedule it to would would March 14<sup>th</sup> ....

Baker: "Continue it" - I'm sorry its us...

Fessler: Continue it! Thank you (looking at Baker) and uh he will do the same thing on Thursday uh March 1st continuing that hearing until those later dates March 14<sup>th</sup> and 15<sup>th</sup>.

Stecker: Quick question - we're paying to have the hearing examiner fly from Spokane to here on two different occasions to do that?

Fessler: He's only flying once.

Roskind: Wha... Why can't it not be done on the same day?

Fessler: Well uh actually we talked about having it done telephonically. um having him present on the telephone. Ah he needs to do it. Um but our concern was that um.... it might... be more comfortable for folks to see a - a person rather hearing the voice over a telephone. And that's why... he's already has his ticket he was planning to come anyway and that's why he's coming over. Am...if you don't feel that's important... we can certainly reconsider it. But we felt it was important that... folks who do show up um... saw a real person rather than the voice....

Roskind: The the....

Stecker: (indiscernible- Roskind talking at the same time) what will the examiner tell them?

Roskind: My question I had was....

VonWald: (Recognizing Roskind) Councilmen Roskind

Roskind: Why can't you have them the same day? One at 7pm one at 9PM kinda thing? What'll stop that? What's the harm in that?

Fessler: If the hearings get over that quickly... but I doubt that that would be the case....that it would a chain (indiscernible) on top of a hearing....

VonWald: K...council? ... thank you Ms. Fessler.. um no other business?... Um I would to before we adjourn the meeting thank Ms. Fessler for her... her months of service with us. And wish you well. We are going to miss you thank you very much uh and there's not other business this meeting is adjourned.  
End - 10:38PM

EXHIBIT 84  
PAGE 7 OF 99

Note from City Manager Fessler to Mayor VonWald:

Cathy -  
The desire for public comment may be to allow comments on the Wood Trails - Monteville staff report distribution delay.  
It may be wise to give me the opportunity to explain the resolution the attorney's (all parties) & the Hearing Examiner reached today, plus pass out the revised hearing notice.  
This may resolve some of the issues & let it be known all parties have equal voice to folks making accusations.  
I'll just want to see how you want to do it.

provide  
to public  
comments

P.S. The notices will be ready in a few minutes (8:30 pm).

RECEIVED

MAR 12 2007

City of Woodinville

Mr. Richard Leahy, City Manager  
City of Woodinville  
Woodinville, WA 98072

March 12, 2007



Dear Mr. Leahy,

It was good to speak with you on the telephone last week regarding the City of Woodinville's ("City") failure to comply with WMC 17.11.030, Notice of public hearing. I have sent you two previous correspondences regarding this subject matter via E-mail which you apparently have not received (Copies of my two previous correspondences including proof of E-mail transmission is attached to the end of this letter, Attachment 1, Attachment 2)

Mr. G. Smith, the contract Hearing Examiner retained by the City to hear the Wood Trails and Montevallo Rezone and Preliminary Plat matters this week on Wednesday March 14<sup>th</sup> and Thursday March 15<sup>th</sup> respectively, in his March 8<sup>th</sup>, 2007 letter to Hill, Aramburu, Lell and Baker, incorrectly states that the matter of proper public notice has been cured, which is not the case.

This letter contains conclusive and incontrovertible evidence that the City has not complied with WMC 17.11.030. Further, when the non-compliance deficiencies were enumerated to the City, the City did not cure the non-compliance. This evidence has been placed into an evidence vault pursuant to the Federal Rules of Evidence, pending any necessary litigation to protect the rights of the Citizens and property owners in the R-1 zone. Thus, in form, matter and substance, the City remains non-compliant with WMC 17.11.030.

**Wood Trails Deficiencies:**

1. In the Notice of Continuation of Public Hearing, the provided map contains parcels for the development that do not match those of Public Record on the King County Parcel Viewer. This is clearly seen in Attachment 3, which was captured at the King County Parcel Viewer website on March 12, 2007, 1524 hours.
2. The posted signage located on Wood Trails has yet a different map that EXCLUDES a key parcel from the development, which causes the public to believe there will be no development adjacent to their R-1 property.
3. The posted signage located on Wood Trails has conflicting acreages to be developed posted on the same sign.

(See Attachments 4, 5, 6, 7 and 8)

**Montevallo Deficiencies:**

1. The City has Noticed TWO DIFFERENT STARTING TIMES FOR THE MONTEVALLO PUBLIC HEARING ON MARCH 15<sup>th</sup>, 2007. One notice, posted on the City's website stated that the Hearing starts at 7 p.m., and another notice states the Hearing starts at 6 p.m. This will cause some members of the public to miss the first hour of the Public Hearing. Copies of the City's website HTML source code have been captured and placed into the evidence vault.

***Contrary to the statement of the Hearing Examiner, these matters remain uncured. A cure is required for the City to be in conformance with WMC 17.11.030. The following actions are required before a legal and legitimate Hearing may proceed:***

1. The errors on the signs posted on the Applicant's property must be corrected.
2. The errors in identifying the parcels that are part of the Application(s) must be corrected.
3. The acreage of the total development size must be corrected.
4. The errors in the Public Notices that incorrectly state the starting time of the Public Hearing(s) must be corrected.
5. Any other requirements as specified by WMC, WAC or RCW for Public Hearings.

As you are aware, compliance is not optional, it is mandatory. WMC makes provision for bringing charges against City employees who willfully disregard the WMC. A short delay to cure these issues is strongly urged. WMC requires a minimum of 15 day Notice for rescheduling a Public Hearing and this is what is recommended, provided all non-compliance matters are cured.

Thank you for your attention to this most important matter.

Sincerely,

Jeff Glickman  
19405 148<sup>th</sup> Ave NE  
Woodinville, WA 98072  
(503) 705-6900  
[jeff@lickman.com](mailto:jeff@lickman.com)

Attachments follow.

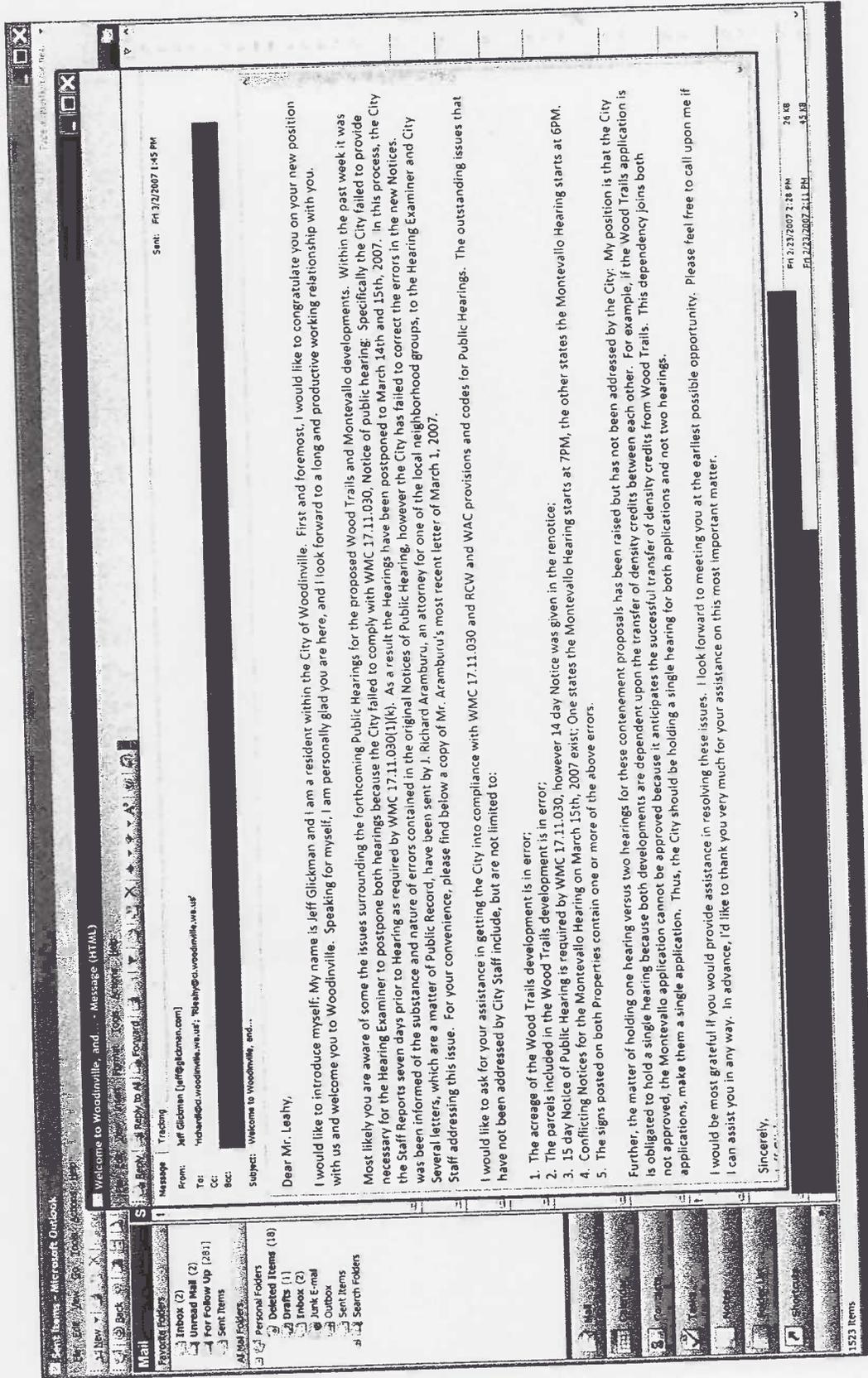


EXHIBIT 84  
PAGE 11 OF 99

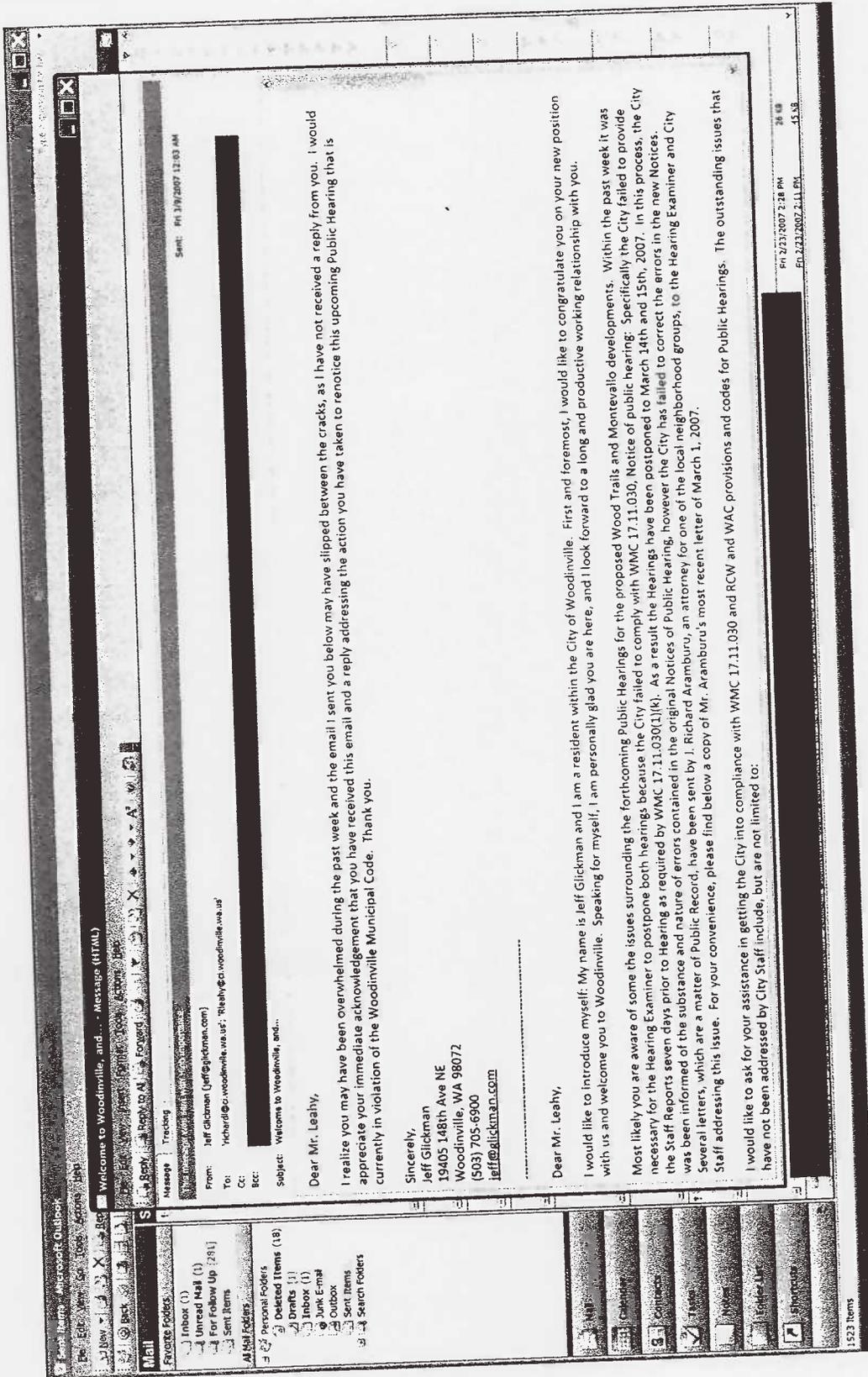


EXHIBIT 84  
PAGE 12 OF 99

Attachment 3:

**King County** Home News Services Comments Search

**Parcel Viewer**

One Parcel Found

Parcel Number	Address
0326059123	19405 148TH AVE NE

Search Menu

1 Parcel Found:

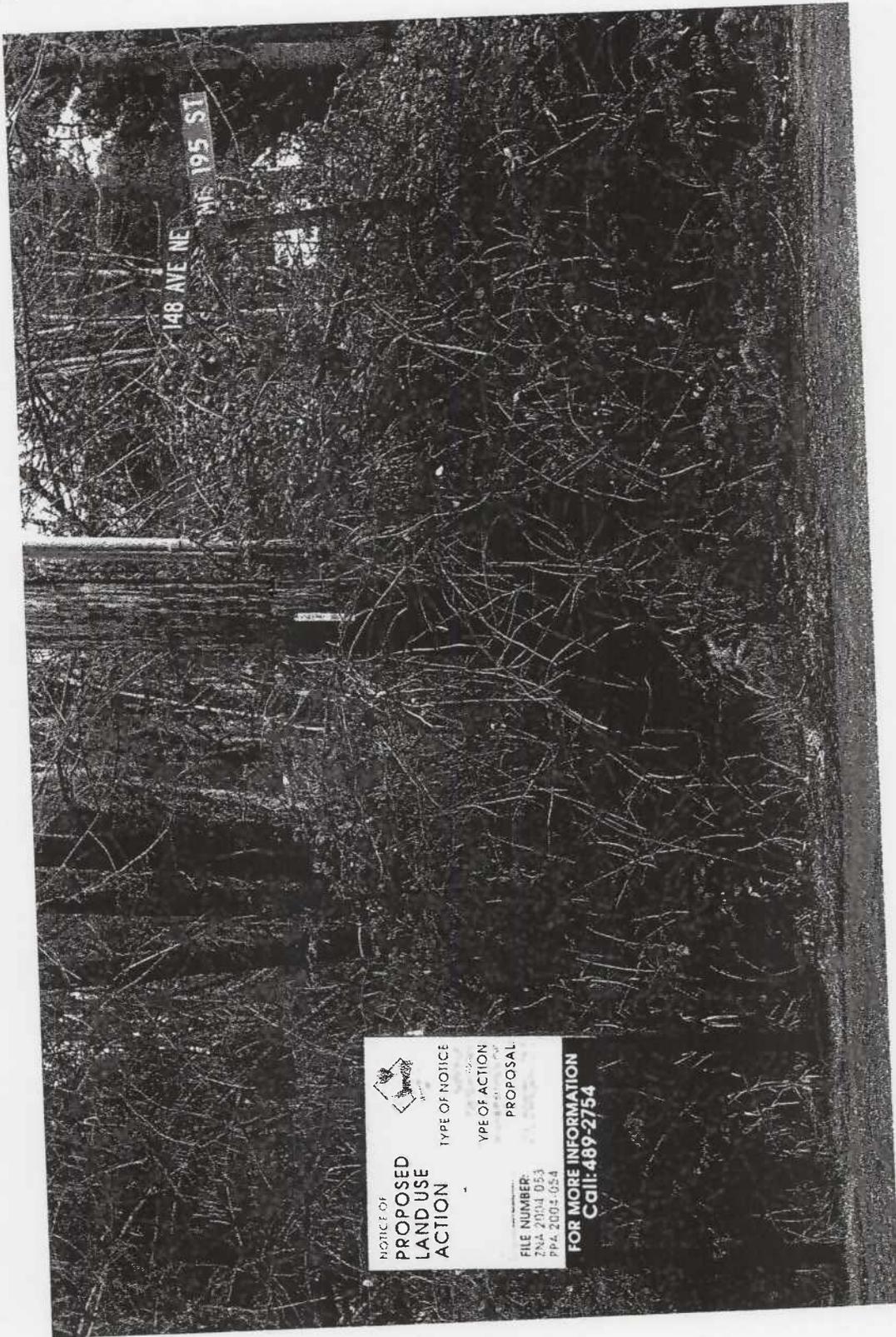
Record #	
Parcel Number	0326059123
Address	19405 148TH AVE NE
Zipcode	98177
Owner(s)	GLICKMAN JEFF + LAURA
Property Report	Available
District Report	Available
SES Reports	Available
Permits	Available

King County | GIS | News | Services | Comments | Search

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Attachment 4:

EXHIBIT 84  
PAGE 13 OF 97



NOTICE OF

**PROPOSED  
LAND USE  
ACTION**



**TYPE OF NOTICE:**

NOTICE OF  
PUBLIC HEARING

**TYPE OF ACTION:**

Rezoning & Preliminary Plat

**PROPOSAL:**

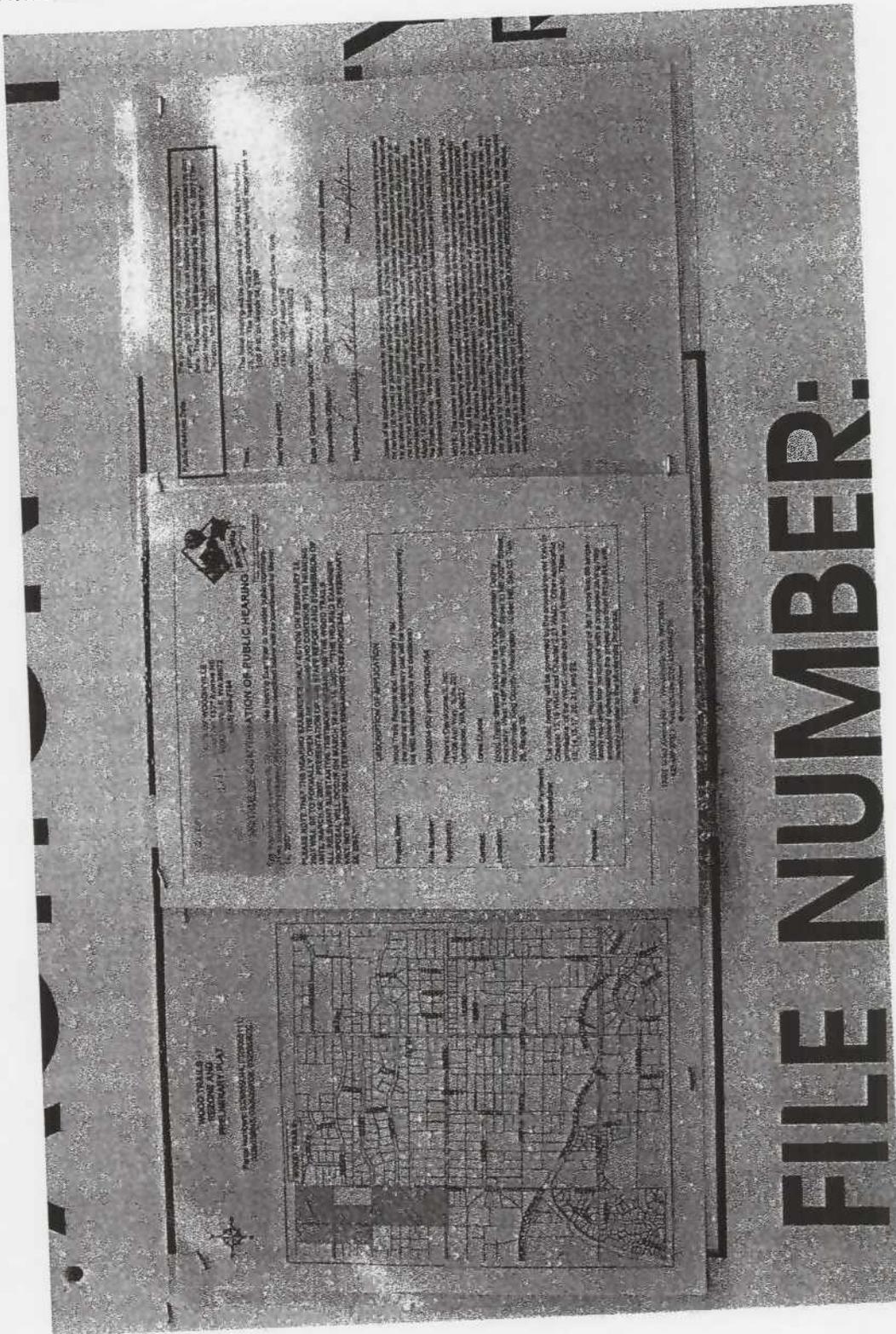
Proposed subdivision of 50.5  
acres into 66 Single Family lots

