

**J. RICHARD ARAMBURU
JEFFREY M. EUSTIS**

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EXHIBIT 55
PAGE 1 OF 16

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FEB 14 2007

CITY OF WOODINVILLE
DEVELOPMENT SERVICES

FAX COVER SHEET

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

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

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

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

DOCUMENTS	NUMBER OF PAGES
Letter	6

COMMENTS:

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rick@aramburu-eustis.com

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J. RICHARD ARAMBURU
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J. RICHARD ARAMBURU
JEFFREY M. EUSTIS

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CITY OF WOODINVILLE
DEVELOPMENT SERVICES

February 13, 2007

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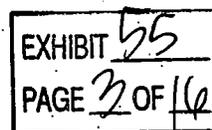
Ms. Cindy Baker
Interim Director
Department of Community Development
City of Woodinville
17301 - 133rd Avenue NE
Woodinville WA 98072

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

Dear Ms. Baker:

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

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



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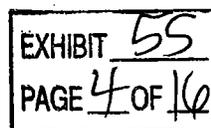
have filed that demonstrates that there can be no consideration of the preliminary plats for either Wood Trails or Montevallo until the rezone applications to R-4 are approved.)

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

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

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

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



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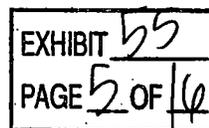
February 13, 2007
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CITY OF WOODINVILLE
DEVELOPMENT SERVICES

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

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

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



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

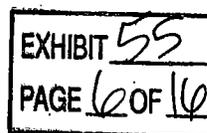
In addition, because the approval of the TDRs from the Wood Trails site is dependent on rezone, preliminary plat and TDR approvals, no hearings on the Montevallo proposal - dependent on the transfer of development rights - can proceed until the Wood Trail proposal is decided by the Hearing Examiner and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

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

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

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

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



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

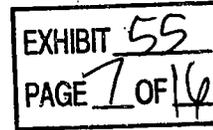
Indeed, in recent messages that you have sent to members of the public concerning these issues, you have stated:

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

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

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

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



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

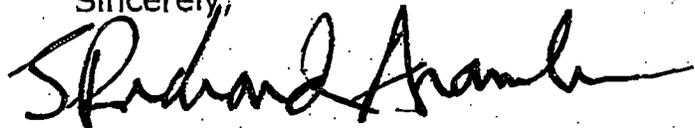
d) that the city staff immediately engage the Hearing Examiner to address the previously filed interpretation request and other procedural issues concerning the hearing;

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

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

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

Sincerely,



J. Richard Aramburu

JRA/py

cc: Zach Lell, City Attorney
Concerned Neighbors of Wellington

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FEB 02 2007

City of Woodinville

10:48 a.m.

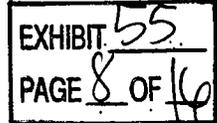
Jennifer Rubin

**J. RICHARD ARAMBURU
JEFFREY M. EUSTIS****Attorneys at Law**

505 Madison Street, Suite 209

Seattle, Washington 98104

(206) 625-9515 Fax: (206) 682-1376



February 1, 2007

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

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

Dear Hearing Examiner:

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

This letter is CNW's appeal to the City Hearing Examiner of the interpretation decision of January 30, 2007. Appeal of interpretation decisions, as Type II decisions, are allowed to the Hearing Examiner by WMC 17.07.030.¹ CNW has standing to appeal the January 30, 2007

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

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

File Copy

February 21, 2007

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

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

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

Dear Mr. Aramburu:

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

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

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

This letter is not an appealable decision.

Sincerely,

Susie McCann, Development Services Manager
City of Woodinville

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

Concerned Neighbors of Wellington

"Dedicated to Preserving the Character of the Wellington Neighborhood"

cc: Kay
Zach
Jennifer
Admin Jill
~~Richard~~
Rich



RECORDED

MAR 23

City of Woodinville

March 2, 2007

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

RE: Request for Public Records

Ms. Baker,

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

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

My Contact Information:

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

Sincerely,



Fred A. Green
President, CNW

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

P.O. Box 2934, Woodinville, WA 98072-2934
Concerned Neighbors of Wellington is a Washington Non-Profit Corporation

Susie McCann

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

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Hello,

I live in the Wellington neighborhood. My address is 24306 80th Ave. SE, Woodinville.

I am concerned about the proposed development in the Wellington neighborhood.

My chief concern is the amount of traffic that will be generated if 100+ homes are allowed to be built in this neighborhood. The streets are 2-lane, and some do not have adequate shoulders. There is inadequate road design to accomodate this amount of additional traffic.

I am also concerned about the loss of wetlands, trees, and wildlife.

Rezoning would be a detriment to our environment.

The city of Woodinville does not need to rezone this area in order to be compliant with the Growth Management Act.

Please consider these factors.

Sincerely,

Kerry Kunnanz

COPY

ORIGINAL
WT/MT FILE
SD FILE

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

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

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

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

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

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

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MAR 07 2007

CITY OF WOODINVILLE
DEVELOPMENT SERVICES

SCHOOL BASIN

MAXIMUM RECORDED cfs / ONE MONTH NO RAIN VA
Mostly maximum November 16 2006 vs one month record on February 1, 2007
MAX / NO RAIN %

LEOTA BASIN

GOLF COURSE BASIN

HILLSIDE BASIN

WETLANDS
POND

CYH/
DRINKING
WATER

7.5%
0.56 / 0.042

0.028 / 0.025
4.0%

0.278 / 0.0139
5.0%

6.95 / 0.02
30%

0.115 / 0.00046
40%

3.75 / 0.60
16.0%

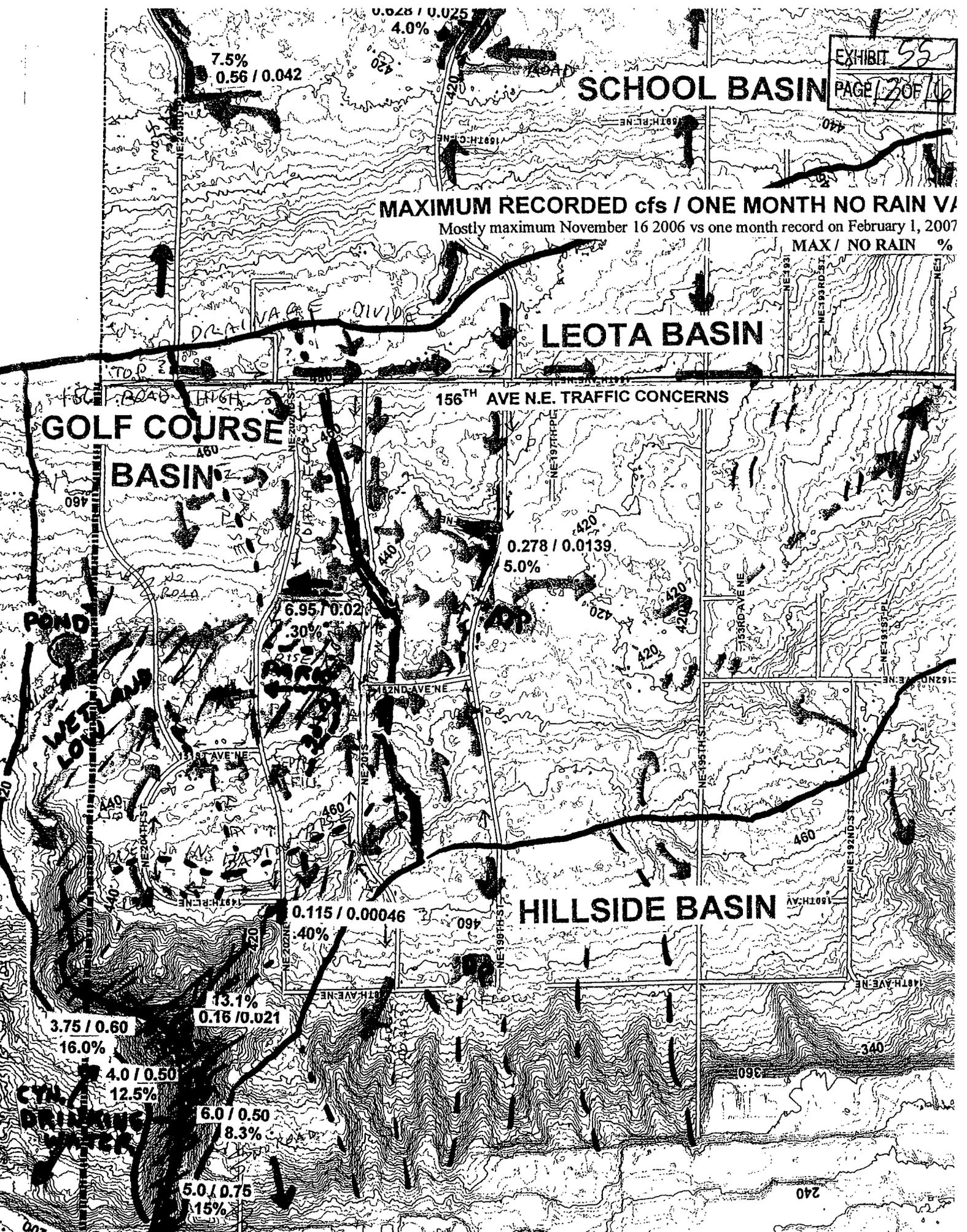
13.1%
0.16 / 0.021

4.0 / 0.50
12.5%

6.0 / 0.50
18.3%

5.0 / 0.75
15%

156TH AVE N.E. TRAFFIC CONCERNS



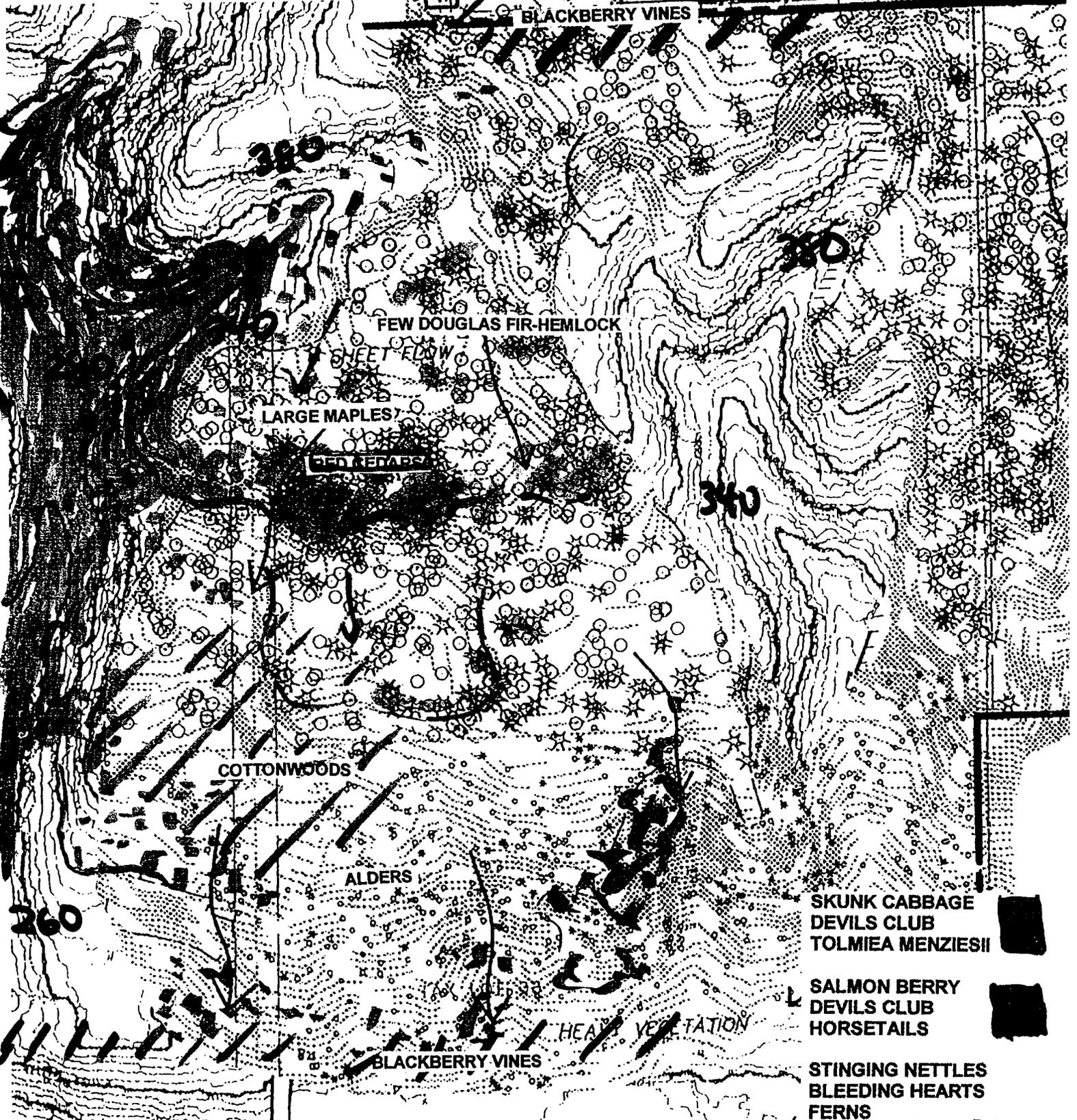
SHOVEL 7 FT WIDE IN A 2 FT HIGH CREEK BED
IF FLOW IS 3 FT/SEC THEN 48 CFS

IN THE WIDER 24 FT COBBLE BED 24 FT BY 1 FT HIGH
IF FLOW IS 2 FT/SEC THEN 48 CFS OR 100% L.B.CK
COBBLE BAR 8" HIGH ABOVE CREEK SO
AT LEAST 6" HIGH FLOW OR 24 CFT 50% L.B.CK

**WETLAND
BUFFER
SETBACK**

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12" CA



**SHEET FLOW INTO
INDUSTRIAL PARK**

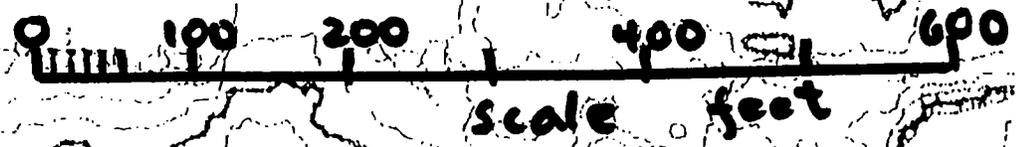


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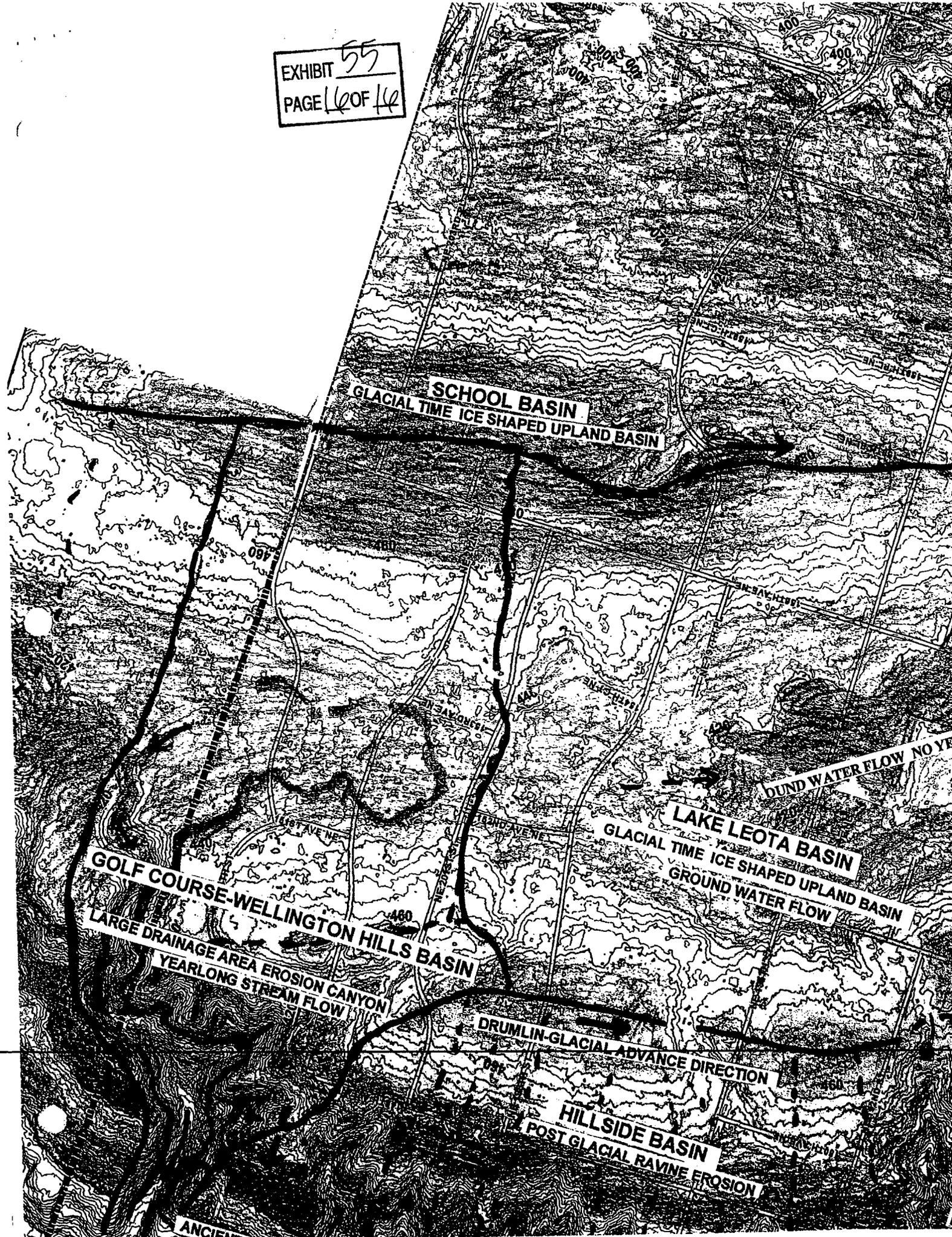


Exhibit 56

See Wood Trails Exhibit 63

Available for review at City of Woodinville's Development Services's counter

Original
Sandy R
3/21/07

Exhibit 57

See Wood Trails Exhibit 67

Available for review at City of Woodinville's Development Services's counter

Original
3/21/07

Exhibit 58

See Wood Trails Exhibit 68

Available for review at City of Woodinville's Development Services's counter

Original
Sandy G.
3/21/07

Exhibit 59

See Wood Trails Exhibit 69

Available for review at City of Woodinville's Development Services's counter

Original
3/21/07
Sandy R

Exhibit 60

Board – Montevallo Preliminary Plat; Wetland and buffer outlined
Submitted by City of Woodinville

Available for review at City of Woodinville's Development Services's counter

Exhibit 61

Board – Montevallo Preliminary Drainage and Utility Plan
Submitted by City of Woodinville

Available for review at City of Woodinville's Development Services's counter

Exhibit 62

Board – Copnceptual Montevallo Site Plan – Applicant’s Depiction of Staff Report
Submitted by City of Woodinville

Available for review at City of Woodinville’s Development Services’s counter

Exhibit 63

Board – Montevallo – Data Information
Submitted by City of Woodinville

Available for review at City of Woodinville's Development Services's counter

1
2 ORIGINAL
3
4

EXHIBIT 65
PAGE 1 OF 32

5
6 BEFORE THE HEARING EXAMINER
CITY OF WOODINVILLE

7 In the Matter of:)
8 MONTEVALLO REZONE) APPLICANT PHOENIX
ZMA 2004-094) DEVELOPMENT'S HEARING
9) MEMORANDUM
10 MONTEVALLO PRELIMINARY PLAT)
APPLICATION)
PPA 2004-093)
11)
12)
13)

14 1. INTRODUCTION

15 Phoenix Development ("Phoenix") has applied for a modestly sized residential subdivision
16 in Woodinville, Washington ("Montevallo Proposal" or "Proposal"). The Montevallo property is
17 16.48 acres in size. 66 single-family residential lots are proposed. In addition to subdivision
18 approval, a zoning map amendment is requested that will re-designate the property from R-1 to R-4.
19 Because sewer is available, the zoning amendment is mandated by the Woodinville Municipal
20 Code. WMC 21.04.080(1)(a).

21 The City prepared an environmental impact statement ("EIS") for the Montevallo Proposal
22 and for another modestly sized 66-lot proposal in the vicinity, Wood Trails. The EIS found that the
23 Montevallo Proposal will result in no unmitigated significant adverse environmental impacts.

PHOENIX HEARING MEMORANDUM - 1

MCCULLOUGH HILL, P.S.
701 Fifth Avenue, Suite 7220
Seattle, WA 98104
206.812.3388
206.812.3389 fax

1 In most urban jurisdictions in Washington State governed by the Growth Management Act,
2 approval of the Proposal would be straightforward. It should be so in this case, as well.

3 While the environmental impacts of the Proposal are insignificant, there is no question the
4 Proposal will bring a modicum of change to the immediately surrounding community, which has
5 been zoned R-1 since the incorporation of the City in 1993. Some members of the community wish
6 to maintain the existing pattern of sprawling, inefficient, non-urban, unsustainable lot sizes in the
7 City, even on those parcels, such as the Montevallo parcel, that are undeveloped.

8 Their response to those families who desire a detached single family home at a density of
9 four dwelling units per acre is essentially an elitist one: If you can not afford an entire acre, you do
10 not belong in our neighborhood. The existing fifty percent of the City's residential land that is
11 zoned R-1 should stay that way, these neighbors contend, and the many that can not finance
12 purchase of an estate-sized one-acre lot should move elsewhere, preferably in the multi-family areas
13 on the valley floor, well away from the Wellington neighborhood in the hills.

14 While these neighbors are certainly entitled to their opinions, the Growth Management Act,
15 as explained below, does not permit a "neighborhood veto," nor does the GMA requirement to
16 "ensure neighborhood vitality and character" provide a mandate, or an excuse, to freeze
17 neighborhood densities at their pre-GMA levels. To the contrary, the GMA requires that all lands
18 within urban areas be zoned for urban densities unless they contain exceptional environmental
19 resources, which is not the case here.

20 The Staff Report fully describes the Proposal, its impacts, proposed conditions to mitigate
21 those impacts, and how the Proposal complies with applicable City regulations. As the Staff Report
22 finds, the Montevallo Proposal complies with all applicable City regulations relating to approval of
23 subdivisions and zoning map amendments. The Staff Report enumerates the Proposal's compliance

1 with subdivision regulations at pp. 24-26. The Staff Report sets forth the Proposal's compliance
2 with requirements for zoning map amendments at p. 24. The Staff Report does invite the applicant
3 to explain further to the Hearing Examiner how the applicant has established that "there is a
4 demonstrated need for additional zoning as the type proposed." WMC 21.44.070(1).

5 This memorandum will address the factual and legal issues associated with that question. It
6 will demonstrate first, that there is a market need for additional R-4 zoning; second, that sound
7 planning principles demonstrate the need for additional R-4 zoning; and third, that R-4 zoning is
8 legally mandated.

9 **2. TO SHOW A "DEMONSTRATED NEED," AN APPLICANT MUST SHOW**
10 **THAT R-4 LAND USES ARE REQUIRED, WANTED OR THAT THERE IS**
11 **MARKET DEMAND FOR THE PROPOSED LAND USE**

12 WMC 21.44.070 requires that the applicant demonstrate that "[t]here is a demonstrated
13 need for additional zoning of the type proposed." This requirement is satisfied in this case.

14 The WMC does not define "demonstrated need." Accordingly, well-established
15 principles of statutory construction guide the interpretation of ordinance terms, such as these,
16 that are not defined. Two key principles are applicable here. First, resort may be had to the
17 dictionary. And second, resort may be had to judicial constructions of the phrase as a term of art.
18 Application of those principles here leads to the conclusion that an applicant will demonstrate
19 need when it is shown that the proposed land use is "required or wanted," or that there is market
20 demand for the proposed land use.

21 **a. Dictionary definition.**

22 In the absence of a definition in a statute, a term may be given its common meaning,
23 which may be determined by referring to a dictionary. *Quadrant Corporation v. Central Puget*
Sound Growth Management Hearings Board, 154 Wn.2d 224, 239, 110 P.3d 1132 (2005).

1 Courts interpret local ordinances and codes in the same manner as statutes. *Washington Shell*
2 *Fish v. Pierce County*, 132 Wn. App. 239, 253, 131 P.3d 326 (2006). The term “demonstrate” is
3 defined as “to show clearly and deliberately; manifest”; “to show to be true by reasoning or
4 adducing evidence; prove”; and “to present by experiments, examples, or practical application;
5 explain and illustrate.” American Heritage College Dictionary (4th ed.). “Need” is defined as “a
6 condition or situation in which something is required or wanted.” *Id.* Here, the evidence
7 Phoenix will present at the hearing will demonstrate that the rezoning to R-4 is both required and
8 wanted because there is a market demand for housing in this area that is not met by the existing
9 housing inventory, and because smart growth, sustainable development, and growth management
10 principles require that urban development be at urban densities, greater than one dwelling unit
11 per acre, and generally at least four dwelling units per acre. In addition, R-4 zoning is “required”
12 because it is legally mandated.

13 **b. Term of Art**

14 A “term of art includes its legal tradition and meanings.” *State v. Bradshaw*, 152 Wn.2d
15 528, 537, 98 P.3d 1190 (2004), citing *Morissette v. United States*, 342 U.S. 246, 263, 72 S. Ct.
16 240 (1952). In *Morissette*, the United States Supreme Court stated:

17 where Congress borrows terms of art in which are accumulated the legal tradition and
18 meaning of centuries of practice, it presumably knows and adopts the cluster of ideas that
19 were attached to each borrowed word in the body of learning from which it was taken and
20 the meaning its use will convey to the judicial mind unless otherwise instructed. In such
21 case, absence of contrary direction may be taken as satisfaction with widely accepted
22 definitions, not as a departure from them.

23 *Morissette, supra*, 342 U.S. at 263.

The term “demonstrated need” is a term of art in the area of zoning. While no published
Washington cases address this term, cases from other jurisdictions uniformly equate

1 “demonstrated need” with market or business demand. In *Trisko v. City of Waite Park*, 566
2 N.W.2d 349 (Minn. Ct App. 1997), the Court reversed the city’s denial of a conditional use
3 permit for a rock quarry. The city’s decision was based in part on a finding that there was no
4 “demonstrated need” for the use because the quarry operator already operated one quarry in the
5 city and had not exhausted the granite supply at that quarry. The Court overturned this finding,
6 determining that there was substantial evidence in the record of the quarry operator’s need for
7 the quarry. The Court stated “[w]hen the record adequately supplies the reasons underlying a
8 business decision, neither a municipal body not a court should override that business judgment.”
9 *Id.* at 355.

10 In addition, in *1000 Friends of Oregon v. Marion County*, 116 Ore. App. 584, 842 P.2d
11 441 (Ore. Ct. App. 1992), the Court held that the Land Use Board of Appeals erred in
12 overturning the county’s determination that there was a demonstrated need for a rezone to permit
13 the expansion of an RV park. The rezone applicant submitted evidence that the existing RV park
14 turned away customers and two other nearby RV parks were operating at capacity. In this case,
15 the parties, Land Use Board of Appeals and Court all clearly interpreted the term “demonstrated
16 need” to mean “market demand.”

17 Indeed, Courts around the country have utilized this definition of “demonstrated need.”
18 *See e.g., Blaker v. Planning and Zoning Commission*, 212 Conn. 471, 484, 562 A.2d 1093
19 (Conn. 1989) (testimony that area had a limited market of relatively affordable housing for
20 young married couples and “empty nesters,” and that proposed condominium development
21 would provide more affordable means of housing than single family development, “supports a
22 finding by the commission of a ‘fully demonstrated need for such type of land use.’”); *Eveline*
23 *Township v. H & D Trucking Company*, 181 Mich. App. 25, 32-33, 448 N.W.2d 727 (Mich. Ct.

1 App. 1989) (demonstrated need for port facility to provide construction materials based in part
2 on “continuing and substantial need for these materials for road building and other
3 construction”).

4 **3. THERE IS A MARKET DEMAND FOR ADDITIONAL R-4 ZONING**

5 In this case, the evidence submitted by Phoenix at the hearing in this matter will show
6 that there is a market demand for the housing type and density proposed. This market demand is
7 not met by the existing housing stock. Accordingly, there is a “demonstrated need” for the
8 rezone.

9 Bob Vick, Senior Vice President of Phoenix, will observe that the business of Phoenix is to
10 develop residential lots, and that over the last ten years, Phoenix has developed 34 residential
11 subdivisions, including 1500 lots, all within the Urban Growth Areas of Snohomish and King
12 Counties. Phoenix has been a strong supporter of the GMA, including its policies to require urban
13 densities in UGAs, to reduce sprawl, to promote efficient use of infrastructure, and to protect critical
14 areas. All of Phoenix’s projects have been consistent with those goals. Mr. Vick will testify that
15 Phoenix would not be proceeding with the costs and risks of pursuing the Montevallo development
16 without a strong sense of the need for R-4 zoned land at these locations in Woodinville. That need
17 has been strong over the last ten years, and remains strong, throughout the UGAs of southern
18 Snohomish and northern King Counties, as indicated by the rapid absorption of all of Phoenix’s
19 recent R-4 and denser residential projects.

20 Matthew Gardner, a land economist with years of experience and knowledge of the real
21 estate markets in this area, will testify on March 15. His report will be submitted on March 14, and
22 is attached to this memorandum. Mr. Gardner will make the following observations: (1) The Staff
23 Report’s conclusion that the City currently has sufficient zoned land to accommodate its demand for

1 housing units is flawed and incorrect; (2) Because of ever-escalating housing prices, the market
2 demand for R-1 zoned estate lots is decreasing as such estate lots become increasingly unaffordable,
3 whereas the market demand for R-4 zoned lots remains vigorous and relatively more affordable; (3)
4 Because of ever-increasing commute times, there is a substantial need for R-4 zoned land in areas
5 such as Woodinville, close to the employment centers of Bellevue, Redmond, and Kirkland; (4)
6 Actual growth demand in Woodinville is likely to substantially exceed its growth allocation of
7 1869; and (5) It is inappropriate to conclude that the provision of multi-family zoned housing will
8 satisfy the demand for detached R-4 zoned lots, as there are so many families who desire a detached
9 single family home, yet can not afford to purchase a one-acre estate lot. Mr. Gardner concludes that
10 market forces will dictate that demand for market rate housing will exceed its supply and that the
11 specific need for R-4 housing will far outpace that of R-1 zoned housing.

12 Because there is a market demand for R-4 zoned housing, there is a demonstrated need for
13 that land use, as contemplated by WMC 21.44.070(1).

14 **4. SOUND PLANNING PRINCIPLES MANDATE ADDITIONAL R-4 ZONED**
15 **LAND IN WOODINVILLE**

16 Michael McCormick, FAICP, a planner with over thirty-five years of experience in
17 community development and growth management, and former Assistant Director for Growth
18 Management for the Washington State Department of Community Development, will submit a
19 report to the Hearing Examiner on the evening of March 14. A copy of the report is attached. Mr.
20 McCormick makes the following observations: (1) The Puget Sound Regional Council's current
21 updating of its VISION 2020 plan, extending it to the year 2040, envisions a significant **increase** in
22 population allocation to Woodinville, underscoring the importance of increasing density from one to
23 four dwelling units per acre, as proposed by Phoenix; (2) Increasing density from one to four

1 dwelling units per acre is consistent with Growth Management Board decisions, accommodates
2 urban density, supports transit and schools, and allows for more efficient use of existing capital
3 facilities; (3) Increasing density from one to four dwelling units per acre is necessary to assure
4 sustainable development, which requires the efficient use of land, and is consistent with the Smart
5 Growth project of the United States Environmental Protection Agency. Mr. McCormick concludes
6 that approving the proposed rezone will be consistent with sound urban planning principles, and
7 denying it will be inconsistent with those principles. Sound planning principles, then, also
8 demonstrate the need for R-4 zoning in Woodinville.

9 **5. THE LAW REQUIRES THAT THE REZONE BE APPROVED**

10 In addition to market demand and sound planning principles, the need for approval of this
11 rezone is demonstrated because the rezone is legally mandated. First, the rezone is legally
12 mandated because the City's zoning code requires that developments be approved at densities of
13 no less than 4 dwelling units per acre when urban services are provided. Second, the rezone is
14 legally required under the doctrine of collateral estoppel. Third, the rezone is legally required to
15 be consistent with holdings of the Growth Management Hearings Board that construe the Growth
16 Management Act.

17 **a. The City's Zoning Code Requires Approval of the Rezone.**

18 This matter involves two applicable WMC sections. One requires a showing of
19 "demonstrated need" for a rezone (WMC 21.44.070); the other provides that "developments with
20 densities less than R-4 are allowed only if adequate services cannot be provided" (WMC
21 21.04.080(1)(a). In interpreting these sections, the City must ensure that no provision is rendered
22 superfluous, void or insignificant. *Snow's Mobile Homes v. Morgan*, 80 Wn.2d 283, 288, 494
23 P.2d 216 (1972) ("Courts are obliged to interpret a statute, if possible, so that no portion of it is

1 superfluous, void, or insignificant.”) Thus, the City may not interpret the “demonstrated need”
2 requirement to eliminate the requirement for R-4 densities. If the Council interprets the term
3 “demonstrated need” to mean market or business demand, as Courts around the country have
4 done, then there is no conflict between these WMC sections and the City may easily give effect
5 to both by granting the requested rezone. This interpretation is the only one that meets the
6 statutory construction requirement that no provision be rendered void or superfluous.

7 In addition, the City must follow the rule of statutory construction that “a specific
8 provision controls over one that is general in nature.” *Miller v. Sybouts*, 97 Wn.2d 445, 448, 645
9 P.2d 1082 (1982). Here, WMC 21.04.080(1)(a) addresses the specific issue before the City:
10 whether R-4 zoning must be permitted on this site. WMC 21.44.070, on the other hand, provides
11 only general standards applicable to any rezone. To the extent the City finds a conflict between
12 the provisions, WMC 21.04.080(1)(a), requiring R-4 densities, controls. Accordingly, the rezone
13 in this case is “needed” because it is legally required under established principles of statutory
14 interpretation.

15 **b. The City is Collaterally Estopped from Denying the Proposed Rezone.**

16 The Central Puget Sound Growth Management Hearings Board has directly addressed the
17 densities required in the area in which the Montevallo property is located. In *Hensley v.*
18 *Woodinville*, Central Puget Sound Growth Management Hearings Board No. 96-3-0031, Final
19 Decision and Order (February 25, 1997), the Board held unequivocally that the City could not
20 perpetuate low-density one-acre zoning. Instead, GMA requires urban densities in this area.

21 In *Hensley*, the petitioner Corrine Hensley challenged the City’s initial GMA
22 comprehensive plan, adopted in 1996. Among other things, the petitioner challenged Policy LU-
23 3.6, which provided: “Allow densities higher than one dwelling unit per acre only when

1 adequate services and facilities are available to serve the proposed development.” She focused
2 the Board’s scrutiny on the Plan’s use of 1 du/acre densities in the Leota neighborhood, which
3 includes the Wood Trails and Montevallo properties. The Board stated:

4 No evidence or argument was presented by Woodinville that there was an environmental
5 justification for such a widespread pattern of one-acre lots. Instead, the City points to
6 Policy LU-3.6 to argue that, in effect, lack of service capacity serves as justification for a
7 FLUM with densities significantly below 4 du/acre. The Board disagrees with the City...

8 Because the Act requires that cities make available and provide urban services throughout
9 their UGAs, the Board cannot construe Goal U-3 to perpetuate an inefficient pattern of
10 one-acre lots. For the Board to conclude otherwise would sanction the inappropriate
11 conversion of undeveloped land into sprawling low-density development, which would
12 effectively thwart long-term urban development within the City’s boundaries...

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

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

20 *Hensley, supra*, at 9-10.

21 The City did not appeal this decision. Instead, the City amended its comprehensive plan
22 to comply with the Board’s directive. *Hensley v. Woodinville*, Central Puget Sound Growth
23 Management Hearings Board No. 96-3-0031, Finding of Compliance (October 10, 1997).

WMC 21.04.080 is directly responsive to the Board’s order. In order to avoid “the
inappropriate conversion of undeveloped land into sprawling low-density development, which
would effectively thwart long-term urban development within the City’s boundaries,” WMC
21.04.080(1)(a) states clearly that “[d]evelopments with densities less than R-4 are allowed only
if adequate services cannot be provided” (emphasis added). In other words, throughout the City,
R-1 development is prohibited unless adequate services cannot be provided. An application for

1 R-1 development in an area where adequate services can be provided – such as the project site –
2 would not comply with the City’s zoning regulations.

3 The City is bound by the Board’s decision that densities of at least four units an acre are
4 required within the City under the doctrine of collateral estoppel. The elements of collateral
5 estoppel are: “(1) the issue decided in the earlier proceeding was identical to the issue presented
6 in the later proceeding; (2) the earlier proceeding ended in a judgment on the merits; (3) the party
7 against whom collateral estoppel is asserted was a party to, or in privity with a party to, the
8 earlier proceeding; and (4) application of collateral estoppel does not work an injustice on the
9 party against whom it is applied. [Citations omitted.]” *Christensen v. Grant County Hosp.*, 152
10 Wn.2d 299, 307, 96 P.3d 957 (2004). Collateral estoppel applies “where an issue was
11 adjudicated by an administrative agency in the earlier proceeding.” *Id.*

12 In this case, the issue decided by the Board is identical to the issue presented in this
13 proceeding. The Board examined whether the City could maintain the existing pattern of one-
14 acre lots within the neighborhood in which the project site is located. The Board determined that
15 the City’s land use regulations could not legally perpetuate these historic low densities.
16 Similarly in this case, the issue is whether the City may maintain the existing large-lot zoning on
17 the project site. In addition, the earlier proceeding ended in a judgment on the merits, a final
18 decision and order by the Board. Also, the party against whom collateral estoppel is asserted, the
19 City, was a party in the prior action. Finally, the application of collateral estoppel will not work
20 an injustice against the City. Quite the contrary, the applicant in this case simply seeks to have
21 the City implement its zoning code according to its plain language and consistent with GMA.

1 c. **The Growth Management Act Requires Approval of the Proposed Rezone.**

2 Even if the City were not collaterally estopped under *Hensley, supra*, the Growth
3 Management Act clearly mandates urban densities for the Montevallo property. There is little
4 question that four dwelling units per acre is, absent environmental constraints, a minimum urban
5 density. And in this case, as the EIS affirms, there are no pertinent environmental constraints.

6 The State Constitution “Article XI, section 11 requires a local law to yield to a state
7 statute on the same subject matter . . . ‘if a conflict exists such that the two cannot be
8 harmonized.’” *Weden v. San Juan County*, 135 Wn.2d 678, 693, 958 P.2d 273 (1998), citing
9 *Brown v. City of Yakima*, 116 Wn.2d 556, 559, 561, 807 P.2d 353 (1991). “Two statutes must be
10 read together “to give each effect and to harmonize each with the other.” *Bour v. Johnson*, 122
11 Wn.2d 829, 835, 864 P.2d 380 (1993). “Inconsistency between statutes upon a given subject is
12 never presumed, but such interpretation or construction should be adopted as will harmonize all
13 acts upon the subject, if reasonably possible.” *Ropo, Inc. v. Seattle*, 67 Wn.2d 574, 578, 409
14 P.2d 148 (1965). In addition, “we presume the Legislature is familiar with past judicial
15 interpretations of its enactments.” *State v. Brown*, 140 Wn.2d 456, 474, 998 P.2d 321 (2000).

16 Here, the City Council must interpret the zoning code provisions at issue to be consistent
17 with the Growth Management Act (“GMA”), as interpreted by the Central Puget Sound Growth
18 Management Hearings Board (“Board”). The Board has directly addressed the densities required
19 in the area in which the Wood Trails and Montevallo properties are located. In *Hensley v.*
20 *Woodinville*, Central Puget Sound Growth Management Hearings Board No. 96-3-0031, Final
21 Decision and Order (February 25, 1997), as stated above, the Board held unequivocally that the
22 City could not perpetuate low-density one-acre zoning. Instead, GMA requires urban densities
23 in this area.

1 Subsequent to the decision in *Hensley*, the Washington Supreme Court considered a
2 challenge to a private restrictive covenant requiring lot sizes of at least one-half acre. *Viking*
3 *Properties v. Holm*, 155 Wn.2d 112, 118 P.2d 322 (2005). The Court upheld the covenant,
4 rejecting a claim that it violated public policy because it was inconsistent with GMA's density
5 requirements. In the decision, the Court called into question the Board's authority to issue a
6 "bright line" four-units-per-acre rule on density. *Id.* at 129-130. This decision does not,
7 however, as stated above, eliminate the City's obligation to comply with the decision in *Hensley*.
8 The City is bound by the judgment in that action, to which it was a party, and which it did not
9 appeal. In addition, the decision in *Viking* did not affect the City's statutory obligation to permit
10 urban densities in urban areas. After *Viking*, the Board has continued to scrutinize permitted
11 densities in urban areas to ensure that they comply with GMA. See e.g., *Abby Road Group v.*
12 *Bonney Lake*, CPSGMHB No. 06-3-0048, Final Decision and Order (May 15, 2006), pp. 23-25
13 (finding densities supported by environmental conditions). Moreover, the City of Woodinville
14 has itself acknowledged in its Comprehensive Plan that four units to the acre and greater are
15 minimum urban densities ("Are urban densities (four units to the acre and greater) being
16 achieved in the Urban Growth Area?" City of Woodinville Comprehensive Plan, Chapter 2,
17 page 7). See also WMC 21.04.080(1)(a), which states that "Developments with densities less
18 than R-4 are allowed only if adequate services can not be provided."

19 The City must also take action consistent with other Board decisions. The Board has held
20 that the requirement for urban densities is separate and independent from the requirement to
21 accommodate the allocated population projection. *Benaroya v. City of Redmond* ("*Benaroya*
22 *II*"), CPSGMHB No. 95-3-0072c (Finding of Compliance, March 13, 1997), p. 6. All residential
23 parcels within UGAs must be designated for appropriate urban densities regardless of whether

1 the population projection is accommodated. *Id.* Accord, Woodinville Comprehensive Plan
2 Policy H-1.4 (“Requiring minimum densities for subdivisions to ensure full land use where
3 urban services are provided.”); WMC 21.04.080 (“Developments with densities less than R-4 are
4 allowed only if adequate services cannot be provided.”)

5 In addition, the Board has explicitly stated that the desire to preserve neighborhood
6 character does not justify densities lower than four units per acre. *Benaroya v. City of Redmond*
7 (“*Benaroya I*”), CPSGMHB Case No. 95-3-0072 (Final Decision and Order, March 25, 1996), p.
8 16, *reversed on other grounds, City of Redmond v. Central Puget Sound Growth Management*
9 *Hearings Board*, 136 Wn.2d 38, 959 P.2d 1091 (1998).¹ In *Benaroya I*, the petitioners argued,
10 among other things, that the city’s comprehensive plan failed to meet the GMA’s urban density
11 mandate because it contained policies requiring that all land use designations be “consistent with
12 the neighborhood’s built densities and development pattern.” *Id.* at pp. 14, 25. The Board
13 agreed with petitioner’s claim, stating:

14 The Board agrees that ensuring the vitality and character of neighborhoods is a
15 legitimate city objective – indeed, it is directed by RCW 36.70A.070(2).
16 However, the requirement to “ensure neighborhood vitality and character” is
neither a mandate, nor an excuse, to freeze neighborhood densities at their pre-
GMA levels.

17 *Id.* at p. 16. The Board concluded that “the Act does not permit a ‘neighborhood veto’, whether
18 *de jure* or *de facto*, and the policies challenged here cannot achieve such an outcome.” *Id.*

19 In sum, the City is bound to interpret its zoning code in a manner consistent with GMA.
20 GMA prohibits the perpetuation of elitist low-density, sprawling, one-acre, estate zoning in the

21 _____
22 ^{1/} This rule is analogous to the rule that community opposition alone cannot justify the denial of, or
23 imposition of unreasonable conditions on, a rezone. See *Sunderland Family Treatment Services v. City of Pasco*,
127 Wn.2d 782, 788, 903 P.2d 986 (1995); *Maranatha Mining, Inc. v. Pierce County*, 59 Wn. App. 795, 804-805,
801 P.2d 985 (1990); *Parkridge v. City of Seattle*, 89 Wn.2d 454, 462, 573 P.2d 359 (1978).

1 area in which the Montevallo property is located. Instead, GMA requires sustainable, smart
2 growth, efficient, urban densities on the property, regardless of whether these densities are
3 required to meet the City's population allocation. In addition, GMA does not permit zoning
4 decisions to be made based on the desire to preserve neighborhood character or due to
5 community opposition. Consistent with the mandate of the City's own zoning code as expressed
6 in WMC 21.04.080(1)(a), there is thus a "demonstrated need" to provide R-4 zoning on the
7 Montevallo property also in order for the City to meet its legal obligations under the Growth
8 Management Act.

9 **6. CONCLUSION**

10 It would violate the rules of statutory construction to erase the mandate of WMC
11 21.04.080(1)(a), which requires that "Developments with densities less than R-4 are allowed
12 only if adequate services cannot be provided."

13 Rather, the rules of statutory construction require that this mandate be harmonized with
14 the provision of WMC 21.44.070, which states that rezones should be approved if there is a
15 "demonstrated need for the zoning proposed."

16 This memorandum amply demonstrates that need. Accordingly, these two zoning code
17 provisions are fully harmonious in this case.

18 R-4 density land use development is in market demand. R-4 density (at a minimum) is
19 necessary in urban areas to accomplish an efficient use of land, to be sustainable, to engage in
20 smart growth, and to comply with the policy dictates of the Growth Management Act. And
21 finally, R-4 density land use is dictated by law – by the City's own zoning code and
22 comprehensive plan provisions, by the doctrine of collateral estoppel, and by the provisions of
23 the GMA as construed by the Growth Management Hearings Board.

1 Indeed, the facts show that while there is a demonstrated need for R-4 zoning, there is no
2 need for R-1 zoning on these properties. A full 50% of the City's residential land is currently
3 zoned R-1. New construction on R-1 zoned, one-acre estate lots, can cost as much as \$2 million
4 per home, placing it well out of reach of the vast majority of home buyers. Perpetuation of this
5 zoning on undeveloped land entrenches an elitist, two-tier vision of the City, where the wealthy
6 live on large lots in the hills, and those who cannot afford those estate-sized lots are relegated to
7 multi-family structures in the valley. Moreover, perpetuation of this one-acre sprawl violates
8 every key tenet of the GMA and of sound planning generally. It is an inefficient use of land,
9 results in inevitable sprawl, and is hugely unaffordable.

10 Accordingly, the Hearing Examiner is respectfully requested to conclude that the
11 Montevallo application has demonstrated need for the proposed R-4 zoning, and that the zoning
12 map amendment as well as the proposed subdivision should be approved.

13 DATED: March 14, 2007.

14 Respectfully submitted,

15
16 McCULLOUGH HILL, PS

17 
18 _____
19 G. RICHARD HILL, WSBA #8806
20 *Attorneys for Applicant*
21 *Phoenix Development*

EXHIBIT A



GARDNER
JOHNSON

EXHIBIT 65
PAGE 18 OF 32

DATE: Wednesday, March 07, 2007

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

FROM: GARDNER JOHNSON LLC

SUBJECT: WOOD TRAILS / MONTEVALLO PRELIMINARY PLAT & REZONE.

GARDNER JOHNSON has been retained by MCCULLOUGH HILL, PS to consider economic and market factors that could influence development patterns within the City of Woodinville, Washington State. The request for such an analysis arises in connection with the proposal of their clients, PHOENIX DEVELOPMENT to develop the Wood Trails¹ and Montevallo² plats. Both projects are considered vested to the codes and regulations in effect on July 8, 2004 and November 23 2004 respectively. In both circumstances, the developer has requested a zoning map amendment to re-designate the properties from an R-1 to R-4 density level. The City has asked Phoenix Development to provide information relevant to the question as to whether there is a "demonstrated need" for R-4 zoned land in the City of Woodinville. As the following discussion discloses, there certainly is, from the economic and market factor perspectives, a "demonstrated need" for such land.

One of the keys to the City's decision making is the discussion of growth within the City and the City's "carrying capacity," i.e. its ability to meet its mandated goals under the auspices of the Comprehensive Plan.

We have reviewed the City's "carrying capacity" discussion in the Wood Trails and Montevallo Staff Reports (pp. 5-7 and pp. 3-5, respectively). Our observation is that because the City's methodology is flawed it is incorrect to conclude, as staff does, that the City has sufficient zoning capacity to meet its demand for housing units.

In fact, the analysis conducted by the City in the Staff Report is simply a quick calculation subtracting units constructed between 2001 and 2006 from the 2001 capacity, for example:

¹ Wood Trails Rezone ZMA2004-053 / Preliminary Plat Application PPA2004-054

² Montevallo Rezone ZMA2004-094 / Preliminary Plat Application PPA2004-093



2001 R1 Capacity	158 dwelling units minus
2001-'06 additional R1 units	50 dwelling units
<hr/>	
= Remaining capacity	108 dwelling units remaining capacity

However, the proper methodology for calculating buildable lands must be based on *available* land. The method of calculating based just on the number of units fails to account for the amount of land that was used to get the 50 dwelling units. It is likely, based on the experience of most Washington jurisdictions, that more land was used to develop those fifty units than anticipated in the Buildable Lands Report - this often happens, for example, when critical areas are found to be more extensive than anticipated.

This is particularly important because the City, in its Buildable Lands Report, has two different calculations for each zone- one assuming the minimum density required under code, and one assuming densities based on past development. In the R-4 zone the minimum density is 3 DU per acre and the assumed density is 5.4 DU per acre. The actual capacity in the 2001 Buildable Lands Report³ is a range from 1,417 (minimum density) - 1,947 (assumed density). The City Staff Report portrays only the highest end of the capacity range. If the City instead were to take the low end of the capacity range, based on minimum density, then there will be a perceived shortfall of 452 housing units.

The staff report calculations are incorrect because they are not based on gross and net acreages and land removed from the inventory but rather on assumed capacity. To explain this, they state that 50 units were provided within the past 5-years and arbitrarily suggested that 50 units equals 50 acres on R-1 zoned land. This is not the case. In calculating existing buildable land, one needs to recalculate how much land was actually used to accommodate the additional dwelling units and then recalculate. This is not apparent in the City's analysis.

Thus, even from the perspective of carrying capacity to accommodate the City's Housing Allocation, it is far from clear that the City's current capacity is sufficient. Indeed, it is our view, as discussed more fully below, that there will be considerably greater demand for R4 density single family housing than the City can provide under current zoning.

From an economic perspective, there are also a number of issues that need to be considered when discussions over density changes take place.

1. Pricing Environment

The Woodinville market has seen substantial price escalation over the last several years. Our most recent data suggests that median pricing for single family houses has increased by 46% between 2003 and the end of 2006. The current median list price for single family houses for sale in the area⁴ is \$659,950.

³ http://www.metrokc.gov/budget/buildland/Woodinville_final.pdf

⁴ Zip Code 98072



We are all aware of the affordability issue in the Puget Sound region and, while we do not suggest that this development will provide “affordable” housing options, we believe that housing values associated with R-4 density development on a per unit basis will be meaningfully more affordable than housing that would be developed on 1-unit per acre lots. Examples are developments such as The Hedges and Nolan Woods⁵ where units are selling for well over \$2M on lots close to 1-acre in size, and others such as Norman Court⁶ and Georgian Estates⁷ where prices range from \$500,000 to \$700,000 on lots at approximately 6 units per acre.

It is clear that demand for more “affordable” units is greater than the demand for estate (one lot per acre) housing. In fact, there is a very limited demographic that can afford homes valued at \$2M – the demand for such homes is small, and as a result there is relatively little need for new homes to be developed on such large lots. On the other hand, the demographic that can afford homes in the \$500,000 to \$700,000 range is much greater. The need for such homes is clearly demonstrable – witness that homes in this price range are the *median* valued homes in the Woodinville zip code, and that homes in this price range are rapidly being purchased

2. Development Environment

With the increasing aging of our population, we note that demand for housing on large, one acre lots has been in decline over recent years. According to our demand models, 31% of city residents will be over 55 years of age by 2011. Similarly, younger families with children, who would certainly enjoy one acre lots, simply cannot afford them.

Additionally, we continue to see growth in the Eastside commercial markets that is being driven by companies’ increasing acknowledgement of the fact that commute times are getting worse and it is important to consider employees home locations when considering their most efficient location. As this is the case, adding residential units in Woodinville, closer to the business centers of Bellevue, Redmond and Kirkland is clearly needed. Moreover, denser product (R-4 and greater) will appeal to, and be more likely to be affordable to, families who are still in the workforce. Approximations are that families with gross incomes of \$125,000 per annum could afford a median priced house in the area. To afford a \$2M estate house, their annual income would have to be between \$400,000 and \$500,000⁸

Considering the area on a transactional basis, we note that the Woodinville market has seen an average of just shy of 500 transactions annually amounting to almost 1/7th of its total housing inventory turning over annually. This rapid turnover is indicative of the high demand for single family housing in Woodinville. Whilst we understand that the City believes that it is meeting its allocation of population as cited in the King County Comp

⁵ Both 35,000 square foot lots located on NE 163rd Court and NE 126th Way

⁶ 6,100 Square foot lots – NE 155th Place

⁷ 6,600 square foot lots – NE 135th Court

⁸ Assuming a 20% down payment at a 30 year fixed rate of 6.04%



Plan⁹, economic indicators strongly suggests that regional, and therefore local, growth will exceed this target and that the City will see demand exceeding its supply under current zoning. This is a function of the affordability of estate housing vis-à-vis median priced housing and that the local economy appears to be growing at a rate that exceeds the nation as a whole. The City saw considerable growth in the 1990's with City population increasing by 29.2% in terms of households and 21.7% in terms of absolute population¹⁰.

As is attested to in the staff report¹¹, the City has already issued permits amounting to almost 30% of its quota in the five year period from 2001 to 2006. In addition, to assume that ancillary demand will be more than covered by potential development in the more urbanized areas of the city, i.e. the C.B.D, assumes that there will be a propensity toward multifamily dwelling units. While it is certainly reasonable to expect that there is some demand for multi-family housing in the downtown and tourist sections of the City, the availability of this multi-family housing will not meaningfully reduce the need for more affordable single family housing at R4 densities. Many families, especially those with children, aspire to a single family home but will never be able to afford such a home on an estate-sized lot. Homes on denser lots (R4 and greater) is the market's response to this demonstrated need.

It is our conclusion, then, that market forces will dictate that demand for market rate housing will exceed its supply and that the specific need for R-4 housing in Woodinville will far outpace that of R-1 zoned housing.