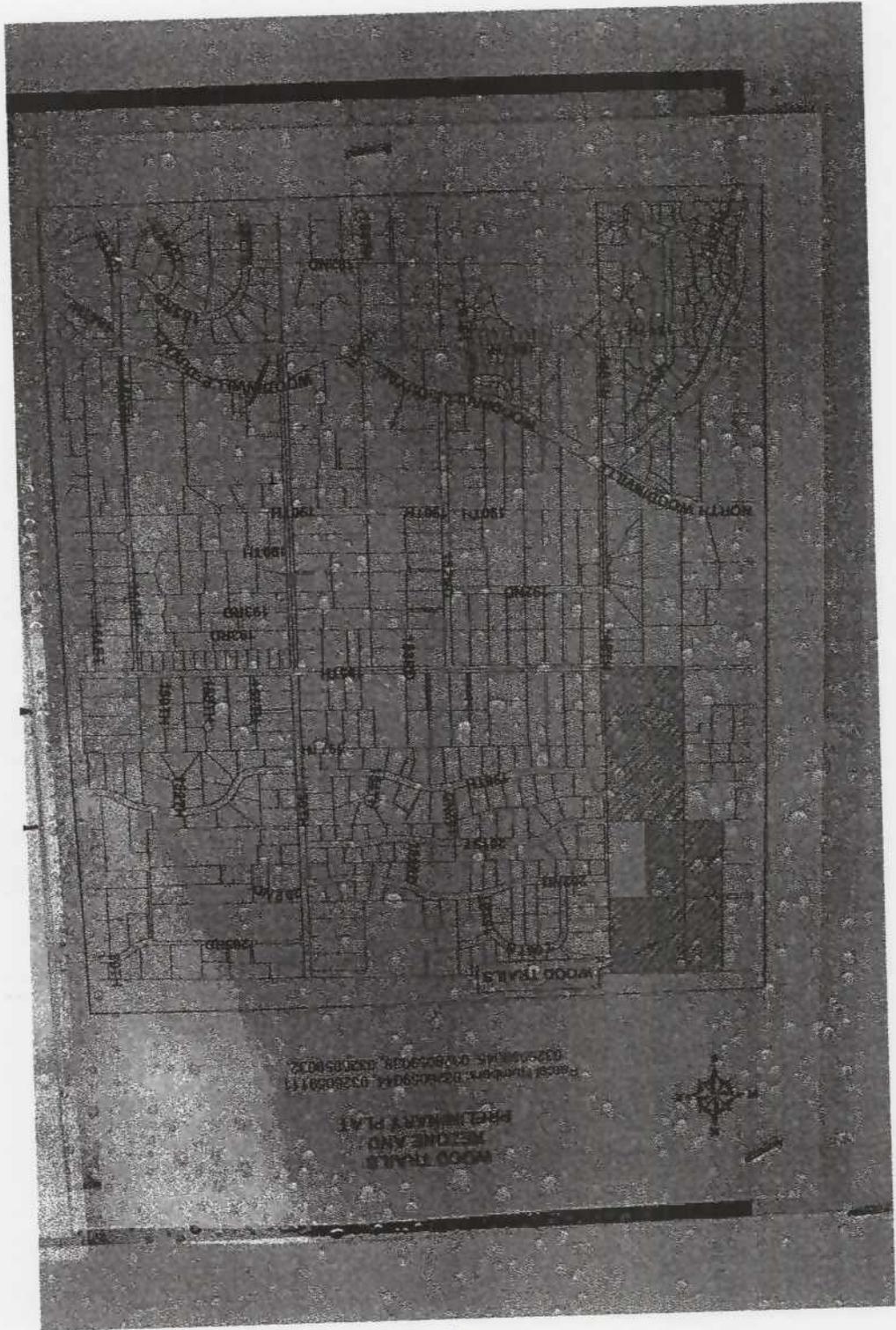


**FILE NUMBER:**  
ZNA 2004-053  
PPA 2004-054

**FOR MORE INFORMATION  
Call: 489-2754**

EXHIBIT 84  
PAGE 15 OF 99





Attachment 7:

WOODINVILLE  
133rd Avenue NE  
WOODINVILLE, WA 98072  
(509) 489-2754



**STATE OF WASHINGTON**  
**CONTINUATION OF PUBLIC HEARING**

The Public Hearing on the Woodinville Hearing Examiner to consider public comment on the Zoning and Preliminary Plat application described below will be continued to March 14, 2007.

**PLEASE NOTE THAT THE HEARING EXAMINER'S ONLY ACTION ON FEBRUARY 28, 2007 WILL BE TO FORMALLY OPEN THE PROCEEDING AND CONTINUE THE HEARING UNTIL MARCH 14, 2007. PRESENTATION OF THE STAFF REPORT AND SUBMISSION OF ALL RELEVANT SUBSTANTIVE TESTIMONY REGARDING THE WOOD TRAILS PROPOSAL WILL OCCUR ON MARCH 14 AND 15, 2007. THE HEARING EXAMINER WILL NOT ACCEPT ORAL TESTIMONY REGARDING THIS PROPOSAL ON FEBRUARY 28, 2007.**

	DESCRIPTION OF APPLICATION
<b>Project Name:</b>	Wood Trails Rezone and Preliminary Plat (the rezone and preliminary plat will be considered concurrently, but with separate criteria and decisions)
<b>File Number:</b>	ZMA2004-053 and PPA2004-054
<b>Applicant(s)</b>	Phoenix Development, Inc. 16108 Ash Way, Suite 201 Lynnwood, WA 98037
<b>Contact:</b>	Loree Quade
<b>Location:</b>	Wood Trails: directly south of the King-Snohomish County boundary, West 148th NE from NE 195th Street to NE 202nd Street, Woodinville, King County, Washington - 1/4 Sec NE, Sec 03, Twn 28, Range 05
<b>Section of Code Pertinent to Hearing Procedure:</b>	The public hearing will be governed by the procedures set forth in Chapter 17.15 WMC and Chapter 2.27 WMC. Other applicable provisions of the WMC include but are not limited to, Titles 12, 13, 14, 15, 17, 20, 21, and 22.
<b>Proposal:</b>	Wood Trails: Proposed subdivision of 38.7 acres into 66 single-family residential lots concurrent with a proposed zoning map amendment redesignating the project site from R1 to R4, with density transfer to the Monteville Proposal

over -

1/301 133rd Avenue NE • Woodinville, WA 98072-8516  
425-489-2700 • Fax: 425-489-2705, 425-489-2756  
© 2004 City of Woodinville

**Cindy Baker**

**From:** Sherry Brown [SteveandSherryBrown@comcast.net]  
**Sent:** Wednesday, February 14, 2007 8:08 PM  
**To:** Cindy Baker  
**Cc:** Cathy VonWald  
**Subject:** Public Hearings for Wood Trails and Montevallo

**EXHIBIT** 84  
**PAGE** 18 **OF** 99

Dear Cindy,

I recently was informed of the two notices of Public Hearings to take place on Feb 28<sup>th</sup> pertaining to the Wood Trails development & Mar 1<sup>st</sup> pertaining to the Montevallo development. This is very disturbing because since day one of the DEIS these applications have been combined into one application for purposes of EIS review and project review. This is appropriate because they are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

The single, joint hearing format has been communicated numerous times and is still referenced on the city website. I am not sure of the reason for the sudden change necessitating two separate hearings but it appears to be highly unusual given the reasons sited above. Therefore, I respectfully request that these hearings be consolidated, as it is only appropriate given the cumulative impact of these developments on our neighborhoods.

Sincerely,

Steve Brown  
15218 NE 198<sup>th</sup> Street  
Woodinville, WA 98072

emailing the city

## Sandy Guinn

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

EXHIBIT 84  
 PAGE 19 OF 97

Hi Cindy,

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

## Jennifer Kuhn

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

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

Hi guys,

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

[jenniferk@ci.woodinville.wa.us](mailto:jenniferk@ci.woodinville.wa.us)

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

Thanks for taking the time!

Susan Huso

FIN SST

System Delivery

Nordstrom, INC.

206-233-6077

tieline 8-860-6077

03/27/2007

ORIGINAL

Susie McCann

**From:** Gary Hasse [ghasse2@comcast.net]  
**Sent:** Thursday, March 15, 2007 12:53 PM  
**To:** Susie McCann  
**Cc:** Sharon & Marty Peterson; Fred Green  
**Subject:** Woodtrails & Montevallo development

EXHIBIT 84  
 PAGE 20 OF 97

Ms McCann,

I am a home owner in the Wellington Estates neighborhood, a member of CNW and I attended the hearing last night on the Woodtrails presentation. Frankly I have to say I am appalled at the complete disregard our city leaders are showing for their constituents in the city of Woodinville. It was very obvious from the comments heard and the turn out of the concerned citizens that this development is not wanted or needed in our area. I had the distinct feeling that the City of Woodinville's council and staff could care less about our concerns. I believe that they along with the developer are only looking at the all mighty dollar impact of these developments. I would not be surprised to find out that our leaders have a vested interest in pushing these developments through. There are several items that came up that I have to totally disagree with.

1. In regards to the wild live mentioned, I personally have seen deer in my front yard eating my wife's roses, have had two Pileated Woodpeckers working on a dead tree in my front yard, and have had raccoons in my yard eating cat food I had left out for my cat. In addition we are visited every year by Robins, Chickadees, and a Northern Flicker or two along with a couple of owls that have been seen in the area. In addition you can always find a dead opossum or two along 156<sup>th</sup> that could not make it across the street in time to avoid on-rushing cars. There are coyotes and an occasional bear sighting in the area in question. If these developments are allowed to proceed as promoted I fear that we will no longer be able to enjoy the wild life in this area. In addition, I am sure that the wiley coyote will be able to find a way to survive in this environment, but my neighbors and the new neighbors will be finding they are losing a lot of cats and small dogs to the coyotes. What will we have next, neighbors with guns trying to shoot them or having the Department of Wildlife out to get rid of the menace that is targeting their pets? Of course, what will be no concern is that the wild life was there first and we are moving them out of the way.
2. I can't help wondering where our city council and the developers live. Do they enjoy the kind of living that we have in the Wellington neighborhood, and if they do, how would they feel if someone came along that wanted to destroy their way of live by putting Southern California types of homes in their neighborhoods. The developer last night stated that these houses would be on mostly 50' X 100' lots with some of them being 60' x 100'. This will result in a rather narrow structure on a very small lot, and they will be asking \$350-400,000 dollars apiece for these houses. I heard mentioned last night that "we" as the Wellington neighborhood lived on "estates" that others could not afford. I found it interesting that my little 1800 sq. ft. rambler is now considered an "estate". I have lived in this neighborhood for some 29 yrs now and find it hard to believe that it is now an "estate". The value of my home is not much more that what the developer would ask for the homes he intends to build.
3. Traffic is also a very big concern. The 156<sup>th</sup> street corridor is considerably narrow with not much room for more that two cars to pass by each other safely. It is also used quite often as a pass through by groups of bicyclers. There is only a narrow bike path on one side of the road and these bicyclers put their lives on the line any time they travel on this road. I cannot help but think of the dangers they will face if these developments are allowed to continue. In addition, the access roads into the Woodtrails project are small dead end streets. If there are cars parked on these streets there is barely room for one car to pass let alone one from each direction. Heavy equipment traveling on these roads will destroy them and endanger the children that are often playing on or near them.

03/15/2007

4. WMC 21.44.070 was mentioned several times last night. After reading it I do not see how the City Council and/or the hearing examiner can justify the comments that the comprehensive plan and applicable functional plans meet the criteria mentioned. By no means has the developer demonstrated a need for the additional zoning other than to line their pockets with more money. How can it be called as being consistent and compatible with uses and zoning of the surrounding properties when we are all single family dwellings on R-1 zoned lots? If it is allowed to continue you will be opening the door for the entire area to be converted to R-4 zoning and then the next thing you will see is wall to wall houses as you will find all over Southern California.
  
5. Another guideline is that the property is practically and physically suited for the uses allowed in the proposed zone reclassification. The only way this could be met is to completely raze the entire area, and to build it up with refill. I have walked this property many times with my dogs and I have a difficult time climbing the trails in this area. It is steep, and if the vegetation is removed you will see literally a wall of water rushing down those hills during times of major rain storms as we had this past winter.
  
6. The developer mentioned last night that this development would essentially be 1.7 units per acre. I am sure he is using the entire location for his facts, but in fact almost two thirds of that property cannot be built upon. Therefore the density will be considerably greater, probably up to 5-6 units per acre. How can he be allowed to use the overall acreage to determine what his density would be? You as the caretakers of the City of Woodinville have to abide by the fact that the actual acreage able to be developed is considerably less.

I will not be able to attend the start of the meeting tonight as I have a prior commitment, but hope to stop by on my way home. I do know that a considerable amount of my neighbors will be there and I truly hope that you and the hearing examiner listen to them and take all of their thoughts and concerns to heart. We have been fighting this development for almost three years now and we will not allow the City Council to run roughshod over us. I heard a lawyer speak up last night that he had been retained by several homeowners in the area to fight for their rights. I can see this argument continuing for quite some time. **THE CITY COUNCIL AND THE HEARING EXAMINER HAVE TO DO THE RIGHT THING NOW AND STOP THIS REZONING BEFORE IT GETS OUT OF HAND.**

Thank you for reading this transmission and I would be pleased if you would include it in the record of the proceedings.

Gary J. Hasse  
 15116 NE 202<sup>nd</sup> St.  
 Woodinville, WA 98072-6451  
 Email: ghasse2@comcast.net

EXHIBIT 84  
 PAGE 21 OF 97

ORIGINAL

**Susie McCann**

**From:** Almetclem [almetclem@comcast.net]  
**Sent:** Thursday, March 15, 2007 11:16 AM  
**To:** Susie McCann  
**Cc:** Fred@GreenFinancial.com  
**Subject:** Comments on Wood Trails and Montevallo

EXHIBIT 84  
PAGE 22 OF 91

Dear Ms McCann,

I was unable to stay at the meeting very long last night, but hopefully will be able to attend tonight. We have lived here, 15103 NE 202<sup>nd</sup> Street, for over 20 years. We came when the kids were young and stayed because we enjoyed living here. We really hate to see the character of our neighborhood change to that of Lynnwood.

I noticed that the people checking on the wildlife did not find that many species. Many of the predators have large hunting areas that sustain them. I see them all at different times of the year. I don't think anyone has mentioned the Great Horned Owl. We live next to the wooded park on 202<sup>nd</sup> Street and feed many of the animals. They come and go between other wooded areas and peoples yards who feed them. The female Great Horned Owl is here now. We heard her fighting with a raccoon one night last week and we think she caught a rabbit the next night. Previous summers she has come back with a mate. They have different calls.

I actually saw an American Marten several years ago. I understand they are rarely seen and have large hunting areas. This past year we've seen the pair of Pileated Woodpeckers together as well as individually. There are three pair of mated Northern Flickers and at least one offspring from last year, a pair of Hairy Woodpeckers and one offspring. These are just a few of the larger birds. The native Douglas tree squirrels are really coming back. One pair had a male offspring last summer and there are two pairs this year as well as the young male. We've had coyotes since we've lived here. They travel through the back of our property between Wood Trails and the park. We've lived as neighbors. There is a myriad of small birds and animals.

Until these developers have tried to come into our neighborhood we didn't know so many other people have encouraged the wildlife as we do. They depend on all of us to survive. People have stayed in this neighborhood for a reason. It is an oasis in quickly growing area. It reflects Woodinville's motto. "City living, country style".

Sincerely,

Len and Sharon Clemeson  
15103 NE 202<sup>nd</sup> Street

03/15/2007

**Sandy Guinn**

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**From:** Cindy Baker  
**Sent:** Monday, March 19, 2007 2:45 PM  
**To:** Sandy Guinn  
**Subject:** FW: Public Hearings for Wood Trails and Montevallo

Put on the record

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**From:** Sherry Brown [mailto:SteveandSherryBrown@comcast.net]  
**Sent:** Wednesday, February 14, 2007 8:08 PM  
**To:** Cindy Baker  
**Cc:** Cathy VonWald  
**Subject:** Public Hearings for Wood Trails and Montevallo

Dear Cindy,

I recently was informed of the two notices of Public Hearings to take place on Feb 28<sup>th</sup> pertaining to the Wood Trails development & Mar 1<sup>st</sup> pertaining to the Montevallo development. This is very disturbing because since day one of the DEIS these applications have been combined into one application for purposes of EIS review and project review. This is appropriate because they are intertwined by their dependence on density transfer credits and their joint request for a rezone and due to the cumulative impacts of the two properties on traffic, erosion, neighborhood character, etc.

The single, joint hearing format has been communicated numerous times and is still referenced on the city website. I am not sure of the reason for the sudden change necessitating two separate hearings but it appears to be highly unusual given the reasons cited above. Therefore, I respectfully request that these hearings be consolidated, as it is only appropriate given the cumulative impact of these developments on our neighborhoods.

Sincerely,

Steve Brown  
15218 NE 198<sup>th</sup> Street  
Woodinville, WA 98072

03/26/2007

EXHIBIT 84  
PAGE 24 OF 97

**Susie McCann**

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**From:** Susie McCann  
**Sent:** Thursday, March 22, 2007 11:55 AM  
**To:** 'Huso, Susan'  
**Subject:** RE: email address for WT/Montavello comments

Ms. Huso,

I apologize for not getting back to you sooner. I have been out on medical leave and just returned to work today. E-mails to the Hearing Examiner should be sent through his assistant LeAnn @ [areid@spokanecity.org](mailto:areid@spokanecity.org).

Susie McCann  
City of Woodinville - Development Services Department  
W - 425 489-2754/Ext 2272 F - 425 489-2756

Please note this email is a public record and may be subject to disclosure.

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

Susie,

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

Thank you,

Susan Huso

FIN SST

System Delivery

Nordstrom, INC.

206-233-6077

teline 8-860-6077

EXHIBIT 84  
PAGE 25 OF 91

**Susie McCann**

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**From:** Otto Paris [oparis@comcast.net]  
**Sent:** Wednesday, March 28, 2007 8:50 AM  
**To:** Susie McCann; Cindy Baker  
**Subject:** Wood Trails and Montevallo Public Hearing Exhibits  
**Importance:** High

Susie, Cindy –

I have a few questions concerning Wood Trails / Montevallo exhibits:

1. Has the applicant submitted any additional information concerning changes to the preliminary plat? Has the applicant provided the City with any additional descriptions of some key plat elements such as the stormwater detention facilities or setback issues? If so, how can I get a copy of that information before the Hearing?
2. I would like to review the revised "conceptual" plat drawings the applicant brought as exhibits to the Hearing. According to Exhibit pdf files on the City's web page, these are mounted on boards, and are available for viewing at the City Planning Department. They are not available in the pdf files, except for one scanned small copy of Montevallo which is basically illegible via the pdf file. How do I arrange to view those exhibits on the Boards, or get legible copies made in a timely manner?
3. I have some concerns about how the City decided to handle the two separate sets of CNW binders that were intended to be submitted as separate individual exhibits for each of the applications. I'd like to discuss this with you as soon as possible.

I am available to come down to the City almost anytime tomorrow, Thursday, to talk with you about some of this, and also to review the revised conceptual plat exhibits. Please let me know when you have about 15 minutes or so tomorrow, and I'll arrange my schedule accordingly to get there. This is somewhat of an urgent manner, as I would like to get this info by Friday morning at the latest. I should be here at my office most of the day: phone = 806-9564 (local number).

Thanks - Otto

**Otto Paris**  
(425) 806-9564  
[oparis@comcast.net](mailto:oparis@comcast.net)

**Susie McCann**

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**From:** Cindy Baker  
**Sent:** Wednesday, March 28, 2007 11:23 AM  
**To:** Susie McCann  
**Cc:** Sandy Guinn; Ron Braun  
**Subject:** FW: Wood Trails and Montevallo Public Hearing Exhibits

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**From:** Cindy Baker  
**Sent:** Wednesday, March 28, 2007 11:06 AM  
**To:** 'Otto Paris'  
**Subject:** RE: Wood Trails and Montevallo Public Hearing Exhibits

Hello Otto, I left you a message on your recorder. Here answers to your questions

1. To my knowledge the applicant has not submitted any new information.
2. Please contact Sandy Guinn who has the exhibits (425-489-2754 ext.2211)
3. During the testimony a statement was made by (I believe it was Richard Aramburu?) that the documents were identical, except for the front cover. The examiner took one of the sets to review/evaluate and the city has the other. Because the documents were placed on the record in such a fashion, the Examiner understands the contents apply to each project. If you have further concern, please raise it with the hearing examiner at the April 5<sup>th</sup> hearing.

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**From:** Otto Paris [mailto:oparis@comcast.net]  
**Sent:** Wednesday, March 28, 2007 8:50 AM  
**To:** Susie McCann; Cindy Baker  
**Subject:** Wood Trails and Montevallo Public Hearing Exhibits  
**Importance:** High

Susie, Cindy –

I have a few questions concerning Wood Trails / Montevallo exhibits:

1. Has the applicant submitted any additional information concerning changes to the preliminary plat? Has the applicant provided the City with any additional descriptions of some key plat elements such as the stormwater detention facilities or setback issues? If so, how can I get a copy of that information before the Hearing?
2. I would like to review the revised "conceptual" plat drawings the applicant brought as exhibits to the Hearing. According to Exhibit pdf files on the City's web page, these are mounted on boards, and are available for viewing at the City Planning Department. They are not available in the pdf files, except for one scanned small copy of Montevallo which is basically illegible via the pdf file. How do I arrange to view those exhibits on the Boards, or get legible copies made in a timely manner?
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I am available to come down to the City almost anytime tomorrow, Thursday, to talk with you about some of this, and also to review the revised conceptual plat exhibits. Please let me know when you have about 15 minutes or so tomorrow, and I'll arrange my schedule accordingly to get there. This is somewhat of an urgent manner, as I

would like to get this info by Friday morning at the latest. I should be here at my office most of the day: phone = 806-9564 (local number).

Thanks - Otto

**Otto Paris**  
(425) 806-9564  
[oparis@comcast.net](mailto:oparis@comcast.net)

EXHIBIT 84  
PAGE 28 OF 97

**Sandy Guinn**

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**From:** Cindy Baker  
**Sent:** Saturday, March 31, 2007 11:15 AM  
**To:** Sandy Guinn  
**Subject:** FW: Wood Trails/Montevallo '07

On the record?

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**From:** Cindi Stinson [mailto:crstinson@yahoo.com]  
**Sent:** Wednesday, March 14, 2007 4:11 PM  
**To:** Cindy Baker; Susie McCann  
**Subject:** Wood Trails/Montevallo '07

City of Woodinville  
17301 133rd Ave NE  
Woodinville, WA 98072  
March 14, 2007  
Email: [CindyB@ci.woodinville.wa.us](mailto:CindyB@ci.woodinville.wa.us)  
Email: [SusieM@ci.woodinville.wa.us](mailto:SusieM@ci.woodinville.wa.us)

RE: Comment on FEIS for Wood Trails/Montevallo

Dear Ms. Cindy Baker:

I live at the crest of the hill on NE 195th street, a potential access street to the Wood Trails Development. The FEIS has identified 195th street as being deficient for stopping sight distance. 195th street should not be used as an access street for Wood Trails due to its many deficiencies.

We moved our family to 195<sup>th</sup> street because of the large private lots, dead-end-streets, quality of life, wildlife, character of the neighborhood and excellent schools. "City living, Country Style" was Woodinville's motto which drew us to Woodinville. These qualities are in jeopardy because of changes in city development. Please keep our city livable at its current state, do not be tempted by quick fixes.

**The FEIS is inadequate because it does not fully address the true safety issues** of traffic along 195 St. 198 St., 201 St., 202 St., 156<sup>th</sup> Ave. and Woodinville-Duvall Road; blind spots, dangerous topography, and limited site zones on potential access streets; alternative access from below or to the west from Hwy 9 and NE 200<sup>th</sup> Street or 144<sup>th</sup> Ave. NE; and keeping a R-1 rating for the Wellington area.

**We live in a limited sight zone which is posted 15 mph which the FEIS does not address fully.** As a parent of two active youths, I know the dangers of the limited sight zone in front of our house. I do not allow my children to walk to school because there are no safe pedestrian walk areas, sidewalks or cross walks, four limited site areas on 195<sup>th</sup> St. between our house and the school, plus no street lights. I drive my children to school to avoid these hazards which adds to the traffic volume.

04/01/2007

EXHIBIT 84  
PAGE 29 OF 91

The speed bump on 195th street, just east of NE 156 Ave. is a hazard for pedestrians. Cars try to drive around the bump by using the shoulder. This may slow down the cars a bit, but has created yet another pedestrian hazard. I would like the city to consider shaving the top of 195th street near 15009 to help with the sight problems. I caution everyone who enters/exits my property to be very careful while on 195th street. I never back-out of my drive way due to poor visibility. We have had countless near misses both trying to enter and exit our property .

**The FEIS does not adequately address left turn lanes.** I sit at the 156<sup>th</sup> Ave NE./Wdvl-Dvl. Road intersection through one or two lights. If there is a bus or large truck in the left turn lane, it may be three lights before I can turn left. The back-up is extremely dangerous when you come up over the hill traveling south on 156 Ave. NE. A similar situation occurs at the left turn lane from Wdvl-Dvl. Road onto 168<sup>th</sup> Ave NE. The left turn lanes are inadequate to hold the current traffic during school times not to mention peak commuter hours. If an additional 132 houses are added to the area, traffic will increase. Common sense says the intersections I mentioned would continue to fail during peak hours.

**The FEIS and the City seem to be using inadequate traffic stats.** These stats should be measured again to completely measure the current traffic patterns and adjusted for proposed developments. I personally go South onto 156 Ave. 90% of the time to the grocery stores, sports fields, downtown area, movie theaters and schools. The "assignment" of traffic going North onto 156<sup>th</sup> Ave and turning onto 240<sup>th</sup> Street SE is absurd! 240<sup>th</sup> Street SE is a private road that cuts through a golf course. It is signed: Limited Sight Distance, No Shoulders, Local Access Only and posted 15 mph a majority of its length. 240th Street SE has deteriorated enormously since Costco opened. The city must address this substandard route and the stats surrounding it. The city must take into consideration the proposed housing development on Wellington Golf Course of 350 homes and how that is going to increase traffic loads into Woodinville within 3 years.

**The FEIS does not address the substandard shoulders on 195<sup>th</sup> Street.** I do not allow my children to play past our property line due to the lack of shoulders, dangerous topography, and limited sight problems. Many adults walk their dogs twice a day up and down the street. They walk on the road not the 0-4 foot shoulder the FEIS mentioned. The walkers and joggers exercise on the pavement because of the substandard shoulders. I place my trash can near the edge of 195th Street weekly. As indicated by the FEIS, this should be an adequate place for pedestrian traffic, yet my trash can has been hit several times. Once it was drug nearly 50 feet before the truck stopped to untangle it from its bumper. The shoulders are nonexistent, rough and not maintained. 66 new residences at the end of 195th street would represent at least a 600% increase in traffic in front of my house. If 10-12 houses were added that would only be a 100% increase in additional car trips per day. Either way the city must address this issue.

**The FEIS is inadequate because it does not sufficiently address the alternative access from the West that Wood Trails could tap into.** It does not address access from below Wood Trails at 144<sup>th</sup> Ave. NE or Hwy 9 and NE 200th Street. This would eliminate the approximately 800 trips up and down the current streets generated by the proposed 132 houses. A west access or access from below would eliminate further congestion at the Woodinville-Duvall/156th Ave NE intersection, plus, it is a quicker route for emergency vehicles.

**The FEIS is inadequate because it does not adequately address the R-1 zoning to its fullest potential.** January 2006 an R-1 property at 14808 NE 192<sup>nd</sup> Street sold for \$469,000.00 without improvements and for the full price according to the MLS. Currently, this property is offering a \$1,999,000.00 house, which fits perfectly with the neighborhood. Common sense tells us that R-1 zoning causes 75% less environmental impacts, less traffic on our roadways and less potential for fatalities due to substandard roadways and pedestrians walkways than R-4 zoning. R-1 zoning can be financially rewarding and must be fully addressed by the city and the planning committee.

**The FEIS misrepresents what R-4 is: 4 dwelling units per acre.** Wood Trails has a net residential area of 10.4 acres of land suited for building houses. If the other acres are unsuitable then they should not be considered when calculating the number of dwellings that can be built. The city must review this and not allow the density proposal or transfer of 19-lot density credits to other properties such as Montevallo. If Wood Trails has 10.4 acres of suitable land they should not be allowed to build the proposed 66 units (6 units/acre) under a true R-4 zone. In the ten acres adjacent to the Wood Trails potential development, there are approximately ten households, reflecting the current R-1 zoning. The build-out as proposed would completely change the character of the neighborhood, and would lower the value of the surrounding homes. Montevallo should not be allowed to increase density to more than R-2. Montevallo should not be given any density credits from Wood Trails.

**The FEIS does not address the impact of school age children to the area.** Wellington Elementary, Leota Junior High and Woodinville High School, which would potentially educate these students, are at their student limits. If 132 units with 3 plus bedrooms are added to the area, it would easily add 250 students to an already overcrowded school system. That is a 20-25% overnight increase in population at Wellington and Leota. **There are no bus routes on NE 195th Street as the FEIS indicates.** The city needs to address all the transportation, service, safety and added infrastructure issues to handle that huge change.

I understand that development happens, let's do it right the first time. R-4 would significantly increase traffic volumes and speed through this deficient area of multiply driveways, no shoulders, no lighting and sight problems which would be irresponsible and careless. Please keep our neighborhood character true to itself. Keep our motto: "City Living, Country Style".  
**Keep R-1 zoning.**

Thank-you for your time.

Cindi Stinson  
15009 NE 195 Street  
Woodinville, WA 98072

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8:00? 8:25? 8:40? Find a flick in no time  
with the Yahoo! Search movie showtime shortcut.

Sandy Guinn

From: Cindy Baker  
Sent: Saturday, March 31, 2007 10:48 AM  
To: Sandy Guinn  
Subject: FW: FEIS - Montevallo / Wood Trails: Request for a longer public review period

In the record?

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

From: Barbara\_Czuba@berlex.com [mailto:Barbara\_Czuba@berlex.com]  
Sent: Thursday, December 14, 2006 1:40 PM  
To: Cindy Baker; Susie McCann  
Cc: cfessler@ci.woodinville.wa.us; Steve Munson; bczuba@aol.com  
Subject: FEIS - Montevallo / Wood Trails: Request for a longer public review period

Dear Ms. Baker and Ms. McCann --

In order to effectively review and comment upon the Wood Trails and Montevallo Final Environmental Impact Statement (FEIS) that was just issued yesterday (Dec 13, 2006), I would like to request that the City of Woodinville please provide a 60-day public review and comment period for this FEIS document rather than the deadline of 7-days from date of publication.

The reason I request this longer public review and comment period is due to the following:

1) The size and complexity of the FEIS document for the Wood Trails and Montevallo developments

In order to effectively review and ensure that all of the comments and concerns of the Wellington area citizens have been addressed appropriately and accurately within this FEIS document, I feel that a longer review period is required.

A 60-day public review period will provide the citizens of Woodinville the opportunity to thoroughly and rigorously review the FEIS document to ensure that the best possible development plan is ultimately implemented within the Wellington area of Woodinville.

The proposed Montevallo / Wood Trails developments will permanently alter the character and quality of the Wellington neighbor. This fact thus demands that we as Woodinville citizens ensure that our concerns have been accurately and effectively addressed within the FEIS for the Wood Trails and Montevallo developments. A 60-day public review period provides the amount of review time that is required for a document of this type.

2) Due to the overall number and complexity of our concerns and comments, as issued to the City of Woodinville during our review of the DEIS, I feel that the FEIS will be extensively revised from what was submitted originally as the DEIS. Thus, in order to thoroughly and rigorously review the FEIS with respect to answering all of our concerns and comments, I feel a longer public review period of 60-days is required.

This longer 60-day review period will ensure that the FEIS has indeed appropriately and accurately addressed all of our concerns and comments to the DEIS. Additionally, this longer public review period will ensure that the FEIS will result in new developments within the Wellington area that do not negatively alter the character and quality of our neighbor, as well as the City of Woodinville.

Thank you so much for your time and consideration,

Barbara Czuba  
Wellington area resident  
NE 203rd Place  
Woodinville, WA

EXHIBIT 84  
PAGE 32 OF 97

**Sandy Guinn**

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**From:** Cindy Baker  
**Sent:** Saturday, March 31, 2007 10:51 AM  
**To:** Sandy Guinn  
**Subject:** FW: Request adequate period of time for FEIS Review

On the record?

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**From:** Becky Warden [mailto:beckynell@comcast.net]  
**Sent:** Thursday, December 14, 2006 12:25 PM  
**To:** Cindy Baker  
**Cc:** cfessler@ci.woodinville.wa.us; Steve Munson  
**Subject:** Request adequate period of time for FEIS Review

Dear Cindy,

I read yesterday about the FEIS for the dense developments of Wood Trails and Montevallo in the Wellington Neighborhood. I am dismayed by the timing of the release of this document, as well as the short review period. This is particularly difficult timing as the holidays are approaching and people will likely be preoccupied with family. I request a 60 day delay in this deadline. The document is extensive, and it will take time to review it to see that ALL of my concerns were addressed.

I can't help but feel that the city is allowing the rights of developers to supersede the rights of current property owners and taxpayers in Wellington. In my work as a driver, I am daily affected by the heavy and slow traffic in the corridor down 132nd, past Woodin Elementary, and over the 522 interchange. The development along this road has been dense and the infrastructure has not been addressed to accommodate the added people and cars. I will do all I can to stop the same unconscionable and dangerous development along 156th street.

Sincerely,  
Wellington Property owner,  
Becky Warden

04/01/2007

**Sandy Guinn**

---

**From:** Cindy Baker  
**Sent:** Saturday, March 31, 2007 10:48 AM  
**To:** Sandy Guinn  
**Subject:** FW: Comments to FEIS for Wood Trails and Montevallo

**Importance:** High

**Attachments:** BCzuba -- comments to FEIS WoodTrails and Montevallo.zip



BCzuba --  
ments to FEIS W  
In the record?

-----Original Message-----  
From: Barbara\_Czuba@berlex.com [mailto:Barbara\_Czuba@berlex.com]  
Sent: Monday, February 12, 2007 12:25 PM  
To: Cindy Baker; Susie McCann  
Subject: Comments to FEIS for Wood Trails and Montevallo  
Importance: High

Dear Ms. McCann and Ms. Baker --

Please find attached our comments to the FEIS for the proposed Wood Trails and Montevallo developments within the Wellington area of Woodinville. As residents of this neighborhood we would to have the City of Woodinville review and consider our comments as the decision process proceeds on how to effectively handle these new housing developments within the Wellington neighborhood.

Briefly, we would of course like to have the R-1 Zoning Alternative as detailed in the FEIS be approved by the City of Woodinville. However, we have in the attached letter also provided a compromise option that we would like the City of Woodinville to seriously consider and approve if the R-1 Zoning Alternative is not acceptable as a way to meet the GMA guidelines.

Thank you so much for your time and consideration,

Barbara Czuba and Sandra Carroll  
Wellington area resident  
NE 203rd Place  
Woodinville, WA

(See attached file: BCzuba -- comments to FEIS WoodTrails and Montevallo.zip)

Feb. 12, 2007  
Barbara Czuba; Sandra Carroll  
15808 NE 203<sup>rd</sup> Place  
Woodinville, WA 98072

**Subject:** Comments to FEIS for Proposed Subdivisions of Wood Trails (File No. PPA2004-056) and Montevallo (File No. PPA2004-093)

To: Jurisdictions, Agencies, and Interested Parties

We would like to take this opportunity to comment upon the FEIS that was prepared for the proposed subdivisions of Wood Trails and Montevallo located within the West Wellington Hills Neighborhood of Woodinville. Our comments will be focused on how we as residents of the City of Woodinville can effectively resolve the increase in housing density that is proposed for the Wellington Hills Neighborhood.

We would like to say that we are not opposed to placing new housing developments within the neighborhood of West Wellington Hills, which is adjacent to where we live on NE 203<sup>rd</sup> Place. Also, we can appreciate the fact that the City of Woodinville needs to continue to provide housing options to people in support of the Growth Management Act as well as increase its tax base so that revenues can be brought in to finance the City's efforts. However, we are concerned about the level of housing density that is proposed for each of these new developments and the impact this level will have on the environment and character of our neighborhood.

Specifically, we are concerned about the Proposed Action option defined within the FEIS for the proposed subdivisions of Wood Trails and Montevallo.

As part of the Proposed Action option are listed four (4) points that are requested to be approved (refer to Section 2.1; page 2-1). These are:

1. Approval of requests to rezone both the Wood Trails and the Montevallo sites from the existing R-1 zoning designations to R-4
2. Approval of Preliminary Plat Applications to subdivide each site into 66 single-family residential lots
3. Approval of a density transfer to allow the transfer of credit for 19-dwelling units from the Wood Trails site to the Montevallo site, thus allowing a total of 66 units to be developed on the Montevallo site
4. Approval of Deviations from city standards

The Proposed Action Alternative requests that 66-units be approved for both sites. In order to achieve this 66-unit level within the Montevallo site it is requested to transfer 19-dwelling units from the Wood Trails site to the Montevallo site. This additional 19-dwelling units for the Montevallo site equates to an increase of 40%  $[(19/47) \times 100 = 40\%]$  over that which is allowed for an R-4 zoned site. Under typical R-4 zoning only 47 dwelling units are allowed to be built in the proposed Montevallo site, as stated in the FEIS (reference pg 2-12). We feel that these additional 19-dwelling units being transferred to the Montevallo site are not in keeping with a R-4 zoned site and thus will only further negatively impact the environment and the character of the Wellington neighborhood if approved.

Given our concerns, we would like to recommend that the following be considered and approved as a way to meet not only the City of Woodinville's needs but also the needs of its residents, especially those located within the Wellington area of Woodinville:

- **R-1 Zoning Alternative:** Approve the R-1 Zoning Alternative as proposed in Section 2.2.1 - pg 2-27 of the FEIS document, and do not approve the R-4 rezone. This proposed alternative as overviewed on pages 2-27 and 2-28 maintains the current zoning of R-1 for each of the new developments, and as such results in developments that are similar in character and density to the existing low-density residential development on adjacent properties. As indicated within the FEIS (refer to pages 2-27 and 2-28), the resulting net-density equates to a total of 37 new single-family houses; 23-units for the Wood Trails site and 14-units for the Montevallo site.

We would like to recommend that this R-1 Zoning Alternative be approved and that the rezone to R-4 not be approved (refer to item #1 in the Proposed Action option). Under this R-1 Zoning Alternative, the 37 new single-family houses will provide the City of Woodinville additional tax revenue as well as provide the Wellington area with two housing developments that do not significantly impact the environment and character of the Wellington area neighborhood.

If the above can not be approved of outright and we must have a higher housing density in order for the City of Woodinville to meet the requirements outlined in the GMA, then we would like to present for consideration and approval an alternative, compromise option that is based on the Proposed Action Option detailed in the FEIS document:

- **Alternative Proposed Action:** Approve a rezone to R-4 for both the Wood Trails and Montevallo sites. Additionally, approve the development of 66 single-family residential lots for the Wood Trails site. However, do not approve the development of 66 single-family residential lots for the Montevallo site as well as do not approve the density transfer of 19-dwelling units from the Wood Trail site to the Montevallo site. Alternatively, approve the typical R-4 zone housing density of 47 single family residential lots at the Montevallo site. The above approvals result in the addition of 113 new single-family houses; 66-units for the Wood Trails site and 47-units for the Montevallo site.

We are recommending that the first three (3) points to the Proposed Action option be modified to read:

1. Approval of requests to rezone both the Wood Trails and the Montevallo sites from the existing R-1 zoning designations to R-4;
2. Approval of Preliminary Plat Applications to subdivide the Wood Trails site into 66 single-family residential lots;
3. Approval of Preliminary Plat Applications to subdivide the Montevallo site into 47 single-family residential lots.

Even though the addition of 113 new single-family houses will negatively impact the character of the adjacent neighborhood since this allows for a higher density than is currently within the Wellington area, we feel it does provide a compromise between opposing forces. The 'Alternative Proposed Action' we are recommending for consideration and approval provides a path forward that meets not only the City of

Woodinville's needs, but also provides for a way to maintain a controlled cap on the resulting density within the proposed new developments.

For item #4 of the Proposed Action option, we do not feel that any city standards should be deviated from since these are indeed standards that were and are agreed upon, and as such need to be upheld. As indicated in the FEIS on page 2-1: 'narrower streets could create parking difficulties' and 'the proposed smaller lots may result in a contrasting appearance, out of scale with the existing neighborhood character.'; both of which will occur if variances and deviations are allowed and/or approved.