⁹ 1,869 new households between 2001 and 2022 Per Comp Plan Technical Appendix D – Growth Targets and the Urban Growth Area

¹⁰ Source: DemographicsNow

¹¹ PPA-2004-054 Table 1 Pp 6



About Gardner Johnson LLC

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

Land Use and Regional Economics

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

Residential Market Analysis

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

- *Retirement Communities;*
- *Master Planned Communities; and*
- *Public-private partnerships;*

Periodic Economic and Market Forecasting

Commercial/Industrial Market Analysis

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

Financial Analysis

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

Strategic Planning

Fiscal & Economic Impact Analysis

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

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



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

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

About Matthew Gardner

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

PROFESSIONAL AFFILIATIONS

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



LIST OF SELECTED CLIENTS

Private Sector

Albertsons, Inc.
Amstar Properties, Ltd.
Archstone Smith Trust
Associated General Contractors
Associated Grocers
Avalon Bay Real Estate Investment Trust
B.C.R.A.
Bank of America
Bank of the West
Bank of Tennessee
Bank United
Beacon Capital Partners
BRE Properties
Camwest Development
Capital Realty
Capstone Homes
Carmel Partners
Cascadia Development Corporation
Catapult Community Developers
Centex Homes
Chaffey Corporation, The
Citation Inc.
Coldwell Banker Bain
Collins Woerman
CBB - Builder Resource Group
Concord Group, The
Cressey Development Corporation
D.A.S.H.
Del Webb Corporation
DUC Housing Partnership
Equity Residential
Essex Property Trust
Fairfield Residential
Fortune Group, The
First Horizon Construction Lending
GE Capital Corp.
General Motors
Glacier Fish Company
Harbor Properties
Hudson Advisors
ING Clarion
Insite Group, The
Integral Northwest
Intracorp
Intrawest Corporation
Jenamar Communities
John F. Buchan Homes

Jones Lang LaSalle
J.P.I
J P Morgan
Justen Company, The
Keller CMS
Key Bank of Washington
Kimco Realty Corporation
LaSalle Investments
Legacy Partners
Lorig Development
Lowe Enterprises Northwest
Madison Homes
Marcus & Millichap
Master Builders Association
Meridian Group of Companies
M.J.R. Development
Milliken Development
Multi-Capital
Nike, Inc.
Nitze Stagen & Co. Inc.
Opus Northwest
Pacific Real Estate Institute
Pacland
Paul G Allen Charitable Foundation
Polygon Northwest
Portland Development Commission
Quadrant
R.C. Hedreen Co.
Ryness Company
Samis Land Co.
Schnitzer Northwest
Seattle Mariners, The
Seattle Seahawks, The
Seattle Art Museum
Security Properties
Segale Business Parks
Shea Homes
Simpson Housing Partnership
S.R.M. Development
Stafford Homes
Tarragon Development
Trammell Crow
Trammell Crow Residential
Trendwest Resorts
Triad Development
Triad Engineers
TriMet Development

The Trust for Public Lands (TPL)
United Properties, Vancouver B.C.
US Bancorp
Unico
United Dominion Realty Trust
Urban Visions
Vulcan Real Estate Inc.
Wal-Mart
Wasatch Property Management
Washington Mutual Bank
Wells Fargo Bank
Weyerhaeuser Real Estate Company
Windermere Real Estate
Windermere Builder Services
WRECO Land Management
Yarrow Bay Development

Public Sector

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

EXHIBIT B

Michael J. McCormick FAICP

Planning Consulting Services • Growth Management • Intergovernmental Relations

March 12, 2007

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

From: Michael J. McCormick

Subject: Woodinville Residential Density Considerations

You have asked me to examine the planning considerations supporting higher residential densities requested by your clients in their applications to the City of Woodinville for the Wood Trails and Montevallo plats. The Woodinville Comprehensive Plan designates the area containing both proposals at Low Density Residential and provides for a density up to 4 dwelling units per acre.¹ The City staff have recommended approval of the requests to rezone these two areas from R-1 to R-4.² This memorandum will identify and summarize some reasons why approval of these requests supports good public policy and planning principles for the City of Woodinville.

Planning Context

The Washington State Growth Management Act (GMA) was originally enacted in 1990 and 1991. The GMA required certain counties, and the cities within them, to undertake a new comprehensive planning program. King County and all the cities within are required to plan under the GMA. Some of the key planning elements under the GMA are the establishment of 13 (now 14) goals to be achieved through a set of requirements which called for, among other things, counties, and their cities, to plan to accommodate future growth; counties to designate Urban Growth Areas (UGA's) where future urban growth was to be concentrated; the development of Countywide Planning Policies (and Multiple Countywide Planning Policies within the four-county central Puget Sound

¹ City of Woodinville Comprehensive Plan (December 2002), Chapter 3, Page 7.

² City of Woodinville Staff Report To The Hearing Examiner For Wood Trails Rezone ZMA2004-053 And Preliminary Plat Application PPA2004-054 (February 23, 2007) and City of Woodinville Staff Report To The Hearing Examiner For Montevallo Rezone ZMA2004-094 And Preliminary Plat Application PPA2004-093.

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March 12, 2007
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area) to guide local planning; and, requirements for local comprehensive plans and their implementing development regulations to be consistent.³

The GMA originally included 13 goals to guide the development of local comprehensive plans and implementing development regulations. The 13 goals discourage sprawling development, encourage development in urban areas with adequate public facilities, encourage economic development throughout the state consistent with comprehensive plans, encourage efficient multimodal transportation systems, provide for the protection of property rights, and require that adequate public facilities and services necessary to support development be available when new development occurs. Many of these planning goals directly relate to specific planning requirements in the act.⁴ The City of Woodinville's Comprehensive Plan, Zoning Designations and Development Regulations were developed within this framework.

Accommodating Future Growth

The Washington State Office of Financial Management periodically issues a range of future population growth that each county and its cities must plan to accommodate in the next 20 years. Within the central Puget Sound region⁵, this allocation is made by the individual counties, in consultation with their cities, but under the umbrella of a set of multicounty planning policies which were developed and adopted by the Puget Sound Regional Council (PSRC) as VISION 2020.

PSRC is currently updating VISION 2020, extending it to the year 2040. As part of this process, the multicounty planning policies are being updated, and a preferred growth alternative created.⁶ Both of these items are to be acted on by PSRC's Executive Board this month.

The preferred growth alternative is best compared to current population targets extended to the year 2040. This adds the 18 year period between 2022 (which is the current target horizon) and 2040. The preferred growth alternative diverges from current plans in the following ways: it assigns more growth to the most urbanized areas (Seattle, Tacoma, Everett, Bellevue, Bremerton), then to the other 14 cities with regional growth centers, and then to the 13 largest suburban cities in the region that do not currently have regional growth centers. Woodinville is identified as one of these

³ See RCW 36.70A. An excellent overview can be found on the Washington State Department of Community Development's Growth Management Services web site at <http://www.cted.wa.gov/site/375/default.aspx>.

⁴ In 1995, a 14th goal on shoreline management was added to the GMA.

⁵ This includes King, Kitsap, Pierce and Snohomish Counties.

⁶ See, respectively, VISION Update; Draft Revised Multicounty Planning Policies (Growth Management Policy Board, February 1, 2007); and, VISION 2020 Update; Recommended Preferred Alternative for a Regional Growth Strategy (Adopted by the Growth Management Policy Board on February 8, 2007).

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new "Larger Suburban Cities." The preferred growth alternative assigns 30,000 more population⁷ than what is shown in current plans extended to 2040 to this class of cities, but does not distribute specific amounts to any individual city. This will be done subsequently and ultimately incorporated into the King County Countywide Planning Policies.⁸

It is reasonable to assume that Woodinville, as one of the 13 new Larger Suburban Cities will be required to take some share of the 30,000 additional population above what might be expected by just extending the current growth trends. This will place additional pressure on Woodinville to accommodate additional growth. While the current plan, and recent land capacity analysis, suggest the City can meet its current responsibilities, a new significant addition will be problematic.⁹ In this light, it would be smart, and from a planning perspective desirable, for the City to conserve what existing residential lands are available to help meet this anticipated future need. One way to do this is to increase existing density as with the approval of these two proposed plats.

Urban Density Issues

Encouraging increased urban densities is a key element of the GMA and for all sound planning efforts to reduce sprawl, preserve rural and resource lands and protect water and air quality. The GMA requires "urban densities" to be located inside the UGA and prohibits them outside. But the GMA does not establish a specific numerical limit to what is urban and what isn't.¹⁰ The State has provided some helpful guidance. The Washington State Department of Community, Trade, and Economic Development published a series of technical assistance documents during the initial years of the GMA. One of these documents covered urban growth area designation and densities. THE ART AND SCIENCE OF DESIGNATING URBAN GOWTH AREAS, PART II contains a thorough discussion of the implications of setting densities and presents a number of examples and arguments which argue for urban densities being set based on a number of factors.¹¹ This document contains an abundance of examples from within Washington state and outside on the need for and benefit of setting higher residential densities. Typical single family detached housing developments are found at a much higher density than we are discussing here. Absent some

⁷ Within the PSRC region, target allocations are made for both population and employment. The discussion here is limited to the population component only. While important, the employment allocation does not directly translate to housing.

⁸ See King County Countywide Planning Policies (Updated July 2006)

⁹ King County (and its cities) are one of six counties required to periodically review their available land supply. This Buildable Lands Requirement (RCW 36.70A.215) led to the issuance of the King County Buildable Lands Evaluation Report 2002 (September 2002) in which Woodinville's current supply of available land was reported to meet the current requirements with a surplus capacity for 798 additional people.

¹⁰ See RCW 36.70A.030(18). For a more detailed discussion of UGA designation criteria and density see the publication in Note 10, below.

¹¹ THE ART AND SCIENCE OF DESIGNATING URBAN GROWTH AREAS, PART II; Some Suggestions for Criteria and Densities, (March 1992), Washington State Department of Community Development Growth Management Division.

recognized environmental constraint, appropriate new planned urban densities are more in the range of five to eight units per acre. It is not uncommon to find popular, well designed new single family development at densities up to 12 units per acre.¹² There continues to be a generally feeling within the planning community that, while not officially established, four units per acre continues to be a "safe" place to start for acceptable urban densities under the GMA. A recent analysis looked at of the central Puget Sound area cities (King, Kitsap, Pierce and Snohomish Counties) compared the percent of single family land area designated above and below four units per acre. More than half of all cities have more than 90% of their single family zoning above four units per acre. In fact only seven of the 47 cities examined had a lower percentage of density above four units per acre lower than Woodinville (Normandy Park, Woodway, Brier, Bainbridge Island, Clyde Hill, Hunts Point and Medina).¹³

The absence of a numerical urban density definition created considerable uncertainty, angst and proved problematic for a number of local jurisdictions. The first attempt at clear guidance came from a decision of the Central Puget Sound Washington Growth Management Hearings Board¹⁴ which established 4 dwelling units per acre as the minimum density for "urban development" under the GMA.¹⁵ This became an evolving and generally accepted standard until a 2005 decision of the Washington State Supreme Court that the hearings boards did not have the authority to set a "bright line" minimum urban density.¹⁶

However, the issue remains and it is clear that areas designated with relatively less dense designations within UGA's will continue to generate pressure both political and economic. Woodinville has had its own experience where the Central Puget Sound Growth Management Hearings Board sent a clear warning. Specifically the hearings board said:

Simply stated, Woodinville may not engender or perpetuate a near-term land use pattern (one-acre lots) that will effectively thwart long-term (beyond the twenty-year planning horizon) urban development within its boundaries. See *Robison v. Bainbridge Island*, CPSGMHB Case No. 94-3-0025, Final Decision and Order (May 3, 1995), at 30. Also, encouraging a pattern of new one-acre lots constitutes sprawl. See *Bremerton v. Kitsap County*, CPSGMHB Case No. 95-3-0039, Final Decision and Order (Oct. 6, 1995), at 49.¹⁷

¹² See *The Right Size Home: Housing Innovation in Washington*, (undated), The Housing Partnership.

¹³ Joseph W. Tovar, FAICP, *Appropriate Urban Densities in the Central Puget Sound Region: Local Plans, Regional Visions, and the Growth Management Act*, (November 4, 2005).

¹⁴ The GMA established three Growth Management Hearings Boards to hear appeals of local comprehensive plans and development regulations. Generally see RCW 36.70A.250 through .290.

¹⁵ *Bremerton v. Kitsap County*, Cent. Puget Sound Growth Mgmt. Hearings Bd., No. 95-3-0039.

¹⁶ *Viking Properties v. Holm*, 155 Wn.2d 112 (2005).

¹⁷ *Hensley v. City of Woodinville*, Cent. Puget Sound Growth Mgmt. Hearings Bd., No. 96-3-0031.

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Lower densities (such as R-1) inside UGAs work against progress in meeting the goals of the GMA and remain vulnerable to challenges brought outside the scope of "Viking". Increasing densities can help support the development and continuation of transit service. A locally developed threshold for transit supporting densities has been articulated at 7 to 8 dwelling units per acre.¹⁸ Similarly, increased densities are more likely to attract families with children which would be attractive to the Northshore School District in the face of decreasing enrollments.¹⁹ Efficient use of existing capital facilities is another important principle helped by increasing density without straining capacity, as is the case here.

Other Important Considerations

Beyond the specific goals and requirements of the GMA lie additional principles worthy of consideration.

The Washington Association of Realtors (WAR) has undertaken an ambitious program to increase housing opportunities in this state. To support this effort, WAR is tracking, among others, the performance of all cities within the central Puget Sound region. A portion of their work is seeking to find out the degree to which individual jurisdictions are, first, planning for sufficient acreages of appropriately planned residential densities and, second and perhaps more important, the degree to which these same jurisdictions are meeting their housing numbers targets.²⁰

The first of these is the concept of "sustainability". The City is currently undertaking the development of such a policy. A well established definition of sustainable development is: "development which meets the needs of the present without compromising the ability of future generations to meet their own needs."²¹ The idea that we must decrease our consumption, including our consumption of land, is a strong element championed around the globe. Decreasing the size of residential development lots is a relatively painless way to contribute to sustainable efforts.

Within the U.S. the idea of a "New Urbanism" has emerged to promote walkable, neighborhood-based development as an alternative to sprawl. The principles of New Urbanism include higher densities "for ease of walking, to enable a more efficient use of services and resources, and to create a more convenient, enjoyable place to live."²²

¹⁸ THE ART AND SCIENCE OF DESIGNATING URBAN GROWTH AREAS, PART II; Some Suggestions for Criteria and Densities, (March 1992), Washington State Department of Community Development Growth Management Division; p. 16.

¹⁹ City of Woodinville Staff Report To The Hearing Examiner For Montevallo Rezone ZMA2004-094 And Preliminary Plat Application PPA2004-093, p. 22.

²⁰ See <http://www.warealtor.com/firstpage2.asp> and follow the link to Washington Realtors Make Homes a Priority.

²¹ UK Govt Sustainable Development found at <http://www.sustainabledevelopment.gov.uk/what/index.htm>

²² Found at <http://www.newurbanism.org/newurbanism/principles.html>

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Smart Growth is another contemporary term which we hear often in the discussion about growth, density and housing. The U.S. Environmental Protection Agency has established a significant program around the "Smart Growth" term to support "communities grow in ways that expand economic opportunity, protect public health and the environment, and create and enhance the places that people love."²³ The Growth Management Program has issued a series of discussion papers to "start discussions for possible solutions for some key growth and quality of life issues." Discussion Paper No. 1 (of 12) is on Housing. A specific land use strategy included in the paper is to use smaller residential lots for detached housing.²⁴

Within the planning community starting at the individual community level in Washington state, across the country and, indeed, throughout the world, planners find a number of compelling reasons to promote and encourage increased residential densities. I have highlighted a number here which I feel are particularly applicable to the current requests being made by your clients to the City of Woodinville. This presents a great opportunity for the City to approve the two projects and make a small step toward achieving the goals of the Growth Management Act and support the other positive outcomes we all want.

In conclusion, from my perspective as a planner with over thirty-five years experience in Washington State dealing with local planning and growth management related issues, approving the proposed rezones from R-1 to R-4 will result in a desirable planning outcome and is consistent with sound planning principles. Retaining the R-1 designation on these properties, in the absence of significant environmental constraints, is inconsistent with sound planning principles, and with the policies of the Growth Management Act to encourage urban densities within urban growth areas and to reduce sprawl.

²³ See <http://www.epa.gov/smartgrowth/index.htm>.

²⁴ Smart Growth Discussion Paper No. 1 of 12: Housing, Washington State Community, Trade and Economic Development, (undated).

Michael J. McCormick FAICP

Planning Consulting Services • Growth Management • Intergovernmental Relations

Bio for Michael J. McCormick, FAICP

Mike McCormick is currently a planning consultant located in Olympia, Washington specializing in growth management, planning and intergovernmental relations.

Prior to establishing his consulting firm in 1994, Mike culminated a 25-year career with the Washington State Department of Community Development as Assistant Director for Growth Management. He was actively involved in the creation of the Washington State Growth Management Act in 1990 and, subsequent to the enactment, directed the state's role in implementing the act for three years. In 1991, he received the Governor's Distinguished Management Leadership Award.

Mike has practiced planning in Washington state for more than 35 years, many of those years working at the state level to assist local governments meet a variety of unique planning and financial challenges. He remains active with the Washington Chapter of the American Planning Association's legislative efforts to build and support good planning in Washington State.

In 1999, he was elected to the first class of Fellows of the American Institute of Certified Planners for his contribution to the planning profession. He has been the recipient of the Washington Chapter of APA's Myer Wolfe Award for Professional Achievement and the President's Award for Distinguished Service.

Mike has a Bachelors of Arts in Geography from Fresno State College and a Masters of City Planning from the University of California, Berkeley.

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PHOENIX DEVELOPMENT INCORPORATED



March 15, 2007

EXHIBIT 66
PAGE 1 OF 14

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

Re: Wood Trails and Montevallo – “Demonstrated Need Analysis”

Dear Mr. Smith:

This letter is in follow up to City Staff comments regarding the burden of “Demonstrated Need” for R-4 zoning for these two projects, and supplements my testimony of March 14, 2007. I have assembled the attached additional reports to further demonstrate the need for R-4 development in the City of Woodinville. The data is drawn from two resources: New Home Trends – An on line project tracking and analysis service, and Fourth Quarter 2006 Residential Market Monitor – Seattle Area – which is produced by Hanley Wood Market Intelligence. We entered specific data requests into the New Home Trends analysis and then the reports are the summary of the findings. I have attached copies of each report and indexed them as Exhibit(s) A – I.

FINDINGS

Exhibit A – Input = 4000 – 9600 SF lot size, City of Woodinville, Currently Selling Detached Communities. Result = Only two projects totaling 21 lots.

Exhibit B – Input = 4000 – 9600 SF lot size, City of Woodinville, Proposed Detached Plats. Result = Three projects. Wood Trails, Montevallo, and a 12 lot plat.

Exhibit C – Input = 1 acre – 5 acre lot size, City of Woodinville, Currently Selling. Result = 1 Plat – no prices available yet.

Exhibit D – Input = 1 acre – 5 acre lot size, City of Woodinville, Proposed Detached Plats. Result = No unrecorded applications

Exhibit E – Input = 4000 – 9600 SF lots, Multiple Listing Service areas 600, 610, Currently Selling Detached Developments. Result = 34 developments 496 / homes.

Exhibit F – Input = Quarterly Report, 4000 – 9600 SF lots, City of Woodinville. Result = very limited sales rate based on lack of inventory / “note sold out projects”.

Exhibit G – Demand Summary – Seattle Area – Hanley Wood – Projections for continued Job Growth.

Exhibit H – Demand Calculation for Seattle Area – Hanley Wood – Indicates a demand for approximately 38,600 new homes needed for 2007 alone.

Exhibit I – New Home Affordability Ratio – Hanley Wood Graded “F” – as in failing. National average is 41% - Seattle area market is 20.2%

CONCLUSIONS

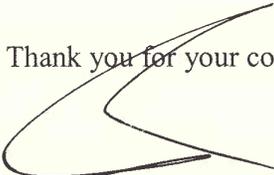
1. Exhibit(s) A & B show a very constrained housing supply in the City of Woodinville for R-4 type housing. If not for Wood Trails and Montevallo, there would be only one 12 lot plat in the pipeline of unrecorded plats, (per New Home Trends data). There should not be such a wide GAP / void between the apartment /condo market and 1 acre estate development.
2. Exhibits C & D show that there is virtually a non-existent market in the 1 – 5 acre niche.
3. Exhibit E shows that it is the broader MLS areas surrounding Woodinville, which includes parts of Kirkland, Redmond, and Bothell, and Unincorporated Snohomish County, that is shouldering the burden of higher densities. Woodinville’s use of R-1 zoning as an exclusionary device is pushing the R-4 Urban Densities outside its boundaries onto its neighbors.
4. Exhibit F – Shows the limited, or constrained quarterly unit sales, based on a very limited number of projects.
5. Exhibit G & H – The Hanley Wood data reports that the Seattle Metro Area job growth rate for the year 2006 was 3.6%, which is a very strong job creation number. As well, the report points to the expectation that the City of Bellevue, now at 32,000 employment levels, will increase to 60,000 by the year 2020. The new housing demand for 2007 is estimated to be 38,600 homes. That’s one year alone.
6. Exhibit I – “The affordability factor remains the most notable negative impact for the Seattle Region as it has reported a new all time low of 20% for the new home market, 21% lower than the national average of 41%. Competition from lower priced resale homes remains relatively high while the resale affordability ratio is still hovering around 31%. The minimum annual income needed to purchase a new home is \$103,564 with a fixed rate mortgage and \$97,872 for an adjustable rate mortgage, well above the median household.”

(1) Residential Market Monitor Seattle Area – Fourth Quarter 2006.

There is a great need in the City of Woodinville for R-4 housing stock to meet the challenge of affordability. As these reports and findings clearly indicate, the City of Woodinville has not fulfilled the need to supply reasonably affordable new housing stock. Instead, there is apparent reliance upon the unaffordable and anemic 1 acre lot supply to provide detached housing stock. The result is that the neighboring communities are shouldering the demand for increased densities. The expected continuation in robust job growth is going to escalate demand on available land supplies within the Urban Growth Area Boundary Line. The result will be significantly higher prices on new homes, which makes the R-1 zone totally unrealistic in the Urban Areas.

We would request again of the Hearing Examiner, that you approve the Rezone Request for R-4 zoning and Preliminary Plat on the Wood Trails and Montevallo projects.

Thank you for your consideration,



Bob Vick
Senior Vice-President
Phoenix Development, Inc.



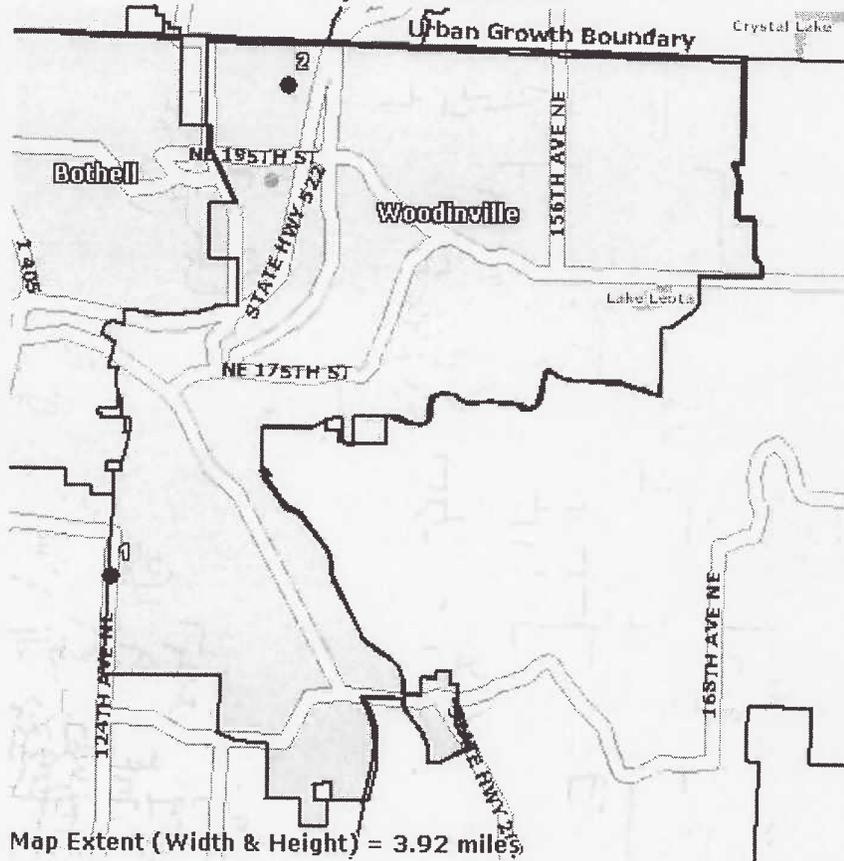
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Bob Vick
for a valued client

**EXHIBIT
A**

**Currently Selling Detached Developments for
City of Woodinville**

Selection Criteria	
Typ Lot SqFt	4,000 - 9,600
County	King
City	Woodinville
Status	Not Surveyed, Not Yet Selling, Under Const. Not Selling, Taking Reservations, Selling Lots, Selling Homes, Selling Lots & Homes

City Summary for Woodinville (using the criteria above)	
Developments	2
Total Mo Sales (Avg)	.58
Avg Mo Sales / Devlp	.58
Median Avail Price	\$659,950
Average Avail Price	\$669,650
Median Avail \$/SqFt	\$232
Lots/Homes Avail	10
Months of Spec Inv	6.9



Map Extent (Width & Height) = 3.92 miles

**Currently Selling Detached Developments for
City of Woodinville**

Map Index	Development Name and Address	Last Update	Status	Map Page Grid	Typ Lot Size	Total Price Range	Total SqFt Range	Total \$/SqFt Range	Avail Price Range	Lots Recrd	Lots/Homes Sold	Start of Sales	Avg Mnth Sales	Vacant Lots	Spec Inv	Est. Sellout
1	Norman Court 124th Ave NE & NE 155th Pl	3/1/2007	Selling Homes	506 G2	6,400	\$649,000 \$719,000	3,068 3,194	\$214 \$230	\$697,500 \$697,500	12	11	8/1/2005	0.58	0	1	May 2007
2	Veranda Lane 136th Ave NE & NE 202nd St	3/1/2007	Selling Homes	476 H4	4,500	\$651,500 \$659,950	2,716 2,849	\$232 \$240	\$651,500 \$659,950	9	0	2/27/2007		6	3	
Totals										21	11		.58	6	4	Aug 2008

Projected Sellout is calculated using the formula: (Lots or Homes Avail / Avg Mnth Sales) = # of months until sellout
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EXHIBIT 66
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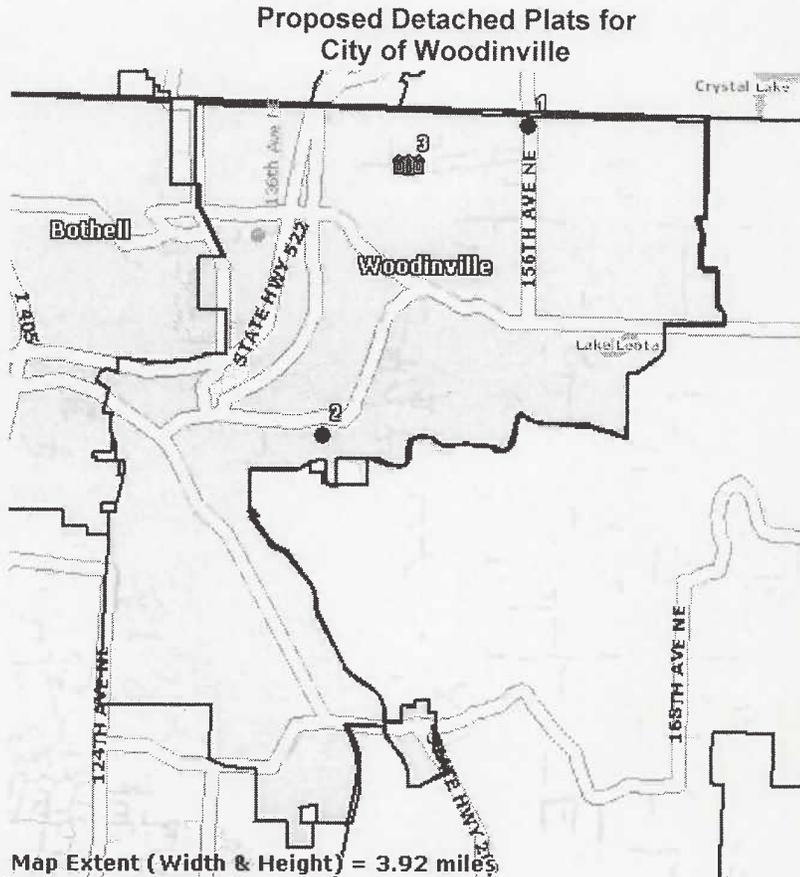
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**EXHIBIT
B**

Selection Criteria	
Typ Lot SqFt	4,000 - 9,600
County	King
City	Woodinville
Status	Review, Litigation, Prelim. Approval, Extension

City Summary for Woodinville (using the criteria above)	
Developments	3
Curr Lot Total	144

Development Summary for Wood Trails	
Curr Lot Total	66
Typical Lot Size	7,000 SqFt
Status	Review
Aerial	



Map Extent (Width & Height) = 3.92 miles

Proposed Detached Plats for City of Woodinville

Map Index	Plat Name	City	Map Page Grid	Market Area	Curr Lot Total	Typ Lot Size	Status	Appl Date	Hearing Date	Prelim Appr Date
1	Montevillo 156th Ave NE & NE 203rd Pl	Woodinville	477 B4	Northshore	66	5,500	Review	11/8/2004	3/15/2007	
2	One Fortieth Place 14041 NE 171st St	Woodinville	476 J7	Northshore	12	4,500	Review	6/15/2006	9/28/2006	
3	Wood Trails 148th Ave NE & NE 195th St	Woodinville	477 A5	Northshore	66	7,000	Review	6/18/2004	3/14/2007	
Totals: 3					144					

Projected Sellout is calculated using the formula: (Lots or Homes Avail / Avg Mnth Sales) = # of months until sellout
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**EXHIBIT
C**

**Currently Selling Detached Developments for
City of Woodinville**

Selection Criteria	
Typ Lot SqFt	43,560 - 217,800
County	King
City	Woodinville
Status	Not Surveyed, Not Yet Selling, Under Const. Not Selling, Taking Reservations, Selling Lots, Selling Homes, Selling Lots & Homes

City Summary for Woodinville (using the criteria above)	
Developments	1
Total Mo Sales (Avg)	.00
Avg Mo Sales / Devlp	
Median Avail Price	N/A
Average Avail Price	N/A
Median Avail \$/SqFt	N/A
Lots/Homes Avail	7
Months of Spec Inv	N/A



**Currently Selling Detached Developments for
City of Woodinville**

Map Index	Development Name and Address	Last Update	Status	Map Page Grid	Typ Lot Size	Total Price Range	Total SqFt Range	Total \$/SqFt Range	Avail Price Range	Lots Recrd	Lots/Homes Sold	Start of Sales	Avg Mnth Sales	Vacant Lots	Spec Inv	Est. Sellout
1	Bonterra 157th Pl NE & NE Old Woodinville-Duvall Pl	3/1/2007	Not Yet Selling	477 B6	45,850					7	0			7	0	
Totals											7	0	7	0		

Projected Sellout is calculated using the formula: (Lots or Homes Avail / Avg Mnth Sales) = # of months until sellout
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EXHIBIT 66
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**EXHIBIT
D**



Prepared by
Bob Vick
for a valued client

Selection Criteria	
Typ Lot SqFt	43,560 - 217,800
County	King
City	Woodinville
Status	Review, Litigation, Prelim. Approval, Extension



No Plat(s) match the selected criteria (above).
Map Extent (Width & Height) = 3.92 miles

Projected Sellout is calculated using the formula: (Lots or Homes Avail / Avg Mnth Sales) = # of months until sellout
 Note: This information is accurate to the extent that records are provided by builders and their representatives.
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EXHIBIT 66
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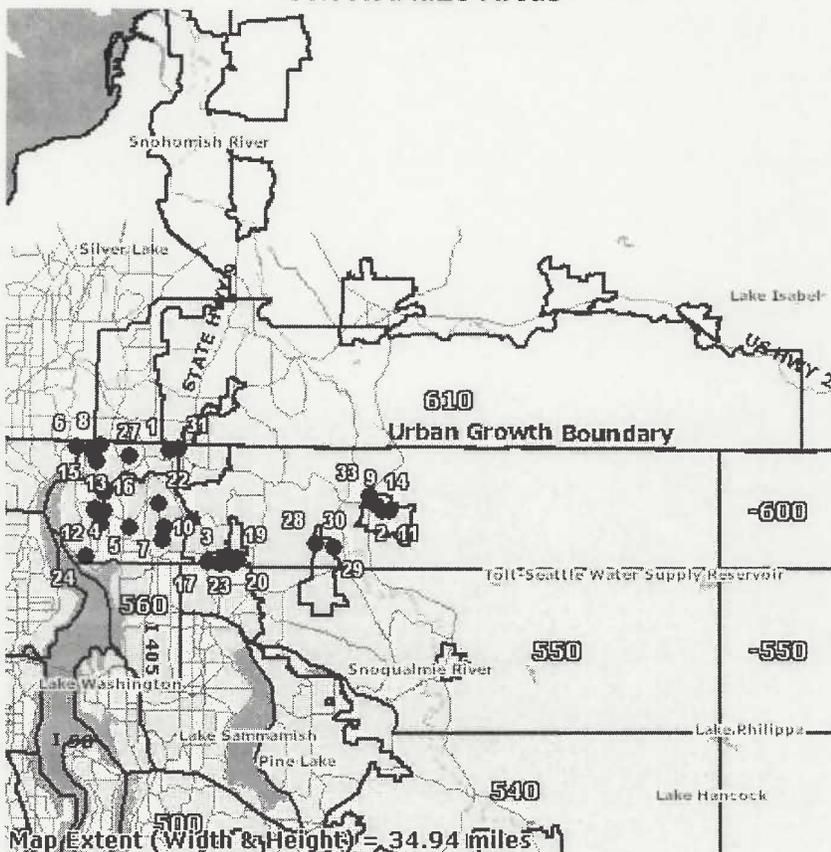
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Bob Vick
for a valued client

**EXHIBIT
E**

**Currently Selling Detached Developments for
Selected MLS Areas**

Selection Criteria	
Typ Lot SqFt	4,000 - 9,600
County	King
MLS Area	600, 610
Status	Not Surveyed, Not Yet Selling, Under Const. Not Selling, Taking Reservations, Selling Lots, Selling Homes, Selling Lots & Homes

MLS Summary (using the criteria above)	
Developments	34
Total Mo Sales (Avg)	44.49
Avg Mo Sales / Devlp	2.02
Median Avail Price	\$758,470
Average Avail Price	\$795,436
Median Avail \$/SqFt	\$249
Lots/Homes Avail	496
Months of Spec Inv	2.8



- | | |
|-----------------------------|---|
| 1 Andalusia | 19 Monticello Estates |
| 2 Arborwood | 20 Monticello Estates 2 |
| 3 Aspenridge | 21 Noble Long Plat |
| 4 Belmont Estates | 22 Norman Court |
| 5 Blue Heron Place | 23 Northstar 2 |
| 6 Blueberry | 24 One Eagle Place |
| 7 Calina at Kirkland | 25 Sable Ridge |
| 8 Chateau Meadows | 26 Shadowcreek |
| 9 Cherry Hill Vista | 27 Sonoma Park |
| 10 Cliff Mull 6 at Kirkland | 28 Trilogy at Redmond Ridge:
Cedar Heights |
| 11 Fawn Meadows | 29 Trilogy at Redmond Ridge:
Meadow |
| 12 Fernwood | 30 Trilogy at Redmond Ridge:
Skyline |
| 13 Frances Park | 31 Veranda Lane |
| 14 Heron Cove | 32 Whistlers Ridge |
| 15 Herons Reach | 33 Willow Ridge (Detached) |
| 16 Inglemoor Court | 34 Wynstone |
| 17 Kensington | |
| 18 Linden Lane on 132nd | |

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EXHIBIT E
continued

Currently Selling Detached Developments for Selected MLS Areas (600, 610)

Map Index	Development Name and Address	Last Update	Status	Map Page Grid	Typ Lot Size	Total Price Range	Total SqFt Range	Total \$/SqFt Range	Avail Price Range	Lots Recrd	Lots/Homes Sold	Start of Sales	Avg Mnth Sales	Vacant Lots	Spec Inv	Est. Sellout
1	Andalusia 130th Ave NE & NE 200th PI	3/1/2007	Selling Homes	476 H4	4,500	\$498,000 \$585,000	2,140 3,036	\$190 \$263	\$501,910 \$570,190	26	17	7/15/2006	2.26	6	1	Jul 2007
2	Arborwood NE 152nd St & 273rd Dr NE	3/1/2007	Selling Homes	508 H2	8,500	\$427,000 \$574,000	2,386 4,318	\$113 \$199	\$554,000 \$554,000	26	25	3/1/2005	1.04	0	1	Apr 2007
3	Aspenridge NE 120th St at 167th PI NE	3/8/2007	Selling Homes	507 C7	5,500	\$899,950 \$939,950	3,023 3,406	\$266 \$293	\$909,950 \$929,950	18	2	4/22/2005	0.09	12	4	Mar 2022
4	Belmont Estates 81st Ave NE & NE 149th St	3/1/2007	Not Yet Selling	506 A2	4,600					15	0			4	9	
5	Blue Heron Place 8421 NE 141st St	3/1/2007	Not Yet Selling	506 B3	5,200					5	0			5	0	
6	Blueberry 20005 68th Ave NE	3/1/2007	Selling Homes	475 J4	6,000	\$569,900 \$569,900	2,600 2,600	\$219 \$219	\$569,900 \$569,900	7	0	11/1/2006		3	4	
7	Calina at Kirkland NE 140th St & 105th Ct NE	3/1/2007	Selling Homes	506 D3	6,200					7	0	2/1/2007		7	0	
8	Chateau Meadows NE 203rd St & 83rd PI NE	3/1/2007	Selling Homes	476 B4	5,500	\$695,000 \$850,000	3,130 3,840	\$202 \$230	\$795,000 \$795,000	12	11	7/24/2005	0.57	0	1	May 2007
9	Cherry Hill Vista 2nd Ave NE & NE Anderson St	3/1/2007	Selling Homes	508 G1	6,300	\$459,000 \$474,765	2,140 3,036	\$190 \$215	\$461,051 \$474,765	30	0	2/1/2007		27	1	
10	Cliff Mull 6 at Kirkland NE 140th St at 127th PI NE (SW Corner of intersection)	3/1/2007	Not Yet Selling	506 G4	5,000					6	0			1	4	
11	Fawn Meadows 276th PI NE & NE 153rd Ln	3/1/2007	Selling Homes	508 H2	5,100	\$479,950 \$504,950	2,275 2,500	\$200 \$214	\$479,950 \$499,950	8	3	6/23/2006	0.36	0	4	Feb 2008
12	Fernwood 81st Ave NE & NE 147th Ln	3/1/2007	Selling Homes	506 A2	5,600	\$699,000 \$743,400	2,540 2,830	\$260 \$275	\$699,500 \$734,900	9	1	9/1/2006	0.17	3	4	Sep 2010
13	Frances Park NE 189th PI & 82nd Ave NE	3/1/2007	Not Yet Selling	476 B5	5,000					5	0			1	4	
14	Heron Cove 4th Ave NE & NE Stewart St	3/1/2007	Selling Homes	508 G2	9,000	\$825,000 \$1,295,000	3,027 5,800	\$200 \$286	\$825,000 \$1,295,000	13	0	1/6/2005		8	4	
15	Heron Reach 19600 78th Ave NE	3/1/2007	Selling Homes	476 B4	4,500	\$519,950 \$615,000	2,218 3,083	\$190 \$239	\$545,950 \$585,950	18	16	2/1/2006	1.24	0	2	May 2007
16	Inglemoor Court 88th Ave NE & NE 147th Ct	3/1/2007	Selling Homes	506 B2	4,500	\$419,950 \$729,950	1,850 3,146	\$197 \$258	\$709,950 \$729,950	15	12	2/1/2005	0.48	0	3	Sep 2007
17	Kensington NE 116th St & Woodinville Redmond Rd (NE Ccorner)	3/8/2007	Selling Homes	507 B7	6,250	\$449,950 \$1,249,950	2,270 4,888	\$146 \$304	\$949,950 \$1,249,950	121	107	12/1/2001	1.69	4	7	Oct 2007
18	Linden Lane on 132nd NE 132nd St &	3/1/2007	Selling Homes	506 G5	4,600	\$649,950 \$689,950	2,481 2,651	\$260 \$264	\$649,950 \$684,950	11	2	2/2/2007	2.00	9	0	Jul 2007

	126th Ct NE																
19	Monticello Estates NE 116th St & 178th Ave NE	3/8/2007	Selling Homes	507 D7	5,500	\$552,990 \$937,990	2,663 4,011	\$188 \$272	\$775,990 \$925,990	94	89	12/1/2004	3.27	0	3	May 2007	
20	Monticello Estates 2 NE 120th Wy & 179th PI NE (S of intersection)	3/8/2007	Selling Homes	507 E6	6,500	\$699,990 \$942,615	2,698 3,248	\$233 \$349	\$732,990 \$756,990	21	18	5/1/2006	1.76	0	3	May 2007	
21	Noble Long Plat 88th Ave NE & NE 163rd St	3/1/2007	Selling Homes	476 B7	8,000	\$699,990 \$749,999	3,040 3,822	\$196 \$230	\$699,990 \$749,999	6	0	1/23/2007		0	6		
22	Norman Court 124th Ave NE & NE 155th PI	3/1/2007	Selling Homes	506 G2	6,400	\$649,000 \$719,000	3,068 3,194	\$214 \$230	\$697,500 \$697,500	12	11	8/1/2005	0.58	0	1	May 2007	
23	Northstar 2 NE 116th St & 167th PI NE	3/8/2007	Selling Homes	507 B6	5,600	\$442,950 \$899,950	2,301 4,046	\$165 \$308	\$759,950 \$899,950	76	48	6/1/2003	1.06	23	5	May 2009	
24	One Eagle Place 76th Ave & NE 120th PI	3/8/2007	Selling Homes	506 A6	9,600	\$872,000 \$2,299,500	3,976 5,976	\$194 \$385	\$2,299,500 \$2,299,500	15	9	7/1/2000	0.11	3	2	Dec 2010	
25	Sable Ridge NE 120th St at 167th PI NE	3/8/2007	Selling Homes	507 C7	5,500	\$690,000 \$895,950	2,825 4,104	\$206 \$292	\$877,950 \$877,950	12	9	8/1/2004	0.29	2	1	Jan 2008	
26	Shadowcreek 78th Ave NE & NE 198th St	3/1/2007	Selling Homes	476 B4	4,500					16	0	11/1/2006		10	5		
27	Sonoma Park 104th Ave NE & NE 194th St	3/1/2007	Selling Homes	476 D4	8,500	\$790,000 \$999,000	3,405 4,633	\$207 \$240	\$839,950 \$979,950	19	6	5/1/2006	0.60	5	7	Nov 2008	
28	Trilogy at Redmond Ridge: Cedar Heights 232nd Ave NE & Adair Creek Way NE	3/8/2007	Selling Homes	508 C5	7,500	\$397,499 \$803,499	1,199 3,082	\$253 \$336	\$397,499 \$803,499	207	34	1/16/2006	2.49	171	2	Jan 2013	
29	Trilogy at Redmond Ridge: Meadow Sun Break Way NE & NE 126th St	3/8/2007	Selling Homes	508 C5	7,000	\$264,900 \$1,017,978	1,185 3,082	\$197 \$414	\$413,999 \$473,999	274	269	11/1/2003	6.69	0	1	Apr 2007	
30	Trilogy at Redmond Ridge: Skyline NE 133rd St & 232nd Ave NE	3/8/2007	Selling Homes	508 C5	7,500	\$279,556 \$997,737	1,199 3,082	\$157 \$360	\$561,029 \$889,009	226	202	1/16/2006	14.77	8	16	May 2007	
31	Veranda Lane 136th Ave NE & NE 202nd St	3/1/2007	Selling Homes	476 H4	4,500	\$651,500 \$659,950	2,716 2,849	\$232 \$240	\$651,500 \$659,950	9	0	2/27/2007		6	3		
32	Whistlers Ridge NE 116th St & 174th PI NE	3/8/2007	Selling Homes	507 C7	6,200	\$605,950 \$1,189,950	2,982 5,000	\$179 \$358	\$1,075,950 \$1,145,950	62	45	2/1/2003	0.91	8	7	Jul 2008	
33	Willow Ridge (Detached) 1st Ave NE & NE Bird St	3/1/2007	Not Yet Selling	508 G1	5,000					20	0			20	0		
34	Wynstone 172nd Ave NE & NE 120th Wy	3/8/2007	Selling Homes	507 D6	6,500	\$734,950 \$920,795	2,934 3,719	\$232 \$264	\$799,950 \$904,950	46	23	4/1/2006	2.05	12	9	Feb 2008	
Totals										1467	959		44.49	358	124	Feb 2008	

Projected Sellout is calculated using the formula: (Lots or Homes Avail / Avg Mnth Sales) = # of months until sellout
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Selection Criteria	
Typ Lot SqFt	4,000 - 9,600
County	King
City	Woodinville
Status	Not Surveyed, Not Yet Selling, Under Const. Not Selling, Taking Reservations, Selling Lots, Selling Homes, Selling Lots & Homes, Sold Out, Temporary Off Market, Sales Pending

**Quarterly Sales Summary
for City of Woodinville**

Prepared by
Bob Vick
for a valued client

**EXHIBIT
F**

Development Name and Address	Updated	Status	Q2 '05	Q3 '05	Q4 '05	Q1 '06	Q2 '06	Q3 '06	Q4 '06	Q1 '07
<u>Casswood Estates</u> : 13211 NE 195th St	1/1/2007	Sold Out	4	2	1	5				
<u>Norman Court</u> : 124th Ave NE & NE 155th PI	3/1/2007	Selling Homes			1	5	3	2		
<u>Sonoma Place</u> : 132nd Ave NE & NE 185th St	10/1/2005	Sold Out	3							
<u>Stratford</u> : NE 200th St & 136th Ave NE	8/2/2006	Sold Out		4	3	3	3			
<u>Veranda Lane</u> : 136th Ave NE & NE 202nd St	3/1/2007	Selling Homes								
<u>Westcliffe</u> : 129th Ave. NE and NE 154th St	8/1/2005	Sold Out	3	2						
6			10	8	5	13	6	2	0	0

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V. DEMAND
SEATTLE AREA

EXHIBIT 66
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VI

V. Demand Summary

Current Qtr Grade: B- Last Qtr Grade: B-

VII

In 2005, employment in the Seattle-Olympia-Bremerton region grew by 3.0% adding 52,450 jobs for a total of 1,817,492 jobs. This was over twice as many jobs added as the 16-year average of 28,168. Fourth quarter 2006 employment growth figures ended slightly higher at 1,882,258 jobs with a 3.6% increase over 2005's pace. Washington's high-tech industry employment has grown to more than 152,000, according to American Electronics Association, the nation's largest trade association for the high-tech industry. Microsoft alone employs 30,255 of those workers. The sector reporting the highest gain was Information increasing jobs by 8.2% while the U.S. remained flat in. Driven by a sizzling housing market and resurgence in commercial real estate, the construction industry reported the second largest gain and has grown by 8,900 jobs, 7.5%, from a year ago. Manufacturing reported the third highest gain of 4% in the Seattle region while slowing across the U.S. at a slight (1%) decrease. The services industry added 17,000 jobs over the last twelve months ending December 2006, bringing the total number of service employment to 658,600 jobs. The services industry which comprises 35% of Seattle's economy saw a 2.6% increase in jobs, the largest employment sector in the Seattle region. Seattle's economy outpaced the U.S. in all job sectors with the exception of the Government sector which basically mirrored the U.S. in terms of percent of total employment growth.

VIII

Household formations grew by 18,500 throughout 2006. 2005 added approximately 17,700 households, less than the 18-year average of 23,444. After an eight year low in 2003, Seattle's population growth has been steadily increasing. Population growth remained flat compared to 2005, with a net gain of just under 40,000 people in 2006, yet we expect growth to continue upwards of 21,550 households in 2007.

Tourism is at an all time high in the Seattle area. In 1999, only six cruise ships stopped in Seattle, bringing just 6,615 passengers. This past summer, more than 150 cruise ships took 500,000 passengers on seven-day Alaska cruises. And this growing segment of tourism to the Seattle area is creating growth in other areas as well. The cruise lines have agreements with the Port of Seattle to provision their ships in Seattle rather than in other ports. This means all food, beverages, paper products and more are being trucked onto the two terminals and loaded by local labor. A recent study found that the cruise ship industry in this area generates \$70 million in annual business revenue, \$4.5 million in annual state and local taxes and creates over 1,500 jobs.

IX

Just east of downtown Seattle, the downtown Bellevue area employs about 32,000 workers alone, making it the second highest employment density in the state, after downtown Seattle. The Puget Sound Regional Council predicts Bellevue will continue to grow faster than any other area to 60,000 downtown jobs by 2020. What was still a modest village a generation ago is now the second most vital economic engine in the state, with a skyline that rivals downtown Seattle's. Downtown Bellevue is entering another growth spurt that should strengthen its image as a major business center with residential, commercial and retail projects worth more than \$1.5 billion under construction or in the review/permitting stage. Microsoft recently announced plans to lease the top 15 floors, 320,000 square feet, of the Lincoln Square office tower in downtown Bellevue. Real Estate professionals are calling this one of the largest office deals on the Eastside in recent memory. The office tower is slated to be complete by summer 2007.

DEMAND (CONTINUED)
SEATTLE AREA

Demand Calculation

Economists have proven that short-term housing demand is highly correlated with employment growth. We have subjectively determined that a 60% weighting on employment-generated demand, and a 20% weighting each on population and household generated demand, best reflects the projected demand for Seattle housing. Using this methodology, we estimate that there will be demand for 38,600 new housing units in 2007.

Demand Methodology	2007 New Housing Demand			
	% Weighting	Projection	Ratio	Total
Employment-Generated	60%	63,900	1.28	49,965
Household-Generated	20%	21,550	1.00	21,550
Population-Generated	20%	49,000	2.27	21,550
Conclusion				38,600

NEW HOME LEADING INDICATORS (CONTINUED)

SEATTLE AREA

EXHIBIT 66
PAGE 14 OF 14

EXHIBIT I

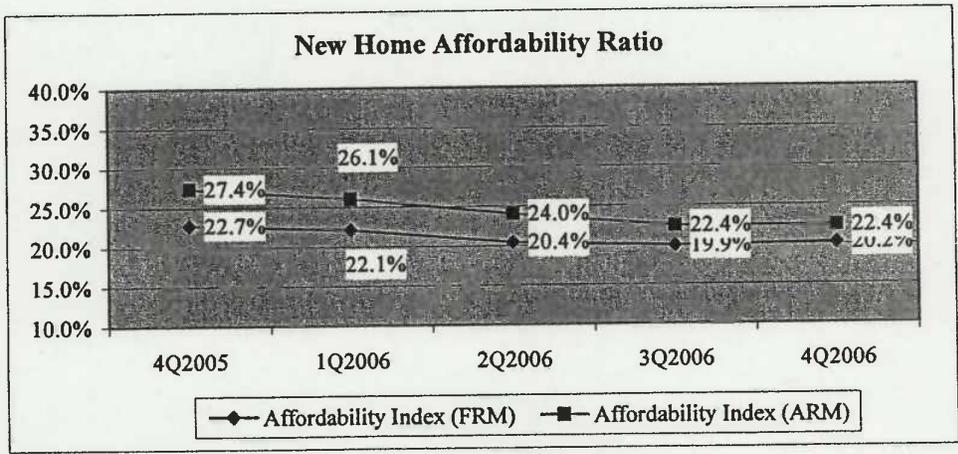
Active Inventory

	December 2006	Previous Quarter	% Change	Direction from Previous Quarter	Same Period Last Year	% Change	Direction From Last Year
Detached Unsold Inventory	9,748	9,731	0.2%	Increasing	8,847	10.2%	Increasing
Attached Unsold Inventory	3,857	4,429	-12.9%	Decreasing	2,825	36.5%	Increasing
Total Unsold Inventory	13,605	14,160	-3.9%	Decreasing	11,672	16.6%	Increasing

SUB MARKET	UNITS	%
King	4,834	35.5%
Kitsap	289	2.1%
Pierce	2,912	21.4%
Snohomish	3,798	27.9%
Thurston	1,772	13.0%
TOTAL:	13,605	100.0%

New Home Affordability Ratio

Current Qtr Grade: F Last Qtr Grade: F



WHERE THE FOREST MEETS THE SEA

Scholastic 0-590-42881-0

by Jeannie Baker

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Nancy Bacon
14918 NE 204th Street
Woodinville, WA. 98072

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WHERE THE FOREST MEETS THE SEA

story and pictures by Jeannie Baker

SCHOLASTIC INC.