In summary, we recommend that the R-1 Zoning Alternative as defined in the FEIS be considered and approved by the City of Woodinville. We feel that this R-1 Zoning Alternative provides for the least amount of negative impact to the Wellington neighborhood.

If the above R-1 Zoning Alternative is not be approved outright, and thus we must have a higher housing density, then we would like to recommend for consideration and approval an alternative compromise option that is based on the Proposed Action Option detailed in the FEIS. The details of this alternative compromise option are: 1) Approve a rezone to R-4 for both the Wood Trails and Montevallo sites; 2) Approve the development of 66 single-family residential lots at the Wood Trails site; 3) Do not approve the development of 66 single-family residential lots at the Montevallo site; 4) Do not approve the density transfer of 19-dwelling units from the Wood Trail site to the Montevallo site; 5) Approve the typical R-4 zone housing density of 47 single family residential lots at the Montevallo site.

Thank you for this opportunity to review our comments and hopefully we can develop a path forward that meets all needs and concerns.

Sincerely,

Barbara Czuba and Sandra Carroll  
15808 NE 203<sup>rd</sup> Place  
Woodinville, WA 98072

To: Greg Smith, City of Woodinville Special Hearing Examiner

From: Richard and Linda Hanika

24320 75<sup>th</sup> Ave SE

Woodinville, WA 98072

EXHIBIT 84  
PAGE 37 OF 97

Re: Montevallo Rezone

Dear Sir:

Our property is located in Snohomish County and adjacent to the proposed Montevallo development. We are the first house north on 75<sup>th</sup> Ave S.E. Our home would be within 50-60 feet of 12-15 homes in the northeast section of the proposed development. For the past twelve years, we have operated a state licensed Adult Family Home and we specialize in the care of Traumatic Brain Injury clients. We selected our home because of the quiet, woodland setting that offers our clients the therapeutic environment they require. Loud construction noises, to the degree proposed by Phoenix development, will have a tremendous adverse affect on our clients. There will be no escape due to the proximity of bedroom, dining room and outside decking areas. You or I can leave our homes if we are unable to cope with major construction; my clients have nowhere to go. The trees that shade our home will be gone replaced by row after row of homes. We will be forced to sell our home and move to a new location if the proposed R-4 zoning is granted.

In the last hearing, Phoenix development proposed a 50 foot buffer for the south side of the development. I find it interesting that those residing in Snohomish County, on the north side of the development, are not offered the same treatment.

Many of our neighbors rely on underground water (wells) for their source of water. I believe that disturbing the current wetlands existing on the far northwest section of the property may have adverse affects to ground water availability. A population of four deer relies on the wetlands for water as do many other woodland creatures we see daily.

**RECEIVED**

APR 5 2007

CITY OF WOODINVILLE  
DEVELOPMENT SERVICES

We currently have new noise from Costco development to the west of our property, unloading by forklifts at 3 a.m. In addition, a concrete recycling center was added just west of the Montevallo proposed site, we are now hearing traffic noise from Highway 9 and 522. If trees are removed from the site, I believe these noises will be much increased.

Traffic on 156<sup>th</sup> and 75<sup>th</sup> Ave S.E. in Snohomish County is already heavy in both the morning and afternoon; we often must wait for extended periods of time trying to leave our driveway at peak hours. Traffic is unmonitored on the weekends; cars often going by at 60-70 m.p.h. especially late Saturday evenings and Sunday afternoons. Over the past ten years, I have seen only three occasions where radar was used on these roads. I believe that the level of construction Phoenix is proposing is a recipe for disaster.

In conclusion, I believe that development at the R-1 level would be accepted in this community. An R-4 development is unreasonable, creates undue and unnecessary hardships on the existing community and demands far too much from our existing infrastructure. I believe that this would be a beginning of the end of Woodinville as we know it today. I have seen the developments on 228<sup>th</sup>, not far from our neighborhood and wonder why a community would allow this type of development. We are a community that has done well to enhance the land with our development; this proposal is for profit today not for our future or our children's.

Thank you

*Richard Hanika* 4/4/07  
Richard Hanika

*Smda Hanika 4.4.07*

Richard Thomas  
24320 95th Avenue  
Woodinville wa  
98072

EXHIBIT 84  
PAGE 39 OF 97

Greg Smith  
Hearing Examiner  
Montevideo / Phoner  
R1-R4 hearing

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CITY OF WOODINVILLE  
DEVELOPMENT SERVICES

Thank you  
Richard Thomas

**Sandy Guinn**

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**From:** Charleine Sell  
**Sent:** Thursday, April 05, 2007 12:04 PM  
**To:** Sandy Guinn  
**Subject:** FW: Comments for public record for Woodtrails, Montevello and Sustainable Development

Please add this to the Exhibits. Thanks.

Charleine Sell  
 Senior Administrative Assistant  
 Development Services Department  
 City of Woodinville  
 425-489-2754, ext. 2222

Please note that this email is considered a public record and may be subject to public disclosure.

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**From:** Julie Parrott [mailto:julie5006@earthlink.net]  
**Sent:** Thursday, April 05, 2007 12:03 PM  
**To:** Charleine Sell  
**Cc:** Cathy VonWald; Chuck Price  
**Subject:** Comments for public record for Woodtrails, Montevello and Sustainable Development

PLEASE ADD TO THE PUBLIC RECORD FOR WOODTRAILS, MONTEVELLO AND SUSTAINABLE DEVELOPMENT

Julie Parrott  
 16212 NE 200TH CT  
 Woodinville, WA 98072

Cathy VonWald  
 Woodinville City Council  
 Hearing Examiner  
 Woodinville, WA

Madame Mayor,

Once again I would like to voice my displeasure concerning the Montevello/Woodtrails proposed development. Some points to consider:

- 1) This will not be "affordable housing" as Phoenix promises. We would need signed documentation from Phoenix that they intend to sell these houses at \$250k to \$325K. We all know they will list these properties at NO LESS that \$500 to \$600K. Oops! there goes one of the three criteria they need.
- 2) Woodtrails/Montevello would destroy at least 1/3 of the tree and vegetation canopy of the current R1 zoned area. Please refer to the Concerned Neighbors of Wellington ariel map and in particular to the revised edition showing a 3rd development on private land that has been committed if Phoenix development goes in reducing the canopy EVEN MORE. This being the domino effect no one seems to want to acknowledge. Oops! there goes number two of the three criteria they need.
- 3) GMA requirement. Everyone in Woodinville knows by now that Woodinville has enough housing until 2022. Oops! there goes the third of the three requirements.
- 4) I did not understand how Cindy Baker could say that Phoenix had met 2 of the 3 criteria at the Public Hearings. Now I know why, anyone who has won awards from building/development groups in past jobs should not be working on this project. That is a blatant conflict of interest and the City Manager and City Council should

04/05/2007

have taken action on this apparent vested interested by Cindy Baker. This conflict taints everything she worked on and you can see it in her slanted report to the Hearing Examiner! I can see this entire question going back to square one if conflict/failure to report unbiased information enters the judicial court arena.

5) Hasn't our own GOVERNOR made plans to set aside funding to preserve neighborhood character and green space/forest character for wildlife and quality of life?

6) With no factual/legal criteria met by the developer I ask why should the citizens of Woodinville have to defend their way of life? By what right should a developer get to change my life style and future? I do not believe a developer should be allowed to come into a community and dictate that they have the right to do whatever they want. This is MY community, My town, My life style. What ever happened to "for the people,by the people and of the people"! I believe the R1 zoning was a contractual promise between the City and the People and the City, and those working for the City to defend!

Thank you.

Julie Parrott

## MEMORANDUM

TO: Planning Commission

FROM: Stephanie Cleveland, Project Planner 

VIA: Ray Sturtz, Planning Director 

DATE: February 27, 1997

SUBJECT: GMA Development Regulations - Planning Commission Public Hearing

### INTRODUCTION

At the March 5, 1997, Planning Commission meeting, the Commission will hold a public hearing ~~on the GMA Development Regulations, which the Commission began to review at their last~~ session. During the staff presentation portion of the public hearing, Staff will present the General Business Design Guidelines, which we did not cover at the last meeting. After the close of the public hearing, the Commission can continue its discussion of the proposed regulations.

Following is the same summary table on the changes to the GMA Development Regulations that was included in the last session's packet. Please bring your copy of the proposed regulations to the hearing.

### PROPOSAL

A summary of the changes to the development regulations follows (Attachment A). This table concentrates only on the changes that we are making, not on the policies that are already addressed adequately by the existing codes. The table is essentially divided up into three columns: policy number, policy text, and change being effected. While the table looks long, it is merely a summary of all of the Subcommittees' recommendations for changes. With the exception of a few of the changes required for Land Use and Community Design, the Planning Commission has reviewed these changes before and approved them.

Changes in the codes are shown as underline and ~~strikethrough~~. When looking through the codes, focus on these areas that show the changes. There are two exceptions to this: the Land Use tables in the Zoning Code (Sec. 21.08), in which new or changed entries show as **boldface**; and the General Business Design Guidelines, in which text is entirely new, but not underlined.

Amendments requested by the Planning Commission at the last session are included following this report as Attachment B. Amendments are shown as underlined and bolded.

In response to Commissioner Clayton's question, Attachment C is Section 21A.34.040 from the King County Code, which shows the 200 percent bonus density allowance for affordable housing. Staff is checking with King County planners to assure that this section is still in use and, if possible, how often it has been used.

Staff is available by telephone if you have any questions prior to the meeting (489-2754 x250).

**GOALS AND POLICIES**

The proposed code changes implement the Comprehensive Plan Goals and Policies shown in Attachment A.

**RECOMMENDED ACTION**

Hold a public hearing on the proposed GMA Development Regulations.

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**RECOMMENDED MOTION (after the hearing)**

**I move that the Planning Commission recommend adoption of the GMA Development Regulations (as amended) to the City Council.**

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**ATTACHMENTS**

- A - GMA Development Regulations Table
- B - Commission amendments to the GMA Development Regulations
- C - Section 21A.34.040(g) of the King County Code

<b>LU-1: To guide the City's Population growth in a manner that maintains or improves Woodinville's Northwest woodland character, environmental attributes, and quality of life.</b>		
<b>Policy No.</b>	<b>Policy</b>	<b>Change</b>
<b>LAND USE</b>		
LU-1.2.1	Encourage future development in areas: With the capacity to absorb development (i.e., areas with vacant or underdeveloped land and available utility, street, park, and school capacity, or where such facilities can be cost effectively provided);	See revised Zoning Map per Comp. Plan Land Use Map
LU-1.2.2	Encourage future development in areas: Where adverse environmental impacts can be minimized; and where such development will enhance the area's appearance or vitality.	See revised Zoning Map per Comp. Plan Land Use Map
LU-1.5	Development of institutional facilities abutting rural areas must provide open space buffers and prohibit non-emergency vehicular access to the rural area.	Zoning Code: See "open space buffer requirement and prohibition of non-emergency vehicle access to the abutting Rural area" as a Development Condition for all uses listed under the categories of INSTITUTIONAL (see note 9 on pages 8-13 and 8-15); HEALTH SERVICES (see note 30 on pages 8-9 and 8-12), EDUCATION SERVICES (see note 30 on pages 8-9 and 8-12), and REGIONAL LAND USES (see note 11 on pages 8-26 and 8-27).
<b>LU-2: To establish land use patterns, densities, and site designs that encourage less reliance on single-occupant vehicle travel.</b>		
LU-2.3	Encourage the most intensive residential and employment land uses along major transportation routes to support mass transit service.	See revised Zoning Map per Comp. Plan Land Use Map
<b>LU-3: To attain a wide range of residential patterns, densities, and site designs consistent with Woodinville's identified needs and preferences.</b>		
LU-3.5	Utilize lot clustering where possible when residential development abuts agricultural districts to provide open space buffers between agricultural lands and housing, and to reduce potential land use conflicts.	Zoning Code: See revised section 21.14.040(2).

Policy No.	Policy	Change
LU-3.6	Allow densities higher than one dwelling unit per acre only when adequate services and facilities are available to serve the proposed development).	Zoning Map; Zoning Code: See 21.04.080(1)(a).
LU-3.7	Encourage medium and moderate density housing throughout the community where sufficient public facilities and services are available, where the land is capable of supporting such uses, and where compatible with adjacent land uses.	Zoning Map; Zoning Code: See 21.04.080 (1)(b), (c), and (d).
<b>LU-4: To establish land use patterns that encourage a variety of commercial services and employment opportunities.</b>		
LU-4.2	Encourage mixed-use development that balances residential and business uses within commercial areas.	Zoning Map: See Mixed Use Boundary in the downtown. See also the addition of the R-48/O zone, per the Comp Plan Land Use Map. This zone will allow a mix of uses. Zoning Code: See 21.38.090 for temporary regulations. Additional study as a result of the Housing Strategy Plan be required to develop regulations and bonus density provision may be added to 21.34.040(6). See also the addition of 21.38.030 for regulations for the R-48/Office zone.
LU-4.4	Provide an adequate supply of land zoned for employment to support 20-year employment projections as required by the Washington Growth Management Act.	See revised Zoning Map per Comp. Plan Land Use Map.
LU-4.7	Ensure that development in neighborhood commercial centers is compatible with surrounding residential neighborhoods.	Zoning Code: Many sections already require setbacks, landscaping, etc. to protect residential uses. See addition of note 4 on pages 12-5 and 12-6 to protect residential properties abutting office properties (addresses Kyes rezone).

<b>LU-5: To protect and conserve Woodinville’s open spaces, natural resources, and sensitive areas.</b>		
<b>LU-5.2</b>	Provide incentives for maintaining, restoring, and enhancing wetlands, stream corridors, ground water recharge areas, and other important natural systems.	Zoning Code: Add Sec. 21.34.040(6)(f) that allows a site receiving density from a sensitive site to treat said density as a density bonus, see also Sec. 21.36.040.
<b>LU-6: To provide a process for siting essential facilities.</b>		
<b>LU-6.1</b>	Define Essential Public Facilities, consistent with the Growth Management Act, as “those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes.”	Zoning Code: See addition of definition of a “Essential Public Facilities”(21.06.216).
<b>LU-6.3</b>	Use the following Interim Siting Process to site essential public facilities. This process will be subject to change as King and Snohomish counties fully develop and adopt their multi-jurisdictional processes: 1) The City shall adopt and update a list of existing and potential essential public facilities (at a minimum that provided by Washington State Office of Financial Management). 2) An essential public facility shall meet the following criteria to be considered: a. Must meet definition in the Growth Management Act; b. Must appear on city’s or county’s list; c. Must provide essential services to the residents of Woodinville, as well as other communities. 3) An application shall be made to the Department of Planning and Community Development for a Special Use Permit. 4) The following factors shall be analyzed as part of the siting process: a. Environmental impact; b. Economic	Zoning Code: See revised Sec. 21.44.060.

	<p>impact to the City; c. Traffic impacts; d. Compatibility with adjacent land uses; e. Ability to meet Zoning Criteria for a Special use Permit as defined in WMC21.44.060; f. Public health and safety; g. Forecasted regional or statewide need; h. Ability of existing facilities to meet that need; i. Compatibility with this Comprehensive Plan; j. Evaluation in context of agency or district plan (and consistency with this plan); k. Analysis of alternative sites.</p> <p>5. Provide a public process that includes at a minimum noticing as required by WMC21.40 and provides for at least one public hearing to be heard by the City's Hearing Examiner.</p>	
<p><b>LU-8: To encourage and achieve multi-story mixed uses in the downtown mixed-use area.</b></p>		
LU-8.2	<p>Encourage the development of additional office space in the downtown mixed-use boundary through incentive zoning.</p>	<p>Zoning Map: See addition of mixed use boundary. Zoning Code: See addition of Development Condition no. 6 in sec. 21.12.040 A. &amp; B. (pages 12-5 and 12-6) that allows a max. building height of 45 feet for office development in the downtown mixed-use area</p>
<p><b>LU-9: to manage growth and development within the Town Center Neighborhood in a manner that balances the needs of commercial and residential uses.</b></p>		
LU-9.4	<p>Locate larger developments of retail and residential uses nearest freeway access and major streets.</p>	<p>Zoning Map: See addition of General Business (GB) Zone per Comp. Plan Land Use Map.</p>
LU-9.5	<p>Through incentive zoning, encourage the development of underground parking or multistory parking structures in downtown as an alternative to surface parking.</p>	<p>Zoning Code: See addition of Development Condition no. 12 to Zoning Code Sec. 21.12.040 A. &amp; B. (pages 12-5 and 12-6). See also addition of 21.36.030(2)(j), which allows a transfer of density when a property is used as a multi-story garage.</p>

6

Policy No.	Policy	Change
IS-3.6.2	Update the Zoning Code and Zoning Map to reflect the goals and policies of this Comprehensive Plan.	<p>Zoning Map: See addition of General Business (GB), High Density/Office (R-48/0), and Public Parks designations.</p> <p>Zoning Code: See addition of appropriate references to the General Business, and Public Parks designations to Sections: 21.21.04 (Designations). See addition of General Business to 21.08 (Permitted Uses); and 21.12 through 30 (Development Standards).</p> <p>Change all references from Regional Business to Central Business District.</p>
<b>HOUSING</b>		
<b>H-1: To preserve existing housing and neighborhoods and provide diversity of housing types to promote housing opportunities for all economic segments of the City's population.</b>		
H-1.4.2	Define residential land use regulations to allow for development that will accommodate a range of incomes by providing for a range of housing types and cost. Regulations shall include provisions such as: Allowing for bonus densities in developments that meet certain community goals such as senior housing, housing affordability, proximity to transit, dedication of parks/open space, reservation of historic landmarks, energy conservation, etc.	Zoning Code: See Code Sec. 21.34.040(6). See revisions to Subsection (d) and (e).
H-1.6	Provide incentives for moderately priced housing ownership through minimum lot size requirements, and permitting townhome and condominium housing.	Zoning Code: The Zoning Code already has no minimum lot sizes. However, the land use tables of Section 21.08 have been broken out by Comp Plan densities to better regulate uses in the lower density zones. See particularly 21.08.030.A. Residential Land Uses chart (page 08-3). Townhomes and condominiums (apartments are now allowed in the Moderate Density zones but not in Low Density zones.

Policy No.	Policy	Change
<b>H-1.10</b>	Encourage the building of affordable housing in the Town Center Neighborhood compatible with existing residential development.	Zoning Map: See the addition of the R-48/O zone, which allows smaller, more affordable units. Zoning Code: See the addition of regulations for the R-48/O Zone at Sec. 21.38.030. See also the addition of Development Condition no. 10 on pp. 08-3 and 08-4.
<b>H-2: To promote safe, physically accessible, and clean residential environments with associated open spaces.</b>		
<b>H-2.3.2</b>	Maintain traditional single family subdivisions and promote creative site planning and regulatory measures to increase variety in living opportunities in residential neighborhoods, downtown, and other commercial areas by: Providing incentives to encourage creative neighborhood design and layout concepts.	Subdivision Code: See the addition of Section 20.06.055 to promote creative site development of large subdivisions.
<b>H-2.3.3</b>	Maintain traditional single family subdivisions and promote creative site planning and regulatory measures to increase variety in living opportunities in residential neighborhoods, downtown, and other commercial areas by: Encouraging mixed use (commercial/residential) developments in the downtown where such developments are financially viable and market driven.	Zoning Map: See the addition of the mixed use boundary. Zoning Code: See the mixed use regulations in Sec. 21.38.090 as a temporary solution until regulations are developed as part of the Housing Strategy Plan. A bonus density may also be added as a result of this work.
<b>H-3: To provide housing opportunities in Woodinville for people with special needs.</b>		
<b>H-3.2</b>	Support the development of emergency, transitional, and permanent supportive housing with appropriate on-site services for persons with special needs throughout the City and region.	Zoning Code: See the addition of Temporary Shelter to Definitions (21.06.649) and Land Use Table (21.08.030).

Policy No.	Policy	Change
IS-4.3.1.10	Encourage mixed land use development (commercial/residential) in areas such as the mixed-use boundary to include housing by providing incentives such as reduced parking requirements, flexible developments standards, etc.	Zoning Map: See the addition of the Mixed Use Boundary. Zoning Code: See the mixed use regulations in Sec. 21.38.090 as a temporary solution until regulations are developed as part of the Housing Strategy Plan. A bonus density may also be added as a result of this work.
<b>ECONOMIC DEVELOPMENT</b>		
<b>ED-1: To take a positive, partnership role in retaining and maintaining the existing diverse and vital economic base in the City by assisting existing firms and welcoming new firms that will enhance the quality of the economic base.</b>		
ED-1.10	Provide flexible standards to allow businesses to expand, grow, and diversify, and to promote infill.	Design Principles for the General Business Zone: New principles provide flexibility on how principles are achieved, much as original Interim Design Principles do for other commercial and office areas.
<b>ED-4: To recognize and support the district within the City that are commercially important to the local economy.</b>		
ED-4.2	Transform the image of the non-residential areas abutting the freeways, highways, arterials, and railways. These areas constitute a good portion of the tax base, and therefore should be encouraged to present a more aesthetically appealing image of the community.	See Design Principles for the General Business Zone. Zoning Code: See revised Section 21.16.020 which requires conformance with the landscaping regulations when a new proposal is valued at 25 percent of total valuation )(instead of 50 percent).
IS-6.3.15	Review land use design and zoning regulations to allow flexibility in development that encourages higher densities, mixed uses, innovative approaches to land assembly, utilization, redevelopment, in-fill development, and rehabilitation of significant or economically viable buildings.	Interim Design Principles: While regulations will be reviewed as part of the Downtown Master Plan, see page iii of the introduction to the Interim Design Principles, which permits a waiver for historically significant buildings.
<b>PARKS, RECREATION, AND OPEN SPACE</b>		
<b>PRO-2: To ensure adequate and enriching recreational activities for the citizens of Woodinville.</b>		
PRO-2.6	Encourage ties with other trails to develop a trail system that promotes multi-purpose uses.	Zoning Code: Ties are already encouraged by the Zoning Code, however see revision to Sec. 21.14.180(2)(g).

<b>PRO-3: To create and preserve a variety of open space to maintain and enhance the quality of life.</b>		
<b>PRO-3.4</b>	Use incentives to preserve valuable open space in new development.	Zoning Code: While the Parks Commission will be reviewing transfer of density possibilities and recreation space requirements for commercial uses, the Zoning Code already contains many provisions, including recreation space requirements for residential developments and bonus densities for protected open space. However, see the revision to 21.14.200 to promote multi-purpose trails.
<b>COMMUNITY DESIGN</b>		
<b>CD-1: To promote an image of a visually cohesive community to residents and visitors.</b>		
<b>CD-1.5</b>	Enforce visual character through use of adopted design review principles for commercial, industrial, and residential projects, except for single-family homes.	Design Principles: Design principles already exist for commercial areas. New principles for industrial areas and multi-family developments will be developed in the coming year. Commercial principles will also be reviewed. However, see new principles for the General Business Zone.
<b>CD-2: To maintain the Northwest woodland character and heritage of Woodinville.</b>		
<b>CD-2.9</b>	Public awareness and appreciation of the benefits of historic preservation should be increased through outreach and educational programs. Use of interpretive signs, roadside markers, and other accessible public information on local history and historic resources should be encouraged.	Zoning Code: See new Landmark Overlay regulations at Sec. 21.38.080. Zoning Map: Landmark Overlay will be applied to parcels as they apply for and receive the LO designation.
<b>CD-3: To promote quality design that preserves and enhances the character of the various neighborhoods of Woodinville.</b>		
<b>CD-3.1.1</b>	Integrate new development with the existing character of the surrounding area when the existing development conforms to these goals and policies. The following factors should be considered during the development review process: The architectural style of new development should take into consideration the residential architecture of the surrounding neighborhood in style, scale, and choice of materials.	Design Principles: Multi-family design principles will be developed in the coming year. Zoning Code: Bulk and height restrictions already existing in the Zoning Code address impacts of higher densities on lower densities. However, see the addition of Development Condition #10 to 21.08.030A and B.

<b>CD-4: To create pedestrian friendly environments throughout Woodinville.</b>		
<b>CD-4.2</b>	Create human scale pedestrian facilities in commercial and industrial areas.	Design Principles: The Interim Design Principles already addresses this for commercial areas; see also the General Business Design Principles.
<b>CD-4.6</b>	Encourage landscaping along the perimeter of residential, commercial, and, where appropriate, industrial land uses rather than fences, walls, or other structures that impede pedestrian travel. If fences or walls are planned, breaks for pedestrians should be included.	Zoning Code and Design Principles: While the Zoning Code landscaping chapter (21.16) and the Interim Design Principles address this, see the new General Business Design Principles and also the addition of 21.14.260(7) to the Zoning Code.
<b>TRANSPORTATION</b>		
<b>T-3: To establish a transportation system planning, development, and management process.</b>		
<b>T-3.1.4</b>	Improve the City of Woodinville's local transportation system by: Providing measures for the protection of natural systems and adequate buffering of existing and anticipated land uses during the establishment and acquisition of additional rights-of-way.	Zoning Code: See addition of 21.28.060(4).
<b>T-4: To establish Level of Service standards to ensure development meets Growth Management Act transportation concurrency requirements.</b>		
<b>T-4.1</b>	The City of Woodinville should only approve development that would be consistent with the Level of Service standards established in the City's Zoning Code. The following criteria must be met: 1. New development should not create a Level of Service F for intersections with an existing or future operation of Level of Service E or better. 2. Where development significantly impacts an existing or future Level of Service F intersection, the development must offset impacts by either: a) constructing improvements to result in Level of Service E or better; or b) mitigating impacts by one or more alternative measures as described in the City's Zoning Code, including contributions to an impact fee program, Transportation	Zoning Code: See addition of Section 21.28.090(3).

	Demand Management measures, project phasing, or other measures determined by the City. 3. The City will identify intersections that may be exempt from 1 and 2 above when improvements to remedy Level of Service deficiencies are not financially or environmentally feasible as determined by the City. However, other mitigating measures as described in Goal T-7.	
<b>T-10: To provide safe, convenient, and comfortable neighborhood access and circulation properly integrated with the citywide transportation system.</b>		
<b>T-10.5</b>	Design residential neighborhoods to discourage cut-through traffic movements; traffic control and design measures used for this purpose should be consistent with the city's traffic engineering and design standards.	Subdivision Code: See the addition of Section 20.06.130(2).
<b>T-10.8</b>	Site all residential development facing away from neighborhood collectors and onto internal access roads whenever feasible.	Zoning Code: See the addition of Section 21.14.020. Subdivision Code: The above Section is also referenced in the Subdivision Code.
<b>T-11: To ensure the development and regulation of parking facilities support the transportation system and land development goals and policies.</b>		
<b>T-11.3</b>	Set minimum and maximum off-street parking stall ratios for different land uses to provide safe and adequately sized parking facilities.	Zoning Code: While minimums are already set in the Zoning Code, see the addition of 21.18.030(5) to address maximums.

<b>CAPITAL FACILITIES</b>		
<b>CF-1: To enhance the quality of life in Woodinville through the planned provision of public and private capital facilities, either directly by the City or via coordination with other public and private entities.</b>		
<b>CF-1.8</b>	Require new development to include storm water facilities in compliance with city ordinances and regulations and incorporate low-cost, long-term maintenance methods and, whenever possible, recreational facilities and good aesthetics.	Zoning Code: See the addition of 21.28.050(4).
<b>CF-5: To ensure that development pays a proportionate share of the cost of new facilities needed to serve such growth and development.</b>		
<b>CF-5.5</b>	Fund regional and area-wide storm water facilities through an adequate and equitable set of user charges.	Zoning Code: See the addition of Section 21.28.050(5).
<b>CF-3: to achieve consistency in capital facilities level of service standards within the Woodinville Planning Area for each public service provided by multiple purveyors.</b>		
<b>CF-4: To achieve consistency in capital facilities level of service standards between the Woodinville Planning Area and surrounding jurisdictions' planning areas.</b>		
<b>UTILITIES</b>		
<b>U-1: To enhance the efficiency and quality of service from public and private utility providers through the coordination of utility, land use, and transportation planning so that utilities including water, sewer, surface water, solid waste electricity, natural gas, telecommunications, cable television, and satellite transmission are available or can be provided to serve in a manner which is fiscally and environmentally responsible, aesthetically acceptable to the community, and safe for nearby inhabitants.</b>		
<b>U-1.12</b>	Require utility providers to design, locate, and construct facilities within City-owned properties and rights-of-way to reasonably minimize significant, individual, and cumulative adverse impacts to the environment and to protect environmentally sensitive areas. Requirements should include the following: 1) Locate sewer lines and use construction methods and materials to prevent or minimize the risk of spillage into watercourses and water bodies. 2) Locate utility corridors in existing cleared areas, when possible. 3) Locate utility facilities and corridors outside of wetlands, when	Zoning Code: See the addition of Sections 21.24.050(3), 21.24.300(4)(c), 21.24.320(5)(c), 21.24.320(6)(i), 21.24.360(4)(e). Subdivision Code: See revisions to Sections 20.060 (1) and (2).

	possible. 4) Minimize sewer and water line crossings of fish-bearing watercourses, when possible. 5) Use bio-stabilization, riprap, or other innovative engineering techniques to prevent erosion where lines may need to follow steep slopes. 6) Minimize corridor width.	
<b>U-2: Review new projects requiring land use or construction permit approval for the availability of an adequate water supply.</b>		
U-2.1	Require connection to the municipal water system for all new development permitted by the City.	Zoning Code: See revisions to Section 21.28.040. Subdivision Code: See revisions to Section 20.06.070.
U-2.2	Encourage the hookup to the municipal water system for those properties on existing private well systems.	Zoning Code: See revisions to Section 21.28.040(2).
<b>U-3: Require connection to the wastewater system when development or subdivision of land occurs, only for land that has a density greater than one unit per acre, except when the connection is not feasible.</b>		
U-3.1	Encourage conversion from on-site wastewater disposal systems as sewer lines become available.	Zoning Code: See revisions to Section 21.28.030. Subdivision Code: See revisions to Section 20.06.080.
U-3.2	Limit the use of on-site wastewater disposal systems to agricultural areas or areas where the zoned density is one unit per acre and allow them only if soil conditions are suitable and groundwater would not be negatively impacted.	Zoning Code: See the addition of Section 21.28.030(3). Subdivision Code: See the addition of Section 20.06.080(2).

<p><b>U-4: A watershed approach should be taken to surface water management, with responsibility shared among the counties and affected jurisdictions. This approach should emphasize prevention of water quality degradation through education programs and implementation of Best Management Practices to reduce pollution entering surface waters.</b></p>		
<p><b>U-4.3</b></p>	<p>Allow storm water retention/detention facilities to be used as partial fulfillment of open space requirements when aesthetically acceptable. In determining the degree to which this is allowed, consideration will be given to the nature of the development. Where the development is more urban or non-residential, a greater percentage may be allowed for fulfillment.</p>	<p>Zoning Code: See the addition of Section 21.16.060(6).</p>
<p><b>U-6: Encourage reduced energy consumption, conservation, the use of renewable technologies, and energy responsible land use decisions.</b></p>		
<p><b>U-6.6</b></p>	<p>Ensure that utility purveyors limit disturbance to vegetation within major utility transmission corridors to that necessary for safety and maintenance of transmission lines. 1) Encourage pruning of trees to direct growth away from utility lines. 2) Encourage phased replacement of vegetation located improperly in the right-of-way. 3) Encourage pruning of trees in an aesthetic manner to the extent possible and according to the professional arboricultural specifications and standards. 4) Encourage the selection of tree species recommended by the City's Tree Board that can withstand wind and are compatible with utility lines.</p>	<p>Zoning Code: See the addition of Section 21.16.085.</p>
<p><b>IS-11.3.5</b></p>	<p>The City shall amend its land use regulations to specify appropriate siting criteria for utility infrastructure including regulations that: 1) Eliminate any barriers to the installation of utilities facilities consistent with the policies of the Comprehensive Plan; 2) Require compliance with the Sensitive Areas Regulations when constructing utilities; 3) Eliminate undue restrictions regarding alternative technologies and energy sources including conservation; 4) Support</p>	<p>While items 1-4 are already met by the City's Zoning Code or Commute Trip Reduction ordinance, and item 5 is discussed above, additions for 6 and 7 are recommended as follows:</p> <p>Zoning Code: See the addition of 21.28.020(3).</p> <p>Subdivision Code: See revisions at 20.06.060(5) and the addition of 20.06.060(7).</p>

	<p>telecommunications systems and telecommuting as means to mitigate transportation impacts; 5) Incorporate location criteria as identified in Policy U-1.12 to minimize adverse effects to the environment and protect environmentally sensitive areas; 6) Require utilities to share corridors in new development when reasonable and possible; and 7) Encourage utilities to co-locate distribution lines when completing upgrades, or when utility relocations are considered as part of major street improvements.</p>	
<p>IS-11.3.6</p>	<p>The City shall amend its land use regulations to specify appropriate design guidelines for building construction, including utility infrastructure, and landscaping. The guidelines should include criteria that incorporate the design and construction guidelines as outlined in the Utilities Element policies to minimize adverse impacts to the environment and protect environmentally sensitive areas and conserve energy and water resources.</p>	<p>Zoning Code: See the additions of 21.28.020(4) and 21.28.020(5).</p>
<p>IS-11.3.9</p>	<p>The City shall review, and amend if necessary, its street tree plantings and pruning guidelines and policies and coordinate with utility providers to: 1) Minimize the potential for interference with utility lines; 2) Ensure compliance with the placement and aesthetics criteria set forth in Policy U-6.6; 3) Require utilities to provide the City with the utility's policies and guidelines regarding tree pruning; and 4) Require sufficient prior notification of tree pruning activities in order for the City to review the proposed pruning and propose alternative measures.</p>	<p>Zoning Code: See the addition of Sections 21.16.085(6) and (7).</p>

E.(5) Lots for Building Pads: In industrial, business and multiple residential zones, lots with boundaries coterminous or nearly so with building walls may be created. The standards that normally would apply to such lots shall apply instead to the project tract of which such lots are a part.

**20.06.055 Incentives for Flexible Lot Standards for Large Subdivisions**

- (1) For the purpose of this section, large subdivisions shall be defined as the subdivision of a single parcel over five acres.
- (2) Large subdivisions that provide any of the following elements in a creative site design may be subject to the bonus incentives as defined in the right column.
- (3) Use of all incentives are subject to approval by the City of Woodinville Planing Director.

<u>Creative Element</u>	<u>Allowed Incentive(s)</u>
<u>1. Rehabilitation, protection and integration of environmental features such as greenbelts, streams, wetlands, or steep slopes beyond the requirements of WMC 21.24.</u>	<u>Bonus density of 1 unit for every acre of feature or 200 linear feet of feature.</u>
<u>2. Innovative blending of open space areas with residential lots to increase amount of visual or actual access to open space per lot.</u>	<u>Reduction of up to 50 percent of one required setback per structure allotted additional access</u> <u>or</u> <u>Reduction of required internal street widths to 28 feet if on-street parking is required or 20 feet if not.</u>
<u>3. Providing connections to public transit in the form of transit stops, park &amp; rides, or other transit related feature.</u>	<u>See WMC 21.34.040(6)(e).</u>
<u>4. Allowing for office/work space within homes. Work spaces must include separate entrances. (Pursuant to the City's home occupation and/or home industry permit requirements.)</u>	<u>Bonus density of 1 unit for every 5 offices provided.</u>
<u>5. Enhancement of views of the Sammamish Valley or Mount Rainier.</u>	<u>Reduction of setbacks as necessary to retain views, subject to the conditions in WMC 21.14.030.</u>
<u>6. Integration of recreation amenities in excess of the minimum open space requirements of WMC 21.14.180.</u>	<u>See WMC 21.34.040(6)(b).</u>
<u>7. Locating garages to the rear half of residential lots.</u>	<u>Elimination of rear setback requirements for garages accessed from rear alleyways</u> <u>or</u>

- ~~allowed only if adequate services can be provided; with a variety of densities and sizes in locations appropriate for urban densities;~~
- (b) ~~Providing, in the R-12 through R-48 moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached apartment and townhome dwelling units, and Other development types, such as condominiums, apartments, townhomes are permitted so long as they protect Woodinville's small town atmosphere and conform to all applicable regulations; with a variety of densities and sizes in locations appropriate for urban densities;~~
  - (c) ~~Allowing only those accessory and complementary nonresidential uses that are compatible with residential communities; and Providing, in the medium density zones (R-9 through R-18), for multi-family apartments, condominiums, and townhomes, at densities supportive of transit and providing a transition to lower density areas; and~~
  - (d) ~~Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally sensitive sites from overdevelopment. Providing, in the high density zones (R-19 through R-48), for the highest residential densities, consisting of multi-story apartments or condominiums. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.~~
- (2) Use of this zone is appropriate in residential areas designated by the Comprehensive Plan as follows:
- (a) The R-1 zone on or adjacent to lands with area-wide environmental constraints, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;
  - (b) The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development, by adequate public sewers, water supply, roads and other needed public facilities and services; and
  - (c) The R-12 through R-48 zones in appropriate areas, of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

**21.04.090 Neighborhood business zone.**

- (1) The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:
  - (a) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding residential area;
  - (b) Allowing for a mix of housing and retail/service uses; and
  - (c) Excluding industrial and community/regional business-scaled uses.

WMC 21.08.030  
A. RESIDENTIAL  
LAND USE

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

ZONE	RESIDENTIAL					COMMERCIAL/INDUSTRIAL					
	A G R I C U L T U R E	L O W  D E N S I T Y	M O D E R A T E  D E N S I T Y	M E D I U M  D E N S I T Y	H I G H  D E N S I T Y	N B  H E S S  D	G E N E R A L	B U S I N E S S	C B D  A L S	O F F I C E	I N D U S T R I A L
SIC#	SPECIFIC LAND USE	A	R1-4	R5-8	R9-18	R19+	NB	GB	CBD	O	I
	<b>DWELLING UNITS, TYPES:</b>										
*	Single detached	P	P	P	P						
*	Townhome		C12	C7,10,44	P	P	P		P	P	
*	Apartment			P11	P	P	P		P	P	
*	Mobile home park			P	P		P		P	P	
*	Senior citizen assisted (See 21.06.188 for definition)			P11	P	P	P		P	P	
	<b>GROUP RESIDENCES:</b>										
*	Community residential facility-I		C	C	P	P	P		P	P	
*	Community residential facility-II				P	P	P		P	P	
*	Dormitory		C2	C2	P2	P2			P2	P2	P2
	<b>ACCESSORY USES:</b>										
*	Residential accessory uses	P3	P3	P3	P3	P3	P3		P3	P3	
*	Home occupation (8)	P	P	P	P	P	P		P	P	
*	Home industry (9)	C	C	C							
	<b>TEMPORARY LODGING:</b>										
7011(1)	Hotel/Motel								P	P	
*	Bed and breakfast guesthouse	P5 C6	P6	P6	P6	P6	P6		P6		
7041	Organization Hotel/Lodging houses								P		
*	Temporary shelter								P4		

GENERAL CROSS REFERENCES: Land Use Table Instructions, see WMC 21.08.020 and 21.02.070  
 Development Standards, see WMC 21.12 through 21.30  
 General Provisions, see WMC 21.32 through 21.38  
 Application and Review Procedures, see WMC 21.40 through 21.44  
 Tourist District Regulations, see WMC 21.38.065  
 R-48/0 regulations, see WMC 21.38.030  
 Landmark Overlay regulations, see 21.38.080  
 (\*) Definition of this specific Land Use, see WMC 21.06

21.08.030 B. DEVELOPMENT CONDITIONS.

- (1) Except bed and breakfast guest houses.
- (2) Only as an accessory to a school, college/university, church, or fire station.
- (3) (a) Accessory dwelling units:
  - (i) Only one accessory dwelling per lot;
  - ~~(ii) Only in the same building as the principal residence unless the lot is at least 10,000 square feet in area and the allowable density of the zone is not exceeded;~~
  - (iii) The primary residence or the accessory dwelling unit shall be owner occupied;
  - ~~(iv) If the accessory dwelling unit is a separate structure, the accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence;~~
  - (v) One additional off-street parking space is provided; and
  - (vi) The accessory dwelling unit shall be converted to another permitted use or shall be removed if one of the dwelling units ceases to be owner occupied.
- (b) One single or twin engine, general aviation aircraft shall be permitted only on lots which abut, or have a legal access which is not a public right-of-way, to a waterbody or landing field, provided:
  - (i) No aircraft sales, service, repair, charter or rental;
  - (ii) No storage of aviation fuel except that contained in the tank or tanks of the aircraft; and
  - (iii) Storage hangars shall not exceed 20 feet in height above average finished grade or have a gross area exceeding 3,000 square feet.
- (4) Mobile home parks shall not be permitted in the R-1 zones. Only as an accessory use to an institution, school, public agency, church, synagogue, temple or non-profit community organization.
- (5) Only as an accessory to the permanent residence of the operator, provided:
  - (a) Serving meals to paying guests shall be limited to breakfast; and
  - (b) No more than 5 guests per night.
- (6) Only as an accessory to the permanent residence of the operator, provided:
  - (a) Serving meals to paying guests shall be limited to breakfast; and
  - (b) The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the Uniform Building Code as adapted by the City for R-1 occupancies may accommodate up to ten persons per night.
- (7) A conditional use permit is not required if the townhomes are approved through subdivision review or if the project is in the R-8 zone on a parcel greater than five acres.
- (8) Home Occupations are subject to the requirements and standards contained in Section 21.30.040.
- (9) Home Industries are subject to the requirements and standards contained in Section 21.30.050.

EXHIBIT 84  
PAGE 62 OF 97

- (10) Townhomes must be compatible in design, color, style, and materials with existing neighborhood.
- (11) Permitted only in the R-8 zone and only on parcels greater than 5 acres.
- (12) Permitted only in the R-4 zone, on parcels where protection of sensitive areas prohibit traditional single-family development.