New York Toronto London Auckland Sydney



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WHERE THE FOREST MEETS THE SEA

story and pictures by Jeannie Baker

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To David,
with all my love

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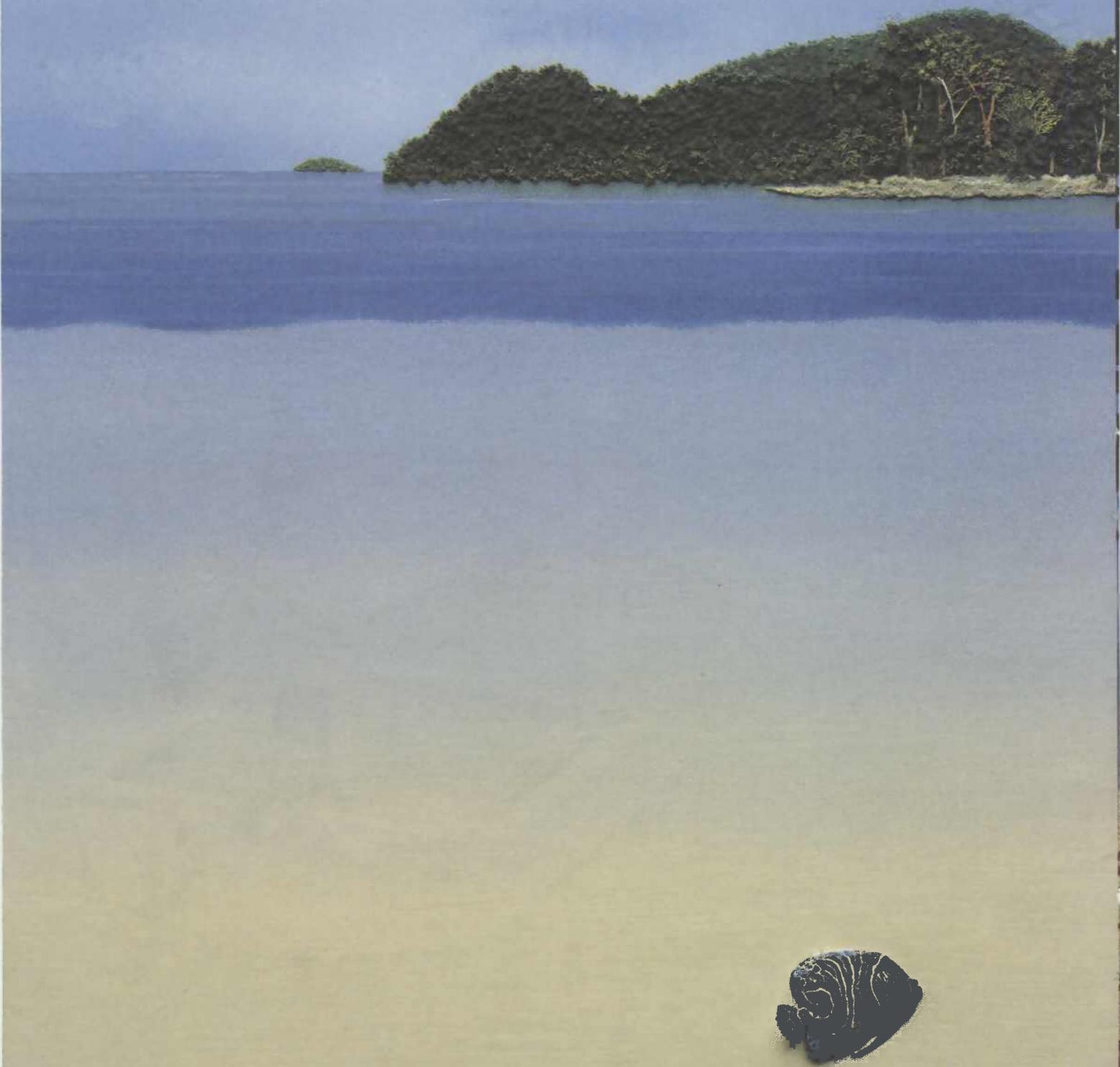
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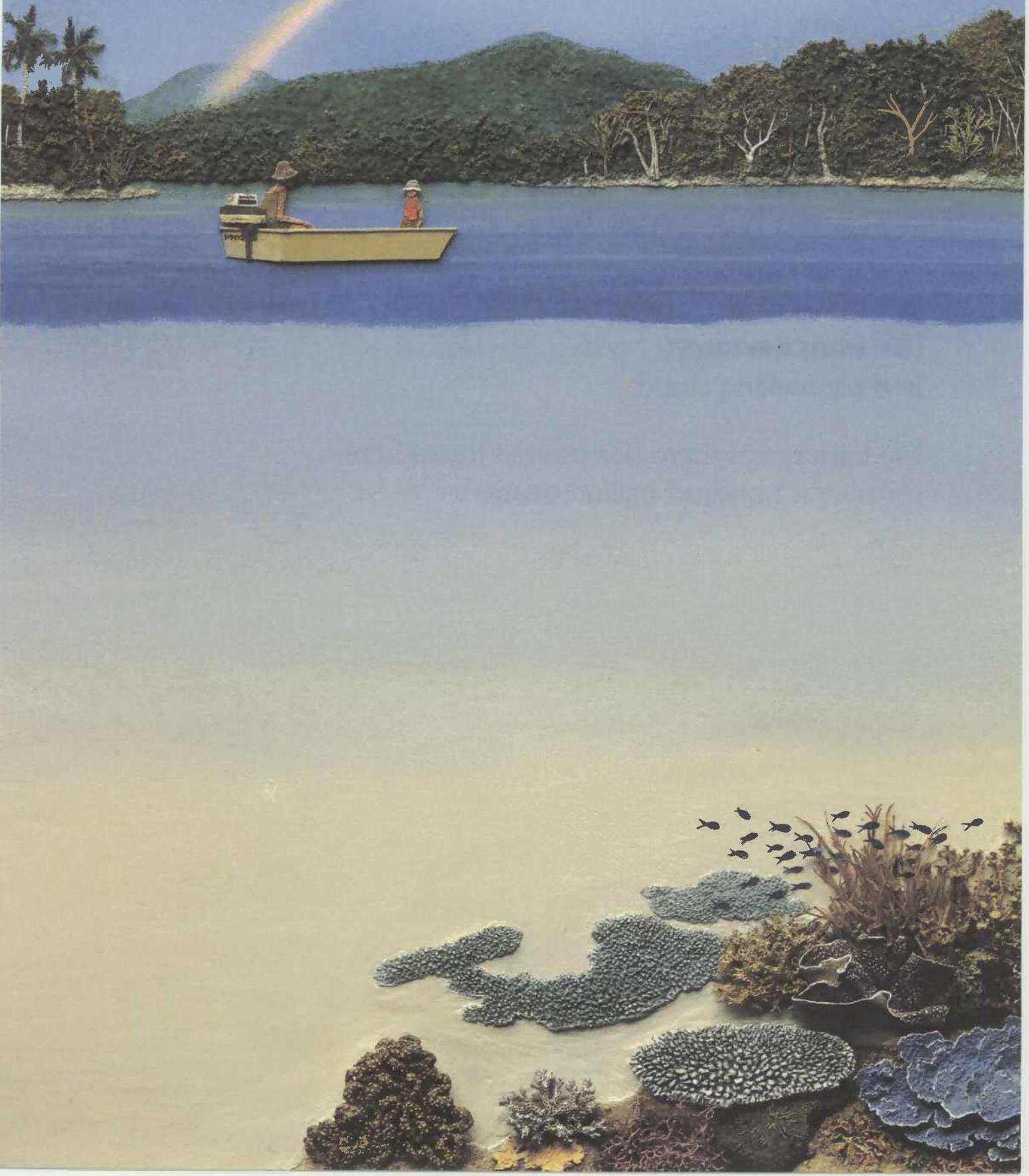
My father knows a place
we can only reach by boat.

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Not many people go there,
and you have to know the way through the reef.

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When we arrive, cockatoos
rise from the forest
in a squawking cloud.

My father says there has been a forest here
for over a hundred million years.

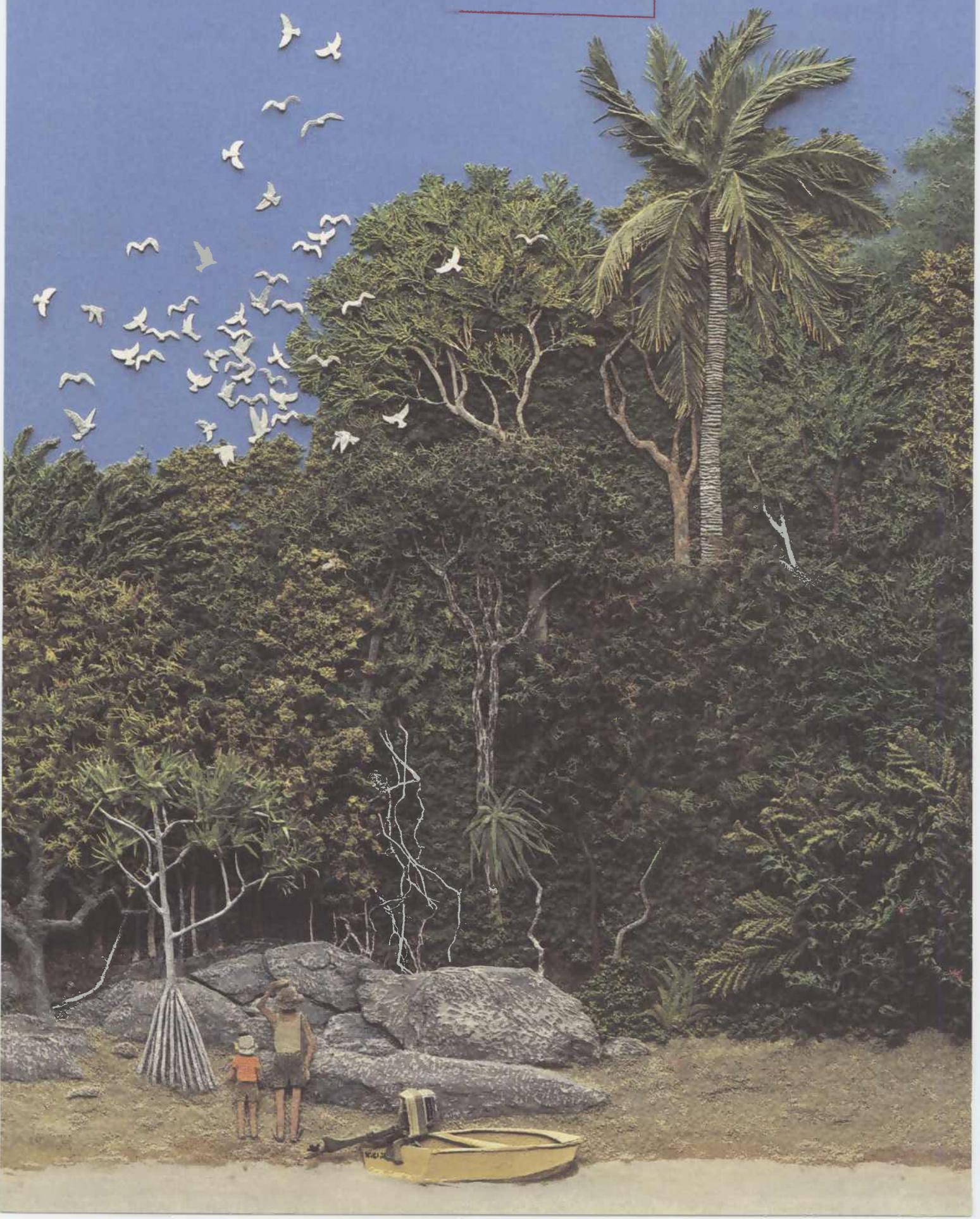


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My father says there used to be crocodiles here,
and kangaroos that lived in trees.
Maybe there still are.



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I follow a creek into the rain forest.

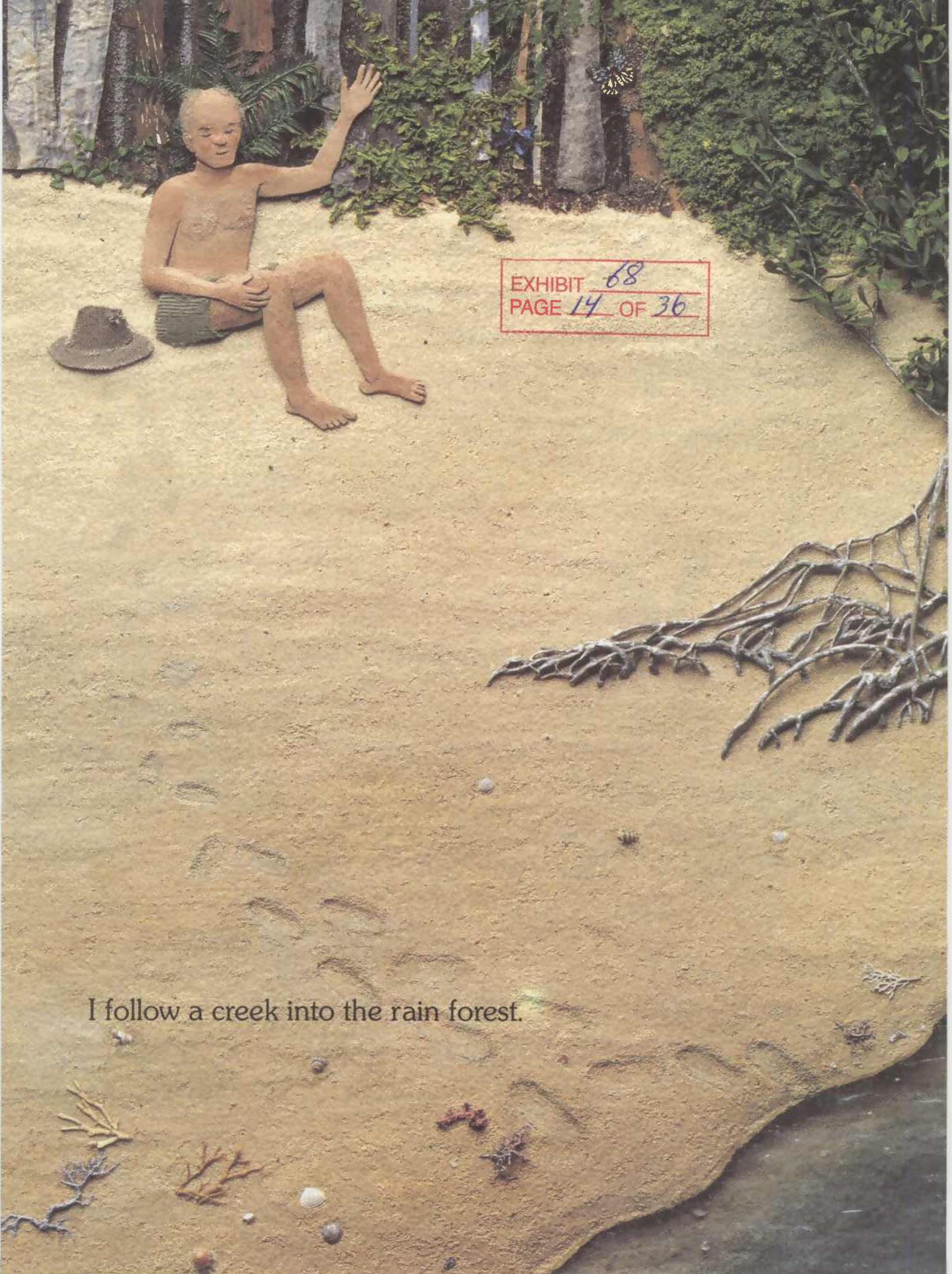
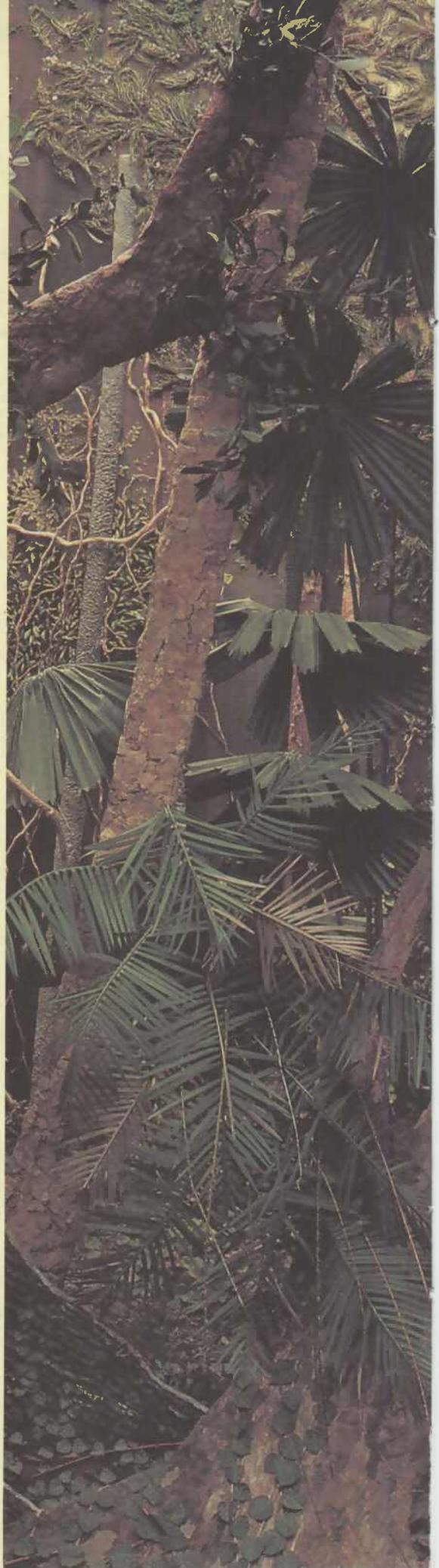


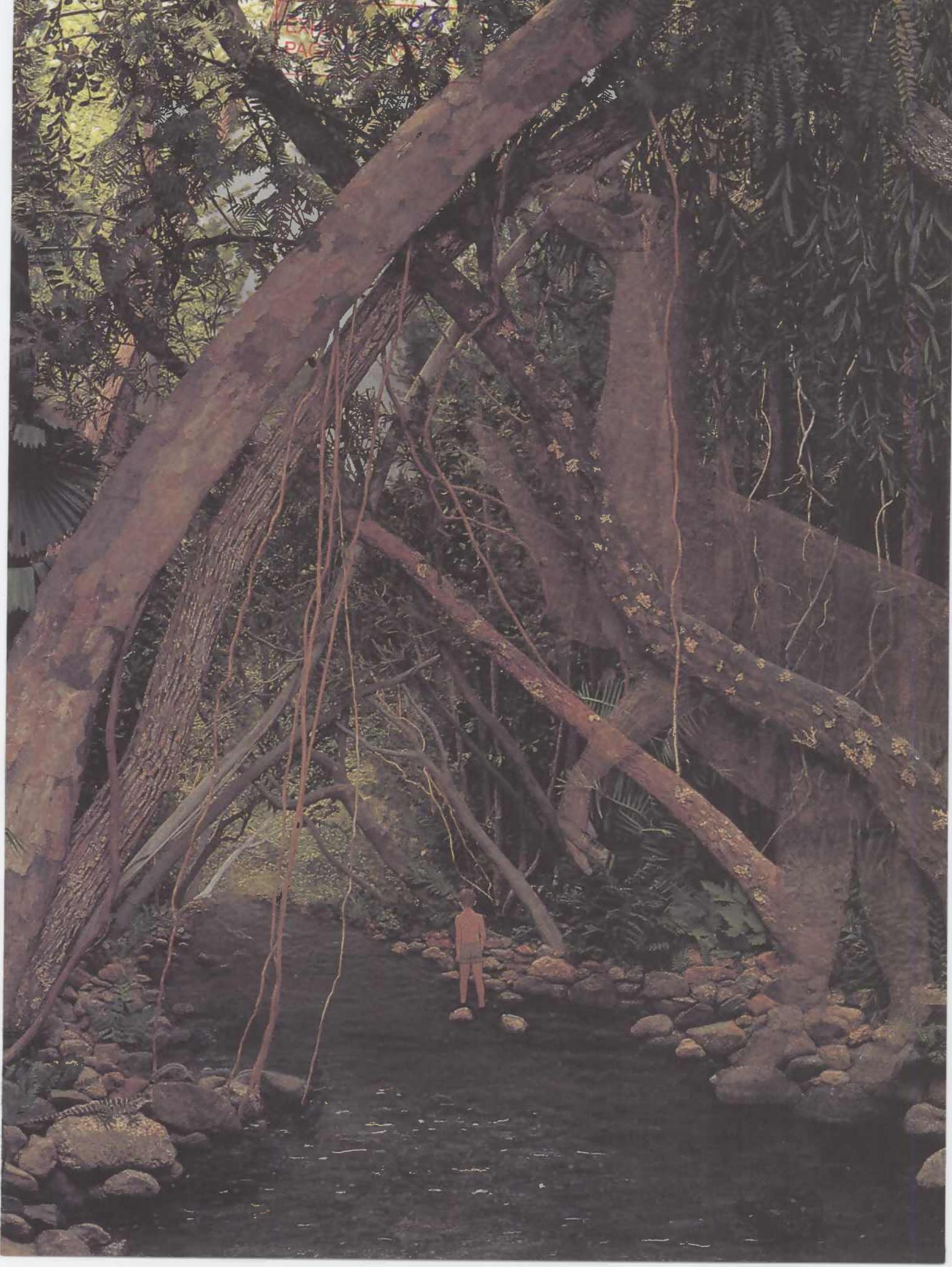
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I pretend it is
a hundred million years ago.





On the bank of the creek, the vines and creepers
try to hold me back.
I push through. Now the forest is easy to walk in.

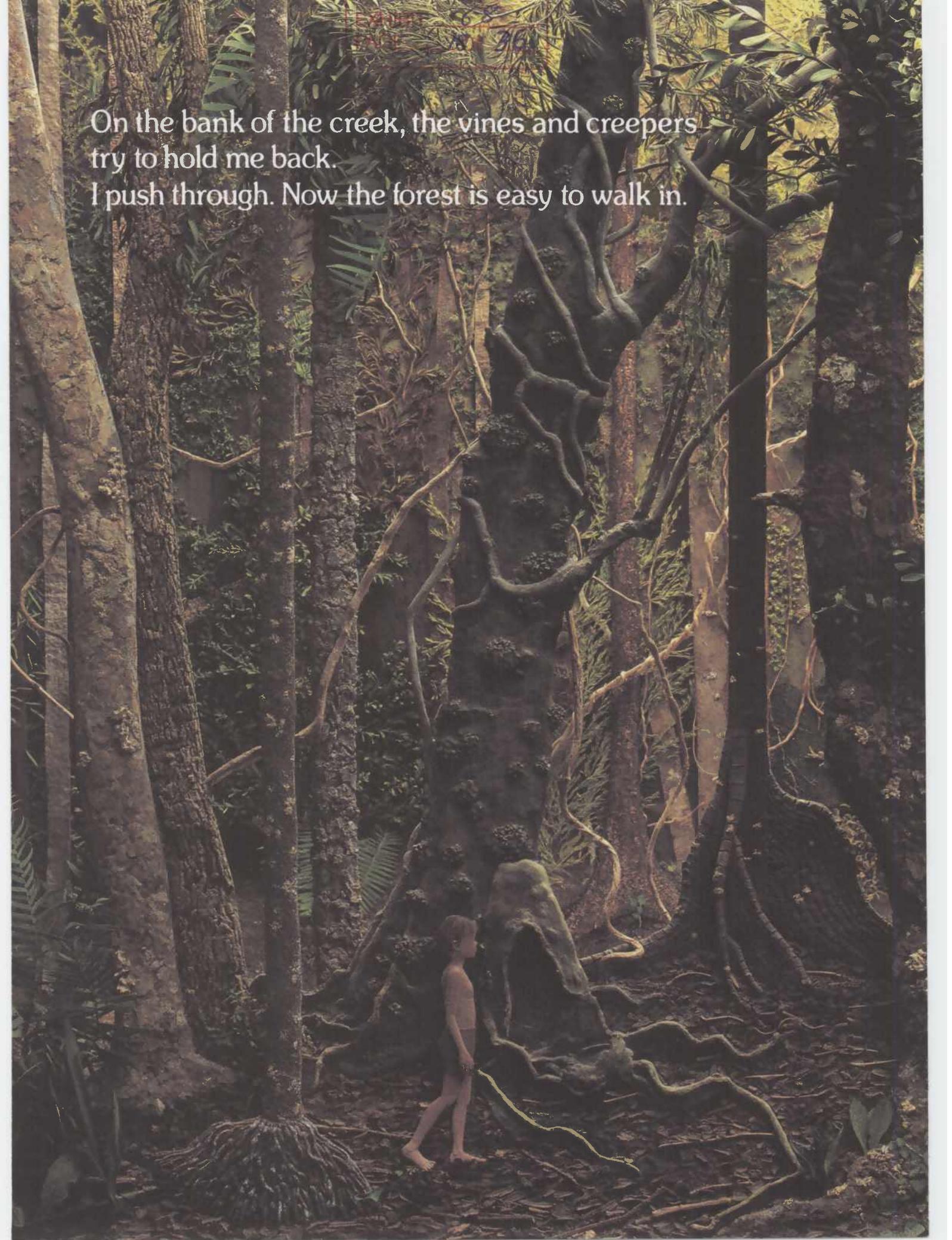
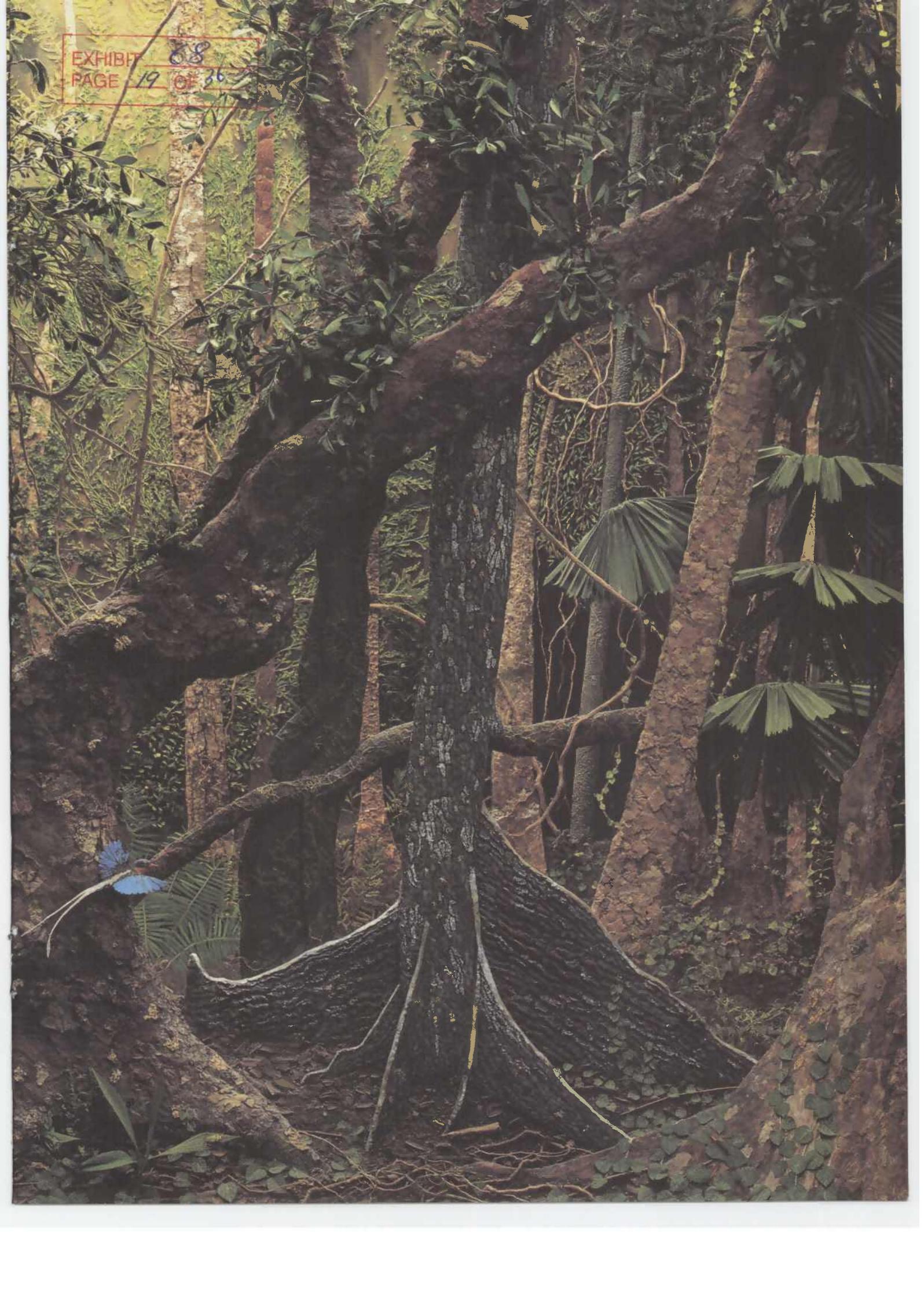


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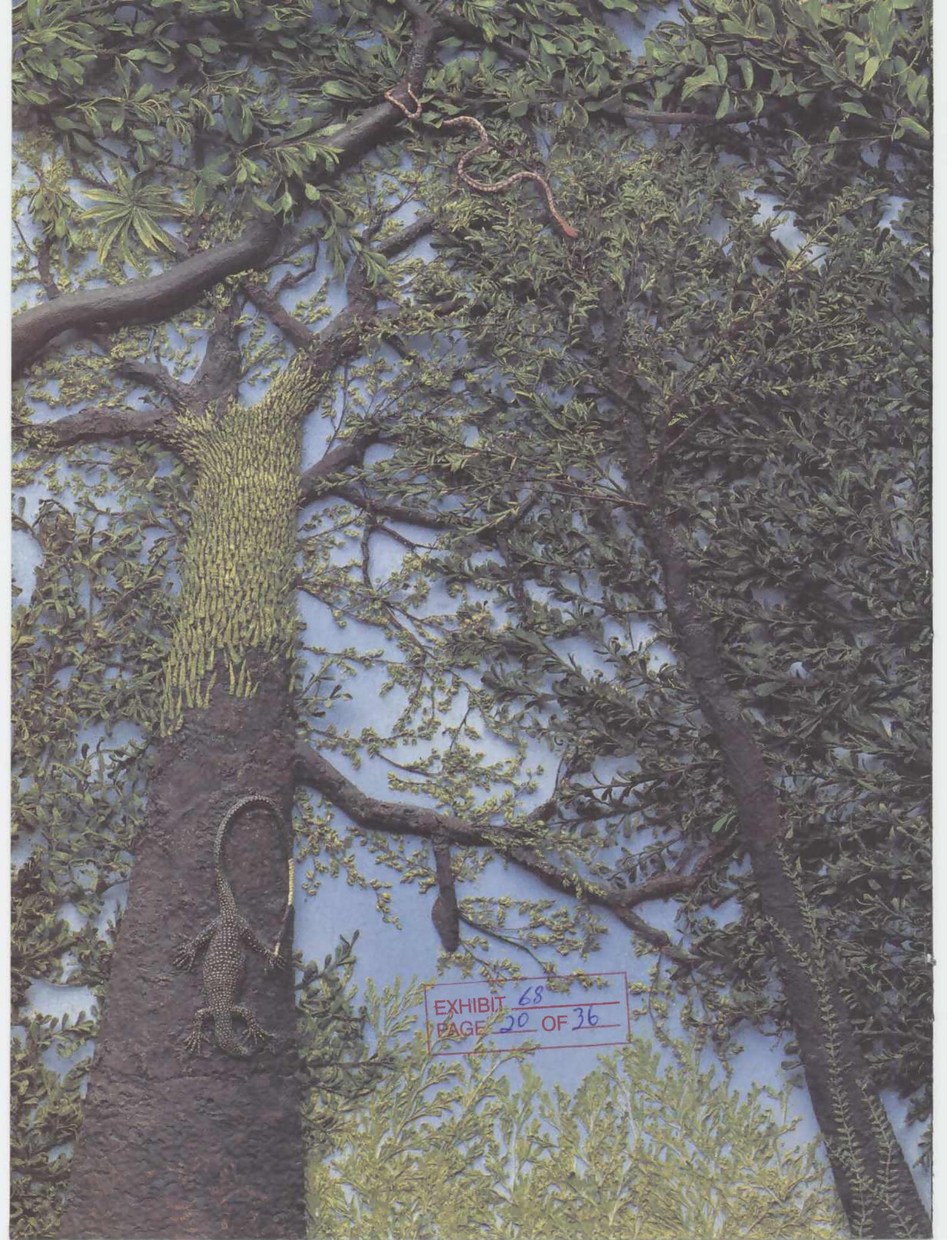


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I sit very still.
...and watch.
...and listen.

I wonder how long it takes the trees
to grow to the top of the forest!



I sit very still.
...and watch.
...and listen.

I wonder how long it takes the trees
to grow to the top of the forest!

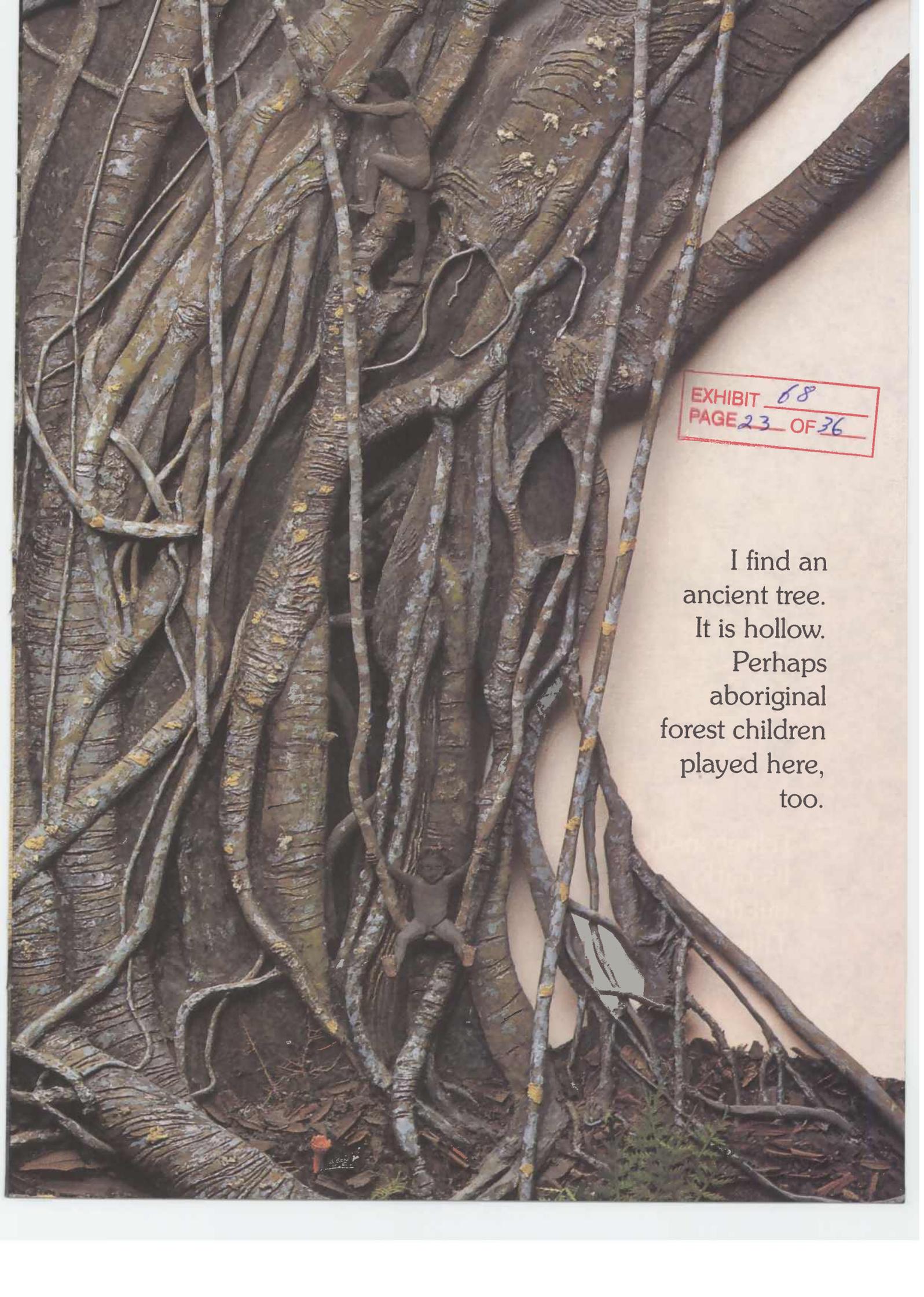
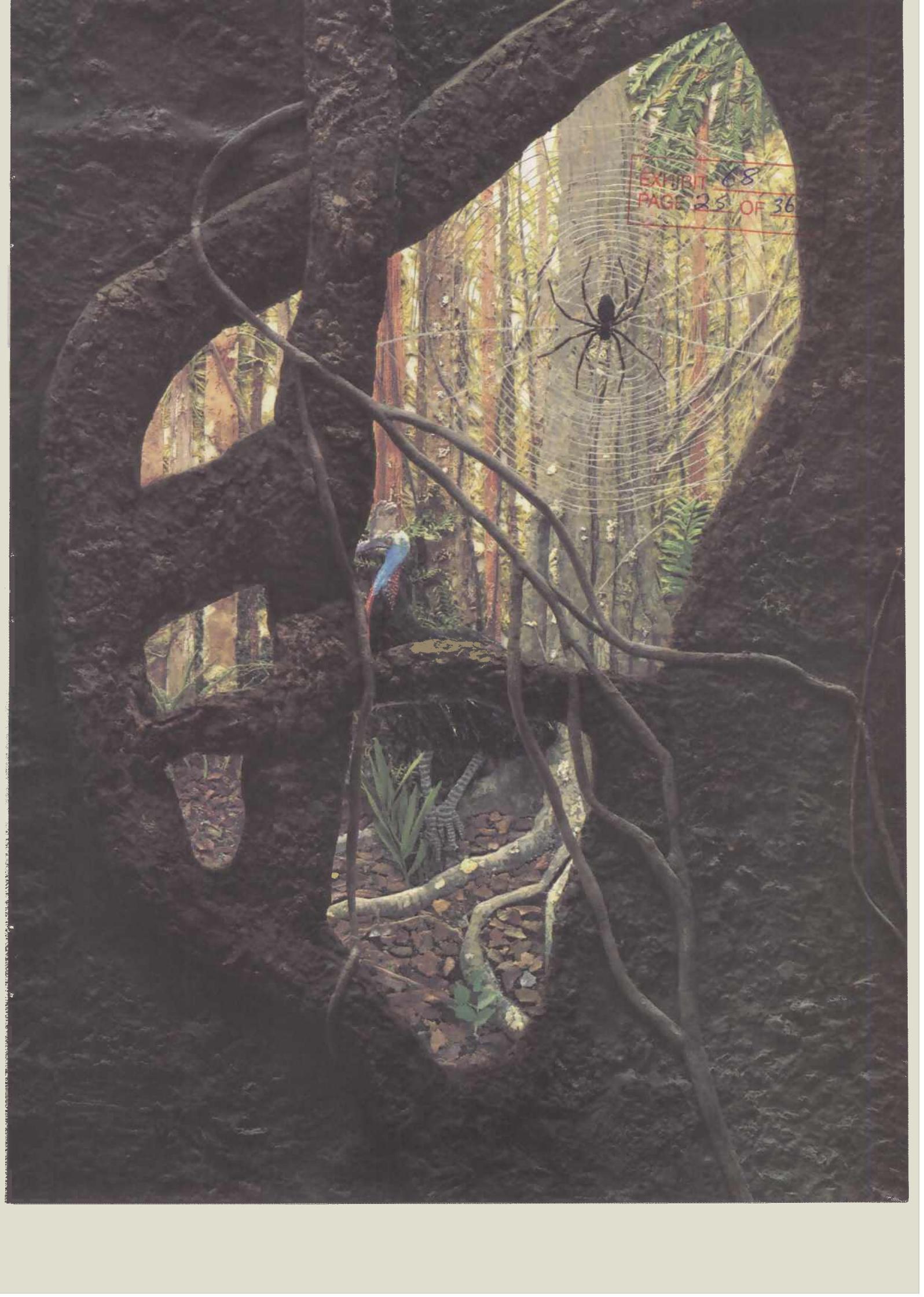
A large, detailed sculpture of a tree trunk, possibly made of wood or stone, with a hollowed-out section. A small figure is visible climbing the trunk. The sculpture is set against a light-colored wall. The tree trunk is covered in intricate carvings of roots and bark. A small figure is visible climbing the trunk. The sculpture is set against a light-colored wall.

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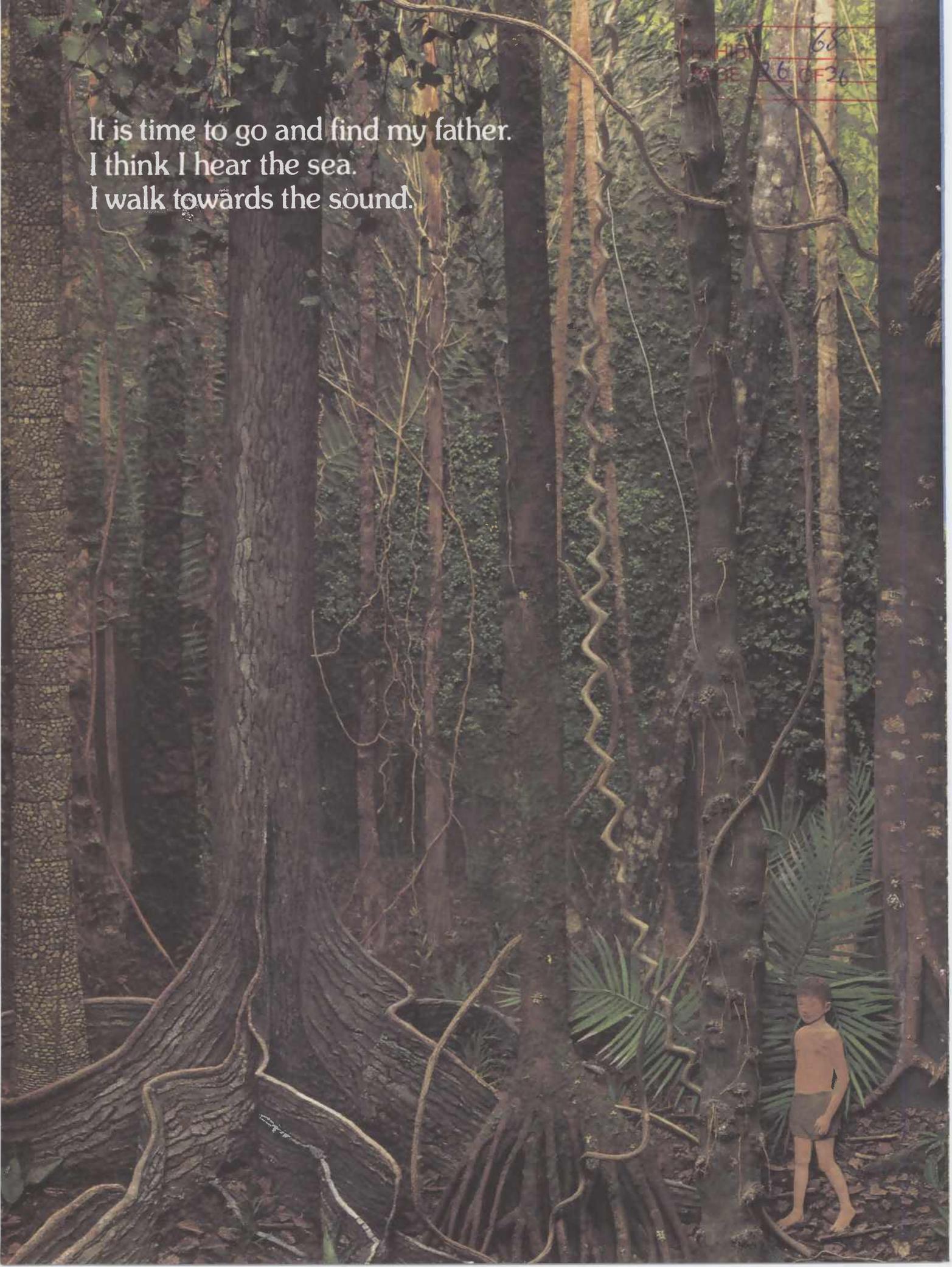
I find an
ancient tree.
It is hollow.
Perhaps
aboriginal
forest children
played here,
too.

I climb inside the tree.
It's dark,
but the twisted roots make windows.
This is a good place to hide.

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It is time to go and find my father.
I think I hear the sea.
I walk towards the sound.



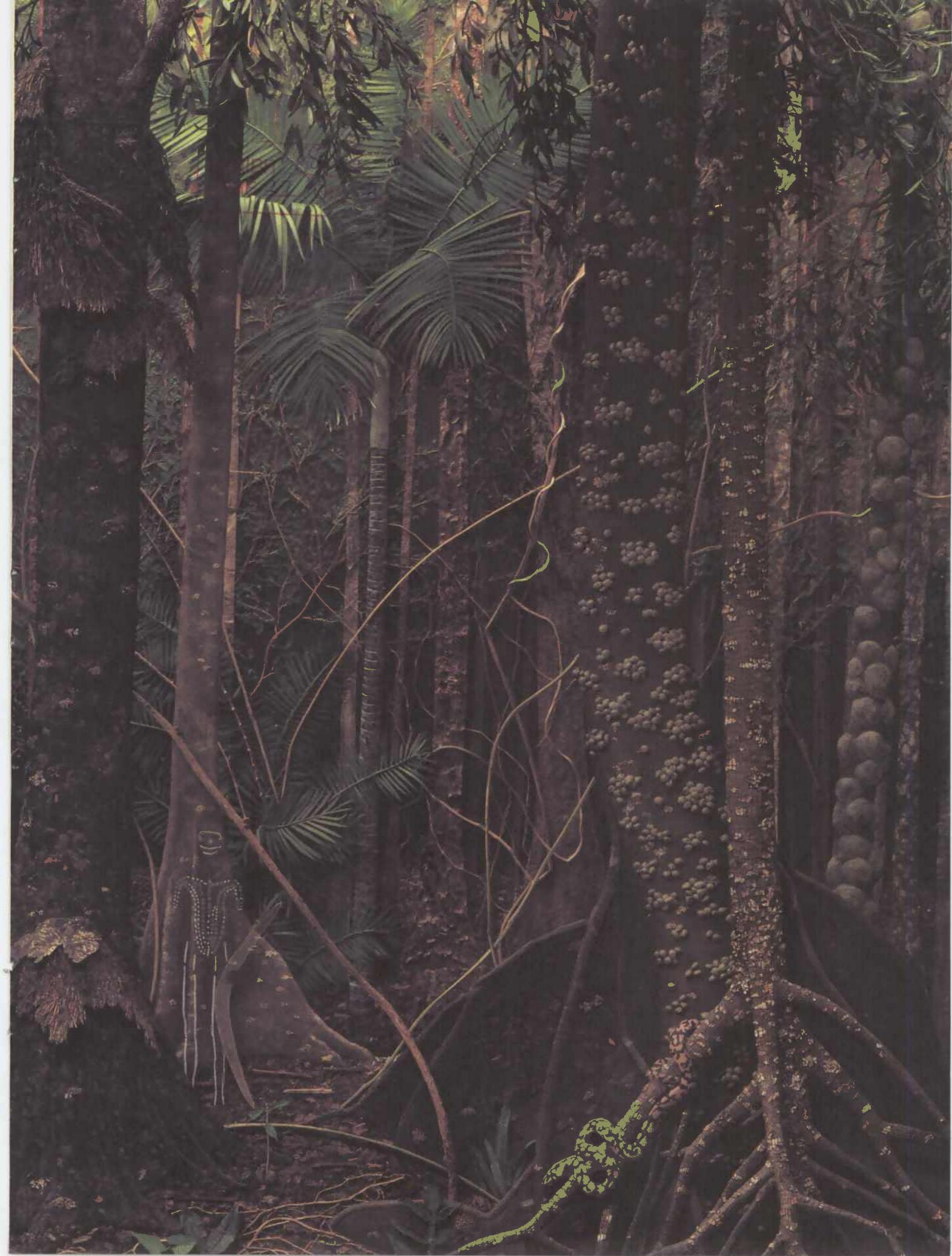


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My father has made a fire
and is cooking the fish he caught.



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I like fish cooked this way.
But then I feel sad
because the day has gone so quickly.
My father says we'll come here again someday.

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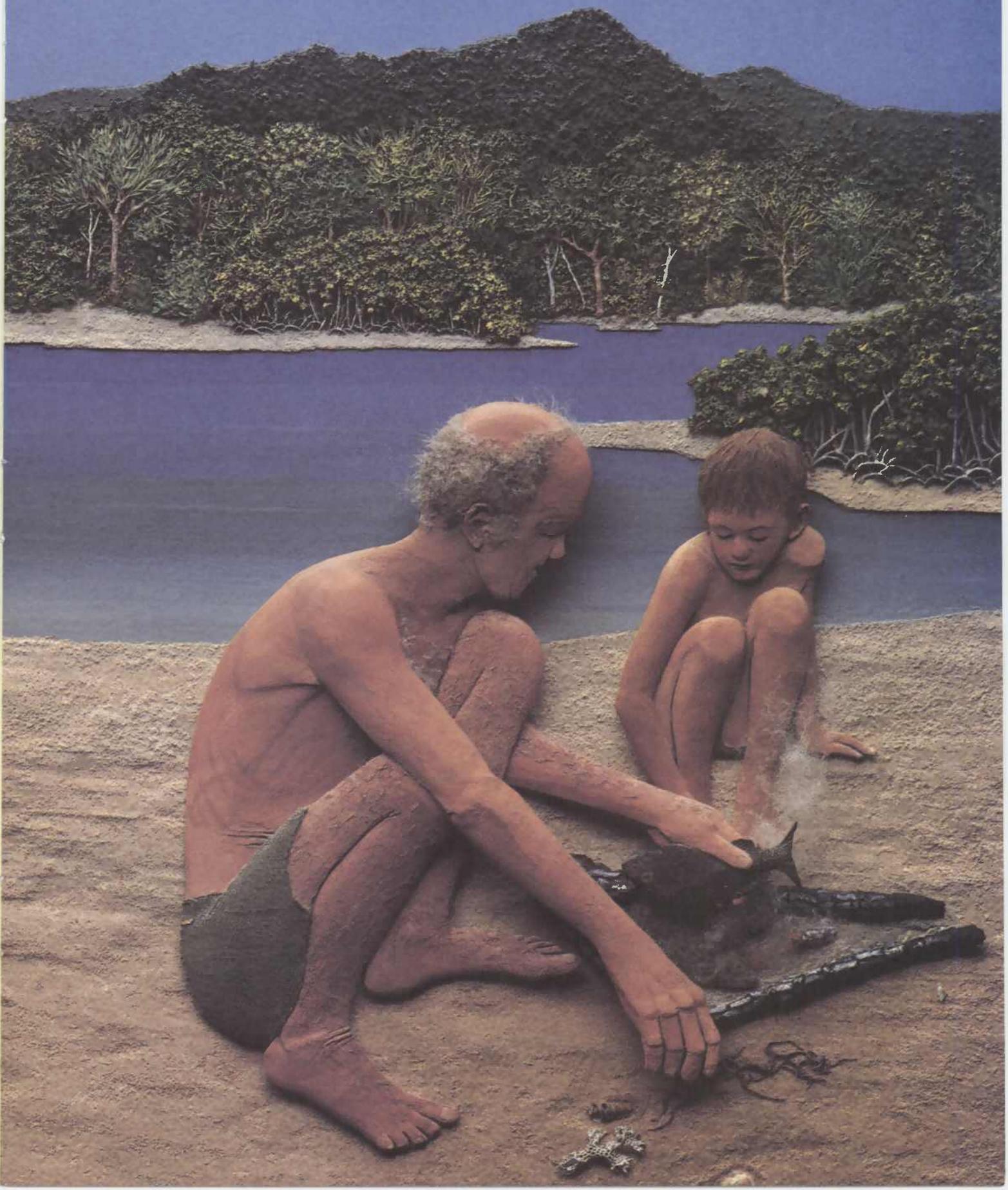
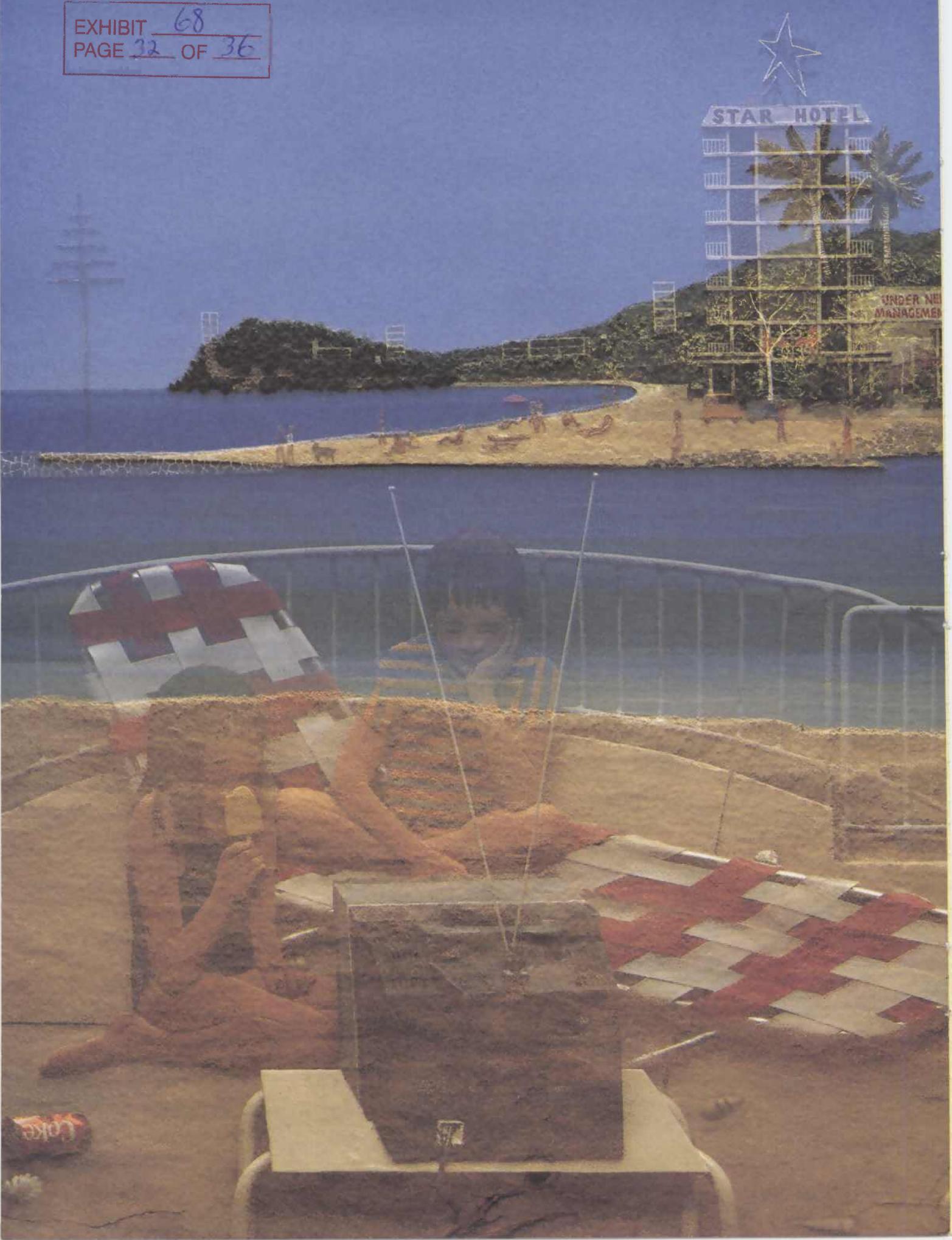
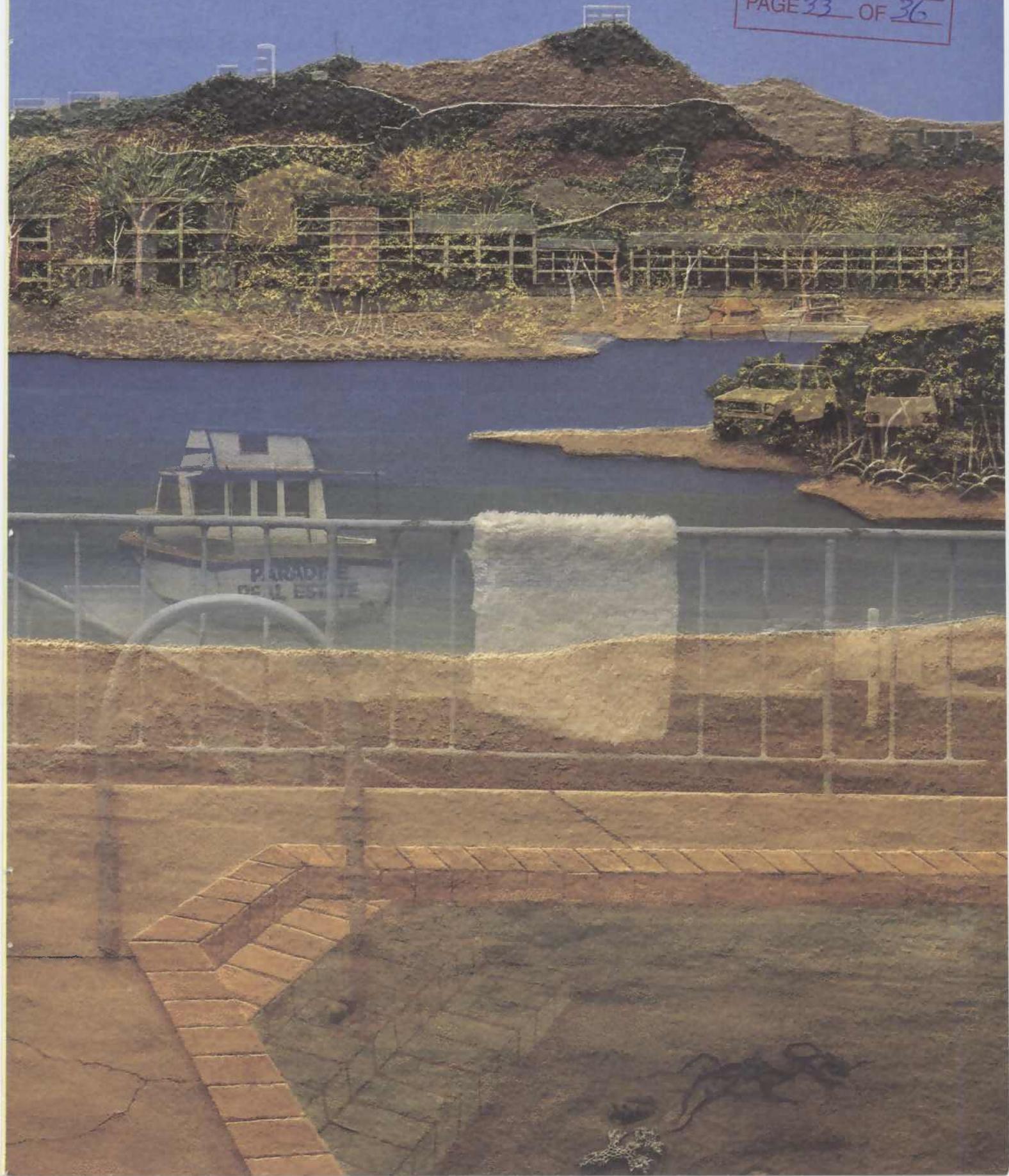


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But will the forest still be here when we come back?

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The place, the people, and the predicament are real. This forest is part of the wilderness between the Daintree River and Bloomfield in North Queensland, Australia. There remain at the making of this book only 296,000 acres of *wet* tropical rain forest wilderness that meet the ocean waters of the Great Barrier Reef. Small as it is, this is the largest pristine area of rain forest left in Australia.

The artist made two extensive field trips to the Daintree Wilderness to research and collect materials.

These relief collages are constructed from a multitude of materials, including modeling clay, papers, textured materials, preserved natural materials, and paints.

The collages are mostly the same size as the reproductions.

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There has been a forest here
for a hundred million years.
Will it always be here?



Comments to the Hearing Examiner on FEIS and Rezone and Preliminary Plat Application for Montevallo and Wood Trails

Mr. Hearing Examiner:

My family has owned property adjacent to the proposed Montevallo development for 40 years. We are opposed to a change in zoning to R-4 and I have listed some of our many concerns as follows:

1. The FEIS does not adequately address my request in the DEIS of “how these ground water changes will affect the many large old fir trees in the backyards of the six houses on the north side of NE 202nd ST adjacent to the Montevallo site, with many large, tall fir trees very close to the Montevallo property line. I had stated in the DEIS that the FEIS **should address whether the root systems of these very tall old fir trees will have adequate water supply in all the alternatives**, especially under the R-4 and attached housing alternatives because of their greatly increased impervious surfaces and shifting of water to the bottom of the hill at the West end, **to avoid weakening of the trees and these trees potentially falling on the houses around them.**” (Question 2 in my letter, labeled 42-3 and WR-4).

The brief reply in WR-4 states that because the water flows east to west, it will not affect the trees south of the property. However, according to the Sustainable Development Project R-1 Area Attachment A Environmental Report (Steward & Associates and City of Woodinville), a good size chunk of Montevallo is part of Leota Basin. By good size chunk I mean what looks to me in a visual estimate from the map on page 25 in Attachment A to be about half of the buildable portion of Montevallo [buildable meaning excluding wetlands and buffers on the East end of the property]. This Leota Basin drains South into Lake Leota. The detailed information and maps in the Sustainable Development Project R-1 Area Attachment A Environmental Report contradicts the very brief answer to my comment in the FEIS. These findings that the water drains South from the South-East portion of Montevallo because that part is part of the Leota Basin were also explained to me by a representative stationed at a poster at the City of Woodinville Sustainable Development Open House. **He also explained to me that this Leota Basin meets the Litowitz Test for lower density.** This affects the 6 houses bordering Montevallo on the North side of 202nd ST.

Also, in regards to the Montevallo property, the FEIS states on p. 3.2-19 that, “The long-term conversion of forest or pasture lands to pavement, rooftops, landscaping and lawns would change the hydrologic response and runoff characteristics of the sites. Infiltration of rainfall would likely be decreased in the developed areas of the sites, relative to existing conditions. Storm water would run off these developed areas more quickly and would be collected in constructed drainage systems that would be directed to a detention facility.” The proposed detention facility is to the West, taking water away from the large trees to the Southern edge of Montevallo.

Therefore, because the FEIS admits that infiltration of rainfall would be decreased in the developed areas of the sites, relative to existing conditions, and the

Sustainable Development Study shows that the part of Montevallo adjacent to our street is part of the Leota Basin that drains South, I am worried about weakening of our large fir trees and any danger this could cause of the trees potentially falling. This would also take ground water away from flow to Lake Leota, which could be harmful because page 33 of the Sustainable Development Project R-1 Area Attachment A Environmental Report says that there are, “complex patterns of surface water drainage and groundwater flow and the special needs to protect Leota Basin and Cold Creek that cannot be accomplished by the standard requirements of the city’s critical areas ordinance.”

2. The Montevallo area should stay zoned R-1 and not be rezoned to R-4 because a good chunk of it is part of the Leota Basin which drains into Lake Leota and Lake Leota is important to the Cold Creek system and Bear Creek salmon runs. This is shown in the Sustainable Development Project R-1 Area Attachment A Environmental Report page 30 as quoted here, “In short, maintenance of R-1 zoning in the area that drains to Lake Leota—and even removing the possibility of rezones to R-4 with adequate infrastructure—would be a helpful and potentially necessary component of a strategy to maintain the lake’s water quality and its supportive role in the regionally unique Cold Creek system. R-4 zoning most likely would lead to a significant increase in phosphorus inputs to the lake from stormwater, which would place a greater burden on other strategies to reduce other phosphorus inputs and on lake management strategies to respond to the results. In the worst case, the increased phosphorus inputs from stormwater would push the lake into a self-sustaining cycle of increased eutrophication, which would threaten serious damage to Bear Creek salmon runs in the long-term or require expensive and ongoing management interventions to avoid”. **The only possible exception to this zoning recommendation in the report pertains to areas around the lake itself, which does not pertain to Montevallo.**

Further supporting keeping R-1 zoning of the Montevallo property since part of it drains into Leota Basin is a quote from page 33 of the Sustainable Development Project R-1 Area Attachment A Environmental Report, “Maintenance of R-1 zoning in the Lake Leota Basin, ideally without allowing rezones to R-4 that are conditioned on adequate infrastructure, should provide substantial, long-term benefits to both Lake Leota and Cold Creek by minimizing erosion and other pollutants from stormwater entering Lake Leota.”

Also on page 33 of the same report, the conclusion is “Based on environmental factors, the conclusions of this study differ for different areas of the R-1 zone, primarily because of **complex patterns of surface water drainage and groundwater flow and the special needs to protect Leota Basin and Cold Creek that cannot be accomplished by the standard requirements of the city’s critical areas ordinance.**” (bold type emphasis mine).

Page 33 of the same report further states, “The data collected for this study has been used to determine a broader planning level analysis that identifies whether or not different zoning densities could improve the protection of important critical areas in the city. Taking into account that individual developments are required to protect on-site critical

areas such as streams, wetlands, steep slopes, aquifer recharge areas, and others by complying with the Woodinville Municipal Code, Critical Areas Ordinance, Chapter 21.24, **the conclusions of this study determined that Lake Leota and the Cold Creek required additional protection through decreased densities**". (bolding emphasis mine.)

3. In regards to my concerns in questions 1 and 3 of my DEIS letter (labeled 42-2 WR-3 and 42-4 WR-1 in the FEIS) where I mention my concerns about the Montevallo development causing increase in the amount of wetlands on our property and other surrounding properties, decreasing the amount of buildable land on our property and surrounding properties, the FEIS on p. 3.2-19 mentions researching reported problems in the 1990's, and finding no reported problems before then. However, in my letter I was referring to the early 1970's, before there were the two houses built North of our house, and the wetlands area was known in the neighborhood as "the swamp" so one would have no reason to report a swamp flooding.

Also, regarding this same question of potential increase of wetlands and decrease of value to surrounding properties, on p. 3.2-29, the FEIS discusses the proposed drainage plan for Montevallo, stating, "This design provision is intended to dissipate runoff flows and maintain water inflow to the wetland similar to the existing conditions, but it raises the question of potential surface water or groundwater changes to the adjoining properties. The applicant has indicated that the number of lots (clean runoff only) that would drain to the wetland in the final drainage plan will be selected to match runoff and recharge volumes and flow rates under existing conditions, thereby avoiding potential drainage-related water quantity impacts on adjacent properties.

The FEIS statement that "the applicant has indicated" and "the final drainage plan will be selected" does not adequately address my statement in the DEIS that "since the drainage plan is not final, the DEIS does not adequately address this issue", therefore the FEIS still does not adequately address the issue of potential surface water changes to the adjoining properties. **There is much more material in the FEIS about downstream impacts to Little Bear Creek, and very little to reassure neighbors bordering the Montevallo nroperty about potential impacts to their property.**

4. The recent windstorm left our house without power for five days because of trees down on power lines. A very large fir tree also went down in our woods right near the fence to the Montevallo property. It is my understanding that some of the very large trees which currently shelter our woods will be cut if Montevallo is built. This will leave our trees vulnerable to the full brunt of winds they have never had to face before and make them very vulnerable to falling.

5. I am very concerned about the change in the Northwest character of the neighborhood if Montevallo is built. I disagree that Montevallo or Wood Trails would be compatible with the surrounding neighborhoods and neighborhoods all along 156th Ave NE. **City staff says that greater setbacks can retain woodland character, but what about backyards and the houses (including our house) that will be abutting the nonexistent**

Montevallo backyards if the houses are set back from the Montevallo streets? I am very concerned about how close to our property line a Montevallo house would be built and how big its back yard will be or not. Privacy and peace and quiet are a huge component of the Northwest Character of the current R-1 neighborhood, and very important to my family. Montevallo has 11.85 buildable acres. At R-1 that would mean 11 or 12 houses, or possibly up to 22 to 24 houses if built at 2 houses per acre. Compare the difference in space between houses of the proposed 66 Montevallo houses. 66 houses is triple the amount of 2 houses per acre and 6 times the amount of houses of 1 house per acre of an R-1 zoning. **There would only be a few feet between the houses of the proposed Montevallo development which is completely out of character with the current neighborhood in the Wellington area and all up and down 156th Ave NE for its entire length. These same issues also affect Wood Trails.**

Currently our house is cooled by wonderful breezes flowing South and South East. These breezes are very helpful in the Summer with cooling off the backyard. **In an R-1 zoning, there would be a house with a large backyard and plenty of space for cool breezes to flow through. At R-4 with the proposed 66 houses meaning either triple or 6 times the amount of housing as R-1 as calculated above, there will be only a few feet between houses, blocking all the cooling winds.**

Also, the noise difference for R-4 zoning would be either 3 or 6 times the amount of the current R-1 zoning for things such as dragging garbage cans out to curbs, and families just being outside. **The noise for the amount of car doors slamming in the morning and evening and cars starting would be more like 6 to 12 times the current noise level when you consider most of those 66 houses will contain 2 adults each having 2 cars since there is no bus service on 156th Ave NE. That works out to noise from 132 cars every day instead of 22 to 24 cars at 1 house per acre.**

Another impact to the Northwest Woodland Character is the amount of light pollution produced by 66 houses as opposed to 11 to 12 or even 22 to 24 houses in an R-1 setting. **People in this area are used to being able to see the stars at night as part of the Northwest Woodland Character.** When you consider at least two porch lights per house for 66 houses, that is 132 lights minimum per house, and probably more; plus lights shining from all those many windows, and there would be new city street lights which NE 202nd and NE 201st do not currently have. The stars will be much harder to see.

In the FEIS the city acknowledges that it did not study the impacts of noise, odor or air quality, therefore not adequately addressing the concerns I brought up in my comments on the Draft EIS.

The noise and light issues will also affect Wood Trails. I am also concerned about the loss of tree canopy of Wood Trails, and the loss of much of the current buffer between the industrial area and Wellington.

6. The developer stated that R-1 homes are million dollar homes. This statement is certainly nowhere near true for our house or our current neighborhood. **There is no reason that a million dollar home has to be built on a 1 acre parcel. And even if they were to build expensive houses, the developer himself stated that Microsoft is hiring, and everyone knows that Microsoft jobs pay very well.**

7. **I also disagree with the developer's statement that demand for R-1 housing is decreasing because it is not affordable. My family and I have received a number of inquiries about either selling or renting our house, and I honestly just received another inquiry yesterday as I took the garbage cans out to the street, about if we were interested in selling.**

8. I also disagree with the developer that attached homes in the valley don't count because they are not separate homes. People want separate homes but they also want Northwest Woodland Character which includes yards. Montevally does not include nice yards on its tiny lots. And with houses separated by only a few feet they are going to be so noisy they might as well be attached.

9. Opening up 202nd ST to Wood Trails means that the largest lobe of houses in Wood Trails (North lobe with 33 lots) would be connecting to the Wellington street that already has the most houses and the most traffic of the four streets (195th, 198th, 201st and 202nd), and 202nd has very small shoulders compared to 198th and 201st. **This would be a huge increase in traffic on 202nd ST, and make it much less safe for walking. It will also greatly increase traffic noise, also affecting the Northwest Woodland Character of our current neighborhood.**

10. As Table 2 on page six of the City of Woodinville Staff Report to the Hearing Examiner for the Wood Trails Rezone shows, the city exceeds the residential capacity needed to satisfy the Growth Management Act until at least 2022, and that is not even counting the capacity in the commercial zones.

11. As far as affordable housing goes, there is no reason one could not build a reasonably priced house on an R-1 lot. If the Montevally property were subdivided into R-1 lots, it is very likely that people would love to buy the lots to build their own dream home at whatever level they could afford.

12. To the developer's attorney's statement at the Wood Trails hearing about there being no precedent about need in Washington, but it is a term of art in judicial decisions in other jurisdictions, **I question whether the people of the great state of Washington want their land use decisions dictated by the decisions of other states. Just because we have not made our own precedent yet does not mean we want to forever forgo the opportunity to make our own choices for our own people in our own state.**

I do agree with the developer's statement that the dictionary term of need means required or wanted. R-4 for Wood Trails and/or Montevally does not demonstrate either. This was demonstrated at the public hearings showing that R-4 is not

wanted and evidence presented that we already exceed our Growth Management Act requirements until 2022 (and beyond when you count the commercial zones).

13. Also, I have twice e-mailed the City of Woodinville that there appears to be a clerical error of omission to the City of Woodinville Staff Report to the Hearing Examiner for Montevallo Rezone as posted on the City of Woodinville's web site. As of this writing, I have still received no response from the city, so I will state the problem in this letter. **The recommendation made by the city on page 12 to have "development of the same size lots immediately adjacent to the site compatible with existing Wellington neighborhood lots or plant a 50 foot (this is an increased width) Type 1 Full Screen Buffer per Chapter 21.16.040 (1)" was not included in the final Recommended Conditions of Approval on p. 27-32 of the Montevallo report. Apparently this was just an oversight, as this same recommendation was included in both the body of the report and in the Recommended Conditions of Approval (under Landscape & Tree Retention) of the Staff Report to the Hearing Examiner RE the Wood Trails Preliminary Plat & Rezone Application. This very important recommendation should be included in the final recommendations of the City of Woodinville's Staff Report since it is also recommended in the body of the report. It also demonstrates how the Montevallo plan is not compatible with the existing Wellington neighborhood, and therefore is not consistent with approving it to R-4.**

14. In conclusion, I include statements from two Woodinville Planning commissioners as quoted from the Woodinville Weekly's February 19th coverage of the February 14th discussion and public hearing on the Sustainable Development Study.

"Planning Commissioner Phil Relnick said he just returned from Japan, where he lived most of his life. 'I went to the suburbs of Tokyo, where I used to live,' said Relnick. 'It has become all of the things we don't want (in Woodinville)."

Planning Commissioner Pat Edmonds "asked himself if the city needed R-4 in order to meet state-prescribed growth targets. The answer was no." Also, "he likened Woodinville to Yarrow Point or Clyde Hill. But Woodinville was actually selling an image, he said. It had agritourism, 40-plus wineries, the Dinner Train, 21 Acres. 'We have a tangible brand in our image,' said Edmonds. 'If we don't manage our growth in a smart way, we could actually damage our image.' He said the city's Mission Statement, its Vision and its logo were all about 'Northwest woodland character.' He cited many goals and policies in the city's Comprehensive Plan that supported the city's desire to maintain its character."

Thank you for considering my comments.

Sincerely,

Julia Poole
15306 NE 202nd ST
Woodinville, WA 98072

Julia Poole
15306 NE 202nd ST

Oral Comments

Mr. Hearing Examiner:

My family has owned property adjacent to the proposed Montevallo development for 40 years. We are opposed to a change in zoning to R-4. I have listed some of our many concerns in an eight page document I am submitting tonight as an exhibit.

Since I have only 3 minutes to speak tonight, I will only highlight a few of these concerns and ask that you please read my full letter before you make your decision on a zoning recommendation, as I spent many hours researching and writing the letter.

1. The Montevallo area should stay zoned R-1 and not be rezoned to R-4 because a large part of the buildable area of Montevallo is part of the Leota Basin which drains into Lake Leota. Lake Leota is important to the Cold Creek system and the Bear Creek salmon runs. This is shown in the Sustainable Development Project R-1 Area Attachment A Environmental Report. The report recommends that the Leota Basin area remain R-1. The only possible exception to this zoning recommendation in the report pertains to areas around the lake itself, so Montevallo is not included in this exception.
2. The findings that a section of the buildable area of Montevallo is part of the Leota Basin were also explained to me at the City of Woodinville Sustainable Development Study Open House. A representative stationed at a poster at this Open House explained to me that the Leota Basin meets the Litowitz Test for lower density.
3. In answer to my concerns in the DEIS about adequate water supply to the very large, tall fir trees, the FEIS incorrectly states that this is not a concern because the water currently flows East to West. The Sustainable Development Report shows that the Leota Basin area of Montevallo, which is adjacent to our property and also the property of five other houses on 202nd ST. drains South. Since the Montevallo development plan is to have an immense amount of impervious surfaces and to shift water to the bottom of the hill at the West end of the property, this takes away water from our fir trees and the Lake Leota Basin. The Montevallo water that did reach Lake Leota would be polluted.
4. The FEIS also did not adequately address my concerns about the storm water runoff from Montevallo potentially increasing the amount of wetlands on the West end of our property, making more of our property unusable. The FEIS discusses the proposed drainage plan for Montevallo, stating, "This design provision is intended to dissipate runoff flows and maintain water inflow to the wetland similar to the existing conditions, but it raises the question of potential surface water or groundwater changes to the adjoining properties".

5. I have always been prepared to accept R-1 development of the Montevallo property. This would mean 11 or 12 houses behind our house. But Montevallo is planned for 66 houses, which is six times this amount. This makes Montevallo completely out of character with the surrounding area, and would greatly diminish our property value.

I have more details about these comments and also many other comments in my eight page document which I present for exhibit. Thank you.

March 15, 2007

Submitted to Sandy Gwinn
on 3-15-07
Sandy Gwinn

EXHIBIT 70
PAGE 1 OF 1

MAT

Attention: Woodinville City Council, Ms. Cindy Baker & City Attorney:

First, my dictionary definition of the word "need," the PRIMARY definition, is "necessity or obligation created by some situation." The word "need" comes from the Old English "neu" to collapse with weariness, and the Welsh word "newyn" starvation. You cannot possibly tell me that these housing developments meet that PRIMARY definition of need. Furthermore, while you are perusing the dictionary, you might want to look up the definitions of "growth" "development" and "maturity" while you're there.

Second, the Phoenix developer says that there is a "need" for housing in this area. If you get on the internet for 2 minutes you will find 70 single-family houses for sale just in the local Woodinville area that are from the \$600,000 down to \$400,000 range.

If there is such a need, why are there those houses sitting on the market?

Third, a typically priced home in King County in 2005 cost \$332,000, meaning wage earners had to make \$88,400. If you were truly building "affordable housing" then I might concede that you are meeting a need, but the houses you are planning are not affordable.

I recently read an article that describes the network of people in our country which profits from residential development. Their mantra is that our towns and cities must grow to thrive. However, this is propaganda spread by the industry which needs to justify itself to continue reaping the enormous profits generated by subdivision construction and suburban sprawl, regardless of what happens to the cities and towns as a result.

A City of Woodinville staff report states that an R-4 rezone would have a negative effect on the City's resources because the truth is: undeveloped land pays for itself and is a net plus to a city whereas residential development generally fails to pay for itself and is a net loss to a city.

I believe small cities like ours need development in the true sense of the word – IMPROVEMENT!

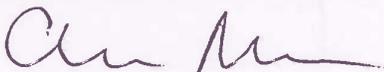
The following are a few of my concerns from the FEIS which would not improve our community but affect it negatively.

1. The junction of 168th avenue NE & Woodinville-Duvall Road where cars turn to get to Leota Jr. High, Wellington Elementary & Bellevue Christian school. Here cars are backed up routinely during peak travel hours. In addition, a new church and school will soon be built just east of this intersection. With 800 daily car trips generated by the proposed subdivisions, this intersection was not addressed.
2. Coming off the Freeway down by the high school at peak hours, cars are backed up along the shoulder. Another 130 commuters backed up there was not addressed.
3. The schools of Leota and Wellington already have overcrowded rooms with kids in portables. The district says it expects declining enrollment. Under the circumstances might this not be a good thing, to have fewer kids per teacher, not more? This scenario was not addressed.
4. Page 1-35 of the FEIS states wildlife will be "displaced." Tangling Ridge displaced all of the deer that used to live on that hill. The lady who has lived in a house on that hillside for the last 30 years hasn't seen one since. We might say, so what? Some animals have disappeared. Our lives go on about the same. We might say, Okay, so there's some similar stuff happening in far away places, something about deforestation and global warming – sorry, but we don't see that here. THAT IS CALLED DENIAL. We are dismantling life support systems for animals and ourselves. This cumulative destruction of habitat was not addressed.

I read somewhere that small destructions add up until finally they are understood as part of large destructions. I see Montevello/ Woodtrails as small destructions. I do not support R-4 rezoning.

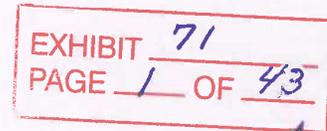
Thank you,

Christina McMartin – 19228 168th Avenue NE, Woodinville, 98072 (cmcmartin@verizon.net)



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March 15, 2007

Both
Rec'd 3-15-07 8:45pm
Mr. Aramburu
Submitted to: [Signature]
Hearing Ex.

Greg Smith
Hearing Examiner
City of Sammamish
801 228th Ave SE
Sammamish WA 98075

Re: Wood Trails and Montevallo Rezones and Plats

Dear Hearing Examiner Smith:

1. BACKGROUND FACTS

The Hearing Examiner has before him two proposals on two different properties. The Wood Trails and Montevallo proposals involve a rezone request from R-1 to R-4 and a request for a preliminary plat on each property.¹

Previously CNW has objected to the consideration of the rezone and the plat proposals at the same time and will not repeat those objections here. Fundamentally, the Hearing Examiner cannot consider a plat proposal until the underlying zoning permits its consideration. Here, both plat proposals are entirely dependent on the approval of the R-1 to R-4 rezone.

Based on the foregoing, it is critical that the Hearing Examiner place his primary focus in decision making on the rezone. If the Hearing Examiner concludes that the rezone should not be granted, it is inappropriate to consider or decide the plat applications. Washington law is very clear on the issue of the requirement that preliminary plats be consistent with zoning: "We therefore conclude the plat cannot be granted preliminary approval since on its face it violates the controlling zoning ordinances." *Loveless v. Yantis*, 82 Wash.2d 754, 762, 513 P.2d 1023 (1973).

As will be described herein, the rezone proposals and preliminary plat proposals, assuming the rezones are ultimately granted, cannot be approved.

¹Because this letter relates to both the Wood Trails and Montevallo proposals, we request it be included in the record for both Montevallo and Wood Trails.

2. BURDEN OF PROOF IS ON THE APPLICANT FOR A REZONE.

The subject proposal is a rezone from R-1 to R-4. As described in the background facts, the R-1 designation arose from the original comprehensive plan adopted in 1996. The R-1 zone has not been modified since then nor has the city engaged in an all-inclusive city wide comprehensive plan revision.

The general rules for rezones are stated by our courts as follows:

The following general rules apply to rezone applications:

- (1) there is no presumption of validity favoring the action of rezoning;
- (2) the proponents of the rezone have the burden of proof in demonstrating that conditions have changed since the original zoning;
- (3) the rezone must bear a substantial relationship to the public health, safety, morals, or welfare.

Parkridge v. Seattle, 89 Wash.2d 454, 462, 573, P.2d 359 (1978).

Bjarnson v. Kitsap County, 78 Wash.App. 840, 845, 899 P.2d 1290 (Wash.App. Div. 1, 1995). *Bjarnson* also lists the key criteria to be applied:

In applying the changed circumstances test courts have looked at a variety of factors, including: changed public opinion, changes in land use patterns in the area of the rezone, and changes on the property itself.

78 Wash.App. at 846-847. See also *Citizens for Mount Vernon v. City of Mount Vernon* 133 Wash.2d 861, 875, 947 P.2d 1208 (Wash., 1997).

In applying these factors here, it is clear that there are no changed circumstances.

1) PUBLIC OPINION. Public opinion has strongly changed since 1996 in favor of retaining, not eliminating, the R-1 zone in this area. The numerous comments on the EIS (substantially all in support of retaining the R-1 zone) as well as the attendance at the public hearings on the two rezones indicate no public support for the proposed rezone.

2) CHANGES IN LAND USE PATTERNS. There has been no change in land in the local area. As will be described in materials to be submitted, the Wellington neighborhood has a long established pattern of larger lot, single family residential uses. The neighborhood consists of subdivisions developed over several years and demonstrates a very stable use for at least the past 20-30 years. This is true as well for the adjacent land uses in all directions.

What has changed in the city is that it is clearly meeting its obligations for new

housing units. See Wood Trails report, page 5. Zoning changes and development in other parts of the city have created housing opportunities in commercial zones and tourist business zones. New housing is being developed in those locations.

3) CHANGES ON THE SUBJECT PROPERTY. The subject property has not changed over the years. Both the Montevallo and Wood Trails properties have been in the same uses for at least 30 years.

Significantly, there are also no changes in public services to the property. Sewer service has been available on adjacent property to the west for at least 20 years, well before the current zoning on the property was adopted.

3. THE SUBJECT REZONE AND PLAT ARE NOT VESTED AGAINST ANY CHANGES IN REGULATIONS.

The Wood Trails staff report asserts, page 3, that both the plat and rezone are "vested to the codes and regulations in effect on July 8, 2004." A similar statement is made for the Montevallo plat and rezone, with a supposed vesting date of November 23, 2004. These statements are incorrect under the law and the Hearing Examiner should apply current codes and regulations.

The rule in the state of Washington is that vested rights do not arise with respect to rezone requests. This is plainly stated in the leading Washington case:

Contrary to the respondents' contention, the "vested rights" doctrine is not applicable. The Teeds' request was for a rezone of their property. "Actions are characterized as rezoning when there are specific parties requesting a classification change for a specific tract." *Cathcart-Maltby-Clearview Comm'ty Coun. v. Snohomish Cy.*, 96 Wash.2d 201, 212, 634 P.2d 853 (1981). Although rezoning actions are basically adjudicatory, *Fleming v. Tacoma*, 81 Wash.2d 292, 299, 502 P.2d 327 (1972), and are not given the presumption of validity given to comprehensive land use plans and promulgatory zoning regulations, they will be upheld only if there is substantial evidence indicating that the rezone furthers the public welfare and that changed circumstances warrant its passage. *Cathcart*, 96 Wash.2d at 211, 634 P.2d 853; *Hayden v. Port Townsend*, 93 Wash.2d 870, 613 P.2d 1164 (1980); *Parkridge v. Seattle*, *supra*. Moreover, a rezone will not be disturbed by the courts absent arbitrary and capricious conduct by the local legislative tribunal, see *Cathcart v. Snohomish Cy.*, *supra*; i.e., conduct that is willful and unreasonable without consideration and in disregard of facts or circumstances. *Barrie v. Kitsap Cy.*, 93 Wash.2d 843, 613 P.2d 1148 (1980).

Courts simply do not possess the power to amend zoning ordinances or to rezone a zoned area, and they cannot and should not invade the legislative arena or intrude upon municipal zoning determinations, absent

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a clear showing of arbitrary, unreasonable, irrational or unlawful zoning action or inaction.

Bishop v. Houghton, 69 Wash.2d 786, 792-93, 420 P.2d 368 (1966). The situation raised in the instant appeal is clearly not the type of ministerial action which warrants the granting of mandamus contemplated under the "vested rights" doctrine.

Teed v. King County, 36 Wash.App. 635, 644-645, 677 P.2d 179,184 - 185 (Wash.App.,1984). This rule is repeated in a later case:

But vested rights generally do not apply to rezoning applications because at that point no decision has been rendered. *Teed v. King County*, 36 Wash.App. 635, 644, 677 P.2d 179 (1984); Washington State Bar Ass'n, Real Property Deskbook, Vol. VI, § 97.8(2)(g), at 97-46 (3d ed.1996).

Hale v. Island County, 88 Wash.App. 764, 771, 946 P.2d 1192, 1195 (Wash.App. Div. 1,1997). Accordingly, the applicant rezone applications are not vested against changes in underlying laws.

As applied here, on March 12, 2007, the City of Woodinville City council enacted Ordinance 431 which amended WMC 21.04.080(1)(a) by deleting the sentence that reads: "Developments with densities less than R-4 are allowed only if adequate services cannot be provided." Since the rezone application is not vested against this modification in city codes, Ordinance 431 demonstrates that this proposal cannot proceed.

A special vesting rule applies to subdivision applications as found in RCW 58.17.033, as follows:

A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

In the present case, at the time the applications for both the Wood Trails and Montevallo proposals were filed, both developments were zoned R-1, the zoning which continues to this date. Each proposal is inconsistent with densities for the R-1 zone. The proposed plat densities anticipate that rezoning would be approved to the R-4 zone. However, the plat cannot be vested to the R-4 zone until the rezoning is approved. A plat that is consistent with the zoning in effect at the time of the application would be completely different than the plat submitted to the City. The plats are not only not vested to older regulations, they cannot be considered, much less approved,

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because they are inconsistent with the current zoning. See *Loveless v. Yantis*, 82 Wash.2d 754, 760-61, 513 P.2d 1023 (1973) (preliminary plat must be rejected if it contains clear zoning violations). See also *Friends of the Law v. King County*, 123 Wash.2d 518, 528, 869 P.2d 1056 (Wash., 1994).

4. THERE IS NO DEMONSTRATED NEED FOR THE REZONES OF WOOD TRAILS OR MONTEVALLO.

The WMC identifies three criteria for the rezoning of property at WMC 21.44.070. The subject proposal does not meet any of these criteria. The first is: "A) There is a demonstrated need for additional zoning of the type proposed."

This criteria is not met. As the staff report concludes, a combination of current zoning, together with pending and issued permits, demonstrates that the City is meeting its GMA 20 year growth projection of 1869 dwelling units. Wood Trails Staff Report, page 5.

Under the GMA, the local governments are required to cumulatively apply the zoning in the community to provide "sufficient capacity of lands suitable for development":

36.70A.115. Comprehensive plans and development regulations must provide sufficient land capacity for development

Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.

(Emphasis supplied). In the present case, the term "need" must refer to the "need" to provide sufficient lands to accommodate allocated housing growth.²

In the instant case, there is insufficient showing of need to justify the rezone. The city does not require additional, more dense zoning to meet its needs for

²The applicant has submitted materials that suggest need is related to market factors and suggests that potential home owners would buy these homes. While CNW reserves the right to study and respond to these allegations in more detail before the record closes, it is obvious that any new housing in the central Puget Sound area has a market. Accepting the applicant's view would mean that there is a need for any kind of housing, effectively making the provision meaningless. This is an absurd reading of this section of the code.

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developable land. If and when the city is not meeting its housing goals, then it may reconsider its decision. As things stand, there is no demonstrated need for R-4 zoning and no basis upon which to grant the rezone.

5. THE REZONE PROPOSALS ARE SPOT ZONES.

The Wood Trails and Montevallo proposals are illegal spot zones. The applicants have selected a 16.48 acre parcel for rezoning from R-1 to R-4 at Montevallo. The proposal will include the capability for building 66 homes with possible density transfers, making the effective zoning R-4.

The Montevallo proposal is located in an area surrounded on all sides by low density single family zoning. In the City of Woodinville, this is R-1 zoning. Though not identified in the staff report or FEIS, the zoning in Snohomish County is rural, five acre zoning.

Spot zoning has been identified and condemned by Washington courts:

The concept of spot zoning as an evil in the field of municipal growth is well recognized by nearly all authorities.

'Spot zoning is an attempt to wrench a single lot from its environment and give it a new rating that disturbs the tenor of the neighborhood, and which affects only the use of a particular piece of property or a small group of adjoining properties and is not related to the general plan for the community as a whole, but is primarily for the private interest of the owner of the property so zoned; and it is the very antithesis of planned zoning. It has generally been held that spot zoning is improper, and that one or two building lots may not be marked off into a separate district or zone and benefitted by peculiar advantages or subjected to peculiar burdens not applicable to adjoining similar lands.' 101 C.J.S. Zoning § 34.

339 A well supported statement is also found in 2 Metzenbaum, Law of Zoning (2d ed.) chapter X-m-(5):

"Spot Zoning' is not usually favorably regarded, because, in too many instances, such practice has been employed in order to aid some one owner or parcel or some one small area, rather than being enacted for the general welfare, safety, health and wellbeing of the entire community. * * *

* * *

"Spot zoning' merely for the benefit of one or a few or for the disadvantage of some, still remains censurable because it is not for the general welfare * * *.'

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Pierce v. King County, 62 Wash.2d 324, 338-339, 382 P.2d 628 (1963). A later Washington case provides a concise definition and prohibition of spot zoning:

Spot zoning is an action by which an area is carved out of a larger area and specially zoned for a use totally different from, and inconsistent with, the surrounding land and not in conformance with the comprehensive plan. *Save a Neighborhood Env't v. City of Seattle*, 101 Wash.2d 280, 286, 676 P.2d 1006 (1984). A spot zone grants a discriminatory benefit to some landowners to the detriment of their neighbors or of the community at large. *Id.* (quoting *Save Our Rural Env't v. Snohomish County*, 99 Wash.2d 363, 368, 662 P.2d 816 (1983)).

Henderson v. Kittitas County, 124 Wash.App. 747, 757-758, 100 P.3d 842, 847 (Wash.App. Div. 3, 2004).

For the Montevallo case, the applicant seeks approval of an upzone of an isolated 16.48 acre property located within a virtual sea of lower density zoning with rural zoning to the north. The city so interprets its codes that the effective zoning on the property, with possible density transfers, is R-5, or five units to the acre. No effort is made by the applicant, or the city, to include other areas within the rezone.

The proposal is a classic spot zone: the isolation of a single ownership for rezoning that is inconsistent with the surrounding area, with no evidence of benefits to the public. If this area is to be considered for rezoning, it should only be in the context of a comprehensive examination of the larger Wellington area.

In this regard, the City Council of the City of Woodinville has recently passed Ordinance 431 which is included in the hearing record. That Ordinance dealt with the issue of whether the larger area of R-1 zoning in this area should be rezoned to R-4. The Staff Report for Ordinance 431 (attached hereto) and the finding in the Ordinance indicate a number of reasons why R-4 is not appropriate for this property, as well as for the whole area. Both rezone proposals are impermissible spot zones and should be rejected.

6. CONTRARY TO CITY OF WOODINVILLE CRITICAL AREA REGULATIONS, THE APPLICANT HAS NOT PREPARED A CRITICAL AREA SPECIAL STUDY OR SUBMITTED A PLAN FOR BUFFER REDUCTION.

Under the terms of 21.24.120, the "Critical area special study requirement":

(1) An applicant for a development proposal which includes a critical area or is within an identified critical area buffer shall submit a critical area special study (report requirements are available at the Community Development Department) that uses the best available science to adequately evaluate the proposal and all probable impacts.

The subject proposal for a rezone which meets the code requirement for a development proposal:

21.06.163 Development proposal.

Development proposal: any activities requiring a permit or other approval from the City of Woodinville relative to the use or development of land.

The staff report admits at page 32 of the Montevallo staff report and page 38 of the Wood Trails staff report that no "specific sensitive area study" has been completed for this proposal, though there is a wetland (sensitive area) on the Montevallo site and various geologic hazard areas on the Wood Trails site.

Further, the Montevallo proposal proposes buffer reduction for the wetlands. See Appendix N to the FEIS. However, that plan is only conceptual as admitted in the report.

Under the WMC, the sensitive area special study must include analysis of buffer reduction proposals:

21.24.130 Contents of critical area special study.

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

(a) Using the best available science, identification and characterization of all sensitive areas on or encompassing the development proposal site;

(b) Using the best available science, assessment of the impacts of any alteration proposed for a critical area or buffer, assessment of the impacts of any alteration on the development proposal, other properties and the environment, and/or assessment of the impacts to the development proposal resulting from development in the critical area or buffer;

(c) Studies, which propose adequate mitigation, maintenance, monitoring and contingency plans and bonding measures;

(d) A scale map of the development proposal site; and

(e) Detailed studies, as required by the Planning Director

(Emphasis supplied). Accordingly, the proposal must be denied at the present time until a critical area study is done that analyzes impacts on all critical areas and any proposals for buffer reduction.

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7. LOCAL CONDITIONS AND DISCRETION CONTROL THE DENSITY OF DEVELOPMENT, NOT A BRIGHTLINE ARBITRARY STANDARD.

In planning for development within its borders, the City of Woodinville, like other communities, is primarily responsible for developing plans that best fit the local community. This is stated in RCW 36.70A.3201 which expresses legislative intent under the GMA:

In amending RCW 36.70A.320(3) by section 20(3), chapter 429, Laws of 1997, the legislature intends that the boards apply a more deferential standard of review to actions of counties and cities than the preponderance of the evidence standard provided for under existing law. In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the legislature intends for the boards to grant deference to counties and cities in how they plan for growth, consistent with the requirements and goals of this chapter. Local comprehensive plans and development regulations require counties and cities to balance priorities and options for action in full consideration of local circumstances. The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future rests with that community.

(Emphasis supplied).

This approach is approved in recent Washington cases:

GMA was not intended to be a top-down approach with state agencies (or GMA Boards) dictating requirements to local entities. Thus, in accordance with the legislative language of the act, we have held that the GMA does not prescribe a single approach to growth management. RCW 36.70A.3201; *Viking Props. v. Holm*, 155 Wash.2d 112, 125-26, 118 P.3d 322 (2005) (“the ultimate burden and responsibility for planning, harmonizing the planning goals of [the GMA], and implementing a county's or city's future *512 rests with that community.” (alteration in original) (quoting RCW 36.70A.3201)).

Thus, the GMA is implemented exclusively by city and county governments and is to be construed with the flexibility to allow local governments to accommodate local needs. *Viking Props.*, 155 Wash.2d at 125-26, 118 P.3d 322.

Lewis County v. Western Washington Growth Management Hearings Bd., 157 Wash.2d 488, 511-512, 139 P.3d 1096 (Wash., 2006). (Emphasis supplied).

Accordingly, the Hearing Examiner and City Council must determine what is best for the community, based on all pertinent factors, without applying a rigid “bright line”

test for development. As will be shown herein, there is no question that the City is not bound by any bright line test for zoning under GMA. Zoning code, comprehensive plan and rezone criteria demonstrate that the property does not qualify for R-1 zoning. Code criteria for R-1 zones are met.

8. MAINTENANCE OF R-1 ZONING IS APPROPRIATE HERE WHERE LARGE LOT, WELL ESTABLISHED SUBDIVISIONS EXIST.

The Wellington area is the site of well-established residential subdivisions. These larger lots were created in many cases more than twenty years ago. See Affidavit of Carol Cohoe. These include larger lots created in many cases more than twenty years ago.

Code criteria for R-1 zones indicate that such zoning is appropriate where the property in question "is in well-established subdivisions of the same density. . ." This provision applies here and indicates that R-1 zoning is appropriate. Here both the Wood Trails and Montevallo proposals are located within a neighborhood that includes establishes subdivisions of densities that comport with the R-1 zone. Areas to the north in Snohomish County are in fact zoned as rural areas, with minimum five acre lot sizes.

9. SIGNIFICANT AREA-WIDE ENVIRONMENTAL CONSTRAINTS EXIST THAT PROHIBIT R-4 ZONING.

The City has criteria for determining residential zoning categories as set forth in WMC 21.04.080(2):

(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

(Emphasis supplied). Note that the burden of proof is on the applicant to demonstrate that the property under consideration is "predominantly environmentally unconstrained" to qualify for an R-4 rezone. Here the evidence will demonstrate that the rezone proposals, particularly Wood Trails, are not "predominately environmentally unconstrained." There are multiple environmental constraints for that property as demonstrated by the various critical areas that apply to it as will be demonstrated in CNW's Presentation Book. In addition the property continues to meet the criteria for R-

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1, phrased in the disjunctive. For R-1, the code ties two criteria together by an "or" indicating that if either criteria is met the property must be zoned R-1. These criteria have been a part of the code since the applicants first owned the property and were never challenged by them. As to these criteria, the CNW Presentation book will demonstrate that the properties have broad scale, area wide environmental constraints, most notably geologic limitations for steep slopes, erosion hazards and landslide hazards. Further, the code requires that there be "adequate roads" to the development. However, the local access and arterial roads in the vicinity are substandard and have numerous safety deficiencies. In addition, the evidence will demonstrate that the Wellington neighborhood is an area with long established subdivisions that are consistent with one acre lot sizes consistent with R-1 zoning.

The proposed rezones, being inconsistent with the City's standards, must be rejected.

10. THE SUBJECT PROPOSAL IS INCONSISTENT WITH THE PROVISIONS OF THE DEDICATIONS IN THE SUMMERS ADDITION PLAT.

The Montevallo proposal consists of the entirety of the Summers Addition, a short plat approved by King County in 1976. The recorded documents for the short plat are attached hereto.

The Summers Addition Short Plat included the dedication of a public street, N.E. 205th Street through the plat to connect with an existing road end. This route, shown on the approved plat, has a right of way width of 60 feet. As it is dedicated to the public, this right-of-way cannot be counted as part of the Montevallo proposal because it is in public ownership. Further, the proposed plan includes lots and private facilities within the dedicated right-of-way area, again inconsistent with public ownership.

The Montevallo proposal should be modified to eliminate any uses with the public ownership of the dedicated street right-of-way.

11. THE WOOD TRAILS SITE DOES NOT QUALIFY AS A SENDING SITE FOR PURPOSES OF TRANSFER OF DEVELOPMENT CREDITS.

The applicant proposes that it transfer development credits from the Wood Trails site to the Montevallo site. However, under WMC 21.36.030 the transfer of such credits can only be done for areas of natural or community significance as found in the City of Woodinville Comprehensive Plan or a "function plan" identified by the City. The text of the ordinance reads as follows:

(2) Sending sites must contain one or more of the following features, as defined in the Comprehensive Plan or other functional plan adopted by the City or County:

- (a) Open spaces;
- (b) Wildlife habitat;
- (c) Woodlands;
- (d) Shoreline access;
- (e) Community separator;
- (f) Regional trail/natural linkage;
- (g) Historic landmark designation;
- (h) Agricultural land not encumbered through the County's farmlands preservation development rights purchase program;
- (i) Park site that meets adopted size, distance and other standards for serving the receiving sites to which the density credits are being transferred; or
- (j) Freestanding multistory parking garage located on a site zoned CBD.

(Emphasis Supplied). However, an examination of the comprehensive plan, the future land use map and other functional plans show that the site does not contain designations for parks, open spaces or other features that qualify it as a sending site. Accordingly, the site does not qualify as a sending site and the Montevallo site cannot receive density credits.

12. THE FEIS, STAFF REPORTS AND OTHER MATERIALS DO NOT CONSIDER THE IMPACTS ON PROPERTIES AND FEATURES IN SNOHOMISH COUNTY.

The EIS and other staff materials abruptly cut off analysis and review of impacts of these two proposals at the Snohomish County line, located at the north border of both properties. No analysis of zoning or other impacts is described in these areas. Significantly, substantially all geological investigations also use the Snohomish County line as the ending point for investigations.

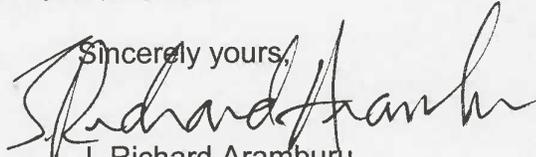
The failure to consider extraterritorial impacts and engage in analysis for such areas is contrary to sound planning and environmental review requirements as stated in Washington law:

Under these circumstances, Bothell may not act in disregard of the effects outside its boundaries. Where the potential exists that a zoning action will cause a serious environmental effect outside jurisdictional borders, the zoning body must serve the welfare of the entire affected community. If it does not do so it acts in an arbitrary and capricious manner. The precise boundaries of the affected community cannot be determined until the potential environmental effects are understood. It includes all areas where a serious impact on the environment would be caused by the proposed action. The impact must be direct. For example, areas which would experience an increased danger of flooding or air pollution, or areas which would experience pressure to alter the land uses contemplated by their own comprehensive plans, would be part of the affected community.

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Save a Valuable Environment (SAVE) v. City of Bothell, 89 Wash.2d 862, 869, 576 P.2d 401, 405 (Wash. 1978). Here there has not been a demonstration that the impacts of these plats on adjacent property in Snohomish County has been considered or analyzed. This is especially critical since this adjacent zone is rural.

The Hearing Examiner should conclude that the City of Woodinville has failed to meet its burden and accordingly the rezone should be rejected. With the rejection of the rezone no action should be taken on the plat proposals.

Sincerely yours,

J. Richard Aramburu

JRA/km
Encl.

STAFF REPORT

TO: CITY COUNCIL

VIA: RICHARD A. LEAHY, CITY MANAGER 

FROM: CINDY BAKER, INTERIM DIRECTOR, DEVELOPMENT SERVICES

SUBJECT: FIRST & SECOND READING AND ADOPTION OF ORDINANCE NO. 431

MEETING DATE: MARCH 12, 2007

Does the City Council intend to have first and second reading and adoption of Ordinance No. 431 based on the Planning Commission's recommendation to retain the City's R-1 zoning, amend the zoning code to remove the restriction on developments with densities less than four dwelling units per acre, and develop additional land use regulations aimed to ensure the City's continued compliance with the goals, policies and directives of the Growth Management Act?

Alternatively, does the City Council wish to adopt the substance of the Planning Commission's recommendation as an interim zoning ordinance, which would enact the proposed regulations on a temporary basis while the Council considers, deliberates upon and potentially revises this recommendation before adopting permanent code amendments?

ISSUES:

A. Shall the City Council conduct First and Second Reading and adopt Ordinance No. 431 (Attachment A -Alternate 1), an ordinance amending WMC 21.04.080(1)(a); removing the restriction that developments with densities less than four dwelling units per acre are allowed only if adequate services are provided? or,

B. Alternatively, shall the Council conduct First and Second Reading and adopt Ordinance No. 431 (Attachment A -Alternate 2) as an *interim* zoning measure that will automatically sunset six months after adoption unless terminated earlier or extended further by future Council action?

PLANNING COMMISSION AND STAFF RECOMMENDATIONS:

Previously, the Woodinville Planning Commission recommended that the City Council: 1) Retain the current R-1 zoning in the City; 2) Amend the Zoning Code to remove the restriction of development with densities less than four dwelling units per acre; and 3) Develop, in the next 6 months, additional land use regulatory tools to guide and accommodate future growth planning in all residential zones in compliance with the Growth Management Act (GMA). **Ordinance No. 431, included as Attachment A – Alternative 1, would implement these actions.**

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

BACKGROUND:

The City of Woodinville conducted a Sustainable Development Study as part of Ordinance Nos. 419, 424 & 427, which collectively set in place a development and building moratorium, with exceptions. The purpose of the study was to obtain policy recommendations regarding the appropriate density levels and standards governing future development within the City's R-1 zoning district - including but not limited to the protection of critical areas - while simultaneously providing for appropriate future and complying with the Growth Management Act's (GMA) numerous planning goals.

As part of the Sustainable Development Study, a team of consultants for the City of Woodinville gathered and analyzed information in four main areas of interest to determine the relationships that development densities and intensities would have on these areas. They include:

- Environmental information in the R-1 zone that relate to aquifer recharge area(s), Lake Leota, Bear Creek, steep slopes, erosion hazard areas, landslide hazard areas,
- Infrastructure, including transportation and roads, sewer, water, schools, fire, water,
- Neighborhood Character, including broadly evaluating canopy cover, common viewshed, parcel accessibility, parcel size, sense of scale and fabric, circulation, building rhythm, infill potential.
- Capital Facilities and Utilities
- Transportation, including road service levels and adequacy.

The City's Comprehensive Plan has defined low density as R-1 (1 unit per acre) to R-4 (4 units per acre) since its incorporation. It has also promoted the desire to maintain a "Northwest Neighborhood Character central to the City's identity." In 1996, the Central Puget Sound Growth Management Hearings Board received the City's Comprehensive Plan on an appeal filed by a Snohomish County resident. Although not a specific matter of the appeal, the Board commented on the City's provision for an R-1 designation saying it did not comply with what the Board considered an appropriate urban density. The Board at that time considered only R-4 or greater to be an appropriate density. However, because the R-1 zone was not a subject of the appeal, the Board's final order (decision on the appeal) did not direct the City to change the R-1 designation, which reflected King County zoning prior to the City's incorporation in 1993. The Board did direct the City to eliminate one policy statement that appeared to be inconsistent and provide additional background information on drainage and stormwater. The City complied with the Board's directive and the Comprehensive Plan, as modified, was found to be in compliance with GMA.

In 2002, as required by the Growth Management Act, the City submitted an updated Comprehensive Plan and implementing regulations to the State for comment and approval. No appeals were filed, but State reviewers commented that the City should consider either changing the R-1 to allow at least an R-4 density or conduct studies to substantiate that the R-1 complied with GMA requirements to provide for appropriate urban density within urban growth areas which includes all cities subject to GMA. In response, City staff identified the need to conduct these studies as a future work program objective.

In addition to the R-1 area, it was recognized that there were other areas of the City, especially along stream corridors, where intensity of development issues needed to be studied in order to protect sensitive environments. The following set the course for conducting the studies:

On March 20, 2006, the Council adopted a six month Moratorium on development in the R-1 zoned area to study the issues in the R-1 zone.

On June 5, 2006, the Council approved a Sustainable Development Program.

On June 7, 2006, the Planning Commission appointed an 11-member Citizen Advisory Panel (CAP) to provide community input on the Sustainable Development Study.

The CAP held 12 public meetings between July 12, 2006 and February 14, 2007, receiving environmental, transportation, low impact development, housing and neighborhood character reports, and developed Sustainable Development goals and policies (Attachment C).

FACTS & FINDINGS:

1. Among the considerations which come to bear on sustainable development are the City's GMA duty to accommodate urban growth while protecting critical area "function and values," including protection of anadromous fisheries as well as considerations relating to such factors as, adequate and diverse housing alternatives, availability of urban services and infrastructure, preservation of the character and vitality of existing neighborhoods, and considerations relating to jobs and economic development.
2. Environmental functions and values have become more quantifiable in recent years largely as a result of local jurisdictions' work on their critical area regulations utilizing GMA-mandated "best available science".
3. The GMA itself is silent on what numeric value constitutes "urban density". However, over time, past case decisions by Growth Hearings Boards established a minimum figure of four units per acre as meeting the threshold of urban density. This figure has been referred to as the "bright line" threshold.
4. Recently, some jurisdictions (for example, Bothell and Normandy Park) have faced challenges from public policy advocacy or development groups which complained that their plans did not meet the four dwelling unit per acre urban density "bright line" threshold even though the plans over-all accommodated the jurisdictions' growth allocations. A Washington Supreme Court decision has also held that interpreting minimum density "bright lines" into the language of the GMA was beyond the authority of the Growth Management Hearings Boards and was inconsistent with the deference which local government's decisions must be accorded under the GMA. However, at least one Plan (Normandy Park's) has been appealed to the Washington Supreme Court and the extent of flexibility and deference to which jurisdictions are entitled under the GMA has yet to be finally determined.
5. Central Puget Sound Growth Management Hearings Board rulings generally uphold "lower" residential densities supported through studies applying the "Litowitz v. Federal Way" factors, named for a decision by the Board setting a standard for when lower densities would be acceptable as a means of maintaining the integrity of environmental resources. Even in such cases, however, the jurisdiction in question was still required to meet its growth allocations in some way, and the exemption on density for critical area protection did not reduce the jurisdiction's overall allocation numbers.
6. In a "Litowitz Test" study, lower development densities are justified if the area in question meets a three part test. The critical area must be shown

to: (1) be large in scope; (2) have complex structure and function, and (3) have high (environmental value) rank order.

7. Consultants for the City of Woodinville have evaluated information from the Study against the "Litowitz" test to level of resource sensitivity and potential impacts from development densities.
8. The GMA also recognizes other factors as relevant in planning. For example, the housing element, among other things, ensures "the vitality and character of established residential neighborhoods". RCW 36.70A.070(2)
9. Staff prepared, as part of the Study, an evaluation of existing neighborhoods in the R-1 area and therein found that several neighborhoods' housing stock, character, and vitality would best be preserved by lower density zoning.
10. The City contains a surplus supply of buildable lands to accommodate more than the 20 year housing and population projection required by the GMA.
11. The City currently has increased both supply and found demand of housing units in its downtown and tourist business district that significantly exceeds the units required to accommodate the housing allocation beyond 2022 (See analysis in the Sustainable Development Study).
12. The Planning Commission is responsible for review of issues and formulating recommendations concerning growth, land use, transportation, community infrastructure, preservation of environmental quality, preservation of neighborhood character and developing policy for those and other land use issues that meet the policies of the GMA.
13. Any amendment to either the City's Comprehensive Plan or regulatory code requires approval of an ordinance by City Council.
14. The Planning Commission held a public hearing on January 31st and February 14th regarding the Sustainable Development Study and proposed amendments to the Zoning Code. They deliberated at the close of the public hearing and recommended the City Council adopt the proposed Zoning Code Amendment as contained in Attachment A based on the following reasoning and findings:
 - a. The City currently contains excess capacity in its residentially zoned areas to accommodate the GMA housing allocation out to the year 2022, the current twenty year planning horizon.

- b. In addition, projects in the Tourist Business zone and the R-40/Office zone, currently construction, are increasing the City's supply and demand above and beyond what the state has allocated and the City has supplied respectively, for the 20 year planning horizon. The two projects will provide over 700 new housing units. These and other projects in the planning stages are serving to implement the City's long standing goal to develop pedestrian-oriented development in and around the commercial areas of the City that accommodate over 3 dozen wineries. The City is at a delicate tipping point in its Downtown/Little Bear Creek Master Plan, Economic Development Plan, and Sustainable Development Plan, particularly with respect to carefully planned growth in higher residential areas that require mixed retail/residential developments to be successful. Sudden increase in development away from this targeted core area could effectively "cannibalize" some of this nascent residential growth where it is needed most.
- c. Changing the R-1 area to R-4 is counter to the City's economic and residential growth plans to encourage housing in the downtown where people can live in proximity to work opportunities, shopping, mass transit and other services which not only supports the local economy, but also reduces vehicle trips.
- d. An R-4 rezone of the subject area would likely have a negative effect on the City's resources in context of the capital improvement plans, particularly in regards to addressing traffic and acknowledging single-family development that does not provide sufficient tax revenue to support required municipal services.
- e. An R-4 up-zone to a large area of the City could have a negative impact on the City's image and sense of unique identity, recognized since its incorporation as a Woodland Character community (Comprehensive Plan Goals LU-1, CD-2)
- f. In the central portion of the R-1 area, identified in Attachment A of the Sustainable Development Study, the Lake Leota Basin constitutes approximately 50% of the total R-1 area and feeds into Cold Creek and the Bear Creek Drainage Basin, the region's most significant salmon spawning habitat area. These two important natural resources are large in scope, complex in structure and function, and of high rank order and thus, the interconnecting system qualifies under the "Litowitz Test" for low density (less than R-4) zoning.
- g. The Sustainable Development Study and public hearing testimony indicate possible negative impacts to other elements of the natural

environment if R-4 zoning were put into place. Greater development could affect geologic hazards, and an extensive Critical Aquifer Recharge Area and Lake Leota.