BENEFIT

DENSITY INCENTIVE

d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

.75 bonus unit per benefit unit.

EXHIBIT 84  
PAGE 63 OF 97

e. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15 year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

1 bonus unit per benefit unit.

f. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit.

g. Projects in which 100 percent of the units are reserved for moderate income - and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

22

EXHIBIT 84  
PAGE 64 OF 99

2007-043  
Public Disclosure Number



CITY OF WOODINVILLE  
17301 - 133<sup>rd</sup> Avenue NE  
WOODINVILLE, WA 98072  
Phone (425) 489-2700 Fax (425) 489-2705

**REQUEST FOR PUBLIC RECORDS**

DATE OF REQUEST: 3/2-2-07  
REQUESTING PARTY: Courtney Kaylor, McCullough Hill  
Address: 701 5<sup>th</sup> Ave., Ste. 7220  
City: Seattle State: WA ZIP: 98104  
Phone: day 206-812-3388 evening 206-790-6164  
Email address: courtney@mhseattle.com Fax: 206-812-3389

RECORDS REQUESTED ARE FOR:  REVIEW  COPYING \*

Please describe below the records you are requesting in detail and any additional information that will help us locate them for you as quickly as possible.  
See attached

You will be charged for these records according to the City's fee schedule which is \*\$.15 per page.

Courtney Kaylor  
Signature of Requesting Party

**RESPONSE TO RECORDS REQUEST**

Records Provided: \_\_\_\_\_ Request Denied: \_\_\_\_\_

EXPLANATION OF DENIAL ( \_\_\_ Full or \_\_\_ Partial Denial):  
\_\_\_\_\_

Staff contact: \_\_\_\_\_ Dept. \_\_\_\_\_ Date: \_\_\_\_\_

The City of Woodinville shall respond to your Request for Public Records within five (5) business days of receipt of the request by providing one of the following: (1) the record; or (2) acknowledging receipt of the request and providing a reasonable estimate of when the City can respond; or (3) deny the request and state the reasons for denial.

Jennifer L. Kuhn  
City Clerk

03/05/1 ) To Jennifer + Sandy G. +  
copy to Charlene + Andy B +  
2) Five day letter due March 9  
3) Sent letter March 9 Due Mar 30<sup>th</sup>

faxed to Zach Bell

ATTACHMENT TO REQUEST FOR PUBLIC RECORDS

1. From the Zoning Code that was adopted in July 1997, sections 21.04.080 and 21.44.070. The 1997 Zoning Code was an attachment to Ordinance 175, adopted July 14, 1997.
2. The minutes of the Planning Commission hearing held on March 5, 1997.
3. The minutes of the City Council hearing held on June 30, 1997, and meeting held July 14, 1997.
4. Any staff report or similar analysis prepared in connection with these hearings or, more generally, the adoption of the 1997 Zoning Code.

Jennifer  
(done)

EXHIBIT 84  
PAGE 65 OF 97

RECEIVED

MAR 05 2007

**21.04.020 Zone and map designation purpose.**

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in the City of Woodinville. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 175 § 1, 1997)

**21.04.030 Agricultural zone.**

(1) The purpose of the agricultural zone (A) is to preserve and protect irreplaceable and limited supplies of farmland well suited to agricultural uses by their location, geological formation and chemical and organic composition and to encourage environmentally sound agricultural production. These purposes are accomplished by:

- (a) Establishing residential density limits to retain lots sized for efficient farming;
- (b) Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with farming, or requiring proximity for the support of agriculture; and
- (c) Allowing for residential development primarily to house farm owners, on-site agricultural employees and their respective families.

(2) Use of this zone is appropriate for lands within agricultural production districts designated by the comprehensive plan and for other farmlands deemed appropriate for long-term protection.

(3) This zone may also be applied to newly annexed territory so that low intensity land uses can be maintained until the orderly and timely process to select the appropriate zoning designation occurs. (Ord. 175 § 1, 1997)

**21.04.040 Public/institutional zone.**

(1) The purpose of the public/institutional zone (P/I) is to provide and protect properties devoted to public and semi-public uses and uses providing social and physical services to the Woodinville community. This purpose is accomplished by:

- (a) Providing a zone in which uses serving public needs may be located;
- (b) Limiting residential and privately owned operations; and
- (c) Protecting adjacent properties from potential impacts of public uses.

(2) Use of this zone is appropriate on properties designated by the comprehensive plan to be public and/or institutional, such as schools, government facilities, social services, hospitals, libraries, utilities, etc. (Ord. 194 § 1, 1997; Ord. 175 § 1, 1997)

**21.04.050 Reserved.**

(Ord. 175 § 1, 1997)

**21.04.060 Reserved.**

(Ord. 175 § 1, 1997)

**21.04.070 Reserved.**

(Ord. 175 § 1, 1997)

**21.04.080 Residential zone.**

(1) The purpose of the urban residential zones (R) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

(a) Providing, in the low density zones (R-1 through R-4), for predominantly single-family detached dwelling units. Other development types, such as duplexes and accessory units, are allowed under special circumstances. Developments with densities less than R-4 are allowed only if adequate services cannot be provided;

(b) Providing, in the moderate density zones (R-5 through R-8), for a mix of predominantly single-family attached and detached dwelling units. Other development types, such as apartments, duplexes, and townhomes, would be allowed so long as they contribute to Woodinville's small town atmosphere as articulated in the vision statement found in the City's comprehensive plan and conform to all applicable regulations;

(c) Providing, in the medium density zones (R-9 through R-18), for duplexes, multifamily apartments, and townhomes at densities supportive of transit and providing a transition to lower density areas; and

(d) Providing, in the high density zones (R-19 through R-48), for the highest residential densities, consisting of duplexes and multistory apartments. Developments have access to transit, pedestrian and nearby commercial facilities, and provide a transition to high intensity commercial uses.

(2) Use of this zone is appropriate in residential areas designated by the comprehensive plan as follows:

(a) The R-1 zone on or adjacent to lands with area-wide environmental constraints, or in well-established subdivisions of the same density, which are served at the time of development by public or private facilities and services adequate to support planned densities;

(b) The R-4 through R-8 zones on urban lands that are predominantly environmentally unconstrained and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services; and

(c) The R-12 through R-48 zones in appropriate areas of the City that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 175 § 1, 1997)

#### **21.04.090 Neighborhood business zone.**

(1) The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:

(a) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding residential area;

(b) Allowing for a mix of housing and retail/service uses; and

(c) Excluding industrial and community/regional business-scaled uses.

(2) Use of this zone is appropriate in neighborhood centers designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 175 § 1, 1997)

#### **21.04.100 General business zone.**

(1) The purpose of the general business zone (GB) is to provide auto-oriented retail and services for local and regional service areas that exceed the daily convenience needs of residential neighborhoods but that cannot be served conveniently by the central business district, and to provide retail and business services in locations within the City that are appropriate for extensive outdoor storage and auto-related and commercial uses. These purposes are accomplished by:

(a) Providing a wide range of the retail, recreation, and business services than are found in neighborhood business areas;

(b) Allowing for commercial uses with extensive outdoor storage or auto related and industrial uses; and

(c) Limiting residential, institutional, personal services and office to those necessary to directly support commercial activity.

(2) Use of this zone is appropriate in commercial areas that are designated by the comprehensive

plan and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 175 § 1, 1997)

#### **21.04.110 Central business district.**

(1) The purpose of the central business district (CBD) is to provide for the broadest mix of comparison retail, higher density residential (R-12 through R-48), wholesale, service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment and housing opportunities. These purposes are accomplished by:

(a) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in other business areas;

(b) Allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and

(c) Concentrating large scale commercial and office uses to facilitate the efficient provision of public facilities and services.

(2) Use of this zone is appropriate in the urban center as designated by the comprehensive plan that is served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 175 § 1, 1997)

#### **21.04.120 Office zone.**

(1) The purpose of the office zone (O) is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations where the full range of commercial activities is not desirable. These purposes are accomplished by:

(a) Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;

(b) Providing for higher building heights and floor area ratios than those found in the GB zone;

(c) Reducing the ratio of required parking to building floor area;

(d) Allowing for on-site convenient daily retail and personal services for employees and residences; and

(e) Excluding auto-oriented, outdoor or other retail sales and services which do not provide

**21.44.050 Conditional use permit.**

A conditional use permit shall be granted by the Planning Director or the City's Hearing Examiner, only if the applicant demonstrates that:

- (1) The conditional use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
- (2) The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- (3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- (4) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- (5) The conditional use is not in conflict with the health and safety of the community;
- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- (7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities. (Ord. 175 § 1, 1997)

**21.44.060 Special use permit.**

A special use permit shall be granted by the City's Hearing Examiner for essential public facilities; provided, that:

- (1) The applicant can demonstrate that:
  - (a) The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
  - (b) The special use will not materially endanger the health, safety and welfare of the community;
  - (c) The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
  - (d) The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
  - (e) The location, size and height of buildings, structures, walls and fences, and screening

vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;

(f) The special use is not in conflict with the policies of the comprehensive plan or the basic purposes of this title;

(g) Alternative sites have been evaluated, as have the equity of the geographic distribution of the sites; and

(h) The special use meets the requirements of the comprehensive plan stated in policy LU-6.3.

(2) Subject to public notice requirements of WMC Title 17, the Hearing Examiner shall make a threshold determination on whether the proposal presents siting difficulties, and shall consider public comments in making that determination.

(3) No provision of the City's regulations shall preclude the siting of essential public facilities. (Ord. 175 § 1, 1997)

**21.44.070 Zone reclassification.**

A zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the comprehensive plan and applicable functional plans and complies with the following criteria:

(1) There is a demonstrated need for additional zoning as the type proposed.

(2) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.

(3) The property is practically and physically suited for the uses allowed in the proposed zone reclassification. (Ord. 175 § 1, 1997)

**21.44.080 Home occupation permit.**

A home occupation permit shall be granted by the Planning Director only if the applicant demonstrates that the home occupation will be conducted in compliance with the provisions of WMC 21.30.040. (Ord. 175 § 1, 1997)

**21.44.090 Home industry permit.**

A home industry permit shall be granted by the Planning Director only if the applicant demonstrates that the home industry will be conducted in compliance with the provisions of WMC 21.30.050. (Ord. 175 § 1, 1997)

ORDINANCE NO. 175

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING DEVELOPMENT REGULATIONS FOR THE CITY OF WOODINVILLE PURSUANT TO ITS GMA COMPREHENSIVE PLAN, ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ORDINANCES NOS. 43, 45, 79, 80, 83, 101, 109, 113, 126, 127, 128, 129, 133, 152, 155, AND 156.

WHEREAS, the Growth Management Act (GMA) requires cities to adopt both Comprehensive Plans and Development Regulations;

WHEREAS, the City of Woodinville adopted its GMA Comprehensive Plan on June 24, 1996;

WHEREAS, the City has reviewed its existing Development Regulations, consisting of its Zoning Code, Zoning Map, Subdivision Code, Shoreline Master Program, Design Standards, Street Standards, Noticing Requirements, Environmental and SEPA Regulations, Critical Areas Regulations, and Mitigation/Impact Fees;

WHEREAS, the City has identified revisions and amendments to existing Development Regulations, Regulations that must be newly adopted, and Regulations that meet the intent of GMA as they currently exist;

WHEREAS, the City has met the provisions of RCW 43.21C, the State Environmental Policy Act;

WHEREAS, a public hearing was held on March 5, 1997 in front of the Planning Commission, and on June 30, 1997, in front of the City Council; and

WHEREAS, the Development Regulations have been reviewed in draft form by the Planning Commission, members of the public, adjacent jurisdictions, and relevant State agencies, and their comments considered;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amended Zoning Code Adopted. The City Council of the City of Woodinville hereby adopts the City of Woodinville Zoning Code, as presented in Attachment A, which is incorporated by reference as if set forth in full.

**Section 2. Amended Zoning Map Adopted.** The City Council of the City of Woodinville hereby adopts the City of Woodinville Zoning Map, as presented in Attachment B, which is incorporated by reference as if set forth in full.

**Section 3 Amended Subdivision Code Adopted.** The City Council of the City of Woodinville hereby adopts the City of Woodinville Subdivision Code, as presented in Attachment C, which is incorporated by reference as if set forth in full.

**Section 4. General Business Design Guidelines Adopted.** The City Council of the City of Woodinville hereby adopts the City of Woodinville General Business Design Guidelines, as presented in Attachment D, which is incorporated by reference as if set forth in full.

**Section 5. Other Development Regulations Referenced.** The City Council of the City of Woodinville hereby references and readopts the following City of Woodinville Development Regulations, which have already been adopted, as part of its GMA Development Regulations: City of Woodinville Shoreline Master Program (Ordinance No. 173); Woodinville Municipal Code Title 12; Title 14; Title 17; and Title 22.

**Section 6. Ordinances Nos. 43, 45, 79, 80, 83, 101, 109, 113, 126, 127, 128, 129, 133, 152, 155, and 156 Repealed.** Ordinances Nos. 43 and 45, which adopted the Interim Zoning Code and Zoning Map, and Interim Subdivision Code, respectively, and Ordinances 79, 80, 83, 101, 109, 113, 126, 127, 128, 129, 133, 152, 155, and 156, which amended ordinances 43 or 45, are hereby repealed.

**Section 7. Savings.** The adoption of the Development Regulations, and the repeal of the Ordinances listed in Section 6 above shall not affect the regulation and enforcement of those ordinances, prior to the effective date of this ordinance.

**Section 8. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. If for any reason this ordinance, or any section, sentence, clause, or phrase of this ordinance should be held to be invalid, then the original zoning which was in effect before the effective date of this ordinance shall be in full force and effect for that invalidated portion as if this ordinance was never adopted.

**Section 9. Copy to CTED.** Pursuant to RCW 36.70A.106(2), the City Clerk is directed to send a copy of the Development Regulations to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this ordinance.

**Section 10. Not subject to referendum.** Adoption of this ordinance, being an exercise of a power specifically delegated to the City Council, is not subject to referendum.

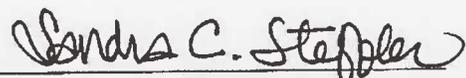
Section 11. Effective date. This ordinance shall be effective five (5) days after publication of an approved summary consisting of the title of this ordinance, and after DOE's approval.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14TH DAY OF JULY, 1997.

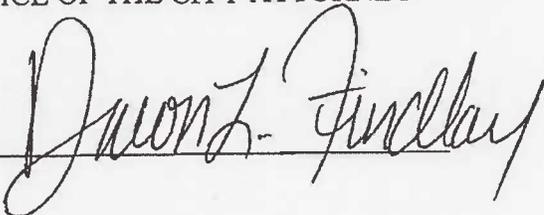
APPROVED:

  
Robert R. Miller, Mayor

ATTEST/AUTHENTICATED:

By:   
Sandra C. Steffler  
City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: 

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 175

**CITY OF WOODINVILLE  
PLANNING COMMISSION  
Regular Meeting**

Wednesday  
March 5, 1997

7:00 p.m.  
Council Chambers

**1. CALL TO ORDER**

The meeting of the Woodinville Planning Commission was called to order at 7:05 p.m. by Chair Jarvis.

**2. ROLL CALL - FLAG SALUTE**

**PRESENT:** Planning Commission Chair Cherry Jarvis and Planning Commissioners Gareth Grube, Cliff Williams, and Nathalie McRoberts.

**ABSENT:** Commissioners Gina Leonard, Leonard McNally, and James Clayton.

Commissioner Grube moved to excuse Commissioners Leonard, McNally, and Clayton. Vice-Chair Williams seconded the motion.

**Vote:** All voted in favor of the motion, and the motion passed, 4-0.

Also present were Ray Sturtz, Community Development Director; Stephanie Cleveland, Project Planner; and Charleine Sell, Planning Commission Clerk.

**3. APPROVE AGENDA IN CONTENT AND ORDER (INTRODUCTIONS)**

There were no changes requested to the content and order of the agenda. Ron Cameron, the new Public Services Director was introduced by Mr. Sturtz, and welcomed by Chair Jarvis.

**4. PUBLIC COMMENTS - None**

**5. APPROVAL OF MINUTES**

(a) Regular Meeting Minutes, February 5, 1997

Vice-Chair Williams pointed out a change to the minutes requested by Mr. Wallis.

Vice-Chair Williams moved to adopt the minutes of February 5, 1997 as amended. Commissioner Grube seconded the motion.

**Vote:** All voted in favor of the motion, and the motion passed, 4-0.

EXHIBIT PAGE 73 OF 97

EXHIBIT 84  
PAGE 73 OF 97

(b) Regular Meeting Minutes, February 19, 1997

Vice-Chair Williams moved to adopt the minutes of February 19, 1997 meeting as written. Commissioner Grube seconded the motion.

Vote: All voted in favor of the motion, and the motion passed, 4-0.

6. NEW BUSINESS

(a) Public Hearing: GMA Development Regulations

Chair Jarvis opened the public hearing and described the procedures for the hearing.

Ms. Cleveland entered the following exhibits into the record: Staff Report dated February 27, 1997, with attachment, City of Woodinville Comprehensive Plan dated June 1996, City of Woodinville Comprehensive Plan Final Environmental Impact Statement dated January 1996, City of Woodinville Comprehensive Plan Future Land Use Map, proposed Zoning Map, proposed Zoning Code, proposed Subdivision Code pre-dated April 1997, proposed Interim Design Guidelines pre-dated April 1997, proposed General Business Design Guidelines pre-dated April 1997, and a letter from Thomas Reko to Councilmember Art Saulness dated February 27, 1997. Ms. Cleveland noted staff previously reviewed the Subdivision Code, Zoning Code, Zoning Map and Interim Design Guidelines with the Planning Commission. She described a proposed amendment to the Zoning Code (Exhibit 11) which would increase the City's regulations to prohibit visibility of trash containers from public streets.

Ms. Cleveland provided an overview of the General Business Design Guidelines, noting it is entirely new but was intended to be consistent with the zoning regulations in the Zoning Code and is largely based on the existing Interim Design Principles for other commercial areas in the City. The regulations in the General Business Design Guidelines apply only to the General Business Zone located between Hwy. 522 and the Woodinville-Snohomish Road. The guidelines address issues such as landscape screening, side yard development, pedestrian areas, access to Little Bear Creek, parking ratios, vehicular access, architectural scale, and building materials. She pointed out a glossary and an appendix with illustrations were to be added and the sections regarding human scale of building design and pedestrian amenities be eliminated as they were not applicable in the General Business Zone. In response to comments made by Thomas Reko regarding his attempts to build an accessory dwelling unit on his property in the R-1 zone, the proposed Zoning Code was amended to accommodate a detached accessory dwelling unit.

Thomas Reko, 17551 164th Avenue NE, explained he and others in their neighborhood (zoned R-1) would like to construct accessory dwelling units to provide care for elderly parents. He referred to his letter which outlined the details and urged the Planning Commission to consider this change.

Chair Jarvis closed the public hearing.

Discussion followed regarding covenants, conditions, and restrictions which may prohibit accessory dwelling units, elimination of the sections regarding pedestrian amenities in the General Business Design Guidelines, access to Little Bear Creek from parcels in the General Business Zone, landscape replacement requirements, and parking lot size. Commissioners agreed access to Little Bear Creek should be determined on a "case by case" basis.

Vice-Chair Williams expressed his desire to have another opportunity to review the changes and suggested approval be postponed until the next Planning Commission meeting.

Commissioners discussed the Zoning Code including the siting of public facilities, siting of cellular towers, definition of a new development, and consideration of a City business registration.

Vice-Chair Williams questioned the basis for prohibiting drive-through eating/drinking establishments and gas stations in the downtown area. He questioned whether fast food outlets need a drive-through to survive, whether existing outlets would upgrade their facilities (i.e., add an "adventure zone") if drive-throughs for new establishments or improvements are eliminated in the downtown area (although a mixed use is being promoted in the downtown area. He said this policy may eliminate fast food establishments in the downtown area and place them in an area between the railroad tracks and Hwy 522 and wondered if the City will chase these establishments away. Mr. Sturtz answered the subcommittee's intent was to encourage drive-through restaurants to locate in the auto-oriented designation of the Comprehensive Plan (General Business Zone) and to encourage pedestrian-oriented eating/drinking establishments in the downtown area. Commissioners briefly discussed drive-through restaurants and gas stations located in the downtown area.

Chair Jarvis declared a 5 minute recess.

Commissioners addressed comments submitted by Commissioner Clayton regarding Woodinville Municipal Code and incorporated several minor changes.

Mr. Sturtz explained the City Council would be discussing whether to eliminate bonus density in the R-1, R-4, and R-6 zones and would like the Planning Commission's input. His recommendation would be to use accessory dwelling units to partially address affordable housing in these zones. This would not impact the City's allocation and would address the issues raised during discussion of density calculation.

Commissioner McRoberts pointed out the need to provide some protection for existing neighborhoods.