- h. The City is doing an effective job of balancing the competing GMA goals related to accommodating growth and environmental protection by exceeding the GMA job allocation; providing a wide variety of housing, including a national award winning affordable housing project (Greenbrier); and protecting the environment through an updated critical areas regulations based on Best Available Science, as well as participation in and support of such programs as WRIA 8 Salmon Task Force, Sammamish ReLeaf, Salmon Watchers, Wetland Restoration Monitoring and Tree City USA (10 Year Award).
- i. The City limits are co-terminus with the Seattle Metropolitan Urban Growth Area Boundary with no potential annexation areas left for the City to grow into after 2022. The R-1 area with proper development regulations, such as shadow platting can serve as a tool for future growth beyond 2022.

- 15. The City Council held a study session on February 26, 2007 to review and discuss the Sustainable Development Study and the Planning Commission recommendations.
- 16. The City Council held a public hearing on March 5, 2007 to receive public testimony regarding the Sustainable Development Study and the proposed Zoning Code Amendment as contained in Attachment A and closed the public hearing.
- 17. Public testimony conveyed both support of and objection to the recommendations of the planning commission – maintaining the R-1 with no upzones versus allowing for R-4.
- 18. The proposed amendment meets the required criteria in Ordinance No. 172 and WMC 21.46.030 Attachment B.

ANALYSIS:

This staff report:

- A. Provides a general overview of and reference to the reports contained in the Sustainable Development Study;

- B. Contains a proposed regulatory amendment (Attachment A -Alternate 1) as recommended by the Planning Commission; and

- C. Contains an alternative version of the proposed amendment framed as an interim zoning measure (Attachment A -Alternate 2). This option reflects the desire of some council members to direct staff to obtain and analyze additional limited data and continue review of the Sustainable Development Report, including the Planning Commission's recommendations, before the Council formally adopts permanent amendments arising from the Sustainable Development Study.

ENVIRONMENTAL STUDIES

The environmental report identifies key concerns and information regarding environmental quality. These are as follows:

- Litowitz test application to six drainage basins in the R-1 area.
- Technical findings and recommendations for Lake Leota.
- Stormwater management recommendations.
- Recommendations for geologic hazard areas.
- Low impact development guidelines.
- Environmental conclusions regarding Cold Creek, Woodin Creek, Little Bear Creek, Daniels Creek, Lake Leota and the hillsides at the western and southern perimeter of the R-1 study area.

NEIGHBORHOOD CHARACTER

Through a process of identifying, mapping and interpreting environmental features and man-made phenomena, it was discovered that a variety of neighborhood subareas existed within the R-1 study area. Certain of these neighborhood subareas exhibited physical, social and environmental structure defined by a range of indicators that together provided, more or less, a sense of place and vitality. This sense of place was identified as typologies of characteristics that translated into neighborhood character. The subareas were rated by the varying degrees of association with the indicators. Maintenance and preservation of the character in those neighborhood subareas will maintain and enhance the social fabric and quality of life in the City. The R-1 Area Neighborhood Housing Character analysis is included as part of the Sustainable Development Study document.

COMMUNITY FACILITIES & UTILITIES

Fire and Life Safety and Police levels of service are defined by response time. Densities may vary in the R-1 neighborhoods, but no single family developments at or below R-4 create lags in current response times, unless circulation routes change so that access becomes difficult.

There are two schools in the northeast part of the study area, Wellington Elementary and Leota Junior High, located on the same land parcel. The

schools are operated by the Northshore School District and have an adopted plan that identifies levels of service as 24 persons per class room for elementary school and 27 persons per room for junior high school, as optimum sizes. Student populations are currently in decline within the City and an excess school capacity exists in the R-1 area. If growth projections in the District Plan result in classroom building demand, impact fees are charged for new development to offset construction costs for new classrooms.

Sewer and domestic water in the study area are provided by the Woodinville Water District, a public utility. District policy is to provide services on demand at developer expense. Current District sewer and water plans describe levels of service as gallons per day per average household for domestic water supply, and gallons per day per average household for wastewater. Current plans call for accommodating densities in the study area at R-4 levels, and there is no insufficient capacity in supply at those service levels. As new construction appears, developers pay for new facilities and service extensions.

TRANSPORTATION

Transportation level of service is measured in wait time at intersections and is chiefly influenced by traffic volume from both pass-through traffic and internal traffic in neighborhoods. A model was developed for the Sustainable Development Project projecting levels of service out to 20 years based on 1 dwelling unit (du) per acre (ac), 3 du/ac and 4 du/ac densities in the study area and on a two and one-half percent growth rate in pass-through traffic on 156th Avenue NE. Several intersections were evaluated on 156th. Current City level of service standards for these intersections is at level E.

HOUSING ALLOCATION AND CAPACITY

The GMA obligation to accommodate twenty-year housing projections under any scenario of densities from R-1 (1 du/ac) and higher in the study area is generally met in other areas of the City. An analysis of the City's housing capacity (the ability to accommodate additional dwelling units) is included in the Sustainable Development Study Report.

PROPOSED STRATEGIES & OPTIONS:

Staff and consultant studies, reports, and recommendations have been translated into draft amendments and regulatory code revision strategies and zoning options. The strategies and options were derived from the R-1 Sustainable Development Study recommendations summarized in Table ES – 2 of the Executive Summary (Exhibit2, under separate cover). They are integrated into a composite analysis format that determines priorities and trade-offs of the resultant conclusions of the individual reports.

The range of zoning options for the R-1 study area analyzed by the Planning Commission and City Council included:

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

The proposed Zoning Code amendment is provided in section 2 of proposed Ordinance No. 431 (Attachment A – Alternate 1) and the interim ordinance alternative (Attachment A – Alternate 2). In short, the amendment would eliminate the statement; "*Developments with densities less than R-4 are only allowed if adequate services cannot be provided*" from the code's description of low density zones. The statement has been used to justify rezones from R-1 to R-4 on the basis that sanitary sewer has or would become available with the proposed development. It was included in the Zoning Code in response to the Central Puget Sound Growth Management Hearings Board comments regarding R-1 zoning when the Board was reviewing the City's Comprehensive Plan on appeal.

The Council has indicated that a number of necessary pieces of additional data would need to be provided as soon as possible to be able to make a permanent decision on zoning density, these include but are not limited to evaluating covenants

ALTERNATIVES:

1. Conduct First and Second Reading and adoption of Ordinance No. 431 Alternate 1 as a permanent amendment to the City's zoning code (Attachment A – Alternate 1).
2. Conduct First and Second Reading and adoption of Ordinance No. 431 Alternate 2 as an interim zoning ordinance (Attachment A – Alternate 2), and identify additional work to be completed by the Council, staff and CAP.
3. Receive and discuss this report at another time.

RECOMMENDED MOTIONS:

ALTERNATIVE 1 – PERMANENT REGULATIONS

1. I MOVE THE CITY COUNCIL HAVE FIRST, SECOND READING AND ADOPTION OF ORDINANCE NO. 431, AN ORDINANCE OF THE CITY OF WOODINVILLE AMENDING WOODINVILLE MUNICIPAL CODE SECTION 21.21.04.080(1)(A) TO REMOVE A RESTRICTION ON DEVELOPMENT WITH DENSITIES LESS THAN FOUR DWELLING UNITS PER ACRE.

---OR---

ALTERNATIVE 2– INTERIM REGULATIONS

2. I MOVE THE CITY COUNCIL HAVE FIRST, SECOND READING AND ADOPTION OF ORDINANCE NO. 431, AN INTERIM ORDINANCE OF THE CITY OF WOODINVILLE AMENDING WOODINVILLE MUNICIPAL CODE SECTION 21.21.04.080(1)(A) TO REMOVE A RESTRICTION ON DEVELOPMENT WITH DENSITIES LESS THAN FOUR DWELLING UNITS PER ACRE AND DIRECT STAFF TO CONDUCT ADDITIONAL WORK PRIOR TO THE CITY'S ADOPTION OF PERMANENT REGULATIONS.

ATTACHMENTS: (4)

- A. Proposed Permanent Ordinance No. 431 Alternative 1
- A. Proposed Interim Ordinance No. 431 Alternative 2
- B. Zoning Code Amendment Criteria
- C. Sustainable Development Public Involvement Meeting

ORDINANCE NO. 431

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AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON
AMENDING CHAPTER 21.04 WMC, TO REMOVE A RESTRICTION
ON DEVELOPMENT WITH DENSITIES LESS THEN FOUR
DWELLING UNITS PER ACRE; PROVIDING FOR SEVERABILITY;
AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its Comprehensive Plan; and

WHEREAS, RCW 36.70A.130(1) requires that the City of Woodinville, a “fully planning” city within King County shall update its Comprehensive Plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, the Woodinville City Council has determined that a certain amendment is necessary to keep the Zoning Code updated and to accommodate the needs of its citizens; and

WHEREAS, the Woodinville City Council has reviewed the amendment contained in this ordinance and finds that the amendment meet the required criteria in Ordinance No. 172 and WMC 21.46.030; and

WHEREAS, public hearings were held by the City of Woodinville Planning Commission on January 31, 2007 and February 14, 2007 and by the City of Woodinville City Council on March 5, 2007;

WHEREAS, the requirements of the State Environmental Policy Act (SEPA) RCW 43.21C have been met;

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

Section 1. Findings. The City Council hereby adopts the following findings in support of this ordinance, together with the recitals expressed herein.

1. Among the considerations which come to bear on sustainable development are the City’s GMA duty to accommodate urban growth while protecting critical area “function and values”, as well as considerations relating to such factors as protection of anadromous fisheries, adequate and diverse housing alternatives, availability of urban services and infrastructure, preservation of the character and vitality of existing neighborhoods, and considerations relating to jobs and economic development.

**ATTACHMENT A –
Alternative 1 Permanent Regulations**

2. Environmental functions and values have become more quantifiable in recent years largely as a result of local jurisdictions' work on their critical area regulations utilizing GMA-mandated "best available science".
3. The GMA itself is silent on what numeric value constitutes "urban density". However, over time, case decisions by Growth Hearings Boards established a minimum figure of four units per acre as meeting the threshold of urban density. This figure has been referred to as the "bright line" threshold.
4. Recently, some jurisdictions (for example, Bothell and Normandy Park) have faced and survived challenges from public policy advocacy or development groups which complained that their plans did not meet the four dwelling unit per acre urban density bright line threshold even though the plans over-all accommodated the jurisdictions' growth allocations. A Washington Supreme Court decision has also held that interpreting minimum density "bright lines" into the language of the GMA was beyond the authority of the Growth Management Hearings Boards and was inconsistent with the deference which local government's decisions must be accorded under the GMA. However, at least one Plan (Normandy Park's) has been appealed to the Washington Supreme Court and the extent of flexibility and deference to which jurisdictions are entitled under the GMA has yet to be finally determined.
5. Central Puget Sound Growth Management Hearings Board rulings generally uphold "lower" residential densities supported through studies applying the "Litowitz v. Federal Way" factors, named for a decision by the Board setting a standard for when lower densities would be acceptable as a means of maintaining the integrity of environmental resources. Even in such cases, however, the jurisdiction in question was still required to meet its growth allocations in some way, and the exemption on density for critical area protection did not reduce the jurisdiction's overall allocation numbers.
6. In a "Litowitz Test" study, lower development densities are justified if the area in question meets a three-part test. The critical area must be shown to: (1) be large in scope; (2) have complex structure and function, and (3) have high (environmental value) rank order.
7. Consultants for the City of Woodinville have performed "Litowitz" studies to evaluate to ascertain the level of resource sensitivity and potential impact from development and to provide data useful in determining appropriate development density.
8. The GMA also recognizes other factors as relevant in planning. For example, for Comprehensive Plan's housing element to, among other things, ensure "the vitality and character of established residential neighborhoods". RCW 36.70A.070(2)
9. Staff has prepared a study of the existing neighborhoods in the R-1 area and therein found that several neighborhoods' housing stock, character, and vitality would best be preserved by lower density zoning.

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10. The City contains a surplus supply of buildable lands to accommodate the 20-year housing and population projection required by the GMA.
11. The Planning Commission is responsible for review of issues and formulating recommendations concerning growth, land use, transportation, community infrastructure, preservation of environmental quality, preservation of neighborhood character and developing policy for those and other land use issues.
12. Any amendment to either the City's Comprehensive Plan or regulatory code requires approval of an ordinance by City Council.
13. The Planning Commission held a public hearing on January 31st and February 14th regarding the Sustainable Development Study and proposed amendments to Comprehensive Plan goals and policies as well as amendments to the Zoning Code. They deliberated at the close of the public hearing and the Planning Commission recommended the City Council retain the existing R-1 zoning and amend WMC 21.04.080(1)(a) to remove the restriction of development with densities less than four dwelling units per acre based on the following reasoning and findings:
 - a. The City contains excess capacity in its residentially zoned areas to accommodate the GMA housing allocation out to the year 2022, the current twenty year planning horizon.
 - b. Adding significantly to the City's housing capacity is the recently approved mixed-use and multi-family projects in the downtown area and in the Tourist District. Two projects alone account for over 700 new housing units. These and other projects in the planning stages are serving to implement the City's long standing goal to develop pedestrian-oriented development in and around the commercial areas of the City that accommodate over 3 dozen wineries. The City is at a delicate tipping point in its Downtown/Little Bear Creek Master Plan, Economic Development Plan, and Sustainable Development Plan, particularly with respect to carefully planned growth in higher residential areas that require mixed retail/residential developments to be successful. Sudden increase in development away from this targeted core area could effectively "cannibalize" some of this nascent residential growth where it is needed most.
 - c. Changing the R-1 area to R-4 is counter to the City's economic and residential growth plans to encourage housing in the downtown where people can live in proximity to work opportunities, shopping, mass transit and other services, which not only supports the local economy, but also reduces vehicle trips.
 - d. An R-4 rezone of the subject area would likely have a negative effect on the City's resources in context of the capital improvement plans, particularly in regards to addressing traffic and acknowledging single-family development that does not provide sufficient tax revenue to support required municipal services.

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- e. An R-4 up-zone to a large area of the City could have a negative impact on the City's image and sense of unique identity, recognized since its incorporation as a Woodland Character community (Comprehensive Plan Goals LU-1, CD-2)
 - f. In the central portion of the R-1 area, identified in the Study (Attachment A), the Lake Leota Basin constitutes approximately 50% of the total R-1 area and feeds into Cold Creek and the Bear Creek Drainage Basin, the region's most significant salmon spawning habitat area. These two important natural resources are large in scope, complex in structure and function, and of high rank order and thus, the interconnecting system qualifies under the "Litowitz Test" for low-density (less than R-4) zoning.
 - g. The Sustainable Development Study and public hearing testimony indicate possible negative impacts to other elements of the natural environment if R-4 zoning were put into place. Greater development could affect geologic hazards, and an extensive Critical Aquifer Recharge Area and Lake Leota.
 - h. The City is doing an effective job of balancing the competing GMA goals related to accommodating growth and environmental protection by exceeding the GMA job allocation; providing a wide variety of housing, including a national award winning affordable housing project (Greenbrier); and protecting the environment through an updated critical areas regulations based on Best Available Science, as well as participation in and support of such programs as WRIA 8 Salmon Task Force, Sammamish ReLeaf, Salmon Watchers, Wetland Restoration Monitoring and Tree City USA (10 Year Award).
 - i. The City limits are co-terminus with the Seattle Metropolitan Urban Growth Area Boundary with no potential annexation areas left for the City to grow into after 2022. The R-1 area with proper development regulations, such as shadow platting can serve as a tool for future growth beyond 2022.
14. The City Council held a study session on February 26, 2007 to review and discuss the Sustainable Development Study and the Planning Commission recommendations.
15. The City Council held a public hearing on March 5, 2007 to receive and consider public testimony regarding proposed Zoning Code Amendment as contained in Ordinance No. 431, the Sustainable Development Study and the Planning Commission recommendation to retain the current R-1 zoning in the City.

Section 2. Amendment to Section 21.04.080, Residential zones, of the Woodinville Municipal Code is hereby amended to read as set forth below. Deleted text is shown by ~~strikethrough~~.

21.04.080 Residential zones.

**ATTACHMENT A –
Alternative 1 Permanent Regulations**

- (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, multi-family 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, multi-story 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.

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Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held 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. Provided, however, that if any section, sentence, clause, or phrase of this Ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence,

**ATTACHMENT A –
Alternative 1 Permanent Regulations**

clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 4. Copy to CTED. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

Section 5. Effective Date. The adoption of this Ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This Ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 12th DAY
OF MARCH 2007.**

Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:

Jennifer Kuhn
City Clerk



APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
J. Zachary Lell
City Attorney

PASSED BY THE CITY COUNCIL: 3-12-2007
PUBLISHED: 3-19-2007
EFFECTIVE DATE: 3-26-2007
ORDINANCE NO. 431

ORDINANCE NO. 431

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AN INTERIM ORDINANCE OF THE CITY OF WOODINVILLE,
WASHINGTON AMENDING CHAPTER 21.04 WMC;
TEMPORARILY REMOVING A RESTRICTION ON DEVELOPMENT
WITH DENSITIES LESS THAN FOUR DWELLING UNITS PER
ACRE WITHIN THE CITY'S LOW DENSITY RESIDENTIAL ZONES;
ADOPTING PRELIMINARY FINDINGS IN SUPPORT OF SAID
AMENDMENT; SCHEDULING A PUBLIC HEARING DATE;
PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC
EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE
DATE.

WHEREAS, pursuant to the requirements of the Washington State Growth Management Act, the City of Woodinville is required to develop and adopt development regulations implementing its Comprehensive Plan; and

WHEREAS, RCW 36.70A.130(1) requires that the City of Woodinville, a "fully planning" city within King County shall update its Comprehensive Plan and development regulations, as necessary, to reflect local needs, new data, and current laws; and

WHEREAS, the Woodinville City Council has determined that a certain amendment is necessary to keep the Zoning Code updated and to accommodate the needs of its citizens; and

WHEREAS, the Woodinville City Council has reviewed the amendment contained in this ordinance and finds that the amendment meet the required criteria in Ordinance No. 172 and WMC 21.46.030; and

WHEREAS, public hearings concerning the substance of this ordinance were held by the City of Woodinville Planning Commission on January 31, 2007 and February 14, 2007, and by the City of Woodinville City Council on March 5, 2007;

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

Section 1. Findings. The City Council hereby adopts the following preliminary findings in support of this interim ordinance, together with the recitals expressed herein.

1. Among the considerations which come to bear on sustainable development are the City's GMA duty to accommodate urban growth while protecting critical area "function and values", as well as considerations relating to such factors as protection of anadromous fisheries, adequate and diverse housing alternatives,

**ATTACHMENT A –
Alternative 2 Interim Regulations**

availability of urban services and infrastructure, preservation of the character and vitality of existing neighborhoods, and considerations relating to jobs and economic development.

2. Environmental functions and values of critical areas have become more recognized in recent years largely as a result of local jurisdictions' work on their critical area regulations utilizing GMA-mandated "best available science".
3. The GMA itself is silent on what numeric value constitutes "urban density". However, over time, case decisions by Growth Hearings Boards established a minimum figure of four units per acre as meeting the threshold of urban density. This figure has been referred to as the "bright line" threshold.
4. Recently, some jurisdictions (for example, Bothell and Normandy Park) have faced and survived challenges from public policy advocacy or development groups which complained that their plans did not meet the four dwelling unit per acre urban density bright line threshold even though the plans over-all accommodated the jurisdictions' growth allocations. A Washington Supreme Court decision has also held that interpreting minimum density "bright lines" into the language of the GMA was beyond the authority of the Growth Management Hearings Boards and was inconsistent with the deference which local government's decisions must be accorded under the GMA. However, at least one Plan (Normandy Park's) has been appealed to the Washington Supreme Court and the extent of flexibility and deference to which jurisdictions are entitled under the GMA has yet to be finally determined.
5. Central Puget Sound Growth Management Hearings Board rulings generally uphold "lower" residential densities supported through studies applying the "Litowitz v. Federal Way" factors, named for a decision by the Board setting a standard for when lower densities would be acceptable as a means of maintaining the integrity of environmental resources. Even in such cases, however, the jurisdiction in question was still required to meet its growth allocations in some way, and the exemption on density for critical area protection did not reduce the jurisdiction's overall allocation numbers.
6. In a "Litowitz Test" study, lower development densities are justified if the area in question meets a three-part test. The critical area must be shown to: (1) be large in scope; (2) have complex structure and function, and (3) have high (environmental value) rank order.
7. Consultants for the City of Woodinville have performed "Litowitz" studies to evaluate the level of resource sensitivity and potential impact from development and to provide data useful in determining appropriate development density.
8. The GMA also recognizes other factors as relevant in planning. For example, Comprehensive Plan's housing element, among other things, ensures "the vitality and character of established residential neighborhoods". RCW 36.70A.070(2).

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9. Staff has prepared a study of the existing neighborhoods in the R-1 area and therein found that several neighborhoods' housing stock, character, and vitality would best be preserved by lower density zoning.
10. The City contains a surplus supply of buildable lands to accommodate the 20-year housing and population projection required by the GMA.
11. The Planning Commission is responsible for review of issues and formulating recommendations concerning growth, land use, transportation, community infrastructure, preservation of environmental quality, preservation of neighborhood character and developing policy for those and other land use issues.
12. Any amendment to either the City's Comprehensive Plan or regulatory code requires approval of an ordinance by City Council.
13. The Planning Commission held a public hearing on January 31st and February 14th regarding the Sustainable Development Study and proposed amendments to Comprehensive Plan goals and policies as well as amendments to the Zoning Code. They deliberated at the close of the public hearing and the Planning Commission recommended the City Council retain the existing R-1 zoning and amend WMC 21.04.080(1)(a) to remove the restriction of development with densities less than four dwelling units per acre based on the following reasoning and findings:
 - a. The City contains excess capacity in its residentially zoned areas to accommodate the GMA housing allocation out to the year 2022, the current twenty year planning horizon.
 - b. Adding significantly to the City's housing capacity is the recently approved mixed-use and multi-family projects in the downtown area and in the Tourist District. Two projects alone account for over 700 new housing units. These and other projects in the planning stages are serving to implement the City's long standing goal to develop pedestrian-oriented development in and around the commercial areas of the City that accommodate over 3 dozen wineries. The City is at a delicate tipping point in its Downtown/Little Bear Creek Master Plan, Economic Development Plan, and Sustainable Development Plan, particularly with respect to carefully planned growth in higher residential areas that require mixed retail/residential developments to be successful. Sudden increase in development away from this targeted core area could effectively "cannibalize" some of this nascent residential growth where it is needed most.
 - c. Changing the R-1 area to R-4 is counter to the City's economic and residential growth plans to encourage housing in the downtown where people can live in proximity to work opportunities, shopping, mass transit and other services, which not only supports the local economy, but also reduces vehicle trips.

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- d. An R-4 rezone of the subject area would likely have a negative effect on the City's resources in context of the capital improvement plans, particularly in regards to addressing traffic and acknowledging single-family development that does not provide sufficient tax revenue to support required municipal services.
 - e. An R-4 up-zone to a large area of the City could have a negative impact on the City's image and sense of unique identity, recognized since its incorporation as a Woodland Character community (Comprehensive Plan Goals LU-1, CD-2)
 - f. In the central portion of the R-1 area, identified in the Study (Attachment A), the Lake Leota Basin constitutes approximately 50% of the total R-1 area and feeds into Cold Creek and the Bear Creek Drainage Basin, the region's most significant salmon spawning habitat area. These two important natural resources are large in scope, complex in structure and function, and of high rank order and thus, the interconnecting system qualifies under the "Litowitz Test" for low-density (less than R-4) zoning.
 - g. The Sustainable Development Study and public hearing testimony indicate possible negative impacts to other elements of the natural environment if R-4 zoning were put into place. Greater development could affect geologic hazards, and an extensive Critical Aquifer Recharge Area and Lake Leota.
 - h. The City is doing an effective job of balancing the competing GMA goals related to accommodating growth and environmental protection by exceeding the GMA job allocation; providing a wide variety of housing, including a national award winning affordable housing project (Greenbrier); and protecting the environment through an updated critical areas regulations based on Best Available Science, as well as participation in and support of such programs as WRIA 8 Salmon Task Force, Sammamish ReLeaf, Salmon Watchers, Wetland Restoration Monitoring and Tree City USA (10 Year Award).
 - i. The City limits are co-terminus with the Seattle Metropolitan Urban Growth Area Boundary with no potential annexation areas left for the City to grow into after 2022. The R-1 area with proper development regulations, such as shadow platting can serve as a tool for future growth beyond 2022.
14. The City Council held a study session on February 26, 2007 to review and discuss the Sustainable Development Study and the Planning Commission recommendations.
15. The City Council held a public hearing on March 5, 2007 to receive and consider public testimony regarding proposed Zoning Code Amendment as contained in Ordinance No. 431, the Sustainable Development Study and the Planning Commission recommendation to retain the current R-1 zoning in the City.

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16. The entire R-1 zoning district is currently subject to a comprehensive building and land use moratorium that was imposed in order to preserve the status quo during the pendency of the Sustainable Development Study. The moratorium was originally enacted on March 20, 2006, was renewed for an additional six month period commencing September 20, 2006, and is scheduled to expire on March 20, 2007.
17. Allowing the moratorium to expire before the City's new regulations take effect would pose a serious threat to the public health, safety, welfare and local environment by potentially enabling developers to obtain vested development rights inconsistent with the City's new regulations. The accrual of any such vested rights would irreparably frustrate the City's long-term planning efforts with respect to the Sustainable Development Study.
18. Additional time is necessary to thoroughly review the zoning code amendments recommended by the Planning Commission, and to conduct further analysis regarding appropriate permanent changes to the City's existing development regulations.
19. The Council is concerned about the legal and practical implications of renewing the current moratorium, and desires instead to adopt the Planning Commission's recommended zoning code amendments as interim regulations that will temporarily govern development within the R-1 zoning district until such time as permanent amendments are enacted.
20. The City Council fully expects and intends to adopt the permanent zoning amendments arising from the Sustainable Development Study within the six month effective period of this ordinance.
21. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City is authorized to adopt interim zoning regulations.
22. A public emergency exists requiring this ordinance to take effect immediately upon passage by the City Council.

Section 2. Interim amendment to Section 21.04.080, Residential zones, of the Woodinville Municipal Code is hereby amended to read as set forth below.
Deleted text is shown by ~~strikethrough~~.

21.04.080 Residential zones.

- (1) The purpose of the urban residential zones (R) is to implement Comprehensive Plan Goals and Policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:
 - (a) Providing, in the low density zones (R-1 through R-4), for 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;~~

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- (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, multi-family 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, multi-story 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.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will conduct a public hearing for the purpose of receiving public testimony regarding this interim ordinance. Said public hearing is hereby scheduled for 7:30 p.m. on March 12, 2007 in the City Council Chambers of Woodinville City Hall. The City Clerk is hereby authorized and directed to provide public notice of said hearing in accordance with applicable City standards and procedures. The City Council may in its discretion adopt additional findings in support of this interim ordinance at the conclusion of the public hearing.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held 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. Provided, however, that if any section, sentence, clause, or phrase of this Ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this

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ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 5. Copy to CTED. The City Clerk is directed to send a copy of this ordinance to the State Department of Community, Trade, and Economic Development for its files within ten (10) days after adoption of this Ordinance.

Section 6. Effective Date; Sunset. Based upon the recitals and findings set forth above, the City Council hereby declares a public emergency requiring this ordinance to take effect immediately; PROVIDED, that the interim zoning code amendment imposed pursuant to Section 2 hereof shall take effect on March 21, 2007, immediately following the scheduled expiration of the land use and building moratorium originally adopted by Ordinance No. 419 and renewed by Ordinance No. 427. Subject to the foregoing, this ordinance shall be in full force and effect immediately upon adoption, and shall remain effective for a period of six months unless terminated earlier or subsequently extended by the City Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 12th DAY OF MARCH 2007.

Cathy VonWald, Mayor

ATTEST/AUTHENTICATED:

Jennifer Kuhn
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
J. Zachary Lell
City Attorney

PASSED BY THE CITY COUNCIL: 3-12-2007
PUBLISHED: 3-19-2007
EFFECTIVE DATE: 3-26-2007
ORDINANCE NO. 431

Sustainable Development Study
CRITERIA FOR EVALUATING A PROPOSED ZONING CODE AMENDMENT

Pursuant to the City of Woodinville Municipal Code (WMC) Chapter 17, amendments to the Zoning Code must be recommended by the Planning Commission to the City Council for adoption. The amendments must meet the criteria contained in WMC 21.46.030, as follows:

1. The (proposed) amendment is consistent with the purposes of the Comprehensive Plan.

The proposed amendment is consistent and serves to further implement the Comprehensive Plan by allowing for low density below 4 units per acres to preserve existing neighborhood character, protect environment critical areas and reduce potential impacts on transportation and capital faculties and utilities.

2. The (proposed) amendment is consistent with the purposes of this title (Zoning Code).

The amendment is consistent with the general purposes of the Zoning Code. The amendment will clarify code language resulting in better land use decisions and more effective application of development regulations.

3. The benefit or cost to the public health, safety and welfare is sufficient to warrant the action (proposed amendment).

The proposed amendment is expected to have positive impacts on public health, safety, and welfare.

Sustainable Development Public Involvement Meetings

CAP Meetings:

JULY 12, 2006

- DISCUSSION OF ISSUES & SCOPE OF WORK
- DEVELOP TENTATIVE MEETING SCHEDULE

JULY 19, 2006

- INTRODUCTION OF SUBJECT EXPERTS
- TECHNICAL EXPERT PRESENTATIONS:
STORMWATER, HYDROGEOLOGY, LIMNOLOGY, OTHER

AUGUST 2, 2006

- LEGAL ISSUES
- TECHNICAL EXPERTS CONTINUED
- DATA NEEDS
- CRITICAL AREAS DEFINITIONS
- GOALS DISCUSSION

AUGUST 23, 2006

- GOALS DISCUSSION
- DATA NEEDS
- CRITICAL AREAS
- NEIGHBORHOOD CHARACTER

SEPTEMBER 6, 2006

- DISCUSSION OF ONE SENTENCE PURPOSE OF BEING A MEMBER
- CONTINUATION OF GOALS DISCUSSION

SEPTEMBER 14, 2006

- CONTINUATION OF GOALS DISCUSSION

SEPTEMBER 19, 2006

- CONTINUATION OF GOALS DISCUSSION

SEPTEMBER 19, 2006

- CONTINUATION OF GOALS DISCUSSION

OCTOBER 12, 2006

- ENVIRONMENTAL STUDIES PRESENTATION, CONSULTANTS
- MISCELLANEOUS
- CONTINUATION OF GOALS DEVELOPMENT
- TRANSPORTATION ISSUES MAILED

NOVEMBER 15, 2006

- DRAFT ENVIRONMENTAL REPORT PRESENTATION
- CAP FINAL GOALS AND POLICIES RECOMMENDATION

DECEMBER 27, 2006

- DRAFT ENVIRONMENTAL REPORT STATUS
- HOUSING-NEIGHBORHOOD CHARACTER STUDY

- COMP. PLAN & REGULATORY AMENDMENT STRATEGIES
- JANUARY 3, 2007
- DRAFT ENVIRONMENTAL REPORT STATUS
 - HOUSING-NEIGHBORHOOD CHARACTER STUDY
 - COMP. PLAN & REGULATORY AMENDMENT STRATEGIES

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- JANUARY 10, 2007
- OPEN HOUSE SUSTAINABLE DEVELOPMENT

- JANUARY 18, 2007
- OPEN HOUSE SUSTAINABLE DEVELOPMENT
 - SCHEDULE OF SUSTAINABLE DEVELOPMENT PROJECT
 - HOUSING-NEIGHBORHOOD CHARACTER STUDY
 - OTHER REPORTS OF PROJECT

- JANUARY 30, 2007
- SUSTAINABLE DEVELOPMENT CAP MEETING

- FEBRUARY 6, 2007
- SUSTAINABLE DEVELOPMENT CAP MEETING

- FEBRUARY 13, 2007
- SUSTAINABLE DEVELOPMENT CAP MEETING

Planning Commission Meetings

JUNE 7, 2006: APPOINTMENT OF CAP MEMBERS

AUGUST 16, 2006: STATUS REPORT ON ENVIRONMENTAL STUDIES

SEPTEMBER 20, 2006: STATUS REPORT ON SUSTAINABLE DEVELOPMENT

NOVEMBER 15, 2006: JOINT MEETING WITH CAP & CONSULTANTS RE: ENVIRONMENTAL REPORT

JANUARY 3, 2007: COMPREHENSIVE PLAN, ZONING CODE AND REGULATORY AMENDMENT PROPOSAL DISCUSSION

JANUARY 18, 2007: OPEN HOUSE SUSTAINABLE DEVELOPMENT

JANUARY 24, 2007: STUDY SESSION SUSTAINABLE DEVELOPMENT STUDY

JANUARY 31, 2007: PUBLIC HEARING SUSTAINABLE DEVELOPMENT STUDY

FEBRUARY 14, 2007: CONTINUATION OF PUBLIC HEARING

Council Study Session

FEBRUARY 23, 2007: COUNCIL STUDY SESSION

MARCH 5, 2007: PUBLIC HEARING, SUSTAINABLE DEVELOPMENT

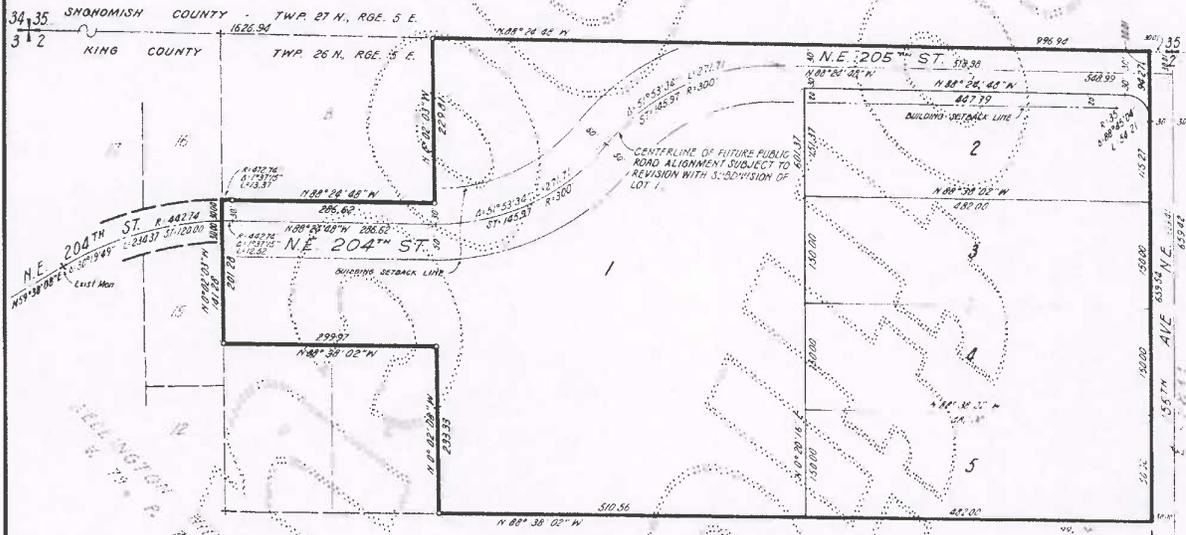
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SUMMERS ADDITION

SECTION 2, TWP. 26 N., R. 5 E., W.M.

KING COUNTY, WASHINGTON



NOTE

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

FUTURE STRUCTURES PROHIBITED WITHIN 50 FEET OF FUTURE ROAD CENTERLINE.

SUBDIVISION OF LOTS 1-5 MAY REQUIRE THE CONSTRUCTION OF A PUBLIC STREET BETWEEN N.E. 204th STREET AND 156th AVENUE N.E.



D. K. Rouse
D.K. Rouse, Prof. Land Surveyor
Certificate No. 9435



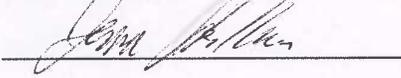
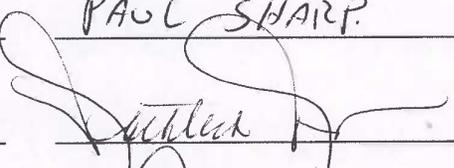
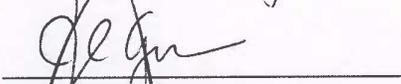
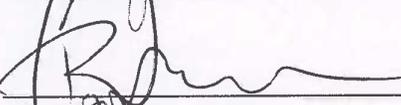
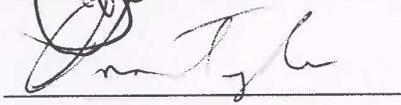
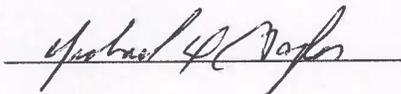
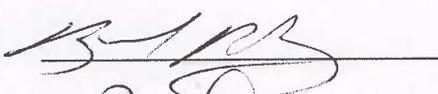
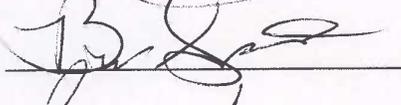
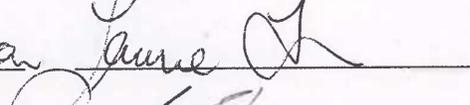
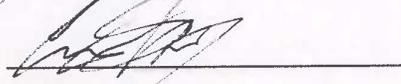
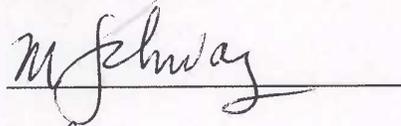
SCALE 1" = 100'

iron monument blipped iron pipe

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This is not the sign in sheet to provide public testimony

For CNW members: If necessary, are you willing to yield your public testimony time to the CNW presenters?

Print Name	Signature	Did you sign in to testify
Todd Huso		Y
Jennifer Hallinan		Y
Paul A Sharp	PAUL SHARP	N
Kathleen Kemis		N
Juliana Gunnarsson		N
Brad Walker		Y
Ann Taylor		N
MIKE TAYLOR		N
RAYMOND RHODES		N
Brad Stoll		N
Laurie Thompson		N
Cory Sharp		N
MARTIN SCHWARZ		Y
SABIKA MAKHDOOM		N

Received from
Susan Boundy-Sanders
Rec'd
March 15, 2001
Sandy G.

Good evening, my name is Susan Boundy-Sanders, 17859 149th Av. NE, Woodinville

Brief overview of credentials:

- Went to college on a 4-year, full-ride National Merit Scholarship; graduated cum laude with a double major in Geology and Economics
- Went to Caltech on a fellowship and graduated with a Master's in Geology
- In Berkeley's Ph.D. program, I advanced to candidacy (passed all the hurdles except the dissertation) but left with an M.O.M.
- President of The Woodinville Conservancy, a sister organization to the Concerned Neighbors of Wellington with a similar mission of land use advocacy
- Member of the Citizens Advisory Panel of the City of Woodinville's Sustainable Development Study.

For nearly three years, I have been studying, writing, and talking about the landslide hazard areas along the hillside that includes the proposed Wood Trails site.

My research partner has been my husband, Chris Sanders, who has a Ph.D. in seismology from Caltech and has published extensively on geologic hazard areas in the western U.S.

Chris and I have mapped, have spent hundreds of dollars to acquire the LiDAR imagery that is the state-of-the-art data for identifying landslide features, and have trenched two locations to confirm the presence of landslide features. Arguably, it is our work and the report summarizing it, which I submitted to the City last August, that resulted in the geologic hazard studies that Golder Associates has conducted for the City of Woodinville over the past few months. Golder's study is included in the Sustainable Development report. *Exhibit 74*

Golder's conclusions corroborated ours: that the entire hillside is landslide hazard area, from the break in slope at the top, down to the valley floor. Golder's landslide hazard area, like ours, includes most of the Wood Trails site.

Consider this in the context of other critical areas and geologic hazards on the site:

- Steep slopes, streams, and wetlands are identified in the FEIS and Sustainable Development report, on and near the Wood Trails site;
- The top of the hill is erosion hazard area mapped by King County;
- The faults that have been acknowledged and inferred on the Brightwater site trend straight toward Wood Trails and, I believe, are reflected in the topography of the site, indicating that they have been active in the Holocene.

Interim Director Baker is undoubtedly perfectly aware of Golder's conclusions, Chris's and my conclusions, Otto Paris's conclusions, and Bob Harman's conclusions that Wood Trails is a landslide hazard area. The fact that Ms. Baker has chosen to omit this Best Available Science, which has been replicated four times, from her presentation and recommendations is, shall we say, ~~disappointing~~.

troubling

Now I'd like to turn your attention to the things the developer proposes to do on this landslide hazard area.

He proposes to clear vegetation, cut out the toe of the biggest slide block, accelerate water under pressure into that excavated toe, and excavate and weight the top of the slide scarp. All of these are Freshman Geology stuff – you don't do them to landslides. Once you identify a landslide, you leave it vegetated and undisturbed.

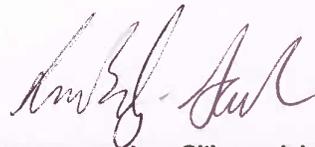
I'd like put my comments into the context of a previous land use issue in the City of Woodinville.

In 2004, another developer requested rezoning of a parcel about a mile south of Wood Trails that, like Wood Trails, is mostly in the landslide hazard area. The Woodinville Conservancy, with Rick Aramburu's help, successfully fought that application – both the Planning Commission and the City Council unanimously voted to keep that parcel zoned R-1 based on its environmental constraints. The Wood Trails site should likewise be left at R-1 based on its environmental constraints.

The reasonable conclusion is that this area is geologically hazardous. No reasonable person, if adequately informed of the conditions of the site, would move their family into a home here. I believe this hillside, if disturbed, is perfectly capable of killing people. I also suspect that no developer would touch it if they were held responsible for damage, injury, and loss of life, as manufacturers of other consumer products are.

I urge you to recommend that the Wood Trails development applications – both rezoning and plat -- be denied. Without a doubt, this area is geologically hazardous; the only reasonable approach is to leave it forested and undisturbed. Thank you.

To: City of Woodinville
Hearing Examiner for Wood Trails / Montevallo



From: Susan Boundy-Sanders
M.S., Geology; President, The Woodinville Conservancy; member, Citizens Advisory
Panel for the City of Woodinville Sustainable Development Study

Date: 14 – 15 March, 2007

Re: **Landslide hazard areas in proposed Wood Trails / Montevallo developments**

I urge you to deny the development application for the Wood Trails site based on its geologic hazards.

Attachment 1 is a report I prepared for the City of Woodinville's Sustainable Development Study. It outlines landslide hazard areas in the proposed Wood Trails / Montevallo developments. These landslide hazard areas have since been corroborated by Golder Associates as part of the Sustainable Development Study, and will be added to Woodinville's critical areas inventory.

The primary message of the document is this: The hillside that includes the Wood Trails site is a landslide hazard area.

The landslide hazard area is also, for the most part, steep slope hazard area and contains wetlands and streams. The remaining part of the site is mapped by King County as erosion hazard area. In addition, the acknowledged and inferred faults on the Brightwater site (Attachment 2) trend directly toward both Wood Trails and Montevallo and, I believe, have affected the topography of the Wood Trails site.

Under Woodinville Municipal Code's density credit calculations (WMC 21.12.080) and transfer credit ordinances (WMC 21.36), little or none of the Wood Trails area is buildable, and its eligibility to generate density and transfer credits is greatly reduced and possibly eliminated because of the critical areas. These sections of Woodinville Municipal Code are included as Attachments 3 and 4.

My CV is included as Attachment 5, for your reference.

Boundy-Sanders, Attachment 1

TO: Bob Wuotila, City of Woodinville
John Lombard, Steward Associates
Sustainability CAP
Consultants to the Woodinville sustainability project

FROM: Susan Boundy-Sanders

DATE: August 31, 2006

RE: ***Landslide Hazard Areas in Woodinville***

As a result of various projects in and around Woodinville, I have researched landslide hazard areas within the Woodinville city limits. This document summarizes those findings.

Purpose and scope of this document

The purpose of this document is to make the City of Woodinville, and the consultants for Woodinville's Sustainability Program, aware of previously undocumented landslide hazard areas within the Woodinville city limits. The goal is that the City and consultants will do what is necessary to confirm the existence of these landslide hazard areas and add them to Woodinville's official critical areas inventory.

The west side of the Sammamish River valley is already included in King County's Sensitive Areas map; the scope of this document is the east side of the valley within the Woodinville city limits, and the west side of the Little Bear Creek valley.

Previously documented landslide hazard areas

King County's and Woodinville's GIS systems show landslide hazard areas in two locations that are of particular interest in the context of this document: almost the entire west side of the Sammamish River valley within the Woodinville city limits, and the east side of the valley ending immediately south of the city limits (Figures 1 and 2).

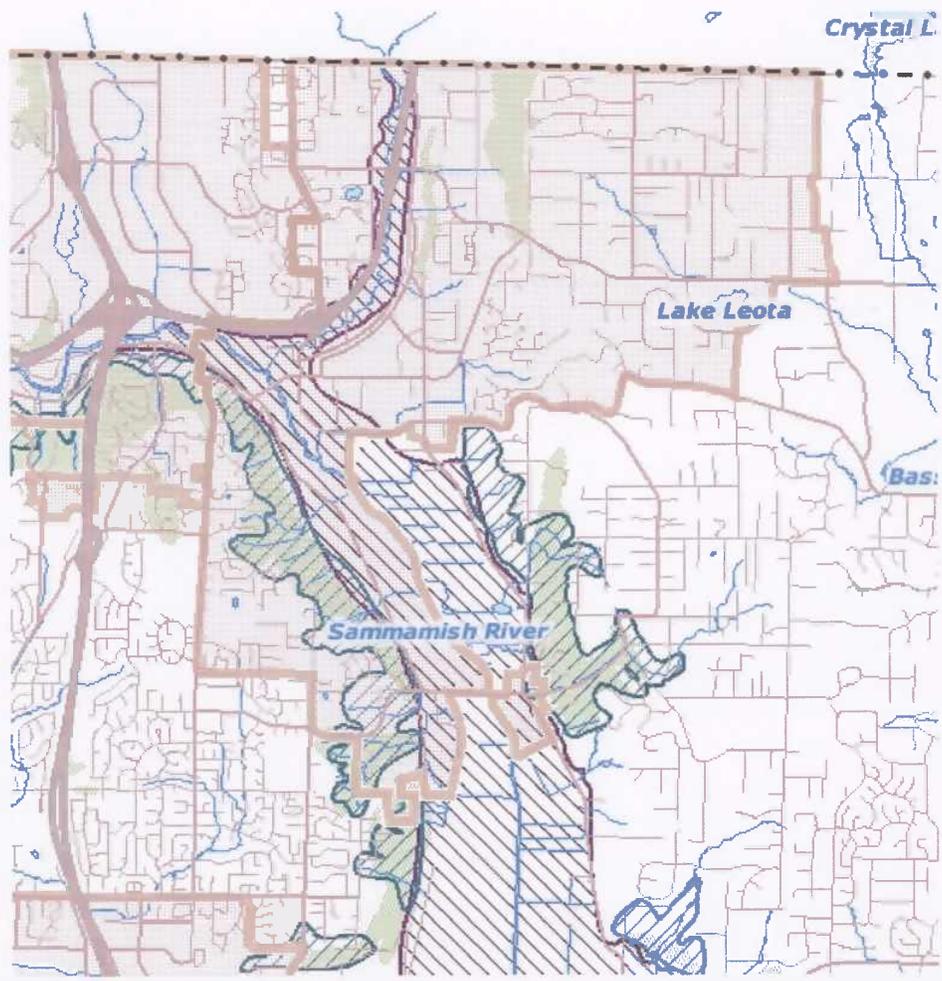


Figure 1. Landslide hazard areas and related sensitive areas from King County's GIS database. Woodinville city limits are traced in brown. Landslide hazard areas are shown in green hachures; seismic hazard areas in brown hachures; erosion hazard areas in light green.

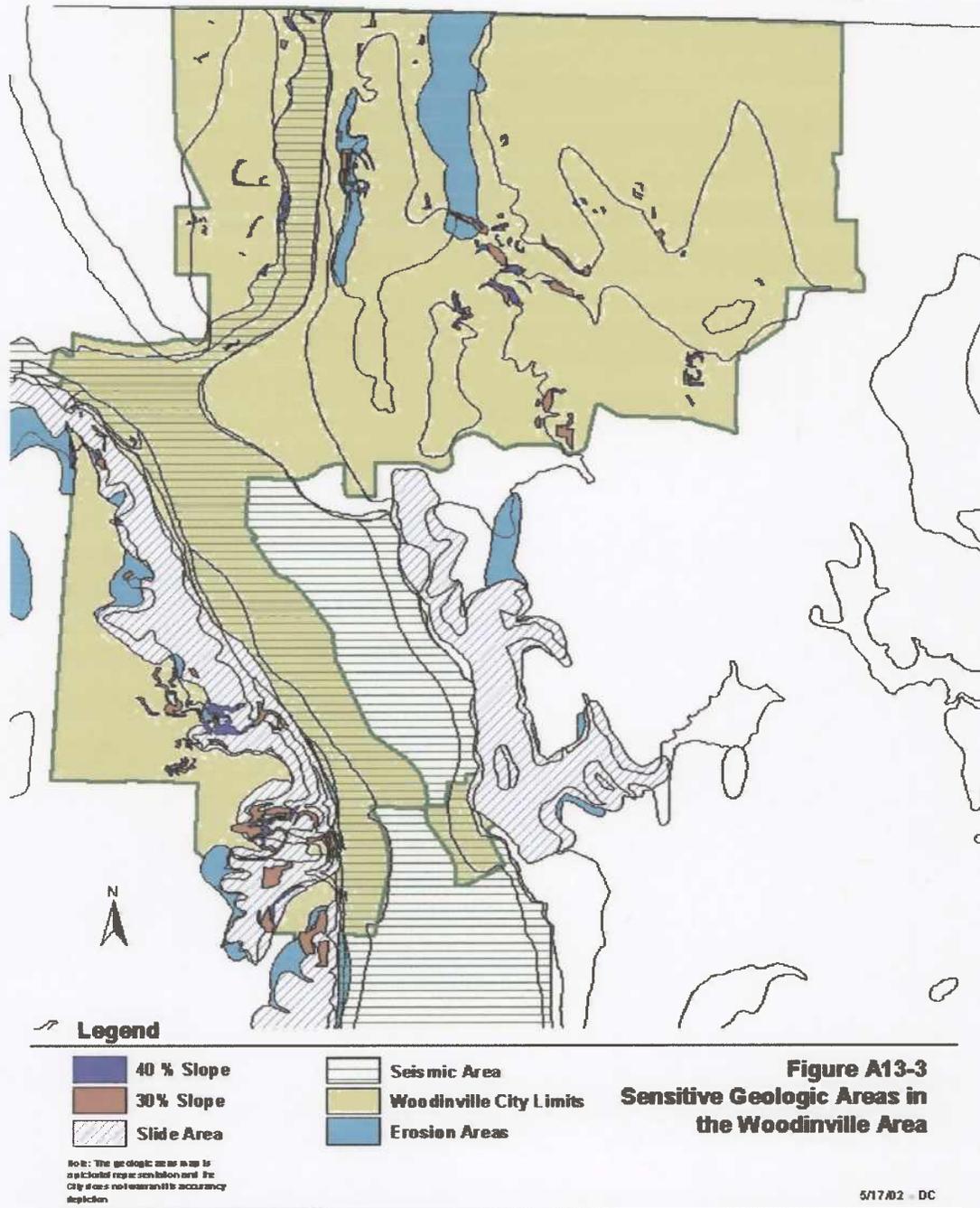


Figure 2. Landslide hazard areas and related sensitive areas from Woodinville’s Web site. Woodinville city limits are traced in green. Landslide hazard areas are shown in diagonal blue hachures; seismic hazard areas in horizontal green hachures; erosion hazard areas are shown in turquoise but are mostly obscured behind the landslide layer on this map.

When one understands that landslide hazards are a known regional hazard—the entire length of the Sammamish River valley from Lake Sammamish to Lake Washington—it becomes a bit surprising that the mapped landslide hazard area stops *at* the city limit.

It becomes even more surprising when one looks at the LiDAR imagery of the area.

New data: LiDAR

LiDAR, light-imaging radar, “sees” through vegetation to the ground surface. Its value in forested terrain is that it allows users to see landforms instead of tree cover. LiDAR is the state of the art technology for detecting landslides, especially in wet climates. LiDAR imagery of Woodinville is shown in Figure 3.



Figure 3. LiDAR map of Woodinville and surrounding areas. Woodinville city limits are shown in black.

Using this new imagery of Woodinville, it is a straightforward process to evaluate Woodinville's geomorphology, using both recognized landslide areas in and near Woodinville, and other landslides worldwide. Figures 4 through 9 show various geomorphic expressions of landslides, as a primer in landslide morphology.

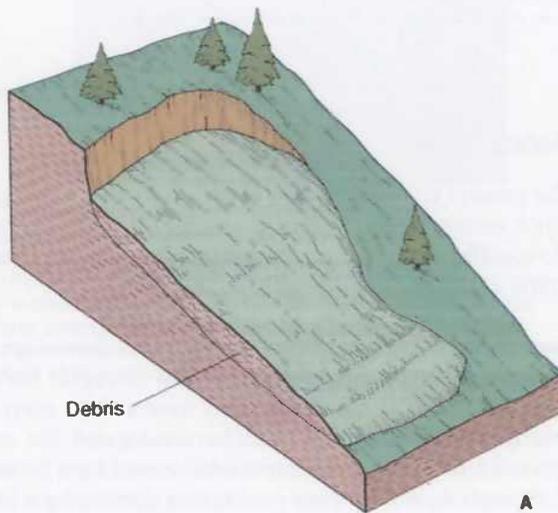


Figure 4. Classic landslide morphology from a freshman geology textbook by McGary and Plummer. Diagnostic features include a concave-downhill arcuate scarp at the top of the slide block, and a concave-uphill arcuate toe at the bottom of the slide block.



Figure 5. The real-life expression of landslides is startlingly similar to the textbook cartoon, except for the homes in the slide's path. This is the La Conchita, California landslide of 1995, photographed by the U.S. Geological Survey.

Other features to note in this photo:

- The bench in the top of the hillside to the left of the slide is almost certainly the top of an older slide.
- This block slid relatively intact: much of the chapparal that covered the hillside is still on the surface of the slide.



Figure 6. The La Conchita slide remobilized in 2005, this time killing 10 people. The 2005 event is the bare earth heading from the middle of the old slide scarp, toward the lower right corner of the photo.

One of the most notable and troubling features of the 2005 movement was that it was an extremely liquid mudslide-style failure—totally different from the solid slumping of the 1995 event. The take-away lesson has been that slide areas don't have a single expression; they can vary from event to event.



Figure 7. In February 2006, this mudslide in the Philippines killed as many as 1800 people. This landslide was the latest in an area where such events are increasingly common when heavy rainfall combines with slopes denuded by logging.



Figure 8. There are many mudslide-style landslides in Woodinville. This example is west of Wilmot Gateway Park, in a part of Woodinville that is already documented as a landslide hazard area.

In this image, mud flowed from the lower left toward upper right.

Characteristic features of a mudslide are easily seen: an arcuate head scarp in the lower left, a steep V-shaped valley, and a subdued apron of debris on the valley floor where the mud could spread out.



Figure 9. The Woodinville area also includes relatively blocky slump-style landslides.

The drainage in this image is Gold Creek, flowing from right to left across the top half of the image.

The area in this photo is mapped as landslide sensitive area in King County's GIS database.

The relatively solid slumping results in a steep scarp bounded on top and bottom by relatively flat ground. In this image, the flat plateau in brown, and flat slide block in green, are separated by the steep scarp in gray.



Figure 10. Parallel drainages, like these from the hillside west of Waterford Apartments, always indicate an extremely young hillside: a young volcano, active fault scarp, or landslide.

Like Figures 8 and 9, the area in this image is already designated as landslide hazard area.

Brown in the left part of the image is plateau; the gray-green in upper right is the Sammamish River valley.

Interpretation of the LiDAR imagery of Woodinville

The availability of LiDAR imagery for Woodinville provides an unprecedented opportunity to perform an assessment for landslides that is scientifically robust, timely, and complete. Assessing the eastern side of the Sammamish River valley for characteristics that are present in documented critical areas south of the city limits and on the western side of the valley yields the proposed additional landslide hazard areas shown in Figure 11.

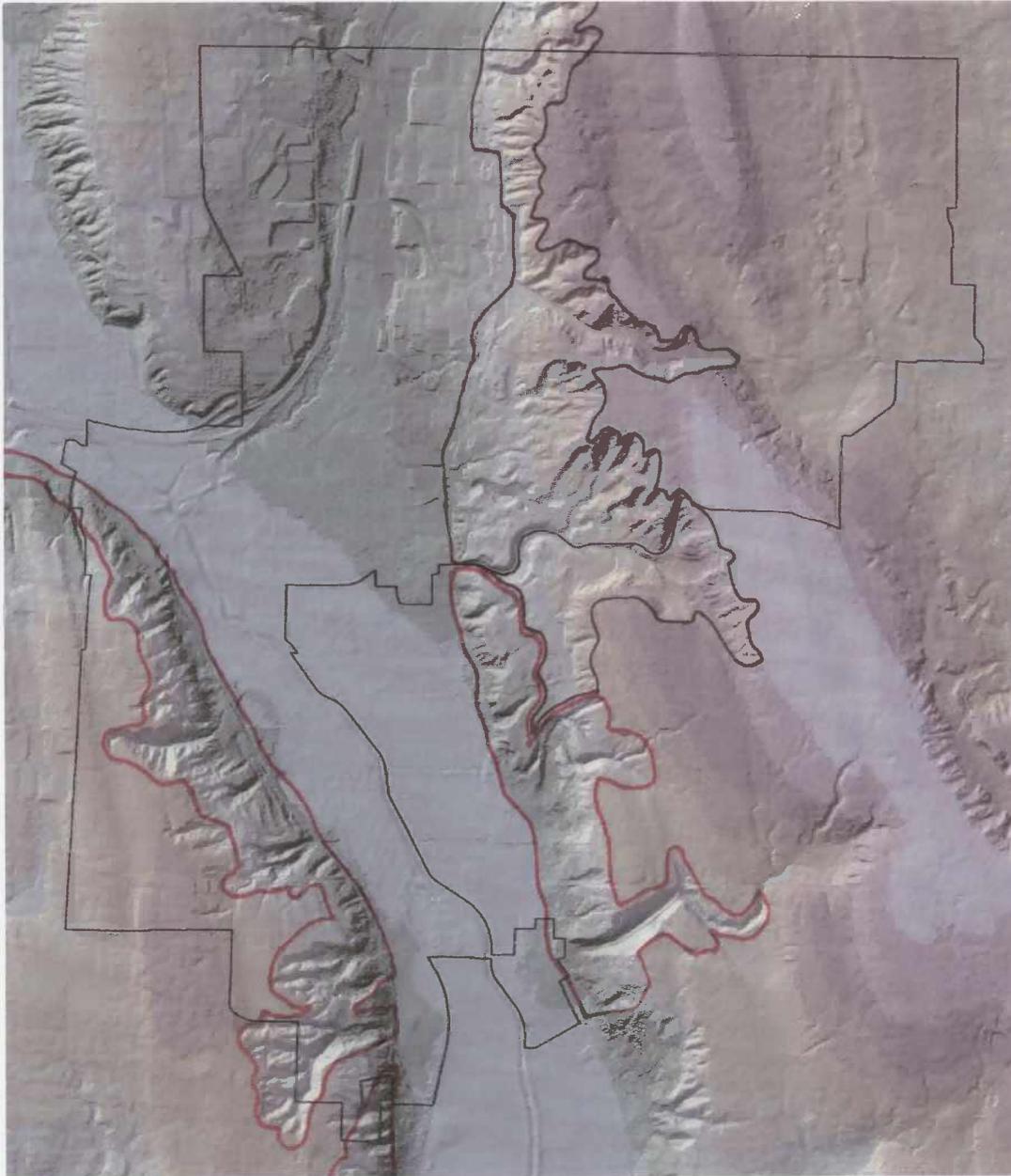


Figure 11. LiDAR of Woodinville, showing city limits in black, recognized landslide hazard areas outlined in red, and new landslide hazard areas outlined in brown on the eastern slopes of the Sammamish River and Little Bear Creek valleys.

The new landslide hazard areas, outlined in brown, show the same types of geomorphic expressions as areas already designated by King County and the City of Woodinville: arcuate heads, arcuate toes, and parallel valleys. Their expressions are, if anything, more pronounced than the previously recognized areas.

Corroborating data

Over the past two and a half years, citizens with earth science backgrounds have gathered a significant amount of data on the new landslide areas. An overview of the new data is given here.

Fissures. Long, deep cracks have appeared in the Wellington neighborhood, at the top of the newly proposed landslide hazard area north of Woodinville-Duvall Road. This occurred since Woodinville was incorporated; the Department of Public Works filled the fissures with two truckloads of gravel. No photos are available, but the fissures are documented as part of the Wood Trails-Montevallo EIS.

Trenches. Two trenches were dug in 2005 on the Draughn landslide complex—the slide complex that causes the steep slopes on the Draughn and Tanglin Ridge Phase 2 parcels. The trench locations were chosen to cross the toes of smaller landslides, for the purpose of confirming that they are indeed landslides.

Both trenches successfully exposed the lower surfaces of landslides—they showed the expected differences in soil composition and induration across the slide surface, and showed iron oxide staining along the surface. Figures 12 and 13 are photographs of the trenches.



Figure 12. The Ward trench was dug six inches south of the Draughn property, in what appears to be one of the youngest slides in the complex judging by the fact that the oldest trees on it are noticeably younger than in surrounding areas (younger than the last regional logging). The photo shows, from the top:

- Loose soil that will not hold a face and is porous and loosely packed enough to be hospitable to tree roots, composed of yellowish brown-gray clayey silty sand with about 10% pebbles;
- Iron-oxide rich layer at the base of the loose soil;
- Indurated, rocky soil that easily holds a face created by the margin trowel in the photo, composed of gray sand, a few percent pebbles, 20 to 30% cobbles, and a few percent small boulders.



Figure 13. The Pearson trench, dug about 100 feet west of the Draughn property. The trench shows, from top to bottom:

- Loose soil with 15-20% pebbles up to 10cm, mostly 2-4 cm in diameter, and yellow silty sand;
- A bench at the contact between slide and substrate;
- Indurated soil with about 30% pebbles and cobbles up to 15 cm, with a large percentage in the higher end of the range, in a matrix of yellowish gray sand.

Erosion hazard soils. Most of the recognized landslide hazard areas in and immediately south of Woodinville are also erosion hazard areas. The landslide and erosion hazard areas share some root causes: unconsolidated soils, underlying clayey soils that don't allow water to drain, and slopes that facilitate mass movement or erosion.

It should be no surprise that erosion hazard soils are prevalent in the new landslide hazard areas. The erosion hazard areas are, at least in part, already recognized north of Woodinville-Duvall Road (W-D). They are also present south of W-D: 0.74 inches of rain on 21 and 22 August 2004 caused massive erosion that partially closed W-D while two foundation excavations in the Tanglin Ridge development were open. Figure 14 shows one of the eroded excavations, and Figure 15 shows the late phases of the cleanup: more than three hours after these workers' shift started, they had cleaned up all but about the last yard of sand.



Figure 14. One of the foundation excavations that eroded the weekend of 20-21 August 2004. The background shows several inches of erosion of the lower gray sand layer compared to the dark relatively clay-rich upper layer.



Figure 15. Late phases of the cleanup of sand eroded from two house foundation excavations in Tanglin Ridge. This erosion was the result of 0.74 inches of rain 20-21 August 2004 and partially closed Woodinville-Duvall Road, in the background.

Springs and seeps. Springs and seeps, which are characteristically associated with landslides, are prevalent on the slopes in the newly proposed areas. Even more diagnostic, springs emerge at the same horizon at which landslides appear to have originated. Groundwater has a causal relationship with landslides: in wet conditions, an overloaded groundwater system reduces pore pressure of soil and triggers sliding. Figure 16 shows a spring near the property line between the Draughn and Tanglin 2 parcels. This spring appears to be at the point of origin of at least two sliding events.



Figure 16. Spring near the northern boundary of the Draughn property. This spring appears to be at the point of origin of at least two sliding events.

Well-defined toes. Toes of slump-style landslides, like the 1995 La Conchita event, characteristically have a well-defined toe: a concave-downward blunt end. Such a toe is

clearly expressed in the Woodinville Heights neighborhood west of the Draughn property. This is the same slide trenched by the Pearson trench shown in Figure 13.

Iron-rich groundwater. Iron-rich groundwater characteristically drains from landslides, the product of filtering downward and then across the base of the slide. Figure 17 shows such iron-rich groundwater from a French drain in the Woodinville Heights neighborhood.



Figure 17. French drain in Woodinville Heights, showing staining from the iron oxide-rich groundwater characteristic of landslides.

Conclusion

Extensive new landslide hazard areas should be designated along the eastern slope of the Sammamish River valley and Little Bear Creek valley inside the Woodinville city limits.

Attachment 2: Acknowledged and inferred faults on

the Route
9 Brightwater
site.

Wood Trails



EXHIBIT 75
PAGE 21 OF 28

Boundy - Sanders
Attachment 2

**Boundy-Sanders, Attachment 3: Woodinville Municipal Code
Development Standards – Density and Dimensions**

21.12.080 Calculations - site area used for density calculations.

- (1) All areas of a site used in the calculation of allowed residential density or project floor area shall exclude from the site area the on-site areas designated for public rights-of-way, private streets, vehicle access easements, storm water facilities, and on-site recreation space subject to the adjustments for sensitive areas and their buffers set out in subsections (2) and (3).
- (2) Sensitive areas and their buffers may be used for calculation of allowed residential density whenever two or more residential lots or dwelling units are created subject to the following limitations:
 - (a) Full density credit shall be allowed for erosion, seismic, and flood hazard areas, except in areas covered by Subsections (b) and (c) below,
 - (b) No density credit shall be allowed for streams and wetlands, and
 - (c) Partial to full density credit shall be allowed for steep slopes, landslide hazard areas, and required buffers for any sensitive area according to the following table:

Density Credit Table

Percentage of site in sensitive area and/or buffer	Amount of Density Credit
1 - 10%	100%
11 - 20%	90%
21 - 30%	80%
31 - 40%	70%
41 - 50%	60%
51 - 60%	50%
61 - 70%	40%
71 - 80%	30%
81 - 90%	20%
91 - 99%	10%

- (3) Allowed density on sites containing sensitive areas shall be calculated as follows:
 - (a) Determine the percentage of site area in sensitive areas and buffers by dividing the total area in required sensitive areas and buffers by the total site area [sens. area / total area = percent of sens. area].
 - (b) Multiply the density credit percentage set forth in subsection (2) by the site area in sensitive areas and buffers to determine the effective sensitive area [percent of sens. area x density credit = effect. sens. area].
 - (c) Add the effective sensitive area to the site area not in sensitive areas or buffers. The resulting acres shall be considered the effective site area for

purposes of density calculation and shall be treated the same as the site area for purposes of determining the allowable dwelling units pursuant to WMC 21.12.070 [effect. sens. area + nonsens. area = effect. site area (use for density calc.)].

**CHAPTER 21.36 GENERAL PROVISIONS -
TRANSFER OF RESIDENTIAL DENSITY CREDITS**

SECTIONS:

- 21.36.010 Purpose.**
- 21.36.020 Authority and application.**
- 21.36.030 Sending sites.**
- 21.36.040 Receiving sites.**
- 21.36.050 Transfer rules.**
- 21.36.060 Review process.**

- 21.36.010 Purpose.** The purpose of the transfer of residential density credit system is to supplement land use regulation and open space acquisition programs and to encourage increased residential development density where it can be accommodated with the least impacts on the natural environment and public services by:
- (1) Providing an incentive for private property owners to protect open space, environmentally sensitive areas, park sites, historic sites, rural and resource areas beyond the minimum requirements of the code;
 - (2) Involving Woodinville residents, land owners and other public agencies in designating appropriate sending and receiving areas; and
 - (3) Providing a review system to ensure that transfers of residential density credits to receiving sites are balanced with other City goals and policies, and are adjusted to the specific conditions of each receiving site.
- 21.36.020 Authority and application.** The transfer of residential density credit (TDC) system for the City of Woodinville is established. The base residential density of a sending site may be transferred and credited to a non-contiguous receiving site only when the TDC is approved in accordance with the rules and procedures in this chapter.
- 21.36.030 Sending sites.**
- (1) Sending sites shall be maintained in a natural state, except for agricultural lands, proposed public park or trail sites suitable for active recreation, shoreline access areas, or historic sites.
 - (2) Sending sites must contain one or more of the following features, as defined in the Comprehensive Plan or other functional plan adopted by the City or County:
 - (a) Open spaces;
 - (b) Wildlife habitat;
 - (c) Woodlands;
 - (d) Shoreline access;
 - (e) Community separator;

- (f) Regional trail/natural linkage;
 - (g) Historic landmark designation;
 - (h) Agricultural land not encumbered through the county's farmlands preservation development rights purchase program;
 - (i) Park site that meets adopted size, distance and other standards for serving the receiving sites to which the density credits are being transferred; or
 - (j) Freestanding multi-story parking garage located on a site zoned CBD.
- (3) Sending sites shall have zoning consistent with the Comprehensive Plan map designation.

21.36.040 Receiving sites.

- (1) Receiving sites shall be zoned R-4 through R-48, TB, CBD, or O, or any combination thereof, before being eligible to participate in a TDC.
- (2) Except as provided in this chapter, development of a receiving site shall remain subject to all use, lot coverage, height, setback and other requirements of its zone.
- (3) A receiving site may accept density credits, up to the maximum density permitted pursuant to WMC 21.12, from any sending site.

21.36.050 Transfer rules.

- (1) The number of density credits that a sending site is eligible to send to a receiving site shall be determined by applying the base density of the zone to the total sending site area, less any portion of the sending site already in a conservation easement or other encumbrance, or any land area already used to calculate residential density for another development. A plot plan showing environmentally sensitive areas and buffers, conservation easements or other encumbrances shall be submitted as part of the development application to demonstrate compliance with the density calculation rules set forth in WMC 21.12.
- (2) Sending sites with environmentally sensitive areas that have been declared unbuildable under WMC 21.12 shall be considered to have a base density calculated in accordance with that chapter, except that the areas of the sending and receiving sites shall be combined to calculate the overall site percentage of sensitive areas and buffers necessary for determining the allowable density credit as set forth in WMC 21.24.
- (3) Density credits from one sending site may be allocated to more than one receiving site provided that the site is segregated into segments in accordance with WMC Title 20 Subdivision Code or deed restrictions documenting the density credit transfer are recorded with the title to all sending and receiving properties, and that the credit from each segment is allocated to a specified receiving site.
- (4) When the sending site consists only of a portion(s) of an unsubdivided parcel, said portion(s) shall be segregated from the remainder of the lot pursuant to WMC Title 20 Subdivision Code or deed restrictions documenting the density credit transfer shall be recorded with the title to both the sending and receiving site.

- (5) A conservation easement shall be recorded on the sending site to indicate development limitations on the sending site.
- (6) Upon submitting an application to develop a receiving site under the provisions of this chapter, the applicant shall provide evidence of ownership or full legal control of all sending sites proposed to be used in calculating total density on the receiving site. It shall be the applicant's responsibility, prior to application, to ascertain what form of permanent protection of the sending site will be acceptable to the City of Woodinville.
- (7) Density credits from a sending site shall be considered transferred to a receiving site when the sending site is permanently protected by a completed and recorded land dedication or conservation easement.
- (8) TDC developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDC development.

21.36.060 Review process. All TDC proposals shall be reviewed concurrently with a primary proposal as follows:

- (1) For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit, or commercial building permit.
- (2) When the primary proposal requires a public hearing under this title or WMC Title 20 Subdivision Code, that public hearing shall also serve as the hearing on the TDC proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of TDC.
- (3) When the primary proposal does not require a public hearing that TDC proposal shall be subject to the decision criteria for conditional use permits outlined in WMC 21.42 and to the procedures set forth for Planning Director review in this title.

Boundy-Sanders, Attachment 5, Curriculum Vitae

Susan Q. Boundy-Sanders

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PROFESSIONAL EXPERIENCE

Documentation Program Manager, Demand Media | eNom, Inc., February 2003 to present. Software documentation, testing, and program management.

Technical Writer, eNom, Inc. (independent contractor), June to August 2002. Software documentation.

Technical Writer II, Microsoft (contractor), April to June 2002. Software documentation.

Technical Writer II, MusicNet, Inc., September 2001 to March 2002. Software documentation.

Senior Technical Writer and lead writer, WatchMark Corp., March 1999 to June 2001. Software documentation and project management.

Technical Writer, Amtec Engineering, Inc., December 1997 to March 1999. Software documentation.

Instructor, Southeast Missouri State University, Aug. 1996 to July 1997. Taught courses in geologic hazards and earth science education.

Exhibit Content Researcher, Arizona Science Center, November 1995 to September 1996. Designed exhibits, videos, and demonstrations for the earth science section of the Arizona Science Center in preparation for its six-fold expansion.

Museum Technician, U.S. Geological Survey, Summers 1990 and 1991. Conducted field studies in California and Nevada and prepared microfossil specimens.

Geophysicist, U.S. Geological Survey, April 1985 to August 1986. Conducted tectonic and structural studies in California and Alaska.

Geological Field Assistant, U.S. Geological Survey, Summers 1981 and 1982. Hydrogeochemical studies in Arizona.

EDUCATION

Ph.D. candidate (advanced to candidacy but did not complete dissertation), Department of Geology and Geophysics, University of California, Berkeley.

M.S. in Geology, minor in Geophysics, California Institute of Technology, 1985.

B.S. cum laude, double major in Geology and Economics, Hope College, 1982.

HONORS AND AWARDS

Research Fellowship, Department of Geology and Geophysics, UC Berkeley, 1986.

Earle C. Anthony Fellowship, Caltech, 1982.

National Merit Scholarship, Hope College, 1977.

Research Grant, Geological Society of America, 1983, 1984, 1987, 1988.

Grant-in-Aid of Research, Sigma Xi, 1984, 1988.

USGS Incentive Award, 1982

Graduate Record Examination (GRE), 99thile, 1985

Boundy-Sanders Attachment 5 page 1

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PUBLICATIONS

Boundy-Sanders, S.Q., Sandberg, C.A., Murchey, B.L., and Harris, A.G., 1999, A late Frasnian (Late Devonian) radiolarian, sponge spicule, and conodont fauna from the Slaven Chert, northern Shoshone Range, Roberts Mountains allochthon, Nevada. *Micropaleontology* v. 45, n. 1, p. 62-68.

Boundy-Sanders, S.Q., Vedder, J.G., Howell, D.G., and Sanders, C.O., 1993, Intrusive and structural relations of the Miocene pluton, Santa Catalina Island, California, in F.G. Hochberg, ed., *The California Islands, Proceedings of the Third Multidisciplinary Symposium*: Santa Barbara Museum of Natural History, p. 3-14.

Vedder, J.G., Pound, K.S., and Boundy, S.Q., eds., 1986, *Geology and Offshore Resources of Pacific Island Arcs—Central and Western Solomon Islands*: Circum-Pacific Council for Energy and Mineral Resources, Earth Science Series, v. 4, 306 p.

ABSTRACTS

Boundy-Sanders, S.Q., and Hervig, R.L., 1993, Minor and trace element composition and age of Yukon probable-microtektites: *Lunar and Planetary Science Conference XXIV*, Lunar and Planetary Institute, Houston, part 1: A – F, p. 163-164.

Boundy-Sanders, S.Q., Meyer, C.E., and Jones, D.L., 1992, Highly calcic, oddly shaped Upper Devonian microtektites from western Yukon Territory [abstr.]: *Eos, Transactions, American Geophysical Union*, v. 73, n. 43, p. 328.

Boundy-Sanders, S.Q., and Vedder, J.G., 1988, A dike swarm and correlative San Onofre Breccia indicate a (trans)tensional environment for the quartz dioritic Santa Catalina Island pluton: *Geological Society of America Abstracts with Programs*, v. 20, n. 7, p. A381.

Jones, D.L., Boundy-Sanders, S. Q., Murray, R.W., Howell, D.G., and Wiley, T.J., 1987, Tectonic contacts of miogeoclinal strata in east-central Alaska: *American Association of Petroleum Geologists Bulletin, Annual Convention Abstracts*, v. 71, n. 5, p. 573.

Howell, D.G., Murray, R.W., Wiley, T.J., Boundy-Sanders, S.Q., and Kauffman-Linam, L.R., 1987, Sedimentology and tectonics of the Devonian Nation River Formation, Alaska, part of yet another allochthonous terrane: *American Association of Petroleum Geologists Bulletin, Annual Convention Abstracts*, v. 71, n. 5, p. 569.

Wiley, T.J., Howell, D.G., Kauffman-Linam, L.R., Boundy-Sanders, S.Q., Murray, R.W., and Jones, D.L., 1987, Kandik Basin stratigraphy, sedimentology, and structure: *American Association of Petroleum Geologists Bulletin, Annual Convention Abstracts*, v. 71, n. 5, p. 627.

Boundy-Sanders, S.Q., Vedder, J.G., and Howell, D.G., 1987, Intrusive and structural relations of the Miocene pluton, Santa Catalina Island, California: *Program and Abstracts, Third California Islands Symposium*, 2-6 March 1987, Santa Barbara Museum of Natural History, California, p. 14.

Boundy-Sanders Attachment 5 page 2

Exhibit 76

Wildlife Information
Submitted by Public

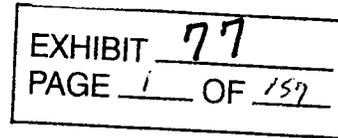
Available for review at City of Woodinville's Development Services's counter

Concerned Neighbors of Wellington

"Dedicated to Preserving the Character of the Wellington Neighborhood"

March 3, 2006

Mr. Ray Sturtz, Planning Director
Dick Fredlund, City Official
City of Woodinville
17301 - 133rd Ave NE
Woodinville, WA 98072



Subject: Wood Trails / Montevallo DEIS Review

Dear Mr. Sturtz and Mr. Fredlund:

The Concerned Neighbors of Wellington (CNW) organization appreciates the opportunity to review the DEIS documents for the Wood Trails / Montevallo projects. We have assembled separate comments from a few of the hundreds of households impacted by this Draft Environmental Impact Statement and are submitting them as a consolidated document.

Enclosed are the following documents. Your date/time stamp of receipt confirms that you have received all of these documents and are formally and legally accepting responsibility for using best practices in compliance with local, state, and all federal laws as pertains to the City's obligation to respond to all points made within the documents you are receiving.

1. Nine-page CNW letter from committee members.
2. Letter of comment by Roger Mason, Transportation expert, and impacted resident of City of Woodinville.
3. Letter of comment by Robert Harman, geologist, and impacted resident of City of Woodinville.
4. Letter of comment by Steve Gottschalk, Physicist, and Helen Gottschalk, both impacted residents of City of Woodinville.
5. Over 80 pages of comments copied to CNW, and sent to City of Woodinville. All are from City of Woodinville residents

We are very pleased to see the City's dedication to ensuring that all comments provided the City are addressed within the Final EIS. The statement that Ray Sturtz made during the February 16, 2006 City of Woodinville meeting, as recorded, is a great witness of this dedication to following due process of law.

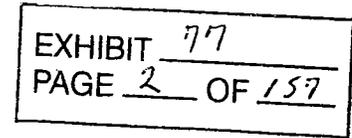
Sincerely,

Fred A. Green
President
Concerned Neighbors of Wellington

Concerned Neighbors of Wellington

"Dedicated to Preserving the Character of the Wellington Neighborhood"

March 3, 2006



Mr. Ray Sturtz, Planning Director
City of Woodinville
17301 - 133rd Ave NE
Woodinville, WA 98072

Subject: Wood Trails / Montevallo DEIS Review

Dear Ray:

The Concerned Neighbors of Wellington (CNW) organization appreciates the opportunity to review the DEIS documents for the Wood Trails / Montevallo projects.

In reviewing the DEIS, we have discovered several fundamental flaws in the overall framework, assumptions, and analyses used. The following sections provide an overview of the gaps, flaws, omissions, and issues that we have identified when reviewing the current draft of the DEIS.

Selection and Description of Alternatives

- Descriptions of some of the alternatives are incomplete, and there are omitted variations (i.e. access) that we recommend be combined with the selected alternatives to cover a range of options that (1) attain the objectives of the applicant in building the two non-contiguous residential developments, and (2) present less overall environmental impact. As we stated in our comments during the EIS scoping, it is important to identify a range of alternatives that reduce or minimize the probable significant adverse impacts.
- The Proposed Action requires the approval of a rezone request, along with requests for transfer of density credits and clustering of the residential units. It seems reasonable that a variation of developing one or more of the sites with sewerred R-4 densities, but without (or reduced) clustering or transfer of density credits, is a viable option.
- The Attached Housing (Townhouse) Alternative as currently described could be considered as a "non-realistic" alternative, given that a conditional use permit would be required to construct the attached housing for the Wood Trails site. Two conditions for obtaining a conditional use permit are stated on page 2-19--it is our opinion that both of these conditions would be indisputably inapplicable given existing neighborhood characteristics and sensitive-area delineations.
- The description for the Attached Housing (Townhouse) Alternative for the Montevallo site is very vague, and there are no figures or site plans to assist in evaluating this

alternative. It is unclear why this alternative would not include attached housing on both sites, and the configuration of housing on the Montevallo site is unknown. Evaluating environmental impacts for this alternative with any degree of confidence is not possible without the applicant preparing a site plan and more detailed description of the Montevallo site. It is also unclear whether or not the Attached Housing (Townhouse) Alternative results in a net lower overall environmental impact than the Proposed Action. If the applicant wishes to have the public consider this as a viable alternative, additional detail work needs to be included to produce the missing items outlined above.

- The description for the No Action Alternative is too general to meet the minimum requirements of an acceptable EIS, and evaluating potential environmental impacts for such an open-ended description would be difficult even if the analyses were complete. An example of how the vague description of this alternative results in unsupported statements and incomplete analysis is noted in the Earth section of the document on page 3.1-12.

As stated in Ecology's SEPA Handbook, a No Action Alternative "is typically defined as what would be most likely to happen if the proposal did not occur". We find it difficult to fathom that "no new development would occur on the subject properties" given that: (1) the developer is the outright owner, or has secured ownership options, for the Wood Trails site and presumably all of the Montevallo properties; (2) the applicant's line of business is developing residential properties; (3) the current land and housing market conditions and appeal of developable land in this area of Woodinville; and (4) there are no known scenarios for not allowing residential development to occur at R-1 densities on either of the sites.

It is our opinion that both of the sites could, and likely would, be developed at R-1 densities without any impediments with respect to rezone approvals and supporting infrastructure issues. Therefore, it appears that the No Action Alternative should be better described by the applicant as a future R-1 development pattern similar to the recent "estate-size" homes that continue to be constructed in the Wellington neighborhood.

Another option for the No Action Alternative might be the use of the Wood Trails area as a park or vegetative buffer. This type of description for the No Action Alternative would provide some basis for analyzing this site according to its existing condition, and would also provide some support for the actual intent of City Resolution No. 93 (buffer between industrial area and residential area). [Note: This precedent-setting resolution, which has been in place for several years, appears to be somewhat in conflict with the proposed Wood Trails development]. However, unless there is a viable option for purchasing the property to maintain it as a park or vegetative buffer, assuming that the current existing condition would be maintained at the Wood Trails site does not seem to be a defensible "no action" scenario for the EIS.

- We believe the City's conclusion not to fully evaluate road access options for the Wood Trails site is short-sighted. The conclusion that "none of these other alternatives would be reasonable and that none needed to be evaluated in detail" is unsupported given the

information available in the EIS. The three access alternatives from the west of the Wood Trails site shown in Figures 2.3a, 2.3b and 2.3c do not present these alternatives as “overlays” within the context of the Proposed Action. These alternatives are presented as though they are through roads across the entire width of the Wood Trails project site, and would not have any physical relationship to the design and layout of the Proposed Action.

It is readily apparent that the two access alternatives from the northwest portions of the property (Alternatives A and B) would only need to extend to the closest connecting point on the west side of the roadway loop (Road B) for the Proposed Action to gain access to the development. The statements about additional construction impacts for these roads (particularly Alternative B), although not false, are not supported by any real comparative information that more fully evaluates these access options. In reality, when one looks at how far west down slope that the northern pod of homes would extend to, the additional grading and filling are would be relatively minimal in comparison to all of the construction-related activities that would already have to occur in this portion of the site.

To not complete a more thorough, documented and quantifiable evaluation of access options as part of the EIS analysis is remiss given that (1) the City identified this topic as one of three primary issues in the Determination of Significance Notice, (2) the City’s Revised EIS Scope also included this issue, and (3) the obvious priority this specific issue has with surrounding residences as noted during formal comment letters and the public hearing for EIS Scoping. It is obvious that the applicant is not pursuing alternative access roads because of the increased costs that would result from both additional site construction efforts and the loss of a few buildable lots. Being unwilling to more fully evaluate access alternatives to Wood Trails based solely on the issue of increased costs is not a defensible argument for not completing the appropriate level of analysis in the EIS for this important and highly contentious issue. The EIS should include a comprehensive analysis of at least one reasonable Wood Trails site access option that provides a comparative evaluation of impacts with respect to the other alternatives. This is critical for the city given the level and intensity of public feedback provided to the city during its last public meeting.

Missing or Incomplete Analysis of Potential Impacts

- There is not a complete comparative summary of potential impacts for each of the alternatives. The comparison of the alternatives for each of the elements analyzed is inconsistent between the various sections of the document, and is often incomplete and/or overly generalized. Clear and thorough comparative summaries for each of the alternatives and for each of the elements should be presented for direct impacts, indirect impacts, mitigation measures, and unavoidable significant adverse impacts.
- Existing ground water conditions and associated impacts are not adequately addressed. An analysis of ground water recharge should be completed given the significant changes in the water balance for each of the sites that would occur for each of the alternatives.

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Information concerning ground water recharge is critical for evaluating potential hydrologic impacts to the wetland on the Montevallo site, along with other elements associated with the Wood Trails site.

- The analysis of geologic hazards (landslides, erosion, seismic, sediment transport) is not complete for both site construction and post-development situations.
- Construction-related impacts are not adequately described or addressed for the various elements. Although the Wood Trails site is identified as an Erosion Hazard Area, very little information is presented as to how mitigation measures would be utilized to minimize erosion hazard impacts. Significant soil management issues that will occur during site grading, filling and site development activities are not identified, described, or resolved. General statements regarding standard erosion mitigation measures do not adequately address the very real problems associated with the type of intensive development occurring on a site with limited construction access and operational areas.
- Construction-related impacts to existing roads are also not addressed in the DEIS. The existing neighborhood streets that would be used intensively by heavy construction equipment accessing the two development sites would likely be severely degraded and require incremental investment to make them whole. Mitigation measures for these significant impacts should be identified in the DEIS.
- There are little, if any, provisions described for managing storm water at the Wood Trails and Montevallo sites during site construction activities. This includes water quality issues and associated mitigation measures to minimize potential effects on down gradient properties and within the Little Bear Creek drainage area.
- The Montevallo site analysis does not completely address the water run-off issues that currently exist. The water runoff from the Montevallo site gathers to 4' deep now in the wetlands area below during the winter season. Particular concerns include the fact that the wetland requires surrounding source area to maintain its water level, and that construction of a utility trench near the wetland may be a drainage conduit that depletes the wetland.
- The wetland mitigation plan outlined for the Wood Trails site refers to some offsite stream enhancement work. A figure or map showing the location and extent of this proposed enhancement area should be included, along with a description of how approval will be gained from the owner of the offsite property.

Transportation – Roadway System

- The study area does not include the Wellington Hills Golf Course Rd intersections at 156th Ave NE, and at Woodinville-Snohomish Rd; yet, the “trip distribution” for the proposed action distributes 40% of the project trips through these intersections. The Golf

Course Rd and intersections (which are located in Snohomish County) should be included in the study area.

- The existing street network is not described to reflect the unique and rural character within the Wellington area. The existing network includes a number of dead end streets with no grid for circulation or access alternatives. The existing streets have a number of deficiencies (cross-section, grade, sight distance, pavement structure, drainage, etc) which are not identified. The street classifications are not properly defined (i.e. 156th Ave NE is classified by the City as a minor arterial requiring a three lane cross section). The entire Wellington Hills area has only one outlet to Woodinville Duvall Rd – which provides the only connection to downtown Woodinville and SR 522. The safety, operations, and emergency services issues should be analyzed to reflect this unique constraint. Events such as the recent fatality on W-D Rd which required its closure and routing of traffic through Wellington; and snow and ice conditions on 156th Ave NE that result in it being impassable are examples of safety and operations issues that must be analyzed.
- A number of traffic counts have been performed recently within the study area. It is unclear how the existing traffic volumes were derived for this study. The count type, date, time, and duration needs to be validated and summarized clearly.
- The study uses an assumption for the capacity of these residential streets as 2500 ADT – which is unreasonable and impossible in this context. The capacities of these dead end streets are constrained by their intersection with 156th Ave NE – NOT by the segments between intersections. Capacity, operations and safety should be analyzed accordingly.
- Woodinville-Duvall Rd is a major east-west regional arterial serving a large area of King County to the east. It experiences significant congestion – and three fatalities have occurred in recent months. No reference to Woodinville-Duvall Rd is made in the study – and should be added.
- The basis of the Trip Distribution from the City’s traffic model is unclear and must be validated. The large percentage (40%) of outbound trips going northbound via the golf course road does not reflect existing travel patterns. The trip distribution also routes trips eastbound along NE 195th Street through the existing “barricade” – proving the model assumptions are incorrect. The obvious concern with the inaccurate trip distribution is that it grossly understates the impact (turn lane storage capacity and LOS) to the intersection at 156th Ave/W-D Rd.
- The study provides a list of “pipeline” projects – i.e. other future projects in the area. The description, type, location, size, and timing of these projects are not presented. Furthermore, their impacts on traffic are unknown – including when they will occur and what mitigation or improvements will be required for them to be approved. The traffic analysis needs to describe how these “pipeline” project trips are added to the Project Baseline trips, and how necessary improvements are funded (who pays) when capacities are exceeded. A specific explanation of how the recent Costco development traffic is incorporated into the analysis is also needed.

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- The traffic calculations are likely incorrect since the pedestrian counts were taken during the last week of school when most students are on abnormal schedules due to graduation, tests, end of the year activities, and so forth. The document fails to mention that the school district has decided to bus students west of 156th due to the high traffic rate of this road and the risk it brings to young children. Walking to school even though it is less than a mile away is considered hazardous by the school district. While a list of road projects in Snohomish County is included, no listing for King County is included and this error should be corrected. In addition, no mention is made of how public transit should change in order to accommodate the needs of the 132 new families that the applicant proposes will be living in the area. Mention is made of traffic impacts being limited but table 3.5i shows only three times as many new trips for R4 zoning as in R1 zoning. It is also puzzling that Attached Housing would cause less traffic delays (see Table 3.5n) than the Proposed Action given that there will be more families and therefore also more trips.
- Parks that are mentioned in the document are actually owned by Home Owners Associations (HOA's) and are for the exclusive use of the HOA members. The 202nd park, Queensgate, and Wellington Hills Country Club are all privately-owned areas and would be off limits to the Wood Trails and Montevallo residents. Including these places as options for recreation is erroneous and any conclusions in the document made on this incorrect information must also be viewed as incorrect.
- In the animal section much is said about the pleated woodpecker but nothing is mentioned of other animals living in the area such as the tree frogs, and the spotted owl. The spotted owl is on the list of Endangered Species and pictures of spotted owls have been taken on resident's property between the Wood Trails and Montevallo sites. The document should also include discussion on the loss of other animal habitat for deer, raccoon, possum and many species of frog, salamander, etc. All these animals would experience significantly reduced habitat as a result of the density of the proposed zoning and increased property development.

Additional Comments Concerning Indirect Impacts, Cumulative Impacts, Rezoning and Land Use Planning

- The DEIS does not include any scenarios for future development of the 11.8-acre parcel that is located adjacent to the proposed Wood Trails development. While we recognize that this parcel is not formally part of this DEIS, the impact of developing this land, which is owned by the same developer, is not considered or documented within this DEIS as a potential indirect and/or cumulative impact. We are concerned that there may be future development of the 11.8-acre parcel, but the EIS process does not allow for any consideration of cumulative potential impacts to the environment and existing infrastructure with respect to similar development occurring in the near-future on this parcel. The applicant should be required to discuss their future development plans for this 11.8-acre parcel within this EIS so that the full impact of their proposed plans can be considered by the city at the same time.
- We remain concerned that scoping issues raised by the public during the October, 2004, Woodinville City Council meeting have not been incorporated into the scope of the DEIS. We believe that by publishing a formal scoping document as we requested in our previous comment letters, the City could avoid future questions concerning how the EIS scope was derived, including the analysis and selection of the various alternatives.
- The re-zoning to R4 of both these neighborhoods is not consistent with the city's growth plan. Developing these two properties with an R-4 zoning will result in significant adverse visual impacts on surrounding neighborhoods. It is clear that accepting a rezone to R4 in these neighborhoods jeopardizes the value of the Woodinville Vision and Growth Plans. Prospective buyers, homeowners, businesses, and high-end builders will question the reliability of Woodinville's zoning plan and will look for other properties where future growth is more predictable. It is better to clearly distinguish R1 sections of the city which will attract high-end builders and will provide a sense of comfort for long-term development potential. From a transportation and access perspective, it is preferable to place R4 and higher-density housing in neighborhoods closer to established services.
- R4 zoning is not in character with this segment of the city borders, but rather with the downtown area of the city instead. As demonstrated in recent legal decisions, our city is not obligated to re-zone the area simply because one could extend sanitary sewers into the area. There are other factors besides the ability to extend a sanitary sewer into an area that determine the feasibility and wisdom of re-zoning a segment.
- There are conclusions made in the document that are not factually correct. In section 3.4-20 the authors state that R-1 zoning would avoid some of the impacts and be more consistent with the area. However, it goes on to say that the Proposed Action and Attached Housing Alternative would be more protective of water quality. Having a sewer does not necessarily provide better water quality since during storms raw sewage can be dumped into rivers and streams. Consider that areas of Redmond's sanitary sewer system are at 125% capacity, and the city has been fined daily for not being able to process all

sewage they collect. Septic systems would not be affected by a heavy rain and would localize problems instead of spreading them into areas populated by salmon and other wildlife.

- There seems to be a significant omission of public perception and economic issues as a whole. In particular, there is insufficient discussion of the fact that there has been considerable opposition expressed already to the development plans, especially to an R-4 re-zoning and the potential for these proposed projects to create a “gateway” to further R-4 development. It is not adequate to simply include a record of public meetings. It is also important to include this record as part of the EIS.
- Any economic analysis must address the decline in value of the surrounding properties should certain forms of development be allowed. Similarly, the improved value of an alternative park-like development should be addressed. The DEIS makes no mention of what changes will occur to nearby property values. It does mention costs related to the builder for parks and traffic. It also ignores the effects on local residents due to construction, noise, air pollution from construction machinery, and other quality-of-life issues that urban-type development will cause in a rural neighborhood.
- Evidence of the adverse economic impacts of the potential development include the large increase in the number of houses for sale in the entire area and the occurrence of three separate sale retractions on one property when each prospective buyer became aware of the Wood Trails development potential. Essentially, no analysis has been presented in the EIS on loss of property value to the city or existing homeowners—instead, the tone of the document indicates ‘this is to be expected and is normal’. We believe the loss of value to surrounding properties is an intrinsic part of the economic analysis. Perhaps the developers should be required to provide compensatory mitigation fees to the surrounding neighbors.

The city of Redmond has carefully planned development in such a way as to preserve high-end neighborhoods with R1 zoning and also set aside separate, more urban neighborhoods where walk-to shopping is available and lower-priced properties can be obtained. We encourage the city of Woodinville to take the same approach to its zoning plans in order to attract homeowners at both ends of the value spectrum.

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The EIS will eventually be used as a decision-making document as the application moves forward through the approval process. The decisions which emanate from this process will impact the Wellington / Leota neighborhood and future land-use decisions in this area of Woodinville for years to come. As a neighborhood organization in Woodinville comprised of over 180 residences, it is our goal to assist the City of Woodinville management team in developing a defensible high-quality EIS that can be used by decision-makers without being concerned about the adequacy, or inadequacy, of the EIS.

Sincerely,

Fred A. Green
President
Concerned Neighbors of Wellington

Roger J. Mason PE
15023 NE 195th Street
Woodinville, WA 98072
March 3, 2006

Mr. Dick Fredlund, Project Planner
City of Woodinville
Department of Community Development
17301 – 133rd Avenue NE
Woodinville, WA 98072

Subject: Wood Trails and Montevallo Subdivisions – Draft Environmental Impact Statement Review Comments

Dear Dick,

Jill and I have reviewed the DEIS information, discussed its potential impact to our quality of life, and the greater community, and have prepared the comments below.

Knowing that we have a large group of talented people in our area who are providing comments on all sections of the report, I have focused most of my attention on Transportation. As you may know, I am a professional engineer, specializing in Transportation. I was a member of the City's Transportation Citizen Advisory Panel that developed and adopted the City's street standards.

Jill and I have lived here for almost 18 years, raised our children here, and continue to enjoy the quality of life and unique character of our R1 neighborhood. In part, we feel responsible to report to you and others governing the City that the character and quality of life that we all treasure is in serious jeopardy. The consequence of decisions made from this DEIS are significant to us individually, and to the greater Woodinville community.

As responsible citizens we have taken a considerable amount of time to become informed and prepare our comments for the City. As you know, the FEIS is to be a defensible, effective decision making document. We expect the City of Woodinville to take a responsible and assertive position in its role as SEPA official to ensure this occurs.

We appreciate the opportunity to provide these comments to the City. It is unfortunate that so much information is incomplete or missing - making it very difficult to provide an objective review and meaningful comments. We again urge the City to take action to ensure a defensible and effective decision making document.

Sincerely,
Roger and Jill Mason

cc: Concerned Neighbors of Wellington
enc: Review Comments

3.5 Transportation

3.5.2 (c) Traffic Operations

Left Turn Lane Warrants – Pg 3-99

The WSDOT left turn lane warrant guidance cited is suited for higher volume facilities and/or state highways – and thus understates the adverse impacts the additional project volumes have on traffic operations and safety along 156th Ave NE. The applicable guidance to evaluate these left turn lane facilities for two lane roadways is noted below (and attached).

Highway Research Record #211 - Used by local agencies and consistent with AASHTO

- AASHTO 2001 Policy – Exhibit 9-75 – Guide for Left-Turn Lanes on Two-Lane Highways
- Oregon Dept of Transportation – Left Turn Lane Criteria – Figure 1

Using the intersection volumes in “Figure 9 – 2008 Future with Proposed Action – Peak Hour Traffic Volumes”, with the applicable guidance, left turn lanes **are warranted** as noted below.

- The ODOT warrant criteria is met/exceeded for NE 198th, and NE 201st (and perhaps at Montevillo intersections? – volumes were not shown)
- The HRR #211 and AASHTO warrant criteria are nearly met for NE 198th. NE 201st.

NOTE: Traffic volumes for the two Montevillo intersections **are not** included in the Traffic Analysis – and may also meet warrants for left-turn lanes. However, the locations and spacing of these two new intersections are problematic – and need to be evaluated in detail – See Comment 3.5.2.

Roadway widening requirements and intersection modifications for left turn lanes on 156th Ave NE must be determined along with impacts at each warranted intersection.

3.5.2 Impacts of the Proposed Action - pg 3-88

“Access to the Montevillo site would be provided via two new roadways connecting to 156th Ave NE to the north and south of NE 203rd Place.”

There is **no analysis** to support creation of two new intersections on 156th Ave NE? As proposed, there would be four closely spaced “T” intersections (NE 202nd, NE 203rd and 2 MV accesses) across a total length less than 900 ft, resulting in blocks spaced at less than 250 ft each, **creating a hazardous condition** that could be avoided by providing one four-way intersection at S. 203rd. Traffic safety and operational analysis of access to Montevillo is not included and the location and spacing of intersecting roadways with 156th Ave need to be carefully **analyzed to avoid creating a safety problem** that will require taxpayer funded retrofit later.

Figure 7 (Project Trips) and Figure 9 (2008 Volumes) present traffic volumes at intersections. The two proposed intersections for Montevallo are not shown nor are their respective traffic volumes. This is incomplete, incorrect and extremely misleading for reviewers, and has obviously been missed by the City's internal review. These "missing" volumes represent **half of the total project trip generation** and must be properly presented and accounted for before **any** objective review of traffic safety and operations can be made or meaningful comment can be provided.

The proponent is attempting to mislead the reviewers by not providing the information noted above, hoping it will be overlooked, and thus **avoiding the cost** of constructing a four-way intersection at NE 203rd, with widening for left turn lanes. Street improvements and right-of-way dedication (consistent with "Minor Arterial" classification) along 156th Ave NE should be provided for the Montevallo frontage.

3.5.2 Impacts of the Proposed Action - pg 3-88

Extending sewer from Wood Trails to Montevallo will allow much of the surrounding residential area to be easily served by this sewer line. It is reasonable to expect "**spot**" **development** of smaller parcels in this surrounding area to **occur within 1-2 years**. A five acre R4 development could support 16-20 units and would generate 160-200 additional trips per day – meaning every 5 acre redevelopment that follows, generates another 160- 200 trips per day. These indirect **impacts will exacerbate traffic** safety and operations at intersections along 156th Ave NE and require specific improvements at these and other deficient locations within the Wellington area. An analysis of these cumulative effects is **required**, and critically important to compare the traffic (and other) **consequences of extending sewer into this area**. Currently, there are no street improvement projects in the City's 6 year CIP to provide for this unplanned growth, and therefore necessary CIP updates should be identified and evaluated also.

3.5.2 (b) Proposed Action Traffic Volumes - pg 3-90

Figure 6 (Project Trip Distribution) shows a significant percentage (PM 45% out; AM 45% in) of trips ingress/egress to the north along 156th Ave. into Snohomish County. Many of these trips are then routed east/west across S 240th St (Wellington Hills Golf Course Rd) and connect to Woodinville-Snohomish Rd/SR 9. The report fails to describe the deficient conditions of S.240th St, including its narrow width, its steep and curving route, and that much of its length is **not on dedicated road right-of-way** (private land). Research is **required** to confirm the use of this road; including the potential impacts to 156th Ave NE intersections should this road be closed/vacated or re-routed by future development of the property.

A traffic analysis for the intersection of SE 240th / 156th Ave NE, confirming volume information and left turn lane warrant analysis is also **required**. The intersection occurs on a fairly steep grade and the geometric constraints (sight distances) should be evaluated as a part of this analysis.

The high percentage of trips distributed to the north are misleading and intended to understate the adverse impacts to other intersections along 156th Ave NE. Considering

the substandard nature and risky future of S.240th Street, not to mention actual travel patterns, such high trip distributions to the north should be reduced....including closed for icy/snow conditions

The trip distribution shown in **Figure 6, Project Trip Distribution** shows 45% of the outbound PM trips travel north and 45% of the inbound AM trips are from the north. This is **not consistent** with actual travel patterns by residents who live in the area. By far, most outbound and inbound **trips are related to southbound trips to/from downtown** or to school activities. The heavy north distribution appears to be another attempt to **understate the impacts** to the intersection at 156th Ave NE / Woodinville Duvall Rd. along with avoiding requirements for northbound left turn lanes, thereby **avoiding costs to mitigate for adverse impacts**. **Corrections** to the trip distribution to match actual travel patterns **are required** so that accurate impacts can be determined and mitigated for.

The “**pipeline**” projects listed are undefined, and their location, timing and impacts on the street network is **missing**. Their **impacts** are important and are **required** to determine the short term and long term adequacy of the street network.

Figure 8 – No Action Alternative. The **source** of these volumes is not provided and is confusing, including how they relate to existing volumes. They appear to be the same volumes as presented in the original application where they were presented as “existing”. Confirming the **accuracy of these volumes** – as either existing or no-action is required to adequately compare them with build alternatives. It is likely that corrections will result in increased volumes, specifically turn volumes; demonstrating need for left turn lanes.

3.5.1 (a) Study Area- pg 3-72

75th Ave SE (156th Ave NE) / SE 240th Street must be added to the study area – especially considering the percentage of trips distributed through this intersection.

SE 240th Street / Wood-Sno Rd must be added to the study area – especially considering recent impacts of Costco development

3.5.1 (b) Roadway System- pg 3-72

156th Ave NE

156th Ave NE is **incorrectly classified** as a collector roadway. The road is classified as a minor arterial in the Comp Plan and City Street standards. This classification was also confirmed by the Public Works Director. The minor arterial is a **three lane roadway** with a center turn lane, bike lanes, sidewalks and planter strips, and requires 74 feet of right-of-way as shown on Dwg 107A-2 dated Nov 1998. Street improvements and right-of-way dedication (consistent with “Minor Arterial” classification) along 156th Ave NE are **required** and must be provided for the Montevallo frontage and at intersections where left turn lanes are warranted. See comment 3.5.2.

156th. Ave NE is the only north-south corridor that connects the Wellington residential area to Woodinville-Duvall Rd - which is the only east-west corridor and connection to

downtown Woodinville and SR 522. The impacts and **risks to residents**, of increased growth, congestion, emergency vehicle access, and emergency road closures on this **fragile single point of access** (156th Ave NE / Wood-Duvall Rd) are not discussed and **require** a thorough and complete evaluation.

There is no reference to operating speeds along 156th Ave NE. which often exceed the posted speed of 35mph. Operating speeds likely range between 45mph to 50mph, and enforcement is rare due to **police officer limitations** within the City. The **operating speeds need to be confirmed** and documented so that traffic safety can be properly analyzed. Increased left turn volumes will result in vehicles stopped more frequently, and the **differential speed is a critical factor in severity of rear-end crashes** that are likely to result.

NE 195th Street

As a **resident of this street** for 18 years, I am quite familiar with its deficiencies and how they have been understated - rather, "**covered up**" in this report. The description of the existing conditions on page 3-74 do not mention the inadequate **sight distance** (468 ft Appendix T-5b), or that the sight distance zone occurs at the most narrow point along the street (20-22ft) where there are **NO shoulders**, just hillside; and that several residential **driveway connections** occur in this deficient zone; or that pedestrians **must** (and often do) walk in the street through this hazardous zone, nor that there are no drainage facilities/ditches, so the **water drains down the street** – and when it **freezes** creates an even more **hazardous** condition; nor does it mention that this area is signed: "Limited Sight Distance – Road Narrows – 15mph"; nor does it mention that the western 600 ft of the road paving is a thin section of paving that is fractured and does not meet any street standard – rather **more for dust control**. This road was built to serve the few homes that were initially built here in 1960's and is **not capable** of serving as a "collector" without **significant improvements** that will **require widening** and reconstruction for much of its length.

The description above proves at least two points. 1) The existing street conditions are substandard and **hazardous**. 2) The proponent is **purposely understating** these deficiencies to avoid having to address the adverse impacts that **require costly mitigation**.

The other streets in the Wellington area have similar characteristics to NE 195th – **all** have sight distance deficiencies (Appendix T), and other hazardous conditions – which are not reported. Using these existing streets as the **primary access** for the proposed residential population **will** increase traffic volumes and speeds – coupled with the **compounding** of existing hazards **will ultimately result in vehicle/pedestrian crashes**. The lack of pedestrian connections to the schools and/or downtown will **require more auto oriented trips** than expected for each of the residential alternatives. This report does **not** address these **facts** and they **must be considered** to determine the actual **impacts this growth will cause**.

The intersection at NE 198th / 156th Ave NE is not a traditional four-legged intersection as it is depicted in many of the figures. The west leg/approach is actually located north of the east approach, creating a **hazardous (head-on) condition** for opposing left turn vehicles. Considering NE 198th is identified as a primary access street and will involve

many more left turning vehicles, intersection modifications, including **left turn lanes** are justified. See comment 3.5.2 Left Turn Warrants.

3.5.1 (d) Traffic Operations - pg 3-77

Vehicle Queuing

The results of this analysis are **not consistent** with actual existing operations and greatly **understate the impacts** additional project trips will have on this intersection – **the one-and-only connection** (aka bottleneck) from Wellington to downtown and the schools. The storage capacity for the SB turn lanes are often exceeded (especially when **school busses** are present). Often times the left turn lane exceeds its length and then **blocks access** to the right turn (sometimes vice-versa) – extending the queue such that it blocks the adjacent driveways and intersection to the north. As this queue extends north it becomes **hazardous** as the roadway crest has **constrained sight distance** for SB approaching vehicles. Another safety and operational issue that is not mentioned or considered is the NB left turns into AM/PM – along with the left turns from the Shell station to SB during these congested periods. With additional project trips, the **queue will extend more frequently** to this crest and **rear-end collisions will occur** due to **inadequate stopping sight distance**. The analysis should evaluate increasing the storage capacity to adequately handle the project trips – and it should also determine the capacity requirements for the **R4 related cumulative growth** resulting from sewer being extended to Montevallo by this project.

Another **oversight** in the analysis is **NO** evaluation of the EB to NB left turn storage capacity. Currently the queue extends beyond its capacity – and safety is compromised due to the left turn access into the AM/PM driveway. **Rear end and sideswipe crashes** are common for these conditions. As noted above, the capacity of this left turn lane should be sized adequately for the project trips. An analysis should also be performed to determine the capacity requirements for **R4 related cumulative growth**.

Roadway Volume/Capacity Conditions

There is **no traffic count data or explanation** on how existing traffic volumes were established. **Information is required** to present the basis for existing volumes, including the date counts were performed (daily, weekly, etc), how counts were collected (tube, manual, etc), and how they were adjusted to determine existing counts.

References using ADT to determine capacity of these collector dead-end roads is **NOT appropriate** – and have no basis, other than to **mislead the reviewer** into believing there is more than adequate capacity based on this ADT at mid-block locations. The 7,400 ADT referenced from King County is for an arterial roadway – and is **not applicable**. For this context, roadway capacity should be **measured by intersection capacity** using peak hourly volumes (HV). **Turning vehicle capacity** should be evaluated, with left turns most likely to **create congestion and safety problems** if not provided for. See Comments on Left Turn Lane Warrants. An analysis is required that accurately presents the capacities of this **unique network** of “dead-end” roads such that impacts can be determined and mitigated properly.

3.5.1 (e) Pedestrian Activity - pg 3-79 and
School Walking Routes/Bus Stops – pg 3-83

It is **unclear** what the intended conclusion was from this information. It is sorely incomplete – in part because minimal information was collected and **no conclusion is drawn** or recommended. It appears to be another attempt to **mislead a reviewer** to believe that pedestrian safety and existing hazardous locations have been identified, and impacts from additional traffic evaluated – which they have not. There is **no analysis** to identify walking routes and **hazardous pedestrian locations**. The analysis does not assess the safety issues associated with pedestrians **crossing 156th Ave NE**. nor propose any improvements.