Vice-Chair Williams expressed concern that such changes decrease the City's commitment to being a member of ARCH and the commitment to providing affordable housing. He suggested the Planning Commission thoroughly discuss this issue at a future meeting.

Commissioner Grube moved that the Planning Commission recommend adoption of the GMA Development Regulations as amended, less the General Business Zone Guidelines, to the City Council. Motion died for lack of a second.

Vice-Chair Williams moved that the Planning Commission recommend adoption of the GMA Development Regulations as amended, to include the Subdivision Code, Zoning Code, and the Zoning Map, and excluding the General Business Design Guidelines and the Interim Design Principles. Commissioner Grube seconded the motion.

Vice-Chair Williams pointed out the Planning Commission requested the Interim Design Principles be reviewed in more detail.

**Vote:** All voted in favor of the motion, and the motion passed, 4-0.

7. OLD BUSINESS - None

8. PLANNING DIRECTOR'S REPORT

Mr. Sturtz advised topics for the upcoming joint City Council/Planning Commission meeting will include design review, the Downtown Master Plan, perceptions of an economic development plan, and possibly the Civic Center. Mr. Sturtz explained the City's consideration of the Sorenson complex will be accelerated as the school district wants a decision from the City so they can determine whether to relocate students or make significant repairs to the buildings.

Mr. Sturtz advised a special Planning Commission meeting was scheduled for March 12 to review three P3DR's. He noted Commissioners McNally, Clayton, and McRoberts would be unable to attend. He reminded Commissioners of the retreat scheduled for March 19.

Mr. Sturtz briefly described the Hearing Board's decision on the City's Comprehensive Plan.

9. PLANNING SCHEDULE

10. PUBLIC COMMENTS - None

11. REPORTS FROM COMMISSIONERS

Chair Jarvis reported to the Planning Commissioners Taco Bell had not responded to her letter. She was contacted by the Journal American who said Taco Bell indicated they had not received her letter.

Commissioner Grube asked if the TRF development had been slowed. Mr. Sturtz said TRF had encountered some difficulty with the railroad under-crossing. He indicated he would ask Mr. Wallis to brief the Commission.

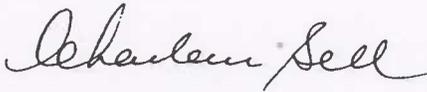
Commissioner McRoberts asked the status of the small houses grouped near the Hollywood Schoolhouse intersection. Mr. Sturtz explained drainage issues in the area are being addressed. Commissioner McRoberts asked whether the current location of the houses would be permanent. Mr. Sturtz said Mr. Wallis would provide more details regarding this project.

Vice-Chair Williams expressed concern with a comment made by Don Sirkin at the February 10 City Council meeting regarding his intent to keep the Council informed of any significant matters arising on the TCAP.

12. ADJOURNMENT

Hearing no further comment, Chair Jarvis adjourned the meeting at 9:55 p.m.

Respectfully submitted,



Charleine Sell  
Planning Commission Clerk

**CITY OF WOODINVILLE  
CITY COUNCIL  
Special Meeting**

**Monday  
June 30, 1997**

**7:00 p.m.  
Council Chambers**

**1. CALL TO ORDER**

The special meeting of the Woodinville City Council was called to order at 7:07 p.m. by Mayor Miller.

**2. ROLL CALL, FLAG SALUTE**

Mayor Miller led the flag salute.

**PRESENT:** Mayor Miller, Deputy Mayor Brocha, Councilmembers DeYoung, Hageman, Engel, Saulness, and Solberg.

**ABSENT:** None.

Also present were: Roy Rainey, Interim City Manager; Ray Sturtz, Community Development Director; Stephanie Cleveland, Long Range Planner; Jim Katica, Finance Director.

**3. PUBLIC HEARING: GMA DEVELOPMENT REGULATIONS**

**Deputy Mayor Brocha moved that the City Council open the public hearing on the proposed GMA Development Regulations. Councilmember Engel seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

Ms. Cleveland explained the public hearing was intended to obtain public testimony regarding the proposed GMA Development Regulations. She entered into the record the following exhibits: 1) Staff Report dated June 26, 1997, with attachments, including proposed Ordinance No. 175; 2) proposed Zoning Code, dated June 1997; 3) additional changes to the proposed Zoning Code, dated June 30, 1997; 4) proposed Zoning Map, dated July 1997; 5) proposed Subdivision Code, dated June 1997; 6) proposed Design Guidelines for the General Business Zone, dated June 20, 1997; and 7) letter to the editor of the Woodinville Weekly, cc'd to the City Council regarding on-site recreation from Maxine Keesling, dated June 1, 1997.

Ms. Cleveland explained the Council's adoption of the Comprehensive Plan on June 14, 1996, required the Development Regulations be brought into compliance. The City Council, Planning Commission and Planning Commission subcommittee have done an in-depth review of the Codes. She highlighted the proposed changes to the Zoning Map. She briefly reviewed the changes the City Council had made including the addition of duplexes to the land uses allowed in residential areas, inclusion of FEMA regulations, addition of youth hostels and temporary shelters, allowing home industries in higher residential zones as a Conditional Use, limiting heights to 45-feet, and limits to maximum densities. She advised staff added a new section regarding lighting which the Council had not yet seen. She explained other additions such as new landscaping requirements along public trails, encouraging parking on the sides and rear of parcels for commercial development, new on-site recreation requirements for commercial development, limiting residential uses in the Neighborhood Business Zone to apartment units above commercial to encourage commercial uses in these zones, encouraging multi purpose uses of sensitive area buffers to allow residents better access to sensitive areas, and minor staff changes to the communications chapter.

Ms. Cleveland briefly reviewed information in the Council packet in response to questions the Council had raised during the review of the GMA Development Regulations. In response to the Council's question regarding examples of residential density, Art Sullivan, ARCH, provided a slide presentation of ranges of development from R8 - R30 as well as multi-use development. He pointed out density is often misleading as other factors affect the appearance of a project including the size of units, topography, parking requirements, and open space.

Following the slide presentation, Councilmember Solberg asked how developers could be encouraged to design such attractive housing. Mr. Sullivan explained Vancouver has basic design standards but allow a great deal of flexibility. He remarked different developers and architects often have different approaches.

Mr. Sturtz explained three alternatives were considered as a result of the request for the City Council to consider changes to the regulations for the property zoned R48/Office; these alternatives include, 1) Conditional Use Permit - the 65-feet proposed would be permitted subject to a Conditional Use Permit (criteria does not necessarily address design issues), 2) addition of development standards to Zoning Code (Attachment D provides an example of proposed development standards), or 3) design review procedures, such as the alternative review procedure in the IDP, similar to that used in the TRF development.

Mr. Sturtz explained in working with representatives of the property designated R48/Office, one of the suggestions was to use the design review process and establish specific criteria which would be listed in the Code such as the aesthetic impact of additional height on surrounding properties, how the height would increase the amount of open space and preserve trees, potential for view blockage by the additional height, exterior treatment and how it relates to adjacent neighborhoods, and the extent that underground parking would assist in providing open space and natural features on the site. The representative also suggested the Council consider changing permitted uses from residential and office-type uses to the uses permitted in R12-48 zones and in the office zone chart. He directed the Council's attention to Exhibit 8, Uses Permitted in the

Office Zone Other Than Office and Residential Related Land Uses, which may or may not include some uses the Council had in mind for mixed residential and office use. He advised these alternatives were proposed in response to the inquiry from the property owner.

For Deputy Mayor Brocha, Mr. Sturtz explained this property is designated in the Comprehensive Plan as High Density/Office and R48/Office in the Zoning Code. He noted the staff proposal for the Zoning Code was residential and office space, the Standard Industrial Code could be used to define office uses.

Councilmember Saulness pointed out the importance of incorporating transportation issues into City planning.

### Public Testimony

Richard Aramburu, 505 Madison, Seattle, representing Data and Staff Services, said last week a proposal for the property designated R48/Office had been discussed. As a result of discussions with staff, proposed modifications to Section 21.38.030 were prepared, which he distributed to the Council. He noted it was anticipated many of the uses outlined in Exhibit 8, Uses Permitted in the Office Zone Other than Office and Residential Related Land Uses, would not be found on this property. He pointed out the Comprehensive Plan identified development possibilities for the property as all uses allowed in both high density residential and office, which he felt was appropriate for this site. In response to the Council's concern with the proposed increase to 65-feet, he proposed the height be allowed to be increased if a series of criteria are examined via the alternative design review process.

Don Sirkin, 4735 W Bertona, Seattle, pointed out the Council and Planning Department control the aesthetic impact on surrounding properties. He noted increased height would increase the amount of open space as well as preserve trees on the site.

Barbara Kelson, PO Box 1343, Woodinville, owner of commercial property adjacent to Hollywood Schoolhouse, submitted written comments. She said her main concern was the use of the term, "others" in the requirement for recreation space in commercial development. She questioned whether the requirement for on-site recreation space was included or was in addition to the existing landscaping.

Shannon Underwood, 16316 164th Ave NE, Woodinville, liked the aesthetic ideas behind the design guidelines but was concerned with how they would be achieved. She suggested input be provided by property owners prior to the adoption of the Development Regulations as many appeared to make properties uneconomic to develop, particularly the requirement for on-site recreation. She expressed concern with allowing the public on private property due to liability and security issues. She felt 5% of a site was a great deal to require a property owner to dedicate

for public purposes. She was concerned with public access across private property to Little Bear Creek and noted an unfenced pond could be used as credit toward landscape, but could also create an attractive nuisance and resulting liability issues. She was concerned with liability issues created by path materials in the on-site recreation areas. She recommended tenants follow transportation guidelines such as mitigation toward a shuttle system and suggested pea patches be allowed as landscape areas.

Robert Margoshes, 18605 136th Ave NE, Woodinville, thanked the Council for the work they have done in re-examining these issues. He recalled the Council's unanimous decision regarding zoning interpretation in residential areas and noted developments that occurred during "the brief lapse" in regulations. He urged the City to follow through on reforestation/revegetation regulations to ensure what is removed is replaced with equivalent plant material.

Tim Schriver, PO Box 2596, Woodinville, referred to Section 21.14.018 (1b) and expressed concern with the 5% recreation space for employees and other users. He questioned who the other users would be. He suggested this section be removed or the use restricted to employees or individuals invited to the property by the property owner.

Todd Woosley, Housing Specialist with the Seattle King County Association of Realtors, commended the Council for the work they have done to date to implement GMA and incorporating it into the Comprehensive Plan and Zoning Code. He pointed out that allowing duplexes in residential zones and the Council's support of higher densities were positive steps. He commented some densities may be next to the building footprint rather than the overall parcel and requested staff ensure there is the ability to transfer density from other areas of the parcel to achieve higher densities. He expressed concern with lowering the maximum density in some residential areas.

Richard Aramburu, said modifications to recreational space and impervious surfaces were requested at the last Council meeting. Following further review and consideration of the Council's comments, they now intend to meet the Code requirements for recreational space and impervious surfaces.

Kerry Skaugset, Prudential Preferred Properties, said he represents a client who is considering building a dental clinic in Woodinville. He noted the requirement for 5% recreation space had not been brought to their attention at any of the TRC meetings. He pointed out existing development costs, including street improvements, plus the requirement for 5% recreation space would put this project, and similar projects, out of line with regard to cost.

**Councilmember Engel moved to close the public testimony portion of the public hearing. Deputy Mayor Brocha seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

**Councilmember DeYoung moved to discuss this issue informally. Deputy Mayor Brocha seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

Ms. Cleveland described Additional Changes Made to the Proposed GMA Zoning Code (Exhibit 3) and Council made several technical changes to text.

Councilmember Solberg referred to the noise/odor restrictions in the Tourist District regulations. She referred to wording regarding noise and odor included in the May 7, 1997, Planning Commission packet and suggested this be considered for all areas of the City. Ms. Cleveland explained the information in the Planning Commission packet was a section of the Kirkland Code reprinted for the lighting regulations.

Councilmember Solberg pointed out the importance of noise/odor regulations, particularly in mixed use developments.

Councilmember DeYoung asked how the Woodinville Municipal Code addressed noise and odor. Ms. Cleveland advised regulations were included in the Tourist District in an attempt to regulate manufacturing uses that may locate in that area. In other areas, the Woodinville Municipal Code adopted King County and State regulations.

Councilmember DeYoung pointed out it was unfair to apply noise/odor regulations only to the Tourist District. She recommended these issues be addressed separately as noise ordinances tend to be somewhat controversial.

Mr. Sturtz agreed to reference appropriate King County and State Codes and to include language referring to a future noise/odor ordinance.

Discussion followed regarding accessory dwelling units and on-site recreation space versus fees in lieu of.

Councilmember Solberg expressed concern with the requirement for 5% recreation space in commercial development and suggested the phrase, "and other users" be eliminated. She questioned whether commercial property owners could be required to allow non-employees to use their property and/or facilities.

Councilmember Saulness suggested "with permission of the property owner" be added to Section 21.14.180 (d). Councilmember DeYoung suggested "shall" be changed to "encouraged."

Mr. Rainey pointed out sidewalks are generally constructed on private property and are required to be maintained by the property owner for public use—the requirement for recreation space is very similar. Councilmember DeYoung pointed out the takings issue required a nexus between public improvements. She noted this requirement created difficulties for commercial property owners and she preferred they be encouraged to provide recreational opportunities for their employees.

Mr. Sturtz advised the Park and Recreation Commission will begin developing a Parks and Recreation Open Space (PRO) Plan; the consultant's expertise could be utilized in reviewing this issue. He suggested a placeholder in the Code be provided, defining the intent to encourage recreational space.

Deputy Mayor Brocha recalled the Council discussed how to encourage recreational space in commercial space and the language in the Code was staff's recommendation. He pointed out one of the driving forces for requiring recreational space in commercial zones was the ballfields, trails, etc. in the business park in Bothell. Unfortunately, Woodinville does not have much of this type of commercial space left. He suggested incentives such as a trade for landscaping, be provided. He agreed with allowing the Park and Recreation Commission to review this issue but noted development continues to occur.

Mr. Sturtz advised staff would develop incentives (trading) for employee amenities in exchange for landscaping.

**Councilmember DeYoung moved to extend the meeting until 10:30 p.m. Councilmember Solberg seconded the motion.**

**Vote: All voted in favor of the motion, except Councilmember Saulness, and the motion carried (6-1).**

Councilmember Solberg referred to Section 21.14.190 in which on-site recreation/play areas are required excluding senior citizen apartments. She pointed out seniors may have more families visit if there were somewhere for the children to play. Mayor Miller suggested she propose this as an amendment.

Deputy Mayor Brocha suggested that Council review the options provided by staff regarding proposed changes to the height in the high density/office zone to ensure the Council was aware of the impacts. He pointed out the City did not have design standards for high density residential, only for commercial development. He suggested a placeholder in the Code for future high density residential design standards.

Councilmember Engel reiterated her insistence that there be a plan in place for tree retention in the Stone Meadows/Stone Hill developments.

Councilmember DeYoung suggested first reading of the Ordinance not be held tonight as she would prefer to review the substantial changes made to the Development Standards prior to first

reading. It was the consensus of the Council to have first reading at next week's Study Session and the meeting noticed that public action would be taken.

Councilmembers requested the City Attorney be present at the Study Session to answer legal concerns.

Councilmember DeYoung agreed with Deputy Mayor Brocha's suggestion for high density standards but pointed out there was only one parcel in the City with this designation. She pointed out staff's third option, the design review process, would be appropriate.

Mr. Sturtz explained staff's proposal, design review procedures, were already in place and had been used in the TRF development. He explained the intent of the IDP was to introduce design review to the community via an administrative process that provided choices and flexibility and avoided strict interpretation. Staff and the Planning Commission felt this process had been fairly successful, particularly in the downtown area. In TRF and other large projects, alternate review procedures may be necessary to recognize unique challenges on a site and to encourage creativity in the site plan. He noted the design review was subject to appeal to the Planning Commission and the final decision would come to the City Council.

Councilmember DeYoung asked how this would be incorporated into the Zoning Code. Mr. Sturtz advised it would be included by reference such as a statement that the only way a height of 65-feet would be allowed was if the project went through the design review process. If buildings higher than 45-feet were not proposed, the design review process would not be triggered.

Councilmember DeYoung asked how flexibility regarding permitted uses on the property could be allowed without resulting in uses that were incompatible. Mr. Sturtz answered staff addressed compatibility in commercial areas via the IDP. In this instance, staff understood the Council and Planning Commission's direction for "office space" which can be defined with the Standard Industrial Code.

Mr. Katica explained the Council could close the public hearing unless additional public comment was anticipated.

**Councilmember DeYoung moved to close the public hearing. Councilmember Saulness seconded the motion.**

**Vote: All voted in favor of the motion, except Councilmember Solberg, and the motion carried (6-1).**

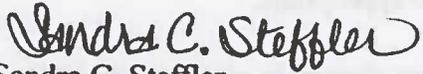
**Councilmember DeYoung moved to extend the meeting ten more minutes. Motion died for lack of a second.**

Mayor Miller summarized staff would return at the July 7, 1997, Study Session with a redefinition of permitted office uses and criteria for the design review process.

4. ADJOURNMENT

Councilmember Saulness moved to adjourn. Deputy Mayor Brocha seconded the motion.

Vote: All voted in favor of the motion, except Councilmember DeYoung, and the motion carried (6-1). The meeting was adjourned at 10:32 p.m.

  
Sandra C. Steffler  
City Clerk

**CITY OF WOODINVILLE  
CITY COUNCIL  
Regular Meeting**

**Monday  
July 14, 1997**

**7:00 p.m.  
Council Chambers**

**1. CALL TO ORDER**

The regular meeting of the Woodinville City Council was called to order at 7:05 p.m. by Mayor Miller.

**2. ROLL CALL, FLAG SALUTE**

Mayor Miller led the flag salute.

**PRESENT:** Mayor Miller, Deputy Mayor Brocha, Councilmembers DeYoung, Hageman, Engel, Solberg, and Saulness (arrived 7:09 p.m.).

**ABSENT:** None.

**Councilmember Engel moved to excuse Councilmember Saulness. Deputy Mayor Brocha seconded the motion.**

**Vote:** All voted in favor of the motion, except Councilmember DeYoung, and the motion carried (5-1).

Also present were: Ron Cameron, Public Works Director; Jim Katica, Finance Director; Dean McKee, Permit Center Director; Roy Rainey, Interim City Manager; Ray Sturtz, Community Development Director; Lane Youngblood, Park and Recreation Director; Stephanie Cleveland, Project Planner; Carter Hawley, Assistant City Manager; Sgt. Rich Krogh, Police Administrator; Dawn Findlay, City Attorney; and Sandra Steffler, City Clerk.

**3. APPROVE AGENDA IN CONTENT AND ORDER**

**Deputy Mayor Brocha moved to approve the agenda in content and order. Councilmember Hageman seconded the motion.**

**Vote:** All voted in favor of the motion, and the motion carried (6-0).

**4. PUBLIC COMMENTS**

Don Sirkin, 4735 W Bertona, Seattle, explained the cost of underground parking for four buildings on his property would be approximately \$4 million. Above ground parking for six buildings, which would cover more of the site, would cost \$1.2 million. His conversations with a developer indicated the building would need to be as high as possible in order to recover the \$4 million invested in underground parking. He advised there had been some interest in building a hotel/motel on the site. He pointed out there were sufficient conditions in the six-story proposal to ensure an attractive project.

Councilmember Saulness arrived at 7:09 p.m.

Richard Aramburu, 505 Madison, Seattle, representing Data and Staff Services, referred to his July 11th letter addressing the remaining two issues, 1) setbacks from the two arterials, and 2) building height. He asked the Council to consider their proposal to reduce setbacks to 150 feet (from 200 feet) and to permit a maximum height of 65 feet, subject to Council review. He urged the Council and community to allow the flexibility to consider such proposals and to make a decision based on the proposal.

Phyllis Keller, 19005 152nd Avenue NE, Woodinville, reported TRF would be tearing up the sidewalk and replacing the interlocking bricks with concrete. She pointed out this was a City sidewalk which should be replaced with the same material. However, conversations with Bob Parks indicate they had not been told to replace the brick sidewalk.

For Councilmember Solberg, Ms. Keller explained the interlocking brick sidewalks were the result of a project begun in the mid-70's for underground utilities, installation of sidewalks and street trees, and to have three lanes on 175th.

Mayor Miller directed staff to call Mr. Parks to determine his intentions.

Richard Waterman, 14415 Woodinville/Redmond Road, Woodinville, explained he attended the June 30 Council meeting and was surprised to discover the property his family has owned for 35 years was being considered for downzoning from Neighborhood Business with the Tourist District Overlay to commercial development located under multi-family development. Although they have no immediate plans to redevelop the property; he requested the Council abandon the requirement for mixed use development. He pointed out this modification of the zoning by the City Council had not been through an adequate planning process and it was unlikely commercial space in this area could be leased in a meaningful way. He presented written information.