There is **no pedestrian connectivity** to schools or downtown – which **will require more auto trips** than expected – and **will impact** those who chose to walk. Since NE 195th Street provides the **most direct connection to the schools**, it is most likely to be used by children from Wood Trails who do walk to/from school or the bus stop. Ironically, NE 195th Street has **no place for pedestrians** except for the roadway. The risks and effects of this situation are **not mentioned** in the report and must be addressed. Both sections are **incomplete and cannot be reviewed objectively**.

3.5.1 (f) Bicycle Facilities and Activities - pg 3-84

156th Ave NE is a **regional bike route** (see King County Bike Map) and is used for major **regional bicycling events**. It is common to see **hundreds of bicyclists** traveling northbound on weekends. Unfortunately the northbound travel lane has **no bike lane** or shoulder, so bicyclists use the travel lane requiring approaching vehicles to **crossover the double yellow line** into the opposite lane to pass bicyclists. The minimal width of travel lanes coupled with **inadequate bicycle facilities** create a very hazardous condition. Increased volumes along 156th Ave NE will have **adverse effects on bicyclists**.

3.5.1 (g) Transit Service - pg 3-84

There are **no nearby transit facilities** and **no pedestrian connectivity to transit facilities, schools or downtown** – which **will require more auto trips** than expected.

3.5.1 (h) Traffic Safety - pg 3-85

The focus of the information provided is historical and concludes there are no safety problems in the Wellington area. However, the **important issue is predicting future traffic safety** considering the increase in traffic volumes. The expected increase in both through and turning vehicle volumes at intersections, **especially northbound left turns** on 156th Ave NE will result in **more frequent crashes** without adding left turn lanes. (See Comment 3.5.2 Left Turn Warrants) The additional volumes resulting from the **cumulative impacts of R4 expansion due to sewer extension** to Montevally are **not presented** and are **required** to determine **adverse impacts to traffic safety** in the area.

3.5.1 (j) Parking - pg 3-87

Parking within the proposed R4 and townhouse alternative will be very minimal due to **substandard street widths**, and minimum setbacks. This is likely to result in **impacts to nearby existing residential R1 parcels** being used for “overflow” parking. To minimize this impact, the alternatives should be required to construct **street widths that meet City standards** – which require the City to **NOT** approve a design variance for street standards.

The R4 alternative includes bollards to **prevent use of NE 195th Street** from Wood Trails. The bollards actually **block access to existing private residences** that currently have access from NE 195th and create **unacceptable impacts** which constitute a **property take for loss of access**. It is also likely that vehicles will **drive down NE 195th** and park at the bollard area and then walk across the bollards to the R4 residential area – these “unattended” improperly parked vehicles are unacceptable and a **solution is required to prevent this from occurring**.

3.5.1 (k) Planned Transportation Improvements - pg 3-87

The projects listed in the CIP are **not funded** – and are noted: “no specific completion date”. Due to this funding shortfall, it is doubtful that any of these projects will be constructed in the near future. Wood Trails and Montevallo will increase traffic volumes and **create safety and operational problems** on the local collectors and on 156th Ave NE. By extending sewer to this area additional and significant **development will follow** and create a need for major widening and **improvements to 156th Ave NE** – which is **not in the CIP**. The City will be unable to fund the necessary improvements from this growth – as it has a **long list of higher priority transportation projects with funding shortfalls**. Meaning, the consequences of this increased traffic will require additional funding – perhaps by local citizens in the form of **increased taxes** – to fix the problems created by these developments. The programming and funding of capital projects related to growth in this area is **missing** from this report and is **required** to understand the cumulative impacts from these developments.

3.5.3 (b) Attached Housing Alternative - pg 3-109

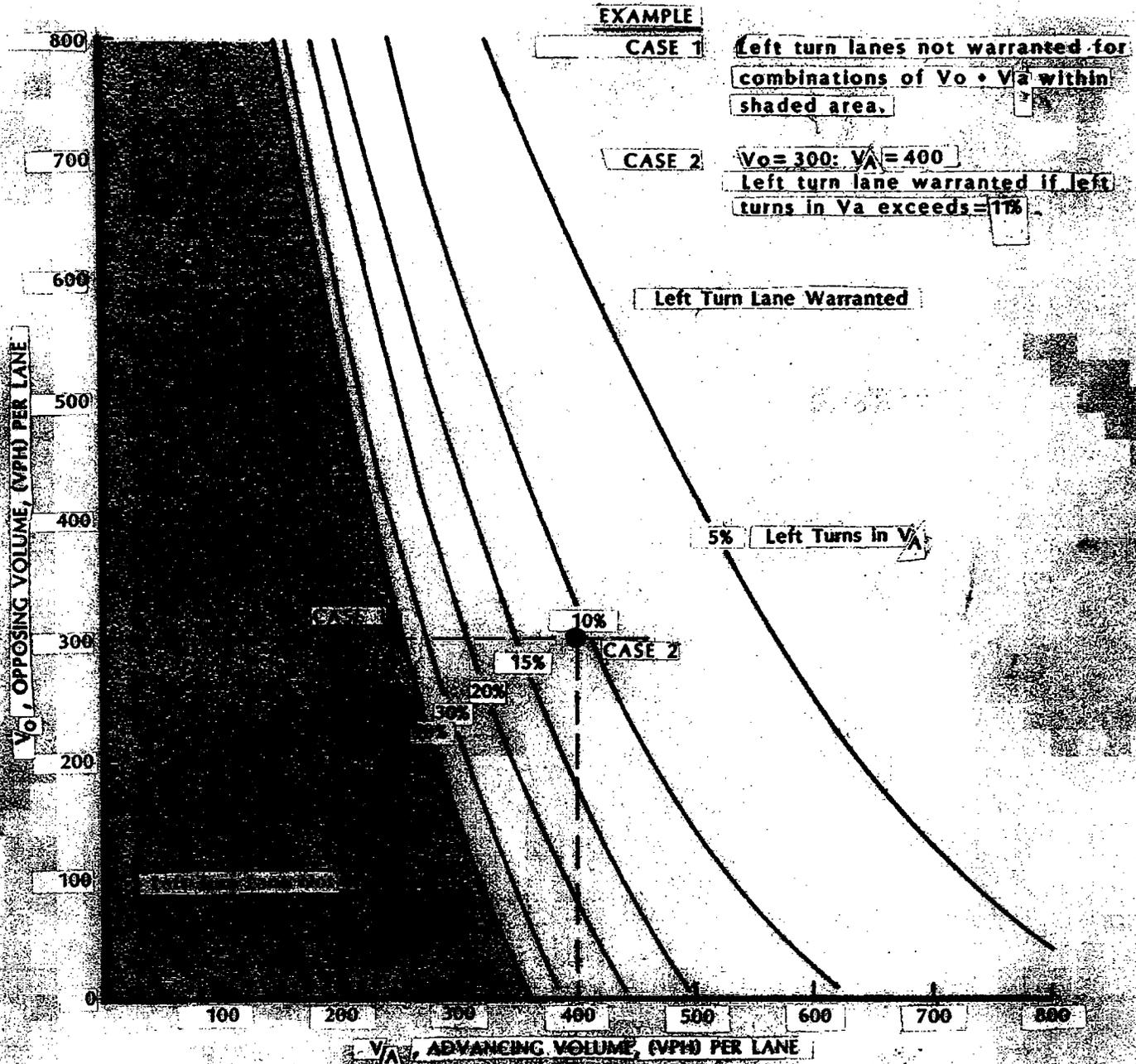
The use of all four existing streets (NE 195th, 198th, 201st, 202nd) to serve the higher density Wood Trails alternative is apparently based on the use of traditional trip generation guidance assumptions for attached housing. Considering the remote location of these housing units, it is unreasonable and **irresponsible to use lower trip generation factors** that are based on an urban setting, with services and schools close by that allow walking and thus fewer auto trips. **There are no nearby transit facilities and no pedestrian connectivity to transit facilities, schools or downtown – which will require more auto trips than expected.**

3.5.5 Significant Unavoidable Adverse Impacts - pg 3-123

The analysis in this report is misleading and **consistently understates the impacts** additional traffic will have on the surrounding residential area. The **deficient and fragile** street network will be adversely impacted by this development, and most significantly by the action of **extending sewer into this area**, which will result in almost immediate follow on unplanned traffic growth. These impacts have **not** been identified which is **required to provide an effective decision making document**. Two alternatives are available that greatly reduce these adverse impacts. **Not extending sewer** into this area, and providing **access from the west** – these alternatives are unfortunately lacking any serious consideration in this report and **must be evaluated in more detail**.

VOLUME WARRANTS FOR LEFT-TURN LANE

EXHIBIT 77
PAGE 20 OF 157



Oregon Department of Transportation
Left Turn Lane Criteria

Purpose

A left turn lane improves safety and increases the capacity of the roadway by reducing the speed differential between the through and the left turn vehicles. Furthermore, the left turn lane provides the turning vehicle with a potential waiting area until acceptable gaps in the opposing traffic allow them to complete the turn. Installation of a left turn lane must be consistent with the access management strategy for the roadway.

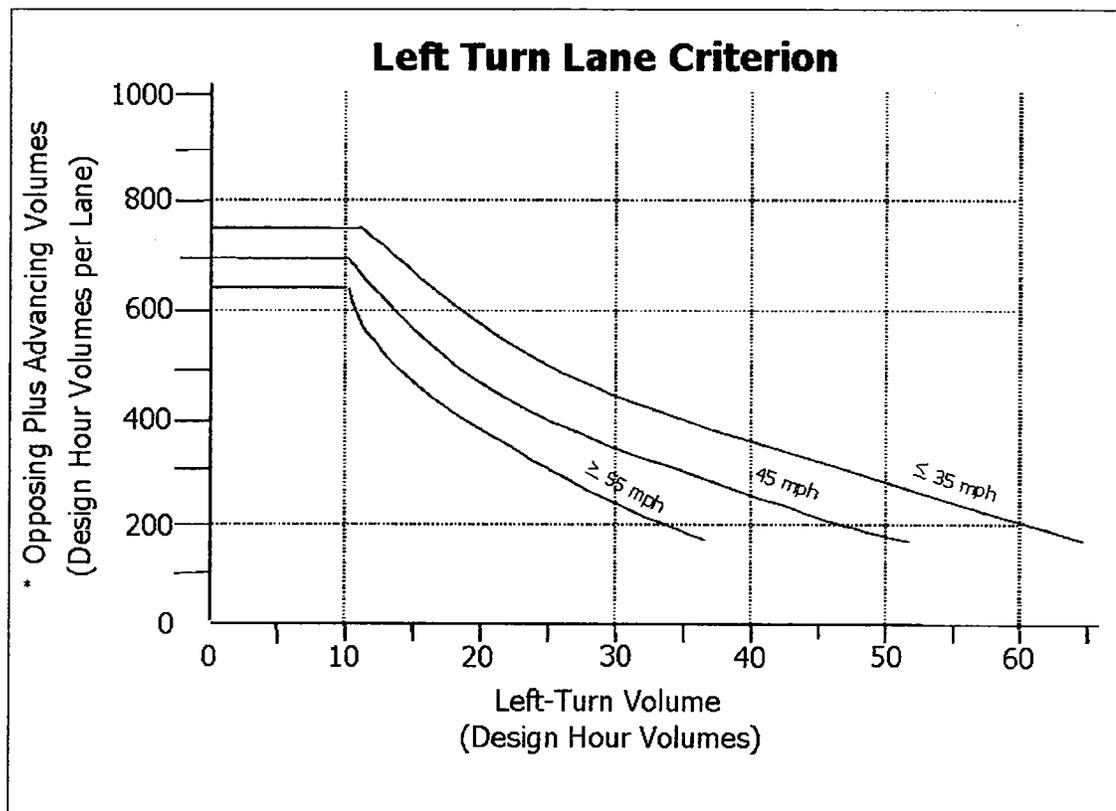
Left Turn Lane Evaluation Process

- 1.) A left turn lane should be installed, if criteria 1 (Volume), or 2 (Crash), or 3 (Special Cases) are met, unless a subsequent evaluation eliminate it as an option, And;
- 2.) The Region Traffic Engineer must approve all proposed left turn lanes on state highways, regardless of funding source, And;
- 3.) The State Traffic Engineer shall review and approve all proposed left turn lanes at signalized intersection locations on the State Highway System to ensure proper signal operation, prior to design and construction, And;
- 4.) Complies with Access Management Spacing Standards, And;
- 5.) Conforms to applicable local, regional, and state plans.

I.) Criterion 1: Vehicular volume

The vehicular volume criterion is intended for application where the volume of intersecting traffic is the principal reason for considering installation of a left turn lane. The volume criteria is determined by the Texas Transportation Institute (TTI) curves in Figure 1.

The criteria is not met from zero to ten left turn vehicle per hour, but indicates that careful consideration be given to installing a left turn lane due to the increased potential for accidents in the through lanes. While the turn volumes are low, the adverse safety and operations impacts may require installation of a left turn. The final determination will be based on a field study.



* ((Advancing volume/number of advancing through lanes) + (opposing volume/ number of opposing through lanes))

FIGURE 1

II.) Criterion 2: Crash experience

The crash experience criteria is satisfied when:

- 1.) Adequate trial of other remedies with satisfactory observance and enforcement has failed to reduce the accident frequency; and
- 2.) A history of crashes of the type susceptible to correction by a left turn lane; and
- 3.) The safety benefits outweigh the associated improvement costs; and
- 4.) The installation of the left turn lane does not adversely impact the operations of the roadway.

III.) Criterion 3: Special Cases

- 1.) Railroad crossings - If a railroad is parallel to the roadway and adversely affects left turns, a worst case scenario should be used in determining the storage requirements for the left turn lane design. Other surrounding conditions, such as a drawbridge, could adversely affect left turns and must be treated in a similar manner. The left turn lane storage length depends on the amount of time the roadway is closed, the expected number of vehicle arrivals, and the location of the crossing or other obstruction. The analysis should consider all of the variables influencing the design of the left turn lane, and may allow a design for conditions other than the worst case storage requirements, providing safety is not compromised.
- 2.) Passing lane – Special consideration must be given to installing a left turn lane for those locations where left turns may occur and other mitigation options are not acceptable.
- 3.) Geometric/safety concerns - Consider sight distance, alignment, operating speeds, nearby access movements, and other safety related concerns.
- 4.) Non-traversable median – As required in the Median Policy, a left turn lane must be installed for any break in a non-traversable median.
- 5.) Signalized intersection – Consideration shall be given to installing left turn lanes at signalized intersection. The State Traffic Engineer shall review and approve all proposed left turn lanes at signalized intersection locations on the state highway system.

IV.) Evaluation Guidelines

- 1.) The evaluation should indicate the installation of a left turn lane will improve the overall safety and/or operation of the intersection and the roadway. If these requirements are not met, the left turn lane should not be installed or, if already in place, not allowed to remain in operation.
- 2.) Alternatives Considered – List all alternatives that were considered, including alternative locations. Briefly discuss alternatives to the left turn lane considered to diminish congestion/delays resulting in criteria being met.

- 3.) Access management - Address access management issues such as the long term access management strategy for the state roadway, spacing standards, other accesses that may be located nearby, breaks in barrier/curb, etc.
- 4.) Land Use Concerns - Include how the proposed left turn lane addresses land use concerns and transportation plans.
- 5.) Plan – Include a plan or diagram of proposed location of left turn lane.
- 6.) Operational requirements – Consider storage length requirements, deceleration distance, desired alignment distance, etc. For signalized intersections, installing a left turn lane must be consistent with the requirements in the Traffic Signal Guidelines.

Volume Criterion Example

Figure 2 shows an unsignalized intersection with a shared through-right lane and a shared through-left lane on the Highway. The peak hour volumes and lane configurations are included in the figure. The 85th percentile speed is 45 mph and the intersection is located in a city with a population of 60,000.

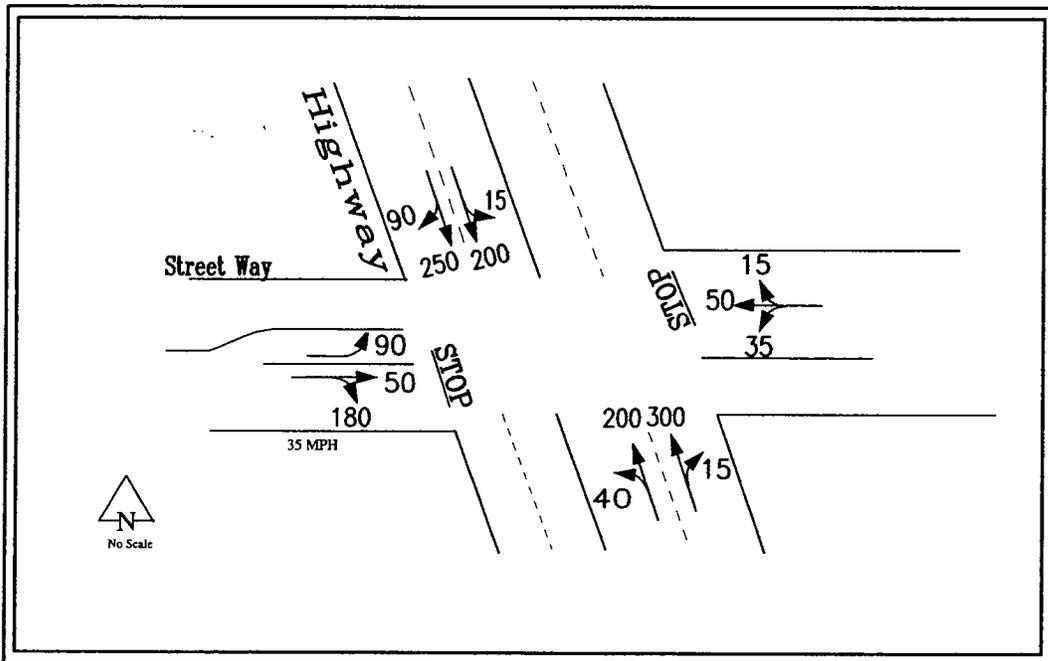


Figure 2

Southbound: The southbound advancing volume is 555 (90 + 250 + 200 + 15) and the northbound opposing volume is 515 vehicles (the opposing left turns are not counted as opposing volumes). The volume for the y-axis on figure 1 is determined using the equation:

$$\text{y-axis volume} = ((\text{Advancing Volume}/\text{Number of Advancing Lanes}) + (\text{Opposing Volume}/\text{Number of Opposing Lanes}))$$

$$\text{y-axis} = (555/2 + 515/2) = 535$$

To determine if the southbound left turn volume criteria is met, use the 45 mph curve in figure 1, 535 for the y-axis, and 15 left-turns for the x-axis. The volume criterion is not met in the southbound direction.

Northbound: The northbound advancing volume is 555 (40 + 200 + 300 + 15) and the southbound opposing volume is 540 vehicles (the opposing left turns are not counted as opposing volumes). The volume for the y-axis on figure 1 is $(555/2 + 540/2) = 548$. To determine if the southbound left turn volume criteria is met, use the 45 mph curve in figure 1, 548 for the y-axis, and 40 left-turns for the x-axis. The volume criterion is met in the northbound direction.

- Where space permits, left-turn lanes should be considered when left-turn volumes exceed 100 vph (left-turn lanes may be provided for lower volumes as well on the basis of the judged need and state of local practice, or both); and
- Where left-turn volumes exceed 300 vph, a double left-turn lane should be considered.

Exhibit 9-75 is a guide to traffic volumes where left-turn facilities should be considered on two-lane highways. For the volumes shown, left turns and right turns from the minor street can be equal to, but not greater than, the left turns from the major street.

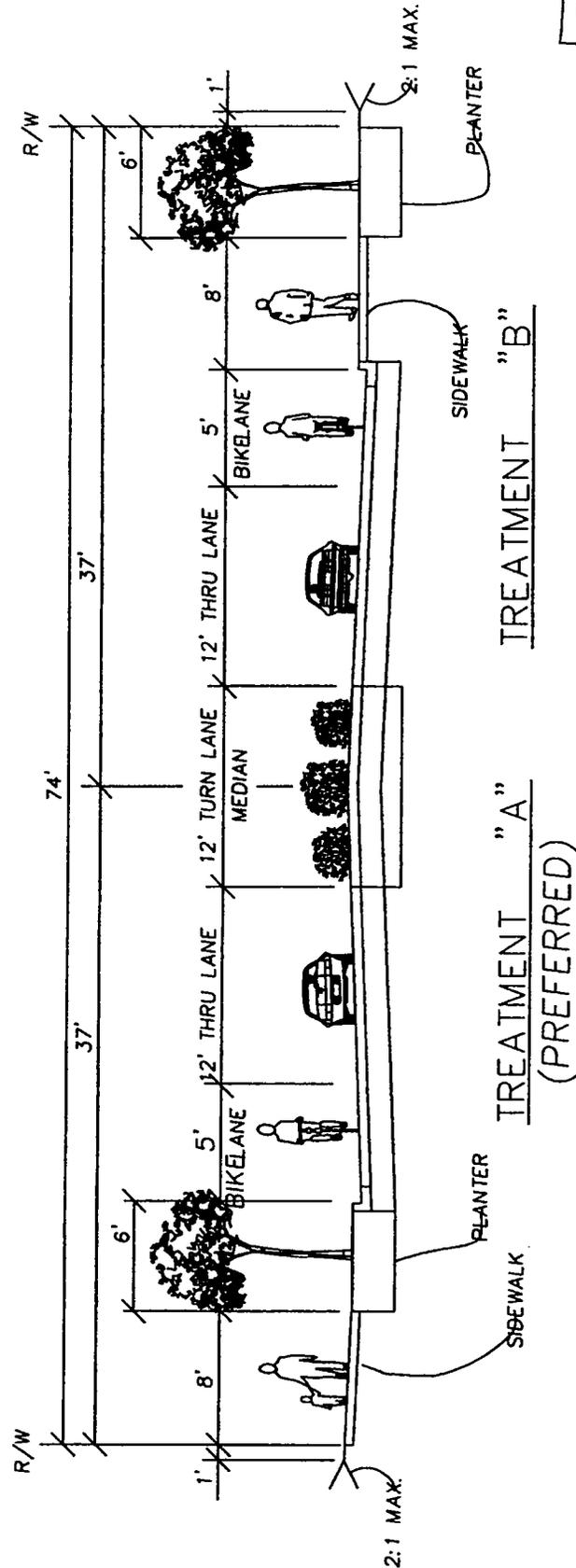
Metric					US Customary				
Opposing volume (veh/h)	Advancing volume (veh/h)				Opposing volume (veh/h)	Advancing volume (veh/h)			
	5% left turns	10% left turns	20% left turns	30% left turns		5% left turns	10% left turns	20% left turns	30% left turns
60-km/h operating speed					40-mph operating speed				
800	330	240	180	160	800	330	240	180	160
600	410	305	225	200	600	410	305	225	200
400	510	380	275	245	400	510	380	275	245
200	640	470	350	305	200	640	470	350	305
100	720	515	390	340	100	720	515	390	340
80-km/h operating speed					50-mph operating speed				
800	280	210	165	135	800	280	210	165	135
600	350	260	195	170	600	350	260	195	170
400	430	320	240	210	400	430	320	240	210
200	550	400	300	270	200	550	400	300	270
100	615	445	335	295	100	615	445	335	295
100-km/h operating speed					60-mph operating speed				
800	230	170	125	115	800	230	170	125	115
600	290	210	160	140	600	290	210	160	140
400	365	270	200	175	400	365	270	200	175
200	450	330	250	215	200	450	330	250	215
100	505	370	275	240	100	505	370	275	240

Exhibit 9-75. Guide for Left-Turn Lanes on Two-Lane Highways (6)

Additional information on left-turn lanes, including their suggested lengths, can be found in published sources (2, 11, 13). In the case of double left-turn lanes, a capacity analysis of the intersection should be performed to determine what traffic controls are needed in order for it to function properly.

Local conditions and the cost of right-of-way often influence the type of intersection selected as well as many of the design details. Limited sight distance, for example, may make it desirable to control traffic by yield signs, stop signs, or traffic signals when the traffic densities are less than those ordinarily considered appropriate for such control. The alignment and grade of the intersecting roads and the angle of intersection may make it advisable to channelize or use auxiliary pavement areas, regardless of the traffic densities. In general, traffic service, highway design designation, physical conditions, and cost of right-of-way are considered jointly in choosing the type of intersection.

3-LANE MINOR ARTERIAL STREETS (WITH BIKE LANES)



TREATMENT "A"
(PREFERRED)

TREATMENT "B"

156th Ave NE

NOTE:
1 TREATMENT "B" REQUIRES APPROVAL FROM PUBLIC WORKS DEPARTMENT

EXHIBIT 77
PAGE 27 OF 157

N.T.S.

City of Woodinville
DEPARTMENT OF PUBLIC WORKS

TYPICAL ILLUSTRATION
3-LANE MINOR ARTERIAL STREETS
WITH BIKE LANES

107A-2
revision date
NOV, 98

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

We are writing this letter to help the City produce a usable DEIS. The present document has many deficiencies and inaccuracies that need to be corrected. The basic conclusion is that this DEIS is so flawed and poorly written that it must be redone.

One of us, Mr. Gottschalk is a physicist with extensive experience in data analysis, statistics and simulations of complex systems. He has spent approximately 80 hours reviewing volume 1 and most of volume 2. He took five days off from work to partially analyze the DEIS; we took this very seriously. Nights and weekends were donated as well. This is far more time than SEPA guidelines recommend. It is because the DEIS is unclear, is not concise and is very hard to follow. There is no glossary and few summaries and erroneous or unsupported conclusions. Many Wellington neighbors have simply given up. SEPA guidelines are designed to insure that this does not happen and we are certain that this was not the goal of the City.

The format of this letter is to give a top level overview of some of the DEIS deficiencies and how we think it could be improved. After that there are detailed discussions of sections 3.4, 3.5, Appendix E, Appendix J, and Appendix K. A discussion of Appendix L is included in the comments on section 3.5. In order to facilitate review, we have indicated key points in the longer and more detailed comment sections by bold, red letters. When appropriate there is introductory text.

Spotted Owls

There are numerous statements in the DEIS that there are no protected, sensitive or endangered species in the area with the exception of pileated woodpeckers. This is not true. There are two recent photographs of spotted owls in or around the proposed Wood Trails site. These photographs have been examined by a professional biologist who identified them as spotted owls. The geographic location of the photograph can be visually identified. One photograph shows a single spotted owl and the other shows two juvenile owls. The spotted owl is identified by the State of Washington as an Endangered Species and is a federally Threatened Species. These designations legally require protection of these birds and their habitat which includes the proposed Wood Trails development.

Salmon Habitat

Little Bear Creek is a salmonid-bearing stream that supports runs of Chinook, Sockeye, Kokanee and Coho salmon. The Wood Trails development will contribute sediment, chemicals such as motor oils and gas spills that will impact Little Bear Creek. The

Chinook salmon is designated as a Threatened Species by state and federal agencies. The DEIS failed to address this.

The StormFilter system can only handle 2 year peak flows before it is bypassed entirely. This bypass process flushes out the pollutants stored in the leaf filter into the storm water conveyance system which in turn empties into Little Bear Creek. When infill occurs, the load on the StormFilter system will double, triple or maybe quadruple. This will make it totally ineffective. The City will have to pay for the repairs and/or redesign.

The R-1 alternative and no-action alternative do not increase pollution or erosion of Little Bear Creek. Both the R-4 alternatives do, but the amount is not discussed. The simplest solution is to deny the R-4 zoning request and leave both areas at their present R-1 zoning.

Montevallo Wetland destruction

The DEIS states, regarding the proposed Montevallo site, in section 3.3.2(a) on pages 3-41 and 3-42 that, "Extension of sanitary sewer to the Montevallo site from the west and construction of a soft-surface pedestrian path along the sewer route would require some permanent and temporary impacts to the wetland and buffer in the western part of the site. Alterations of wetlands and buffers for these purposes are generally not allowed under the Woodinville Municipal Code (WMC), except for limited, specific conditions that are not met by this proposal. There is no alternative location for the sewer line other than through the wetland as proposed, however, and the Code encourages development of trails or visual access through wetland buffers." The DEIS continues on to suggest that the WMC allows the Planning Director to waive this law. Does the Planning Director have the authority to override state and/or federal law?

Pileated Woodpecker

Pileated woodpeckers frequent the area in and around the proposed Wood Trails site. They are listed as a State Candidate Species and a Species of Concern by the state of Washington. The finding of a pair of pileated woodpeckers together suggests a mating pair, and evidence was found of a nesting cavity. The DEIS must prove that this species will not be harmed by the proposed development.

Infill caused by R-4 zoning

The addition of sanitary sewers to the Wellington neighborhood will apply significant financial pressure on the Wellington residents to convert from R-4 to R-1. This is especially true of elderly residents. When this is coupled with an inadequate infrastructure many residents will have to resort to subdividing their properties and move away. There has already been a large increase in housing sales and an R-4 decision would generate more. Housing values will decrease if R-4 development is approved. Historically infill starts happening after only a few years and is virtually complete in 10 years. The storm water, sewer, roads, schools, fire, safety, police and other City facilities are not prepared for this. Infill will stop when all properties have been converted from R-1 to R-4. Since infill is a direct impact of R-4 development it must be included in the DEIS.

Neighborhood character

The Wellington neighborhood is R-1. The proposed action more than doubles the number of houses. The Wood-Trails development is like "row-housing". Under R-4 zoning the existing homes will have 3-4 neighbors each. No visual buffers have been proposed to maintain the privacy of current residents. The as-built density due to clustering of the proposed actions would look like R-6 to R-8. This is visually and aesthetically inconsistent with the rest of the neighborhood. When infill occurs after 5-10 years the Wellington neighborhood will cease to exist.

Maintaining the present R-1 zoning is consistent with the existing neighborhood character and is supported by all Wellington residents.

R-4 zoning request and GMA requirements

We understand that the City has met long term growth requirements already. Because of this GMA does not require a zone change from R-4 to R-1. A perfectly valid alternative is to develop existing, excess R-4 inventory rather than change the zoning of an Erosion Hazard Area from R-1 to R-4.

Insufficient consideration of the R-1 alternative

While this particular developer has no history of building R-1 housing, there are other builders who could do so. There are a number of large, high end R-1 houses in the area already.

The DEIS falsely argues that septic systems may degrade water quality. This is not true. We have had two septic systems in Ohio. The soil had much poorer drainage than exists in the Wood Trails or Montevallo sites. On one house we had a large pond without any liner. *A properly designed and maintained septic system will improve water quality.* This is well known and well documented. Requiring proper septic maintenance is not an unreasonable burden to place on residents.

Sewer vs. Septic Considerations

The Wood Trails development with R-4 density will contribute a significant amount of pollution in the form of motor oils, fuel spills and pesticides to mention a few. The actual housing density for Wood Trails is 66 houses in 10.4 buildable acres. Present Wellington housing density in the region that presently generates sediments that flow into the Wood Trails area is 1 house per acre. *Wood Trails represents a 630% increase in untreated pollution per acre.* Much of the Wellington Hills pollution needs to percolate through heavy understory plants all the way down a hill before it reaches Little Bear Creek. This is not the case for Wood Trails. There will be significant impacts on water quality. No analysis is presented and no mitigation measures are proposed.

The proposed StormFilter plus detention pond system does not do a good job of eliminating chemical pollution. Oil floats on water and it will bead on top of leaves. This is not mentioned in the DEIS.

We were unable to find measurements of groundwater levels or how the proposed developments will impact groundwater flows. This is a major omission in a DEIS.

Pollution and erosion impacts of Little Bear Creek

Appendix E contains the only mention of Little Bear Creek erosion. No analysis is presented and no measurements were made. Construction related pollution and erosion are not even discussed. A DEIS must consider pollution and erosion, during and after construction.

Drainage system maintenance by Woodinville

Both Montevallo and Wood Trails use StormFilter systems and retention ponds. There are 45 cartridges in the leaf filters. No mention is made of how the City will get its equipment to the Wood Trails detention pond for servicing. No mention is made of costs, service frequencies, failure rates or monitoring systems that will tell the City when these systems have failed. Failure of the Wood Trails system directly impacts Threatened Chinook salmon in Little Bear Creek. Failure analysis of the drainage system needs to be included in the DEIS. This DEIS omission is unacceptable.

The developer is proposing to rebuild an entire wetland

In Appendix J, section 4.0, the fourth paragraph there is a description of a trading 385 square feet of class 2 wetlands destroyed by the Montevallo sewer system. The entire wetland reconstruction is a numbers game that completely ignores the complex ecology of an established wetland. It takes years for a wetland habitat to develop. Clearly this is an environmental impact that must be addressed by the DEIS. Please ensure that this is done.

The DEIS asserts in Table 1 and numerous other places that water quality as well as plant/animal impacts are essentially identical for R-4 and R-1 alternatives

This statement is obviously incorrect. Properly designed septic systems on R-1 lots have minimal impact on water quality and preserve existing drainage patterns, unlike R-4 developments. There is less impervious surface for R-1 than R-4 and more habitat for animals as anyone who lives in Wellington can attest. The proposed R-4 Wood Trails development will destroy the existing north-south wildlife corridor and eliminate a small stream used by wildlife. Lastly, with R-1 development there is no need for a sewer line that damages the Montevallo wetland and no need for a detention pond that destroys an existing wetland on the Wood Trails site. Therefore, R-1 and R-4 have significantly different environmental impacts on water quality, plants and animals. The DEIS analyses are seriously flawed and must be corrected.

Traffic analysis has many errors

There is a long discussion in the attached document of this. The LOS, ADT, Left-turn warrants, pedestrian counts and other technical issues contain numerous errors. One obvious example is that the LOS analysis says that the average delay at the intersection of 195th Ave and Woodinville-Snohomish is about 22 seconds (AM or PM)! We both know that this is not true.

The traffic accident data was taken from 2001-2003 which does not include recent fatalities. Pedestrian traffic counts were taken before Christmas 2004 (no date given) and on June 13, 2005, the last week of school. No mention was made of Costco traffic. No traffic counts were taken east of the 156th Ave NE, Woodinville-Duvall Rd intersection. This eliminates all traffic coming or going to the Cottage Lake area plus nearly all school related traffic at the intersection of Woodinville-Duvall Rd and 168th Ave NE.

Morning traffic counts were taken from 7am to 9am which is after high school students have left the neighborhood. The left-turn warrant analysis underestimate ADT's by 21% and had other errors that favored the developer. The determination that there is 'no significant' traffic impact was based on incorrect road capacities.

There are so many errors in the traffic analysis that it must be thrown out and a new study performed. The alternative is to conform to the existing R-1 zoning. This will have 50% lower traffic for Wood Trails and 80% lower for Montevallo (Table 1, page 1-9). We hope that the numerous questions and cross checks that we describe in our discussion of section 3.5 and appendix L will help the City to produce the high quality, technically sound DEIS that everyone desires.

School walking routes/bus stop analyses are incomplete and do not include the safety of children

Children play outside at all times of the day, not just the peak AM and PM hours used for ADT trip analyses. On average every household generates 6 trips per day. There will be approximately 400 car trips per day added to the end of NE 198th St and NE 201st St based on an average of 6 trips per day for 66 residences. Presently there are about 8 houses at the ends of these streets which generate 48 trips per day. Therefore, Wood Trails with R-4 66 units will cause an 800% increase in traffic at the ends of these streets where there are limited sight distances.

There have not been any accidents on these streets because essentially all drivers are parents of the children playing in the streets. However, this is not guaranteed. Approximately 5 years ago several teenagers decided to use NE 198th St as a drag strip. We and a neighbor stood in the street to block them and called the police to report the incident. What will happen when 66 new houses are added?

Deeply buried in Appendix L is the fact that NE 201st St has a limited sight distance of 584 feet! It's not mentioned in the text and it is in an unlabeled figure. These roads are already dangerous to young children and pedestrians for this reason and now there will be increased traffic from 156th Ave NE coming down these streets to reach Wood Trails.

In fact the most likely traffic scenario is that most of the cars will travel down 198th St which has better visibility with 'only' an 85 foot limited sight distance. This will further increase the hazards to school children on NE 198th St.

The R-1 alternative would place 23 units on the Wood Trails site. This generates 3X fewer total daily trips. However, they are now spread over 4 residential streets, not 2 so there will be $23 \times 6 / 4$ new trips per road or about 34.5 new trips per day compared to 400 new trips per day with R-4 development. Clearly R-1 zoning is safer for children.

Buses cannot turn around at the ends of any of the residential streets due to steep slopes and limited sight distances. Elementary school students from the Wood Trails development will have to walk ½ mile to the nearest bus stop.

A van cannot be used for the R-4 proposals because there would be too many students. Vans would be an acceptable alternative for R-1. The pickup would be at the present terminus of NE 198th St because NE 201st St has a 584 foot limited sight distance and a slope that is too steep for any bus (see Appendix L)

This part (school children safety) of the DEIS needs to be redone.

We have lived in our present home since 1986, raised a family here and have many friends in the neighborhood. Our plan was to retire in this neighborhood. Please support R-1 zoning.

Thank you,

Steve and Helen Gottschalk
14918 NE 198th St
Woodinville, WA 98072
<mailto:thegottschalks@comcast.net>

cc: Concerned Neighbors of Wellington

Section 3.4
Questions

Steve and Helen Gottschalk
14918 NE 198th St

Section 3.4.1(b) Impacts of the Alternatives

There is a consistent trend to imply that all developments of “single family residences” do not represent “significant conflicts with adjacent uses”. One example from page 3-56 is:

In terms of land use, the proposed Wood Trails subdivision would be compatible with existing adjacent single-family residential land use to the north, south, and east of the site in Wellington Hills. The proposed detached single-family structures would be compatible in type and form with the existing adjacent detached single-family structures. However, the Wood Trails subdivision would result in smaller lots and higher-density development than currently exist in the neighborhood: 1.7 dwelling units per acre gross density, 3.1 dwelling units/acre net density, compared to surrounding densities of 1 dwelling unit per acre. The proposed homes would be closer together than most homes in the area, which are on larger lots and thus generally spaced farther apart. In this sense Wood Trails could be viewed as an intensification of the existing land use pattern, i.e. a change from larger-lot, detached single-family homes developed under R-1 zoning to smaller-lot detached single-family homes developed at R-4 density. Densities would generally be characterized as urban in character. The proposal would not result in significant conflicts with adjacent uses.

The only mention of infill is on page 3-57:

It could establish a precedent, and create pressure for additional infill and intensification. As such, the Proposed Action could indirectly promote the rezoning and redevelopment of other larger-lot single-family residential properties at higher (i.e. R-4) densities.

There is no analysis or discussion of the following obvious issues:

1. **How quickly infill will occur? This is typically 5-10 years. It is a direct impact of the proposed development because it would never occur otherwise.**
2. **How will redevelopment at R-4 impact sewer usage?**
3. **How much will runoff increase when R-4 redevelopment occurs? The additional impervious surface could easily triple or quadruple the runoff that goes into the stormwater system.**
4. **How will the stormwater system handle the additional runoff? The present design will pass untreated water when a 2-year storm occurs. When infill occurs then this will be a yearly or more frequent occurrence during much of the year.**
5. **What is the City's liability when the stormwater system is insufficient? Who will pay for a new treatment system? What environmental impact will that imply?**
6. **What will happen if the city has to stop R-4 redevelopment when the stormwater system cannot handle the runoff?**

After that they conclude the section with this non sequitur:

Because the City's Comprehensive Plan and zoning do not allow commercial development in this area, however, these potential changes probably would not result in a change to the underlying single-family residential character of the neighborhood or this portion of the City.

Section 3.4.1(d) – Significant Unavoidable Adverse Impacts

The DEIS states

Under the R-1 Zoning Alternative, development densities could be viewed as inconsistent with Growth Management Hearings Board decisions.

The developer has no authority make such a statement; this authority lies with the hearing examiner. Also the City has exceeded Comprehensive Plan Growth and it has excess R-4 inventory that could be used instead.

Section 3.4.2 Plans, Policies and Regulations

The first question that needs to be asked is simple. Which of the Land Use, Housing, Community Design Element, Capital and Public Facilities Element and Environmental policies requirements are mandatory (or required by law) and which are not?

The remainder has summary comments on many of the policy discussions. They are identified by the same number as used in the DEIS, i.e. LU-1.1, H-1.1, etc.

Land Use Policy LU-1.1

Summary: Preserve neighborhood character, while accommodating GMA growth forecasts.

The discussion ignores present growth, planned increases in development along Woodinville-Duvall Road and the fact that Comp Plan growth has been exceeded. The City should not fear GMA based law suits.

Land Use Policy LU-1.3

Summary: Phase growth and municipal services together.

The only municipal services mentioned are sewer. What about fire, safety, police, roads and water? Some other questions:

1. How will a fire truck maneuver the tight roads in the proposed developments? Fire access is not mentioned at all.
2. How much longer will it take fire and safety vehicles to get to the Wellington neighborhood because of increased traffic on Woodinville-Duvall Road?
3. How many police officers are needed for 132 residences? The City has insufficient police for the existing population and insufficient funds to hire more.
4. How will road improvements be phased with the development?
5. Who will pay for construction related road damage and repairs caused by heavy equipment? Road impacts are significant, especially residential roads and 156th Ave NE.
6. How many road trips will be needed during construction and what types of equipment will be used?
7. Since the amount of water needed for the proposed action is about 2-3 times higher than presently required, how much pressure drop will occur? The water pressure is already very low, around 30 psi. Will the pressure be so low that the City will need to increase the pipe diameter? Who will pay? Where is the analysis?

Land Use Policy LU-2.2

Summary: Connect development, open space, recreation areas by planned street, path, and utility corridor networks.

The discussion in this section is inconsistent with the discussion on Housing Policy H-2.1, Capital and Public Facilities Policy CF-3.1 and all of section 3.6 (Public Services). The developer is proposing to meet this requirement by paying mitigation fees ranging from \$117,475 for R-1 to \$403,225 for R-4.

Land Use Policy LU-3.1

Summary: Development should complement existing residential development patterns.

Only the R-1 alternative will complement existing patterns. The developer says of the attached housing alternative that it “**would introduce attached townhouse housing, a new development form, into the area.**” This directly contradicts LU-3.1.

Land Use Policy LU-3.6

Summary: Allow moderate (5-8 du/acre) and medium-density (9-18 du/acre) housing where services are available, land is suitable, and compatible with adjacent uses.

Why is this here? Does it mean that the developer is being “nice” by not asking for R-8 or R-18 density? Is this a requirement imposed by the City?

Land Use Policy LU-3.7

Summary: Permit a range of densities to encourage a variety of housing types to serve a range of incomes.

None of the developments would do this. There will be a tight clustering of prices. What geographic area does this apply to? Is this policy meant to apply on average to the City? How many houses need to meet this criterion?

Housing Policy H-1.1

Summary: Allow a variety of housing types/lot sizes.

Exactly the same comments and questions as for Land Use Policy LU-3.7.

Community Design Policy CD-1.2

Summary: Preserve views, natural features, and landmarks.

Both the proposed action and townhouses after clustering and credits generate an ‘as-built’ density that is R-6 to R-8. This closely resembles “row-housing”. How would townhouses or the proposed action developments preserve views for the existing houses?

Capital and Public Facilities Policy CF-3.1

Summary: Require the City or other service providers to establish capital facility service standards; parks and recreation standards are as follows.

In section 3.6 there is a lot of discussion that shows all ways of satisfying this requirement do not work. Either neighborhood associations, the Woodinville Water District or the City will not agree to them. The only thing that the developer can do is pay the City mitigation fees. Therefore, this requirement cannot be met.

Environmental Policy ENV-3.1

Summary: Encourage urban forest preservation.

This is incomplete. It is incorrect to assume that only the trees that the developer removes will be impacted. A large number of the downslope trees will die in less than 5 years. This is because the impervious surfaces, ground water migration and stormwater control will divert water from them. When those trees die then there will be a major change in the soil stability, runoff, hydrology and other environmental impacts. Why isn't any of this discussed? What is the developer's liability?

Environmental Policy ENV-3.2

Summary: Protect sensitive habitat areas.

The following statement is made: "there are no streams or shorelines on either site". This is false. In Appendix K, Section 3.2.1 and elsewhere, the applicant specifically mentions a stream on the site.

Environmental Policy ENV-3.3

Summary: Maintain a standard of no net loss of sensitive habitat functions and values.

The basic assumption is that mitigation, in compliance with Code requirements, is equivalent to "No net loss of sensitive habitat functions and values." This seems like a word game. Later they state that the two R-4 proposals may improve water quality while septic systems may make it worse. There is no data in support of either of these contentions. It ignores the fact that septic systems are designed improve water quality. *All references to septic systems degrading water quality should be removed from the final EIS. A properly designed septic system will not degrade water quality.*

Environmental Policy ENV-3.4

Summary: Maintain sensitive area connectivity.

The two Wood Trails R-4 plans disrupt connectivity. That is inconsistent with this policy. As pointed out elsewhere in the DEIS, the primary wildlife migration path is north-south and these plans put a big wall in the way. How many animals will migrate around the detention pond?

Summary: Both proposal sites are zoned "R-1 (Low Density Residential)" (City of Woodinville [Zoning Map] 2005a). The Proposed Action and the Attached Housing Alternative would include rezones of these sites to R-4. The Zoning Code (21.04.080) describes the purpose of the "R-1" and "R-4" zones as follows:

Another huge topic. The main issue is the following:

The development alternatives would generally be consistent with the use of the R-4 zone, provided that the sites are adequately served by utilities and other public facilities at the time of development, and that the sites are "predominantly environmentally unconstrained."

Sites must be adequately served by utilities and public facilities. **Only the sewer system is discussed and other issues such as fire, safety, police are not.** Also the term "predominantly environmentally unconstrained" is vague and could be interpreted using whatever criterion the developer chooses. **Please require an unambiguous definition of "predominantly environmentally unconstrained".** In addition the statement is made that:

The applicant has not yet conducted a formal critical area study for the subject properties.

In view of the vague nature of the requirement and the lack of a formal study why is this included at all?

**Questions on Section 3.5
Transportation**

**Steve and Helen Gottschalk
14918 NE 198th St**

Section 3.5 – Transportation

This is a large section with many errors. The major flaws are:

1. Where is the data for traffic counts? Appendix L shows exactly one 2 hour period from 7am to 9am of southbound traffic on 156th Ave NE. This is totally inadequate.
2. All traffic accident data is out of date (2001-2003) and does not include accidents east of the 156th Ave, Woodinville-Duvall Rd intersection going towards Cottage Lake.
3. No data was taken on Woodinville-Duvall Rd east of the 156th Ave intersection going towards Wellington Elementary School, Leota Junior High School or Cottage Lake. Figure 2, page 3-75.
4. Level of Service (LOS) analysis shows that for the present conditions the wait time for NE Woodinville-Snohomish Rd/NE 195th St is 22.7 (AM) or 25.4 (PM) seconds! Table 3.5a, page 3-77
5. Left-turn lane warrant analysis is wrong. It is based on the last figure in Appendix L labeled Appendix T-9. Any small errors in the DHV or %DHV will necessitate left turn lanes at both 201st St and 198th St. The same erroneous data used for the LOS is used here.
6. Vehicle Queuing analysis on 156th Ave ignores the limited sight distance just North of the Woodinville-Duvall road intersection. Traffic backups combined with the limited sight distance will cause numerous rear-end collisions. Table 3.5b and elsewhere
7. Limited sight data in Appendix L is omitted. The proposed action ignores the 584 foot limited sight distance at the end of 201st St. This means that most of the traffic will travel on 198th St. This is not considered.
8. Roadway volume data in text is inconsistent with data shown in tables. For example Table 3.5c quotes 7,400 average daily trips (ADT's) for residential roads, but the text on page 3-78 says that ***“practical capacity of roadways similar to the four subject roadways are often considered to be around 1,000 ADT.”*** The data presented in Table 3.5h shows that the proposed action will increase the ADT on 198th and 201st to 700 and 740 respectively. Therefore, the ADT for the proposed action is 70% to 74% of capacity. **This is a major impact.** Numerous tables show capacity of 7,400 based on cars spaced 20 feet apart in a continuous line (appendix L, table labeled Appendix T-2b on page 3, fine print foot note.) This is deliberately misleading and was done so that the developer could claim no significant impact.
9. Pedestrian Activity data was taken 6/13/2005 which was the last week of school and in December 2004 right before Christmas break. It does not represent typical conditions. Figures 3 and 4, pages 3-80, 3-81.

There are significant errors, omissions, missing data and other faults in the transportation analysis. All analyses, data, model parameters and statistics need to be reviewed by technical experts who are not hired by the developer. Obvious reality checks have not been made.

This entire section is inadequate and incomplete. It must be re-done and a new DEIS generated.

3.5.1(c) Traffic Volumes

Exhibit T-1 is a definition of Level Of Service (LOS) classifications used by the Washington Department of Transportation. This is from a 6 year old highway manual. What are the residential standards? Are they the same or different? There is a small amount of data in Exhibit T-2 for the intersection of 156th Ave and Woodinville-Duvall road, southbound from 7-9am. There are a number of deficiencies here:

1. Where is the rest of the data for the locations shown in figure 2, page 3-75?
2. What were the study dates?
3. What were the study times?
4. What is the mean and variance of the traffic volume data?
5. How does this variation impact all the analyses?
6. Why was only 7-9am chosen? Everyone who lives in the area knows that morning traffic backs up between 6 and 10 am.
7. Was any traffic volume data taken between 2-4pm when there is a large amount of school related travel?
8. How was the data taken? No one remembers any traffic counters on 198th St.
9. Was the side street data a simulation or based on real measurements?
10. How much of the data shown in figure 2 is simulation? If the data shown in figure 2 contains a substantial amount of simulated inputs then the entire study is invalid. This could also be the reason for the large number of nonsensical conclusions.

3.5.1(d) Traffic Operations

Intersection Level of Service

The data shown in Table 3.5a on page 3-77 defies belief. The questions are:

1. The AM delay at 195th St is 22.7 seconds and PM is 25.4 seconds. This is a serious error. Why wasn't this caught and the analysis input parameter corrected? No one who lives in the area has had less than a 1 minute delay during peak hours which are 6-10am, 2-6pm.
2. Why was 195th St given a classification of C when citizen experience supports a classification of E?
3. The state of Washington has determined that 195th St is a Red Zone which is consistent with a Class E LOS rating. Why wasn't this used to check the validity of the LOS analysis?
4. Who has reviewed the run parameters used for the Synchro v6.0 model?
5. Who has reviewed the data input into the model?
6. How do statistical variations impact the analysis?

For the Level Of Service (LOS) analysis the simplest summary is that the data is wrong or the analysis is wrong. There is not enough information being supplied to determine which of these are true. Simply put, this is an example of "garbage in, garbage out". Based on these deficiencies the entire LOS analysis is invalid and should be re-done.

Vehicle Queuing

In Table 3.5b, the existing queue length for southbound left traffic is 175' while the storage capacity is 170'. Therefore, the storage capacity has been exceeded. Footnote 3 of the table says the right turn lane storage capacity is thousands of feet north of the intersection. This completely ignores the fact that southbound 156th Ave is a one lane road just before the intersection. The effective storage capacity for right hand turns is the same as left turn lanes or 170'. Traffic wanting to turn right cannot do so because the left turn lane blocks them. This is not included here. Questions are:

1. Why did the queuing analysis ignore the one lane to two lane transition on southbound 156th Ave?
2. Why was the limited sight region just north of the 156th Ave, Woodinville-Duvall Rd intersection not considered?
3. What corrections to the queuing analysis need to be made for limited sight distances?
4. What corrections to the queuing analysis need to be made when a one-lane road transitions to a two-lane?

Based on these deficiencies the entire vehicle queuing analysis is invalid and should be re-done.

Roadway Volume/Capacity Conditions

The text on page 3-78 is inconsistent with Table 3.5c. In particular an unreasonable ADT of 7,400 was used in the table to 'prove' no impact. The text says:

"practical capacity of roadways similar to the four subject roadways are often considered to be around 1,000 ADT."

Note that if this practical capacity criterion is used then the conclusions based on Table 3.5h would be completely different. That table shows that NE 201st St ADT would be 740 while NE 198th St ADT would be 700. These are 74% and 70% of the practical capacity of these roads, which is a significant impact.

ADT analysis made by the developer was deliberately biased in order to "prove" no significant traffic impacts. An unbiased ADT analysis shows a significant traffic volume impact for practical road capacities. A major claim of the applicant is unsupported by their own analysis. The LOS analysis is incorrect so what cross-checks have been made of the ADT analysis?

Based on these deficiencies the entire ADT analysis is invalid and should be re-done.

3.5.1(e) Pedestrian Activity

The data shown in figures 3 (page 3-80) and 4 (page 3-81) was taken on June 13, 2005 which was the week before school ended. This does not represent actual conditions. In addition, the data along 156th Ave was taken in December 2004 right before Christmas break. Questions:

1. Why were these dates chosen?
2. Was this a deliberate attempt to pick favorable dates or simply sloppy test design?

School Walking Routes/Bus Stops

This is part of section 3.5.1 (e). One obvious deficiency is the lack of any discussions of how children in the Wood Trails development will be picked up. The proposed plan has access via 198th and 201st St's. For 201st St there is a 584 foot limited sight distance at the end of the road and a very steep grade. This is shown in the figure mislabeled Appendix T-5a on Appendix L. Currently a school bus cannot travel on that portion of the road and there is no way for one to turn around after the intersection of 201st St and 152nd Ave. That's the reason the school bus stops at both 201st and 198th St and 152nd Ave. For elementary school students the walking distance from Wood Trails to the nearest existing bus stop is 2-3X farther than any students have to walk right now. For junior high school students the only bus stop is off of 156th Ave which is a very long distance from Wood Trails. When referring to elementary age students the DEIS says

"with the bus routes extending into the neighborhood, their walking distance and direct exposure is minimized."

The argument is that just so long as the bus routes extend into a neighborhood it will minimize student walking distance. This is a nonsensical argument that is not acceptable to anyone.

The questions are:

1. Where will elementary age students be picked up?
2. What additional expenses to the City, the school system and the proponent will there be for an acceptable bus stop?
3. What other environmental impacts will be incurred so that a bus can get to the end of 198th St and turn around? It is totally unacceptable to parents to have small children walk long distances for bus pickup.

The school walking route analysis is deficient and must be redone to include reasonable bus routes for elementary age students.

3.5.1(f) Bicycle Facilities and Activities

The statement that

“Bicycle activity on NE Woodinville-Duvall Road and 156th Avenue NE was observed to be minimal.”

The claim of no bicycle activity is incorrect. The City of Woodinville’s own maps as well as other area maps designate 156th Ave NE as a major bicycle route. The lack of any observed activity reinforces the conclusion that the traffic analysis is biased, poorly designed and inadequate. **The bicycle activity analysis was poorly designed, not checked against the City’s own maps and needs to be redone.**

3.5.1(h) Traffic Safety

This section is essentially useless. The accident data is taken from 2001-2003 which was 2 years out of date at the time of the study. The statement is made

“Based on a detailed review of the 3-year accident history, the data do not suggest a current safety hazard within the study area.”

The accident data shown in Table 3.5d does not include any regions east of the 156th Ave, Woodinville-Duvall Rd intersection (going towards Cottage Lake). Also, no mention is made of the substantial increase in accidents on Woodinville-Duvall Rd, the new developments along Woodinville-Duvall Rd or fatality accidents. The questions are:

1. Why was old data used?
2. Why was the entire region to the east of the 156th Ave NE, Woodinville-Duvall Rd intersection ignored?
3. How will new developments on Woodinville-Duvall Rd impact the conclusions?
4. What is the result of the traffic safety study when recent data and the eastern portion of Woodinville-Duvall Rd are included?
5. Recent King County zoning approval of a large church on Woodinville-Duvall Rd near Cottage Lake will further increase traffic. The revised DEIS must include this.