Councilmember Solberg asked the number of units that could be provided in a multi-family development. Ms. Cleveland answered the base density was 8 units per acre with a maximum of 12 units per acre.

Councilmember DeYoung indicated she planned to propose an amendment to remand this issue to the Planning Commission for further study.

For Councilmember Saulness, Ms. Cleveland explained mixed-use development was not required. If a property owner provided residential development in the Neighborhood Business Tourist District Overlay, it must be located above commercial. A commercial use only would be permitted.

Councilmember Solberg agreed with Councilmember DeYoung's suggestion that this issue be remanded to the Planning Commission.

Shannon Underwood, 16316 164th Avenue NE, Woodinville, referred to the information she provided staff regarding on-site recreation. This included a suggestion to raise the square footage of improvements that required the addition of site recreation; relief from the flatness requirements of on-site recreation, providing combined recreation areas between adjacent properties, combining recreational facilities to provide larger and more useful sites, eliminating the not less than 30 feet requirement (picnic areas could be less than 30 feet), and requiring property with more than 5-10 regular on-site employees to provide recreation space. She pointed out several other business owners who were not aware of the requirement for on-site recreation spaces, were concerned their input had not been requested.

Rosemary Zeuschel, 17810 164th Avenue NE, Woodinville, expressed her disappointment with the replacement of the interlocking brick sidewalk with cement. She described the efforts of the committee which resulted in planters, interlocking brick sidewalks, underground utilities, and bicycle lanes. She noted it was important to many people that this remnant of Woodinville's history be maintained.

Matt Aatai, 19744 NE 143rd, Woodinville, advised he is the contract purchaser for a 7.5 acre project on NE 145th. They have short platted the property, which is in the Tourist District Overlay, into three parcels; two parcels front on 145th and one 3.5 acre parcel does not have frontage. They have been working on various plans over the last two years to attract businesses suitable to the Tourist District Overlay, including a plan to construct an assisted living project on the parcel without frontage and development of the two parcels with frontage as commercial. They were informed today by Mr. Waterman the amendment would prohibit the assisted living project. He expressed concern they had not been notified of this change. He felt strongly it was not suitable to require mixed uses, particularly in view of the impossibility of providing assisted living above commercial uses. He urged the Council to allow an opportunity for the discussion of this issue. He submitted written comments.

For Councilmember Solberg, Mr. Aatai explained the assisted living projects they have constructed in the past are cottage-like, with 14-16 residents in each. These are scattered on the site with a central recreation building where meals are prepared, etc.

Councilmember Saulness recalled a previous discussion regarding mixed use on the frontage. Ms. Cleveland answered as currently drafted, the Code required residential uses above commercial, not behind.

Barbara Kelson, PO Box 1343, Woodinville, requested the wording be changed to allow a 10 foot setback (rather than 20 feet) between commercial and residential zones when it could be shown that the use was not residential on a permanent basis. She agreed with the suggestion that commercial properties be deleted from the section requiring on-site recreation. She referred to the letter from King County Councilmember Louise Miller regarding Trib 90 and expressed concern with any delay in development of her property due to resolution of the issues regarding Trib 90.

Mr. Cameron advised he had been working with Ms. Kelson and development was not being delayed due to Trib 90.

Deputy Mayor Brocha read staff's recommended action, (City Council authorize the Mayor to execute a letter stating that Woodinville will work together with King County to explore the feasibility, costs, and benefits of implementing a stream relocation plan of Tributary 90) which he felt was a positive action and would represent Ms. Kelson's interests.

5. SPECIAL ITEMS - None

6. PUBLIC HEARING - None

7. CONSENT CALENDAR

Deputy Mayor Brocha moved to adopt the Consent Calendar. Councilmember DeYoung seconded the motion.

**Vote: All voted in favor of the motion, and the motion carried (7-0). The Consent Calendar was adopted as follows:**

- (a) Approve Payment of Claims in the amount of \$233,333.94
- (b) Approve Payment of Payroll in the amount of \$69,481.75
- (c) Approval of City Council Meeting Minutes of June 23, 1997
- (d) Approval of Special Meeting Minutes of June 30, 1997
- (e) Approval of Special Meeting Minutes of June 25, 1997
- (f) Approval of Study Session Meeting Minutes of June 16, 1997
- (g) Approval of Study Session Meeting Minutes of July 7, 1997
- (h) Authorize City Manager to Execute Contract with H. L. Yoh Company and Waldron Interim Management Services, Inc. for a 5% Increase for Contract Employees
- (i) Authorize the City Manager to Execute Contract Amendment with David Evans & Associates for the Woodinville Valley Trail
- (j) Set Date of July 28, 1997 for Grace Annexation - Receipt of Notice of Intent
- (k) Authorize the City Manager to Execute Contract with Kaiser Engineers for 132nd Avenue NE/NE 143rd Street Channelization

- (l) Authorize the City Manager to Execute Contract with KPG for Development of a Pavement Management System
- (m) Trib 90 - Participation Agreement - Authorize Mayor to Execute Letter to King County Councilmember Louise Miller

## 8. UNFINISHED BUSINESS

- (a) GMA Development Regulations - Second Reading of Ordinance No. 175

**Councilmember DeYoung moved that the City Council have second reading of Ordinance No. 175, an ordinance of the City of Woodinville, Washington, adopting development regulations of the City of Woodinville, establishing an effective date, and repealing ordinances nos. 43, 45, 79, 80, 83, 101, 109, 113, 126, 127, 128, 129, 133, 152, 155, and 156. Councilmember Hageman seconded the motion.**

**Deputy Mayor Brocha moved to discuss this item informally. Councilmember Engel seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

Ms. Cleveland reviewed proposed changes made to the GMA Development Regulations in response to Council requests. Changes include deleting the requirement for on-site recreation for office, tying the requirement for on-site recreation to the number of employees (building square footage), allowing on-site recreation space to be combined with landscaping, and inserting a provision into the interior landscaping requirement that would allow a property owner to reduce the amount of landscaping required if a permanent buffer could be shown.

Ms. Cleveland advised, in response to Ms. Underwood's request for relief from the flatness requirement for on-site recreation, a phrase such as, "grade and surface suitable for recreation" could be inserted. Ms. Cleveland indicated Ms. Underwood's request regarding removing the 30 foot limitation was a good change. In addition, Ms. Underwood's comment regarding central location was appropriate, although it was not intended to make access to the site more difficult. She noted this requirement was taken from the on-site recreation requirements for residential development.

Councilmember DeYoung reiterated her intent to propose that on-site recreation requirements for commercial development be remanded to the Planning Commission for further input from property owners as there have been a number of comments made regarding the lack of opportunity to participate in this decision.

Ms. Cleveland suggested the Park and Recreation Commission address this issue.

Deputy Mayor Brocha said the reason he requested staff develop a proposal was due to the estimate that it would be a year or more before the Park and Recreation Commission review

would be completed and development will continue to occur. Although he understood the public concern, he preferred there be a placeholder in the code while the Park and Recreation Commission conducts further review and gathers public input.

Councilmember Engel expressed concern that so many property owners were unaware of the proposal for on-site recreation. She questioned when the Council would be able to review this issue again. Ms. Youngblood answered it could be "fast-forwarded" if the Council desired, and possibly returned to the Council in 3-4 months. She noted the Park and Recreation Commission was developing a PRO Plan which would include a thorough review of zoning regulations.

Councilmember Solberg asked if this requirement would impact projects already being developed. Ms. Cleveland advised projects with a complete application were already vested and the amendments would not apply. The amendments would only affect projects for which a complete application was submitted after the amendments were adopted.

Ms. Cleveland continued her description of the proposed changes. Regarding Ms. Kelson's request to change the landscaping requirements in the Tourist District from 20 feet to 10 feet, a sentence had been added to Section 21.16.060 (Landscaping-interior lot lines), that a 20 foot width of Type I landscaping would be included in commercial, office, or industrial developments along any portion adjacent to a residential development or zone, *unless it could be shown that 20 feet of permanent landscaped buffer existed between structures.*

For Councilmember DeYoung, Mr. Sturtz explained it was unknown whether the configuration of the ballfields and/or parking was permanent. If the configuration changed, there could be changes in the landscaping. Ms. Cleveland pointed out the existing vegetation was not an appropriate landscape buffer. Mr. Sturtz explained the intent was to buffer unlike zoned areas. The property adjacent to Ms. Kelson's is zoned rural residential but is developed as ballfields by King County.

Councilmember Solberg preferred the flexibility to allow a 10 foot buffer such as the Planning Director having discretion depending on the use. Mr. Sturtz cautioned once a 10 foot buffer was allowed, it could be in place forever. Ms. Cleveland suggested the requirement could be limited to when it is adjacent to existing residential development rather than just the residential zone or unless it could be shown that 20 feet of permanent landscaping buffer, recreation or open space existed. Councilmember DeYoung said she planned to propose an amendment.

Deputy Mayor Brocha cautioned Councilmembers against tailoring the Code to address Ms. Kelson's property.

Ms. Cleveland continued her review of the proposed changes, directing Council's attention to the regulations for the property designated R48/Office (Sirkin property). In response to the applicant's wishes and Council discussion, staff proposed hotel/motel be removed from the list of unacceptable uses. She explained commercial uses were proposed to be limited to 2,000 square feet per use and office space, while not required, would be permitted if the office uses were integrated with the residential uses to the extent feasible. Staff proposed a building height

of 55 feet rather than the 65 feet proposed by the applicant. If the 55 foot height were allowed, it could not be within 200 feet of an arterial.

Councilmember Solberg said 55 feet was too high and preferred the buildings be limited to a maximum height of 45 feet. She referred to the Planning Commission's letter requesting height not be greater than 45 feet. In addition, the citizen's vision of Woodinville could not be upheld if building heights over 45 feet were allowed. She planned to propose an amendment to reduce the maximum building height to 45 feet.

Councilmember Engel asked why the motel/hotel use had been removed from the list of exclusions. Mr. Sturtz answered it appears to be the consensus of the Council that this was a residential-type use, compatible with mixed development.

Councilmember DeYoung commented there was a mixed use development near Seattle Center that was a combination of hotel and residential and was very compatible.

Councilmember Engel preferred a bar/lounge not be included in a hotel/motel/residential use in close vicinity to a residential use. Ms. Cleveland suggested a Councilmember propose an amendment restricting alcohol-serving facilities. Councilmember DeYoung pointed out the uses must be compatible and preferred to let the market determine whether a bar/lounge was appropriate.

Councilmember Solberg recalled difficulties created in a residential neighborhood from noise created by a restaurant's bar. She reiterated her request that the City have a noise ordinance.

Deputy Mayor Brocha recalled the comments made by Mr. Waterman and Aatai regarding commercial use on frontage and residential use behind. Ms. Cleveland said a possibility would be to allow residential uses above and behind commercial use. Councilmember DeYoung reiterated her preference that this issue be remanded to the Planning Commission.

Councilmember Solberg referred to Section 21.14.190(1) which indicates on-site recreation play areas were excluded in senior citizen apartments and in all recreational development if a play area was located within ¼ mile. She felt there should be some type of play area in a senior development for visitors. She pointed out this related to the issue of quality of life. Ms. Cleveland answered this was a nexus issue; whether it was fair to require a play area in addition to open space in a senior development. Further, whether the requirement to have a play area was reasonable if a play area is located within ¼ mile. Councilmember Solberg stressed the need for a place for children to play as it was not reasonable to expect residents to go ¼ mile to reach a play area.

Councilmember DeYoung referred to Ms. Underwood's letter of July 7, requesting parking ratios be reduced if they participated in a shuttle system. She planned to propose an amendment to allow this. Further, regarding screening of roof top HVAC equipment, Councilmember DeYoung questioned the need to screen HVAC equipment if it was not visible. She planned to

propose an amendment that screening be required only if the HVAC equipment were visible from a residential zone.

Mayor Miller declared a brief recess.

Ms. Findlay explained the discussion of nexus was appropriate when reviewing regulations. She said there were two steps in the review of this type of on-site recreation requirement, 1) nexus - does the requirement make sense such as requiring a play area, and 2) a connection to the requirement - not only does it make sense, but whether the requirement is appropriate to the impact (rough proportionality).

**Deputy Mayor Brocha moved to return to formal discussion. Councilmember DeYoung seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

Councilmember Engel asked when the Development Regulations would be reviewed again. Ms. Cleveland answered staff generally reviewed the Zoning Code once a year but if there were issues the Council wished to review, it could be done at any time.

**Councilmember DeYoung moved that Section 21.12.040(A) be amended to strike the proposed restriction on residential units in the Neighborhood Business Zone to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

**Councilmember DeYoung moved that the proposed amendments be amended to strike Section 21.12.040(B)(16), which restricts residential units in the Neighborhood Business Zone to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

**Councilmember DeYoung moved that the proposed amendments be amended to strike Section 21.38.065(2)(O), which restricts residential units in the Tourist District to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

**Councilmember DeYoung moved that Section 21.14.180 be amended to strike the language requiring recreational space in new office and industrial space and be remanded to the Park and Recreation Commission for a recommendation to the Council by October 1, 1997. Councilmember Saulness seconded the motion.**

Deputy Mayor Brocha moved to amend to include the language proposed in Councilmember DeYoung's motion , including language currently in Section 21.14.180(d) and replacing "shall" with "encourage." Councilmember Saulness seconded the amendment.

**Vote:** All voted in favor of the amendment, except Councilmembers Engel and Solberg, and the motion carried (5-2).

Councilmember Engel moved to amend Section 21.14.180(I) to read "Recreation space ~~shall are encouraged~~ have trails, picnic tables, waterfalls, landscaping, courts, open grass areas, ~~or and other~~ amenities as approved by the Planning Director."

Councilmember Engel felt if a developer were only encouraged to have on-site recreation, there would not be any when a project was actually constructed.

Ms. Findlay clarified subsection (d) would encourage developers to provide on-site recreation space; if the developer agreed to provide the recreation space, Councilmember Engel's motion would specify what amenities would be included.

**Vote:** All voted in favor of the motion, Deputy Mayor Brocha abstained, and the motion carried (6-0-1).

**Vote:** All voted in favor of the motion as amended, except Councilmember Engel, and the motion carried (6-1).

Councilmember Solberg moved to amend Section 21.14.190(1) to state, "All apartments, townhomes and mixed use development, excluding senior citizen apartments, which may provide child areas, shall provide tot/children play areas within the recreation space on site" and deleting the remainder. Councilmember Saulness seconded the motion.

Councilmember Solberg explained providing amenities on-site contributed to the quality of life for families in Woodinville, including families in townhomes and apartments. Councilmember Engel pointed out the Council's short and long term goals referred to the quality of life for all citizens, young and old. She supported encouraging tot areas in every residential development.

**Vote:** All voted in favor of the motion, except Mayor Miller, and the motion carried (6-1).

Deputy Mayor Brocha moved that Section 21.16.060(1) include the following language: "Type 1 landscaping shall be included in a commercial, office, or industrial development as follows: a) 20 foot width abutting residential developed property or vacant residential zoned property, or b) 10 foot width abutting public recreationally developed property, or c) 10 foot width abutting property designated as permanent open space. Councilmember Saulness seconded the motion.

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

**Councilmember Engel moved to amend Section 21.38.050(1) to return the motel/hotel use to the Planning Commission for further study and discuss particularly as it pertained to alcohol. Councilmember Saulness seconded the motion.**

**Vote: All voted against the motion, except Councilmembers Solberg and Engel, and the motion failed (2-5).**

**Councilmember DeYoung moved that the proposed amendments be amended to strike Section 21.38.060(2)(o) which restricts residential units in the Tourist District to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.**

**Motion withdrawn.**

**Councilmember Solberg moved to amend Section 21.38.030(5)(b) to delete the entire second sentence (building heights may be increased to 55 feet provided) and delete subsections (i) and (ii).**

Councilmember Solberg explained her intent was to restrict the maximum height to 45 feet. She pointed out the Planning Commission's letter to the Council recommending maximum height of 45 feet be retained. She said a high quality development could be achieved using landscaping, architectural design and underground parking.

Councilmember Saulness did not recall the citizens' vision referred specifically to height but rather to creating opportunities for open space, preserving trees, and creating large buffers. He welcomed flexibility on this site.

**Vote: All voted in favor of the motion, except Mayor Miller and Councilmembers Hageman and Saulness, and the motion carried (4-3).**

**Councilmember DeYoung moved Section 21.38.060(1) be amended to allow office/research park development in the new General Business Zone. Deputy Mayor Brocha seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

**Councilmember DeYoung moved that Section 21.38.060(2)(a) be amended to allow outdoor storage with a Type 1 landscaping screen. Councilmember Saulness seconded the motion.**

Councilmember DeYoung pointed out that outdoor storage with a landscaping screen was allowed in the Tourist District. Mr. Sturtz said Type 1 landscaping was a solid screen.

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

**Councilmember DeYoung moved that the proposed amendments be amended to strike Section 21.38.060(2)(o) which restricts residential units in the Tourist District to upper stories, and be remanded to the Planning Commission for further study. Councilmember Saulness seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

**Vote: All voted in favor of the main motion as amended (second reading of Ordinance No. 175), and the motion carried (7-0).**

**Councilmember Engel moved to extend the meeting until 10:20 p.m. Councilmember Engel seconded the motion.**

**Vote: All voted in favor of the motion, except Councilmember Saulness, and the motion carried (6-1).**

## **9. NEW BUSINESS**

### **(a) Internet Access Reimbursement for City Council**

Ms. Hawley explained this item was a proposal to reimburse Councilmembers for internet access.

Deputy Mayor Brocha said his review of available government sites revealed little useful information. He questioned whether reimbursement was appropriate when Councilmembers could arrange internet access at City Hall.

Councilmember DeYoung questioned how the City could ensure access was used only for City business if the computer were in a Councilmember's home. Ms. Hawley agreed this could not be assured.

Councilmember DeYoung preferred the funds be used to create a web site for the City rather than reimbursing Councilmembers for access. She planned to abstain from the vote as she has internet access via her business.

It was the consensus of the Council not to authorize reimbursement to Councilmembers for internet access.

### **(b) Council Priorities/Department Director Presentations**

**Deputy Mayor Brocha moved that the City Council discuss the 1998 budget informally. Councilmember Engel seconded the motion.**

**Vote: All voted in favor of the motion, and the motion carried (7-0).**

Mr. Rainey explained staff would provide further information to address major issues not included in the Transportation Improvement Plan or Capital Improvement Plan such as what Department Heads expect to spend in the next year and required expenditures versus discretionary expenditures. In addition, staff will address an expenditure control budgeting concept. He explained this would involve adopting a budget for 1998 and at the same level in 1999 with some small increases in personal services. In addition to Department Heads' acceptance of this budget, they would also attempt to save money. At the end of the second year, the Council could authorize a department to receive a portion of the savings in their budget. He explained this method was a way to demonstrate how frugality is exercised. It would also make the second year's budget much easier. He advised an explanation of this method would be provided to the Council in written form.

Councilmember DeYoung supported this budgeting concept, particularly in view of many citizens perceptions regarding government spending.

#### 10. DISCUSSION

#### 11. CITY MANAGER REPORTS

Mr. Rainey distributed information regarding A-board sign code enforcement, noting if Councilmembers had no objection, staff would begin sending out enforcement letters. Following a brief discussion, it was agreed A-board signs would be returned to the store the first time with written notice they would be destroyed in the future.

#### 12. PUBLIC COMMENTS - None

#### 13. REPORTS OF COUNCILMEMBERS

Councilmember Engel requested budget information be provided as soon as possible. She was pleased the Council had passed the zoning ordinance and had stayed within the perceived vision, particularly maintaining the 45 foot height limit.

Councilmember Hageman looked forward to the Park and Recreation Commission's efforts regarding on-site recreation including the vision for quality of life for homes as well as workplaces. He reported he had received enthusiastic comments regarding the multimodal project in the Wellington area.

Mayor Miller looked forward to the meeting with Fire Services. He encouraged Councilmembers to attend the house burn on Saturday, August 9.

Councilmember Saulness expressed his pleasure that the City of Woodinville was sponsoring a City Council Candidate Orientation on July 22 at 4:30 p.m. and encouraged residents who were interested in running for City office to attend.

Councilmember Solberg commented on the number of people using WART. She asked if the City planned to have representation at the open house Hollywood Schoolhouse on July 17 regarding the draft Regional Wastewater Services Plan. Mayor Miller encouraged Councilmembers to attend.

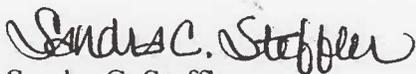
Deputy Mayor Brocha described his use of Woodinville Park and Recreation facilities this weekend and noted a garbage can closer to the picnic area was needed in Woodin Creek Park.

#### 14. EXECUTIVE SESSION

At 10:30 p.m., Mayor Miller recessed the Council to Executive Session for approximately 10 minutes. He indicated no action would be taken following the Executive Session.

#### 15. ADJOURNMENT

The meeting was adjourned from Executive Session at 10:50 p.m.



Sandra C. Steffler  
City Clerk