In short, the entire traffic safety study is deficient and must be redone.

3.5.1(i) NE 195th Street Student Drop-Off Activity

The entire "study" was done in December of 2004, from 7-9 am right before Christmas break and on June 13, 2005 which is the last week of school. This data is not representative of actual conditions. However, it is used to determine that 0.03 student drop-offs will occur. There are several flaws with this analysis.

1. **What is the area used to determine 670 houses?**
2. **Why was the data was taken right before Christmas and in the last week of school? This is not representative and is poor test design.**
3. **What is the current drop-off percentage? Some parents would take their children directly to school using Woodinville-Duvall Rd. This is especially true around Christmas when traffic is lower. Now that traffic on Woodinville-Duvall Rd is much higher, more parents will take their children to 195th St.**
4. **How much will the proposed action increase the drop-off percentage?**
5. **How will a lack of bus pickup for Wood Trails impact drop off rates for children attending Leota Junior High School and Wellington Elementary School?**

The 0.03 student drop offs per household is an underestimate. **The student drop off study is incomplete, used poor test design and must be redone.**

3.5.1(k) Planned Transportation Improvements

This is a superfluous section. As stated in the beginning:

"No City of Woodinville or King County transportation improvements were identified that would directly impact the operations analysis conducted for this study, as none of them are expected to be constructed within the 2008 horizon year."

Why was this included? It falsely implies that traffic will get better but this is not the case.

3.5.2 Impacts of the Proposed Action

There is no analysis of how construction will impact local roads, traffic, noise, damage to roads or other impacts. It implies that all that will be needed is a permit. The questions are:

- 1. How much damage will occur to local streets?**
- 2. Who will pay for repairing the damage?**
- 3. How many trips will be required?**
- 4. What is the size and number of trips by vehicle type?**
- 5. What will be the noise impact?**
- 6. What is the noise spectrum?**
- 7. What noise abatement measures will be used during construction?**
- 8. What permanent noise abatement measures will be provided?**
- 9. Who will pay for noise abatement measures?**
- 10. How much oil and other pollutants will the construction create on local roads? In our experience virtually every piece of heavy equipment that has come to our property has left a trail of oil. In addition heavy equipment 'dents' the asphalt.**
- 11. Who will pay for cleaning the local roads of construction pollution and debris?**
- 12. How often will this be done?**
- 13. Who do we call at City Hall to complain when this doesn't happen?**
- 14. What hours of the day will have construction noise?**
- 15. How many months or years will it last?**
- 16. Is the project duration 2 years? Based on this section, the 'full buildout' year for the project is 2008.**

3.5.2(b) Proposed Action Traffic Volumes

There are errors in Table 3.5e. These errors favor the developer. Specifically, the ratio of AM Peak Hour + PM Peak Hour to Daily totals are inconsistent. For the existing Montevallo conditions this ratio is $(13+7)/66 = 0.303$. For the proposed action it is $(56+74)/709 = 0.183$. The model is a linear regression with zero intercept (because no houses produce no new trips). Traffic volume measurements appear to have been made for Montevallo but the VISUM model was used to estimate Wood Trails and Montevallo trips. Linear scaling of actual Montevallo daily trip data predicts $66 \text{ trips} * 66 \text{ homes} / 5 \text{ homes} = 871$ new trips, not 709. **Because of this error, the number of trips is low by 21%. This directly impacts left turn warrants. By referring to the very last figure in volume 2, an increase of 20% will push the DHV for A4 above the 40 mph curve and require left turn warrants. Why was a low estimate of traffic volume used?**

The data shown in figure 7 is not consistent. Location 1 shows an AM increase of 18, location 6 shows an increase of 51 trips. Locations 3, 4, 5 show $3+2+4$ additional trips, therefore the total trip increase is 78. Table 3.5e shows an AM trip increase of $56+43 = 109$. **The analysis lost 30% of the cars! Why wasn't the data checked? The traffic volume analysis needs to be redone.**

3.5.2(c) Traffic Operations

As has already been shown, the entire LOS is flawed. Basically, the original LOS shows silly numbers so then this silly data was added to inconsistent data in Table 3.5e and figure 7 to generate really silly results. As already noted, the queuing analysis for the present conditions is flawed because it ignores traffic backups for the right turn lane caused by the finite queuing length for left turns. It also ignores the limited sight distance. Continuing to use flawed assumptions invalidates all the queuing analyses. **All queuing analyses need to be redone.**

In Table 3.5h we have already noted that the correct capacity is 1,000 ADT's and this means that **the proposed action has a major impact on residential street traffic.**

Left-Turn Lane Warrants

This section refers to Appendix L (Exhibit T-11). There is no figure in that section with this designation. It is actually the one labeled Appendix T-9. **This is a very important figure and it is buried in an appendix as well as being mislabeled and without any captions that would help a reviewer. Why was this allowed to happen? However, ignoring these obvious procedural errors, it is very important to understand that 10% inaccuracies of DHV estimates (the y-axis) are enough to change the conclusion from not needing left turn warrants to needing them. Also, 1% inaccuracies in the %DHV estimates when the DHV is 600-800 trips changes the conclusions entirely. It is noteworthy that the analyses have larger inconsistencies than this and that the ADT numbers for side streets are only shown in 5 unit quanta. The standard way of dealing with this is to perform statistical analyses. These have not been done. Why wasn't a statistical analysis performed? If it was, then it is not shown and this makes it impossible for a reviewer to assess left-turn lane warrants.**

Clearly it would be very easy to 'tweak' the analysis a few percent and favor no left turn lane warrants. **In short, the left turn lane warrant analysis is biased, inconsistent, inaccurate and it needs to be redone.**

3.5.2(e) Traffic Safety

This is a meaningless section. **There is no traffic safety analysis and this must be included.** Everyone in Woodinville and especially the Wellington area is aware of the significant increase in traffic on Woodinville-Duvall Rd. There have been fatality accidents, near misses, long delays every day (well in excess of class C designation), cars that decide to turn right onto Woodinville-Duvall Rd rather than turn left because of traffic and other traffic safety issues. Since erroneous traffic data is used, incomplete traffic counts are made, data is missing and analyses are inconsistent, the entire traffic safety analysis needs to be done. **The DEIS traffic safety analysis is defective and needs to be redone.**

3.5.2(h) Parking

The assumptions used in this analysis are incorrect. The developer does not state whether the 1.83 vehicles per unit applies to urban or suburban areas. Since there are no nearby amenities within walking distance there are more cars per unit than for an urban setting. For example, every house in the Wellington area has at least two cars per household. The statement

"On-street public parking available throughout either development should adequately serve any occasional overflow from these areas."

is false. In fact there will be a significant amount of on-street parking at all times for the proposed action. It will not be an occasional overflow.

1. **Why weren't a more realistic number of vehicles per unit used?**
2. **Is there sufficient parking in the proposed action?**
3. **What variances will this require?**
4. **How does this impact pollution of the storm water system?**
5. **What mitigation is needed?**

The parking analysis is inadequate and needs to be redone.

APPENDIX L

The first part of this section contains a copy of the highway safety manual. This is a highway manual, not a residential roads manual.

1. What are the residential road LOS criteria?
2. What are the present standards? This data is dated 2000.

There is an important subsection on limited sight distances that is never mentioned in the main body of the DEIS (volume 1). It is labeled Appendix t-5: Technical Memorandum. A relevant excerpt is

mph) plus eight mph, per City of Woodinville standards. Using these assumptions, City of Woodinville stopping sight distance standards are met at all locations along NE 201st Street with the exception of the west end of the road, near the connection to the proposed development. Along NE 198th Street only one location, extending 85 feet, is shown to be deficient in the estimated stopping sight distance. Along NE 195th Street, one segment of 468 feet in length is shown to be deficient. Along NE 202nd Street, two segments are shown to be deficient, each extending 357 feet and 389 feet

Notice that no mention is made that NE 201st Street has a limited sight distance of 584 feet! This is shown in Appendix T-5a. The reason that 195th St and 202nd street were rejected as access roads was that they had 468 feet and 357 feet limited sight distances. Whereas a road with 584 foot limited sight distance is acceptable. This omission supports the developer's desire that it not improve any roads. This is an improper use of a DEIS. Since it was buried about as deep as possible it is understandable that it was not caught by the City's reviewers. Explicit mention is made of limited sight distances for all other roads by 201st St. Was this deliberate a omission by the developer?

1. Why wasn't the 584 foot limited sight distance mentioned in any part of the text?
2. Why was it deemed acceptable to use a road with 584 foot limited sight distances?
3. Why were other roads with 468 or 357 foot limited sight distances rejected?
4. What variances will this require and does the City have the authority to grant them?
5. What mitigation measures will be required of the developer?
6. How many more cars will go up 198th St instead to avoid the limited sight distance?
7. How will this impact ADT analysis and left-turn warrant analysis?
8. How will this impact road wear?
9. Who will pay for these road repairs when 198th has even more traffic?
10. How many accidents will now occur on 198th St?
11. There are a number of young children on this street and what is going to be done to protect them?
12. What kind of traffic calming is allowed by Code in a residential area with narrow streets?
13. Who will pay for the traffic calming?
14. Where will the traffic calming be located?

15. How many houses will need to be purchase and then demolished to put in traffic calming? There is no room for it right now.
16. Will residents need to be evicted to put in traffic calming?
17. What mitigation measures are appropriate?

**Question on Section E
Preliminary Technical Information
Report (Drainage)
Wood Trails**

**Steve and Helen Gottshalk
14918 NE 198th St**

Appendix E – Preliminary Technical Information Report (Drainage) – Wood Trails

The main flaw in this section is the lack of any analysis of the impact of the proposed action on Little Bear Creek which is a salmonid-bearing stream.

A drainage report must include analysis of how water will flow under normal conditions, 2 yr peak conditions and any other Code required conditions. The flow analysis for the proposed action should compare water flows in the three systems (called A, B, C in this appendix) as it exists now, and with the proposed StormFilter including diversions.

The proposed filter location is between the drainage pipe for system A and system B. Depending on City variances and other factors, some water may flow thru system A which has a small settling pond (noted on an unlabeled figure) and some may flow thru system B, which does not have a settling pond. If a large portion of the water flows thru system A then the small settling pond may cease to function. **Even under normal flow conditions, industrial waste and other water that is presently handled by the settling pond in system A could pass untreated into Little Bear Creek.**

Again, under normal flow conditions, if most of the water from the StormFilter system flows thru system A (option 1, section 4.2) or system B (option 2, section 4.2) then there will be increased erosion of Little Bear Creek. There is no analysis of how much the flow will increase for the different options. **There is no analysis of increased erosion of Little Bear Creek.**

Next, consider the 2 year peak flow condition when the StormFilter system is bypassed or worse yet there is backflow and turbulence that severely dirties the effluent. Now there is a high flow of untreated water thru one system rather than three. Presently, system C has a large detention pond which would help treat the water, even at 2 year peak flows. This system is very far from the proposed StormFilter system and will not help reduce pollution of Little Bear Creek. It may be sufficient to handle the increased flow from the bypassed area but this is not clear.

The following deficiencies have been noted and should be addressed.

1. In Section 4.2 there is no analysis of Option 1 (System A), only the statement that a variance will be requested.
2. In Section 4.2 there is no analysis of Option 2 (System B), only the statement that a variance will be requested.
3. There is no analysis of how much any of the proposed actions will increase pollution of Little Bear Creek.
4. There is no analysis of how much any of the proposed actions will increase erosion of Little Bear Creek.
5. There is no drainage analysis for the townhouse option.
6. Where is the Geotechnical report that is mentioned in Section 2.2.1? This is an erosion hazard zone and it is required.
7. Do the reports in Appendix A-D meet the drainage system Geotechnical analysis requirements or are they addressing other issues?
8. Section 2.5 says Special Requirements #4: Source Controls are not required. However, the townhouse option is a multifamily project and therefore this component is required. This is a deficiency of the DEIS and must be remedied.

Section 4.3 may actually contain useful information, but the presentation and format is very confusing.

Section 5 – Conveyance system analysis and design

The pipe size of 12” is sufficient for the proposed action. A direct impact of the proposed action is infill which will occur in 5-10 yrs. When that happens then a 12” pipe will be insufficient. It would be shortsighted to simply allow a smaller pipe. **For the proposed action the City should require a larger pipe based on infill and the analysis should be redone.**

Section 6 – Special reports and studies

This is missing. Does it exist?

Section 7 – Other permits

One drainage variance request is included in appendix H. Is this the only one that is being considered?

Section 8 – ESC analysis and design

The construction phase may be 2 years. There is no ESC analysis. Why wasn't this required? **Pollution, erosion, silting and uncontrolled runoff during construction will pollute Little Bear Creek. This must be included in the revised DEIS.**

Section 10- Operations and Maintenance

This section has one line “The drainage system will be publicly maintained”. This raises the following issues that should be addressed.

- 1. What is the impact to the City of maintaining a more complex StormFilter detention pond?**
- 2. There are 30 cartridges (section 4.4.2) in the vault. How much will it cost the City to purchase them and what is the labor cost to inspect and replace them?**
- 3. How often do the cartridges need to be replaced?**
- 4. What are the maintenance requirements for the wetpond?**
- 5. Is there sufficient access to the site after terracing and planting for maintenance operations?**

**Questions on Appendix J
Wetland and Stream Analysis Report
Montevallo**

**Steve and Helen Gottschalk
14918 NE 198th St**

Appendix J – Wetland and Stream Analysis Report – Montevallo

The wetland analysis appears to be based on data taken on one day: December 19, 2004. This data showed that by United States Fish and Wildlife Classification Methods there is a class 2 wetland that requires a 50 foot buffer. A variance will be needed to permit development on this wetland. Top-level questions are:

1. **Can the City grant the variance required in section 4.0? If not then no development is allowed for Montevallo. This is a major issue**
2. **Is it sufficient to base an entire wetland analysis on one day of data taking?**
3. **Is this sufficient and accepted practice in the industry to use 5 datapoints for an entire wetland analysis? It seems like it is not enough.**
4. **Where was the data taken? It is not on the maps, in the data forms, or described in the text.**
5. **How can a reviewer assess the wetland analysis if the data points are not identified? Reference is made to “Wetland A/B” but none of the figures indicate where this is.**
6. **Were the data point locations a good representation of the site?**
7. **How does the development meet the 50 foot buffer requirement?**

The most important part of the “Montevallo – Wetland and Stream Analysis Report” prepared by B-12 Wetland Consulting is section 4.0. The exact words are:

The proposed project is the construction of a residential plat with 66 single family lots, associated roads and stormwater facility. The requirements to tie the sewer system into the City's sewer on the west side of the wetland, as well as the City's requirement for a path to cross from the site to 204th street require some permanent and some temporary impacts to the wetland and buffer. Alterations of wetlands and buffers are generally not allowed under City of Woodinville Code except for specific conditions which are not met by this proposal. However, there is no alternative location for the sewer location other than through the wetland as proposed, and the trail through the wetland and buffer is a requirement imposed on the plat by the City. The Planning Director may determine the proposed wetland impacts require a Variance from the Code.

This excerpt says that the City will need to grant a Variance from the Code to develop the Montevallo wetlands and there are no alternative locations for the sewer.

1. **Doesn't this mean that the City will need to grant a variance of State and/or Federal laws?**
2. **Can the City grant this variance and would it hold up in a court of law?**
3. **Why wasn't this explicitly mentioned anywhere in volume 1 of the DEIS?**

It would appear that the only legal recourse is to deny an R-4 development permit for the Montevallo site.

**Questions on Appendix K
Wildlife Habitat Report
Wood Trails and Montevallo**

Appendix K – Wildlife Habitat Report – Wood Trails and Montevallo

Data was taken in July 2004, December 2004 and January 2005. In section 3.1 and 3.2 it is shown that existing site documentation disagrees with field observations.

- 1. All references to site documentation in the DEIS should be replaced by field observations. Existing site documentation is inaccurate, out-of-date and misleading.**
- 2. Are observations in summer and winter sufficient to assess wildlife impacts? Is this the accepted practice in the industry? Please provide justification for this test approach.**
- 3. Where is the analysis of the impact on Little Bear Creek (LBC)? The analyses shown in Appendix E are incomplete and simply say that all the stormwater eventually reaches LBC. The leaf compost filter is designed for 2 year flows under existing conditions. Excess flow bypasses the filter and empties directly into LBC. When infill occurs the filter will routinely pass untreated storm water directly into LBC. This is a major deficiency of the entire DEIS and must be rectified.**

Existing site documentation – Section 3.1

Mention is made of an attached letter from the Washington State Department of Natural Resources Natural Heritage Program. **This letter is not included. This must be corrected in the revised DEIS. This is an important piece of information that has been omitted and must be corrected.**

Stream impact – Section 3.2.1

Section 3.2.1 A - Habitat – Wood Trails

There is a small stream on the Wood Trails site. There is no analysis of how development will impact this stream.

- 1. Why wasn't the impact of the proposed action on the stream included in the DEIS? The proposed action affects the water that feeds the stream so it is a direct impact and must be included.**
- 2. How much new pollution will flow into it?**
- 3. Where will wildlife get water after the development is completed?**

Mention is made of the very high noise level from the industrial park. Noise levels will increase after the proposed action is taken.

- 1. Why wasn't there a noise analysis?**
- 2. What were the 'very high noise levels' in decibels?**
- 3. How does the noise level compare with highways? Those require noise abatement.**
- 4. How much will noise levels increase after trees are removed for the proposed action?**
- 5. How much will the developer pay for noise abatement?**
- 6. What are the Code requirements on noise levels for new developments?**

Section 3.2.1 B – Habitat – Montevallo

This section has many of the same deficiencies with respect to wildlife that the Wood Trails section has. There is another stream on this site. The report states:

draining to the Little Bear Creek drainage. These streams within the Little Bear Creek drainage located off-site to the west of the site and west of SR 522 are important fisheries streams. The hydrologic support that the onsite wetland provides to these off site features, although not large is important in maintaining summer flows. The site also has the ability to allow wildlife to get to and from the wetland from the immature forest to the north as well as the golf course area.

There is no discussion of how Little Bear Creek drainage will be impacted, especially when the storm water system cannot handle 2 year flow rates.

- 1. How will Montevallo development impact this other stream and the wildlife that depend on it?**

Conclusion

There is no description of how wildlife will be impacted by either proposed action. This section simply describes existing wildlife. Statements that there will be an impact are inadequate. **Therefore, this section needs to be redone.**

March 3, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

I've reviewed the draft EIS for Wood Trails and Montevallo proposed developments. The report seems to be grossly inadequate in its analysis, unless its objective is only to articulate baseless support for development. As a citizen sure to be impacted if these developments are allowed, I have serious concern for the reports lack of rigor in general, and inappropriate conclusion on many points.

If it is within your power to do so, I would ask that the report be thrown out, and the developer asked to start again with a consultant who is committed to taking a thorough and honest look at the impacts of the proposed development. I believe the report is inadequate and inaccurate on many levels, including but not limited to:

- Impact on surrounding neighborhoods is understated, and inadequately addressed.
 - What about impacts on neighborhood north of 156th?
 - Why wouldn't this development set a precedent for rezoning individual lots from R1 to R4? What would be the impact of widespread short-plats?
 - The alternate development scheme involving attached residences is completely out of character for this location.
- The suggested traffic impacts are irrational.
 - How could 132 new homes generate only 141 peak hour trips? How could 141 new peak hour trips be considered within acceptable levels of service?
 - Did the study consider the impact of 141 left turns from 156th to NE 195th, NE 198th or NE 202nd? Did it consider the impacts of morning departures from these developments? Did it consider the impacts on the Wellington neighborhood East of 156th?
 - What about the impacts at other intersections such as Hwy 9 and 195th, Woodinville-Duvall Road and 156th, and Hwy 522 and 195th?
- Section 1.4.3 (d) states that the "land use analysis did not identify any significant impacts to land use patterns." Apparently the report does not address set-backs, side yards, density, lot coverage, or character of development. Clearly, the proposed development would have significant impacts on the nature of existing and new developments in the area. How could the report consider a zoning change from R1 to R4 without impact to land use patterns. This is a fundamental change in land use pattern. Further, the proposal to consider unbuildable land in the density calculation is an irresponsible rationalization. Besides masking the real comparison to adjacent existing developments, it could set a precedent for development at even greater densities on sites without unbuildable land.
- Section 1.4.3. (e) ignores the fact that the roads serving the Wood Trails development are dead-ends currently serving only the Wellington neighborhood. The roads within Wellington are clearly not

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designed as arterials. What will be the impact to the houses and occupants on these roads, or to those living nearby? Obviously, 141 peak trips **will** have an impact on these roads and the residents. This section also ignores impacts of turns to and from 156th on surrounding neighborhoods.

- Section 1.5.5 suggests that the traffic impacts of each alternative would be comparable. The report fails to analyze the differences between 132 new homes in the proposed plan against 37 homes allowed by current zoning.
- What would be the impacts on schools? The proposed development and the multifamily alternate would both create far more students per household than of existing development. This issue should be carefully reviewed, and impacts appropriately mitigated.

These concerns are barely a short list of report inadequacies. However, it is clear that a great deal of objective research and analysis would be required to support either of the proposed developments; best performed by an objective expert.

Sincerely,

Gary Blakeslee
19914 – 163rd Avenue NE
Woodinville, WA 98072
425/485-9093

March 3, 2006

Via Email:

DickF@ci.woodinville.wa.us

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 - 133rd Avenue, NE
Woodinville, WA 98072-8563

Re: Wood Trails/Montevallo Development DEIS

Dear Mr. Fredlund:

My family and I reside on NE 202nd Street and would be affected by the Wood Trails and Montevallo developments. Please be advised that my husband and I are against these developments and do not believe the Draft Environmental Impact Statement is correct or adequate to properly address allowing these developments to proceed.

It appears to us that the DEIS is inadequate because many factors were not fully studied or considered. The following represent just a few:

Traffic: Traffic on 156th Avenue NE is presently very busy during the rush hour period. Additional housing would increase the traffic greater than what was considered. Right now, if a driver plans to go south on 156th to use Woodinville-Duvall Road, timing is critical because of the school bus schedules. Additional housing for families with children would require more buses for these children, causing a longer delay to travel on 156th. Presently, the opening of Costco has increased the traffic for people who use 240th (Golf Course Road) as a shortcut. Additionally, the impact of a new church at the Woodinville Riding Club location, with a school, would greatly increase the traffic on Woodinville-Duvall Road, resulting in more drivers using 156th Avenue and Golf Course Road to reach SR-522. Neither access at SR-9 nor 195th Street is adequate to handle this additional traffic. We understand the counting in the traffic study was done during the holidays and at the end of the school year, which doesn't make any sense. Obviously, traffic will be lighter at these times of year due to vacations, holiday schedules, etc. This is not what a normal and typical day would usually be.

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Zoning: We bought our house in this neighborhood in 1996. The quiet rural setting, lot size, and low traffic usage appealed to us. We believed it would be a safer and more peaceful location to raise a family than a cramped neighborhood in Seattle. (We rented in Ballard prior to purchasing our home in Woodinville.) We oppose the request to rezone our area from R-1 to R-4. Additionally, we understand that the City of Woodinville has allowed so much development so quickly that the requirements of the Growth Management Act have already been met, and the GMA does not require R-4 developments. In keeping with the presence of the neighborhood, any developments considered should only be R-1.

Education: We also knew that moving to this neighborhood in Woodinville would put us in a good school district. Unfortunately, the public schools in our area are now overcrowded, with temporary buildings in use. R-4 housing would greatly increase the population of our local schools, affecting the quality of education in an already burdened system, and increase the issues of child safety, both during the trip to/from school and in the school itself.

While this list does not address all of the issues that make the DEIS inadequate, we respectfully wished to document our disapproval and dissatisfaction with these developments. Thank you for your consideration

Very truly yours,

Evelyn Champagne Moriarty
Patrick M. Moriarty
15104 NE 202nd Street
Woodinville, WA 98072-6451
425-485-8856

cc: Concerned Neighbors of Wellington

ECM/

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

Dear Mr. Fredlund:

As a resident living on 156th Ave/75th Ave., my family is very concerned with the level of development proposed by the Wood Trails/Montevallo housing projects. After reviewing the DEIS we see that it misrepresents and inadequately addresses the impact that this development would have on our community.

First, the DEIS misrepresents R4 zoning. Changing the zoning to R4 would double the number of residences in the Wellington area. It lists the "net residential area" for Wood Trails as 10.4 acres and 11.85 acres for Montevallo. Putting 66 homes in each development is in effect allowing over 6 homes per acre for Wood Trails and over 5 homes per acre for Montevallo. This high density is completely out of character for our Wellington neighborhood where most homes are situated on large lots and acreage.

The DEIS also fails to adequately address the impact of the additional traffic on 156th. It claims no change in future Level of Service is needed. Anyone who lives on 156th or drives on it, knows of the traffic congestion problems. In the morning, at the intersection of 156th and Woodinville-Duvall Rd, it can take several cycles of lights just to get through. At peak drive times, it can take us 5 minutes or longer to get out of our driveway onto 75th. And when we're pulling our horse trailer, it takes even longer to pull out. Our mailbox is located on the far side of the street. Because of the current amount of traffic on 75th, I don't allow our children to check the mail or pick up the newspaper. Our neighbor chooses to use a post office box to avoid having to cross the road to pick up his mail. With over 709 daily new net trips stemming from Wood Trails and 643 from Montevallo (see DEIS table 3.5e), that's over 1300 additional trips down our already congested road. They claim 29% will head north on 156th with 19% turning down 240th, the golf course road. That's 247 more daily trips down that narrow winding road with no shoulder. Isn't that designed as a limited access road? The DEIS misrepresents the impact of the additional traffic.

The DEIS downplays the effect such a development will have on future development in the area. With the advent of sewer being brought up the hill, the urban density of the Wellington/Leota area will certainly change. The DEIS states the development "could indirectly contribute to redevelopment" of the area. In talking with other homeowners in the area who own property, many will sell to developers if sewer comes and their land is surrounded by development. On the city of Woodinville's home page, it states equestrian recreation as one of its unique characteristics. If they're referring to the Hollywood Hill area, it's not inside the city limits. If they're referring to the Wellington/Leota area, the advent of these huge developments will mean the end of "country living – city style" within much of the city limits. Bringing sewer to the Wood Trails and Montevallo developments will directly contribute to the redevelopment of the area, contrary to the DEIS.

We are not against the development of these pieces of property, but it must be done sensibly and within the character of the neighborhood. These huge developments are not within the character of our area and our infrastructure cannot handle so many new homes. We recommend no change in the zoning and have the developer work within the current constructs, one home per acre.

Sincerely,

Laurie Thompson
24025 75th Ave. SE

cc: Concerned Neighbors of Wellington

To: Mr. Dick Fredlund
Planning Department
City of Woodinville
17301 133rd Ave. NE
Woodinville, WA 98072

Dear Mr. Fredlund:

I last communicated by letter to you 11/1/04 in which I stated my concerns for the Phoenix Development Group's proposal to develop land for the WoodTrail/Montevallo projects. Today I write again to reinforce my support for you to maintain the R-1 zoning status of our neighborhood here in Wellington. I would also like to pose a few questions to you in your position as city planner.

Albeit the DEIS for the WoodTrail/Montevallo project is lengthy and difficult for the layman to sift through, it does not take an observer long to see some real concerns come to light about this supposed objective, environmentally focused study. Here are some of my main concerns:

1) Throughout the summary of the comparisons for the R1 and R4 alternatives, there are frequent references to the fact that the zoning change from R1 to R4 would only result in "slight" or "minimal" impact differences ENVIRONMENTALLY between the two. From my standpoint, as a potential neighbor to all this development, nothing could be further from truth. LESS DEVELOPMENT WILL GREATLY, not minimally, CURB TRAFFIC CONGESTION ON OUR NARROW STREETS, EASE THE BURDEN OF THE BYPRODUCTS OF EROSION AND SOIL RETENTION FOR THE CITY BUSINESS OWNERS DOWNHILL FROM THE PROPOSED DEVELOPMENT, AND LESS DEVELOPMENT WILL ENABLE HOMEOWNERS (LIKE ME) TO SEE THAT THE CITY OF WOODINVILLE IS SMARTLY MAKING PLANNING POLICIES THAT HELP MAINTAIN PRECEDENTED AND CURRENT CHARACTER OF OUR NEIGHBORHOODS WHILE STILL PERMITTING PROGRESS AND DEVELOPMENT TO OCCUR.

2) 1.2 Proposal Objective states "...for the construction of new single family residences and supporting infrastructures." Using the plan's own projections of increased traffic flow on NE 198th (our main road off 154th Ct.) I do not support the condensed housing (Proposal 1) objective. Would Phoenix widen the road in their work on "supporting infrastructures"? Would white shoulder lines be put in similar to 156th? In order to ensure some semblance of order and safety for the increased flow, it would be incumbent for them to! Yes, we are in city limits here, but this neighborhood has a more rural feel that many neighborhoods in Woodinville. You all know this and you must be wise about these decisions.

3) All throughout the document traffic studies and more are done by "...a consultant for the applicant." Where is the objectivity here? The developer wants his proposal to be seen in the best light on all areas....Was COSTCO traffic factored in to the study? Are you supposed to ignore that, in the summary, it states that the traffic queueing (3.5) length is beyond maximum capacity right now at the 156th-Woodinville/Duvall road interchange? Was increased school enrollment factored in to the traffic congestion? This is a huge concern for those of us who desire to maintain a less congested neighborhood. Was there ever a consideration in the ENVIRONMENTAL study for road access to this new neighborhood be from the west (industrial area below) or from a cut-through on Woodinville/Duvall road?

4) Summary page 5 states that there "would be the creation of substantial areas of impervious surfaces" with proposal 1 (R-4 and less so with proposal 2 (R-1). How will this environmentally impact what is downhill from the proposed development? Does the city not foresee great problems here?

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5) What about sewers? In the new world of possible R-4 zoning, will we be required to hook to sewer eventually and is it possible that my neighbor to the right or left could build houses on his horse acre because of the new zoning! Oh, this is not the road the residents want to go down, literally!

There are too many concerns to enumerate here. So I will close with my very initial response as a neighbor and citizen. Please respond as a city government, one that represents the desires and visions of its constituents, should. Be measured and hesitant, please, in allowing the R-4 development to occur here. The face of Wellington, the impending lifestyle and economic changes and burdens that could face us, will forever change and be marred from its original vision. I ask that you maintain the R-1 zoning in order to keep a firm handle on how development occurs in OUR NEIGHBORHOODS. (We are not talking about downtown Woodinville here!) Please consider the character here, the community here, and for this particular proposal, please reject the R-4 condensed housing proposal and accept the R-1 zoning that helps us grow while maintaining what we all bought our homes for in the first place...a reasonably quiet, spacious neighborhood for our families in the greater excellent community of Woodinville.

Respectfully submitted,
Marjorie Pomeroy
19815 154th Ct. NE
Woodinville, WA 98072
425.483.9448

cc: Concerned Neighbors of Wellington

Dear Mr. Fredlund:

In the limited time that I have had to look at the Draft EIS for Wood Trail/Montevallo, several inadequacies and points of misinformation have caused me grave concern. Much of what concerns me involves the studies done regarding traffic.

The school traffic counts don't represent a typical day's traffic because they were done before Christmas and on the last day of school. Also, the report mentions the student drop off at the 195th Street gate would increase by one new student with the addition of 37 homes; and would increase by four new students with the addition of 132 homes. I just don't see anything realistic in these numbers.

The report notes that "bicycle traffic on 156 Street N. E. is not really an issue" when, in fact it is an officially designated bicycle route and is highly congested with bicycle traffic especially on weekends and especially during the spring and summer months when the traffic studies were not done.

"No left-turn lanes are warranted on 156 Street N. E." according to the DEIS. I am confident that I am not the only resident of Wellington who has experienced the unnerving anxiety of watching approaching traffic in my rearview mirror as I wait to make a left turn onto my street from 156 Street N. E.

The traffic study was conducted before Costco was opened. Make no mistake: traffic has increased tremendously and dangerously since the opening of Costco.

Vehicles use 156 Street N. E. and the "Golf Course Road" as a shortcut. The "No Through Traffic" sign that is posted at the south end of 156th near Woodinville-Duvall Road does not deter this use of these roads.

Elsewhere in the report it states that "project traffic could create a proportionate increase in traffic collisions relative to increase in

traffic volumes. However, based on accident history in the area, no specific existing safety deficiency has been identified that would be exacerbated with the R-1 zoning alternative".

An alternative traffic access for Wood Trails was not examined sufficiently in the Draft EIS. And that alternative is the access through the industrial area.

Concerning the Growth Management Act, the City of Woodinville has met its 20-year growth. The Growth Management Act doesn't require R-4 developments. When the City already has an excess inventory of R-4 zoned land, why would there be a need to request a rezoning from existing R-1 to R-4 zoning? The R-1 zoning was insufficiently considered in the Draft EIS.

There was no thought given in the study to the impact of City sewers when the higher taxes that will result from those sewers will literally force many existing homes on R-1 lots to convert to R-4 if such zoning is granted.

No studies were updated in the DEIS after the record-setting rain that we experienced this winter.

The Draft EIS hasn't adequately addressed the issue concerning the fact that Montevallo is a Class 2 wetland that requires a 50-foot buffer. Montevallo borders on a swamp.

Wood Trails and Montevallo are two very different parcels of land. Why is there only one DEIS?

The Draft EIS is a first for the City of Woodinville and is a precedent-setting event which will be the benchmark for all that follow. This DEIS is sorely inadequate. It must be redone before the City of Woodinville can even consider rezoning. The safety, the health, indeed the future and the success of the City of Woodinville demand that we get it right.

Sincerely,

**Helen Fry
15317 N. E. 201 Street
Woodinville, WA 98072**

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund,

The Wood Trails and Montevallo Subdivisions Draft Environmental Impact Statement (DEIS) is inadequate and biased towards the developers who paid for the study because:

1. The proposed wetlands recharge in the R-4 and Attached Housing Alternatives could increase the amount of wetlands on the surrounding properties at the West end of the development (including the West end of our property), thereby decreasing the amount of buildable land on these surrounding properties. As mentioned on p. 3-26 of the DEIS, "This design provision is intended to dissipate runoff flows and maintain water inflow to the wetlands similar to the existing conditions, but it raises the question of potential surface water or groundwater changes to adjoining properties". The DEIS offers no further investigation of this potentially serious problem to surrounding property owners other than the applicant indicating they will eventually figure this out in the final drainage plan. Obviously since the drainage plan is not final, the DEIS does not adequately address this issue.
2. On p. 3-30 the DEIS says, "**There would be unavoidable changes to the natural hydrologic regime by decreasing the amount of water that infiltrates the soil and recharges the ground water**" in all the development alternatives. Also on page 3-30 it says that storm discharge will be routed through a water quality/detention vault and wetlands at the bottom of the hill on the West end. Most of the rest of the property will be converted to impervious surfaces. There is no mention in the DEIS as to how these ground water changes will affect the many large old fir trees in the backyards of the six houses on the north side of NE 202nd ST adjacent to the Montevallo site, with many large, tall fir trees very close to the Montevallo property line. The FEIS **should address whether the root systems of these very tall old fir trees will have adequate water supply in all the alternatives**, especially under the R-4 and attached housing alternatives because of their greatly increased impervious surfaces and shifting of water to the bottom of the hill at the West end, **to avoid weakening of the trees and these trees potentially falling on the houses around them.**
3. On page 3-23 the DEIS says that, "There is no evidence of past flooding on the Montevallo site". I agree that I have never seen flooding on the portion of the site that the developers are proposing to build on, but I do remember there being enough water in the wetlands area and surrounding properties in the early 1970's that we called a large area "the

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swamp” and the neighborhood children skated there, so I believe that the “Simulated existing condition peak flow rates” on p. 3-23 to be inadequate.

4. The DEIS refers on p. 3-26 to the Montevallo development resulting in “relocation of livestock currently on the property”. I have lived for the past 8 years in a house bordering the pasture land of the proposed Montevallo development and I find the references in the DEIS to improving water quality by reducing livestock as misleading, as in most of the last eight years there have only been one or two horses pastured on the property. The DEIS use of the term “livestock” is misleading the city into thinking there is something such as a cattle farm on the property instead of someone’s pet horse.

5. The DEIS admits that the development of 66 new residences would increase the pet population, “contributing to fecal coliform sources” partially offsetting the positive changes of elimination of livestock use. The DEIS does not point out that the number of dogs and other pets in the 66 new residences of the R-4 alternative and also the increased number of dogs and other pets in the attached housing alternative would be worse than the number of animals in the 14 house R-1 alternative or the current use of one or no horses.

6. On page 3-35 the DEIS mentions the “grazed pasture currently used by “several horses”. According to The American Heritage Dictionary of the English Language, the word “several” means “being of a number of more than two or three, but not many”. In actuality, at the time of the study there would have been one or at most two horses in the pasture. Currently, I haven’t seen any horses on the property in months. This is just another example of leading language in the DEIS that leans in favor of the developers who paid for the study.

7. I brought up Pileated Woodpeckers in my letter in the scoping for Montevallo. On p. 3-37 in the Plants and Animals section, there is no mention of Pileated Woodpeckers in the woods of the Montevallo development, only Wood Trails. Pileated Woodpeckers are not mentioned in the Appendix K report either except at the very back under a combined section referring to birds potentially using Wood Trails and Montevallo sites. I personally have seen Pileated Woodpeckers visiting the woods where Montevallo and our property adjoin. Also, the DEIS says “occasionally red-tailed hawks may use the (Montevallo) pasture for hunting. However, these species were not observed on or near the site”. This is an error in the DEIS as I very frequently see red-tailed hawks hunting, flying over the pasture or stopping to perch in a tree.

8. On p. 3-84 in the Transportation section of the DEIS, the DEIS states that bicycle activity on NE Woodinville-Duvall Road and 156th Ave NE was observed to be minimal. This is a grossly inadequate observation as bicycle touring groups frequently clog up traffic on 156th in both directions, and also at the narrow shoulder section of Woodinville-Duvall Road going West by the ARCO station at the corner of 156th. The bicyclists routinely fail to use the paved shoulder walking path available going South, perhaps because it has gravel scattered in it or perhaps because it is marked as a walking path and not as a bike path. Going North on 156th there is no good shoulder for bicycles. A study of the peak use patterns of bicyclists would also more correctly be done on several good weather Saturdays in the Summer, late Spring and early Fall, when peak use seems to occur, although there can be some bicycle traffic at any time.

9. The DEIS does not address the impacts of turning North on 156th Ave NE from Woodinville-Duvall Road in the afternoon week day commute. Currently sometimes the left turn pocket can entirely fill up. With the addition of 132+ housing units at an average of 6 car trips per house per day on 156th Ave NE, this left turn pocket could easily overflow, blocking traffic heading East towards Cottage Lake in the left lane of Woodinville-Duvall Road, or causing a lot of swerving as cars move into the right lane and then immediately back into the left lane as the right lane going East runs out right after the intersection of 156th and Woodinville-Duvall Road.

10. The DEIS does not study the impacts of traffic running East and West on Woodinville-Duvall Road from 156th Ave NE to Avondale Road for new residents commuting to work and shop at Redmond businesses. The DEIS also does not study the impacts on this same route of the additional car trips of parents dropping children off at existing schools plus the new Catholic church and school that is going to be built at 17856 NE Woodinville-Duvall Road in 2008, serving 1000 worshippers and 400 students and have a 229 stall parking lot with plans for further expansion. These statistics about the new church and school are according to a letter printed in the Woodinville Weekly February 27, 2006 written by persons from the Friends of Cottage Lake group.

11. The DEIS does not address the traffic impacts of the new Costco store on 156th Ave NE, which will continue to increase as the construction at the intersection by Costco (Hwy 9 and the golf course road) is completed and as more and more people discover this route to Costco, plus the impacts of the proposed Montevallo and Wood Trails developments.

12. On p. 3-42 the DEIS says that removing livestock from the Montevallo wetland and buffer would improve water quality and "allow the plant community to re-establish where it is currently trampled and grazed". This is a ridiculous statement considering there were one or 2 horses pastured there at the time of the study and **the R-4 proposal would bring in 66 houses with many children and their pets, and a plan for play areas all along the proposed buffer and wetlands areas. Anyone who has been around children knows they are going to not just play on the established playgrounds but also go tromping around in the adjacent buffer area and even the wetlands.** The neighborhood children and I did this in the early 1970's when we had access through not yet built on lots. Currently these wetlands are obviously on private property and surrounded by obviously private property so this doesn't happen, but if a shared playground common area is built next to the Montevallo wetlands and buffer, children will surely be playing in the wetlands and buffer as well as the play area. **There would be much less of this kind of impact with an R-1 alternative as there would be fewer children and pets and more private property abutting the wetlands and buffer.**

13. The DEIS does not address the noise and odor impacts of losing the trees buffering the current neighborhoods from the industrial areas below. Many times on walks around the neighborhood up by the intersections of 153rd Ave NE and 202nd St, and also 153rd Ave NE and 201st street I have smelled soup smells from the Stock Pot Soup Company. The odors would have been even worse without the trees as a buffer. The FEIS should address how the

trees buffer odors, especially with the coming Brightwater Sewage plant about a mile away. Also the trees currently buffer noise from the industrial area and this issue is not addressed in the DEIS, and these issues were requested to be covered in the scoping process.

14. On p. 3-57 of the DEIS, the DEIS does not adequately convey the magnitude of change to the surrounding R-1 housing (for miles around) of adding two R-4 neighborhoods or two attached housing neighborhoods right in the middle of these well established neighborhoods. The DEIS falsely concludes on p. 3-58 that “these potential changes probably would not result in a change to the underlying single-family residential character of the neighborhood or this portion of the city”. The DEIS does not address the significant impact that these higher density proposals would have on property values, increased noise and pollution from cars, decreased air quality, great impact of loss of beauty and open space, change of character to the neighborhood, potential costs of future forced sewer hook-ups on existing residents and change in property taxes to existing residents. Clearly the R-1 proposal is better suited to the current neighborhoods in these aspects and the DEIS glosses over these issues and inadequately addresses these issues.

15. Another aspect the DEIS inadequately address is the costs of additional services to the tax payers and the City of Woodinville. In an article called “The Vanishing Countryside” in Country Extra magazine, January 2000, p. 16-17, Rich Chase, Johnson County Indiana Extension Director “cites national figures that show for every dollar of property taxes people pay on residential property, \$1.25 to 1.60 must be spent for additional schools, roads, fire and police protection, etc. It is just the opposite for farmland. For every dollar of property taxes farmers pay, only 50 to 75 cents is spent on services because of the lower population density in farm country.” “ ‘The problem is that residential growth does not pay for itself,’ says Rick.” The DEIS inadequately addresses the increased costs to the taxpayers of increased needs for schools, roads, fire and police protection, and does not point out that the R-1 alternative would cost the taxpayers less than the R-4 and attached housing alternatives.

These are just some of the many deficiencies and biases towards the developers in the DEIS that point to the need for new studies and clarifications from an unbiased source.

Sincerely,

Julia Poole
15306 NE 202nd ST
Woodinville, WA 98072
japoole1@earthlink.net

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo
Wood Trail/Montevallo Development
Draft Environmental Impact Statement

Dear Mr. Fredlund:

These comments concern the scope of the DEIS for the proposed Wood Trails and Montevallo developments. The document is materially deficient in many key areas.

SPOTTED OWL

The DEIS states, in reference to the proposed Wood Trails site, in section 3.3.2(a) on page 3-39 that, "There are no protected or sensitive species using this area, with the previously noted exception of some foraging, and perhaps nesting, by pileated woodpeckers." This statement is *patently false*. At least two recent photographs exist, depicting spotted owls in or about the proposed Wood Trails site. These photographs have been examined by a professional biologist who identified the birds as spotted owls. The locations of the photographs can visually be geographically identified. One photograph shows a single spotted owl, while the other photograph clearly shows what were identified by the biologist as being two juvenile spotted owls. The spotted owl is designated in the state of Washington as an Endangered Species and is listed federally as a Threatened Species. These designations legally require protection for these birds and their habitat which includes the proposed Wood Trails development site.

SALMON

The DEIS states, regarding both the proposed Wood Trails and Montevallo sites, in section 3.3.1(c) on page 3-38 that, "Stormwater runoff from both sites currently discharges eventually to Little Bear Creek". As stated in the same paragraph in the DEIS, The Puget Sound Chinook salmon among many other fish species (including at least three other salmon species according to King County's Salmon Watcher Program) live in Little Bear Creek. The Puget Sound Chinook salmon is designated as a Threatened Species at both the state and federal levels. The DEIS states in section 3.3.2(a) on page 3-40 that, "no change to the hydrologic characteristics of Little Bear Creek, the off-site eventual receiving water body, is anticipated as a result of this project. Habitat for fish and other aquatic organisms in Little Bear Creek would not be affected by water quantity changes associated with the Wood Trails

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project.” This is *patently false*. The Attached Housing Alternative in section 3.3.2(c) on page 3-44 of the DEIS opens the possibility for 85 townhouse units on the proposed Wood Trails site alone. It is not possible for 85 units to create the same environmental impact and pollution level as zero units. Pollution from the increased number of cars alone will include gasoline, oil, and antifreeze which will get into the ground and eventual stormwater runoff. The environmental impact of such a development must be taken into account due to the sensitive nature of the Threatened Species it will affect.

MONTEVALLO WETLANDS

The DEIS states, regarding the proposed Montevallo site, in section 3.3.2(a) on pages 3-41 and 3-42 that, “Extension of sanitary sewer to the Montevallo site from the west and construction of a soft-surface pedestrian path along the sewer route would require some permanent and temporary impacts to the wetland and buffer in the western part of the site. Alterations of wetlands and buffers for these purposes are generally not allowed under the Woodinville Municipal Code, except for limited, specific conditions that are not met by this proposal. There is no alternative location for the sewer line other than through the wetland as proposed, however, and the Code encourages development of trails or visual access through wetland buffers.” The DEIS is clearly stating that the only way for it to develop the proposed Montevallo site as stated in this DEIS is *not allowed* by the Woodinville Municipal Code (WMC). It is not legal to alter wetlands for such development. The DEIS continues on to suggest that the WMC allows the Planning Director to waive this law. While it is true that the Planning Director has limited discretionary authority, the Planning Director *does not* have the authority to violate state and/or federal law. Destruction of this class of wetlands is illegal.

WOOD TRAILS WETLANDS

The DEIS states in section 3.3.2(a) on page 3-40 that, “The Wood Trails site layout includes a stormwater detention pond located on the west side of the north half of the site. Wetland A, a 1,389-square-foot Class 3 wetland, is in this same location and will necessarily be filled for construction of the stormwater pond.” Filling in a wetland when that wetland is the only one of its kind in a significant radius violates Title 14 WMC 14.04.240 section 3. The stormwater pond must be moved and the wetland preserved.

ERRORS IN THE DEIS

The DEIS states, regarding the proposed Wood Trails site, in section 3.3.1(a) on page 3-31 that, “Residential properties abut the entire east side of the site and a portion of the south edge. The remainder of the south edge of the site, as well as the entire west edge, abuts an industrial park. The north edge of the site borders a small tract of forest that is located along the west side of the Wellington Hills Golf Course property. Based on the adjacent existing uses, there is little functioning wildlife habitat bordering the Wood Trails site.” This last statement regarding wildlife habitat is *patently false*. R-1 homes to the east and south of the proposed Wood Trails site support extensive wildlife including (but not limited to): mule deer; coyote; eastern gray squirrels; Douglas squirrels; eastern cottontail rabbits; moles;

house mice; pileated woodpeckers; spotted owls; northern flickers; steller's jays; hairy woodpeckers; spotted towhees; chestnut-backed chickadees; black-capped chickadees; pine siskins; house finches; song sparrows; dark-eyed juncos; red-breasted nuthatches; American robins; California quail; band-tailed pigeons; varied thrushes; several species of hawk and owl. Additionally, much of the wildlife habitat in question is the proposed Wood Trails site *itself*. The rural nature of R-1 zoning supports a vast array of wildlife. The DEIS must address this and provide an accurate description of the wildlife in *and around* the proposed Wood Trails site.

PILEATED WOODPECKER

As noted in the DEIS, pileated woodpeckers frequent the area in and around the proposed Wood Trails site. Pileated woodpeckers are listed as a State Candidate Species and a Species of Concern by the state of Washington. The density of the forest in this area makes it very difficult to find and identify nesting cavities. The finding of a pair of pileated woodpeckers together suggest a mating pair, and a nesting cavity nearby is quite likely. This is yet another example of the important environmental and ecological role of this forested piece of land. The DEIS must prove that this species will not be harmed by the proposed development.

WILDLIFE MOVEMENT

The DEIS states, regarding the proposed Wood Trails site, in section 3.3.2(a) on page 3-40 that, "Wildlife will be blocked from traveling in an east-west direction in the immediate area of the rockeries." It further states that, "the remaining corridor area should be wide enough to allow all species utilizing the site to pass unencumbered through the property in either a north or south direction." Thus, the DEIS postulates that the proposed Wood Trails site is used solely as transit by wildlife and ignores the possibility that the site *is* habitat. There is strong evidence that this site functions as habitat. As noted previously, the DEIS states, regarding the proposed Wood Trails site, in section 3.3.1(a) on page 3-31 that, "Residential properties abut the entire east side of the site and a portion of the south edge. The remainder of the south edge of the site, as well as the entire west edge, abuts an industrial park. The north edge of the site borders a small tract of forest that is located along the west side of the Wellington Hills Golf Course property. Based on the adjacent existing uses, there is little functioning wildlife habitat bordering the Wood Trails site." This is *patently false*. As evidenced by the list of observed wildlife in the "Errors in the DEIS" section of this commentary, there is a rich and varied wildlife population bordering the proposed Wood Trails site. This strongly suggests that the wildlife in the area is living within the proposed Wood Trails site, creating a substantive environmental impact should the land be developed. The DEIS must be modified to address the issue of habitat destruction.

NEGATIVE IMPACTS TO QUALITY OF LIFE

The DEIS states, regarding the proposed Wood Trails site, in section 3.3.4 on page 3-48 that, "some wildlife would be displaced by any development on the Wood Trails site. Generally,

the species found on the site that would be displaced are common, human-tolerant species that are able to move and adapt to changed conditions; these species would likely move to forested areas to the west and north of the site.” I live in the second parcel to the south of the proposed Wood Trails site. A large consideration in my purchase of this home was the rural character and abundant wildlife present here, in my own backyard. I do not have to visit a zoo or a park to enjoy nature and wildlife. If the wildlife I enjoy moves to the west or north of the development, I will lose this important aspect of my home. This is a quality of life issue for the current residents of the Wellington area. When development diminishes the quality of life for Woodinville residents, there is a conflict with Title 14 WMC 14.04.240. This is unacceptable. Additionally, for the DEIS to suggest that wildlife will move to the west of the development is absurd, considering the DEIS’s previously mentioned assertion regarding the proposed Wood Trails site, in section 3.3.1(a) on page 3-31 that, “the entire west edge, abuts an industrial park.”

CONCLUSION

The DEIS as written is materially deficient in many key areas. The DEIS must be re-written following careful scientific studies of the wildlife and environmental conditions in the proposed development areas. It is unlikely that either of the proposed developments can legally take place due to the sensitive nature of the Endangered and Threatened Species which live in and around these areas as well as the illegality of damaging and destroying the wetlands located on these properties.

Sincerely,

Laura Glickman
19405 148th Ave. NE
Woodinville, WA 98072

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

Dear Mr. Fredlund,

RE: Comment on Draft EIS for Wood Trails/Montevallo

Our family became Woodinville residents in Nov 2004. As transplants from the mid-west we studied many areas in and around Seattle. After careful consideration and many hours researching the area we chose Woodinville as our home. The quality of the schools, rural and quiet surroundings, access to bus transportation for work in downtown Seattle, adequate shopping, and a nearby congregation of our church all contributed to our decision. This is the high quality of life we desired for our family. As time goes by our decision to live in Woodinville has been validated by many things we could not have guessed. One example is the wildlife we enjoy near our home. We hear the birds and frogs, watch the squirrels and rabbits, and now we're trying to find the owls that we hear.

We found out about the proposed developments about a year ago from my neighbors. We did not receive information about this potential project and are surprised by the scope of what the developer wants to do. Thank you for allowing the citizens of Woodinville to comment on this proposal and the DEIS.

We have read the DEIS on the proposed Wood Trails and Montevallo developments by Phoenix Development Inc. The city identified key environmental issues to be studied and reported in the EIS. We have comments and concerns on several of the findings in the DEIS.

Throughout the document, 156th Ave NE is also called Boston Rd. When 156th Ave NE leaves King County it's actually called 75th Ave SE or Bostian Rd.

The tone of the DEIS is negative towards R-1 zoning instead of being an unbiased look at the 'no nothing' vs. R-4 vs. R-1 development.

Our neighbors near the west end of 204th St have had owls in their backyard. We have seen pictures of the owl on their play set last summer. They are currently working with the Audubon Society and the Woodland Park Zoo to determine which species it is. Initial reports indicate that it may be a threatened spotted owl. Since owls are nocturnal their identity may be difficult to observe. In the last week we have heard owls on or near our property. We are still trying to determine what kind of owl this may be and if it's protection from future development is necessary.

Page 1-5 states: "To generate the site grade appropriate for the road, detention pond, and proposed houses, all of the vegetation within the developed areas of these sites will be removed." (page 2-4 estimates 1660 existing trees would be removed.) Our neighborhood has trees that are older than our homes. These trees are over 50 years old and the

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developer wants to just cut them all down. Our neighborhood is heavily forested. Cutting down all the trees around the proposed homes (and planting small saplings) does not keep with the character of the neighborhood.

Page 1-6 states that building Montevallo and Wood Trails would result in increased residential density and give the area a more 'urban' character. We do not want this. Our area should keep it's rural feel. It is just that rural feel that drew many of us to this area.

Page 1-12 suggests that getting sewer lines installed in the area could be redeveloped in the future at a higher residential density. The character of this neighborhood is at stake. We are happy with our septic and do not want sewer or the possibility of our neighborhood's character changing to more densely developed land because of the addition to sewer lines in the street.

With proposed lot sizes of 5000-7000 sqft, that's effectively putting 6.2 to 8.7 houses per acre. The neighborhood currently has lot sizes of 0.4 acres to 1.5 acres or effectively 2 to 0.75 houses per acre. Again, lot size does not fit with the character of the neighborhood.

Page 2-6 -- Montevallo rezoning to R-4 would allow 47 homes -- however Phoenix is asking for 66 units (credit from Wood Trails). A "traditional" R-4 would be bloated and definitely not be in character of the surrounding homes.

Page 3-49 states that the average density city wide is 1.9 units per acre. In single family residential areas it's 1.1 units per acre. The city of Woodinville is known for it's large lot size. Sandwiching these homes threatens not only our neighborhood, but the city as well.

Page 3-51 says all alternatives would preserve existing neighborhood character. I don't think so unless you define 'existing neighborhood character' as "house on land."

Land use policy LU-3.1 says development should complement existing residential development patterns. This can be achieved by leaving the zoning as R-1 and not changing it to R-4 for single family or attached housing.

Page 3-79 -- pedestrian count was taken in June 2005 on the Monday of the last week of school. Like 90% of school days I (Lawanna) walked to the bus stop with my children. That day was not typical. There were only 9 of us walking to the morning bus stop. There can be anywhere from 4 to 10 children who ride the elementary bus each day. They are accompanied to the bus stop by 2 to 8 parents and siblings. Since the study was conducted 2 new families have moved onto 201st St with children. One household contributes 2 elementary children walking to the bus stop (at 202nd St and 153rd Ave) while the other house will have a kindergartner in 2006/7. Previously these homes did not have any elementary aged children. Other children are growing up and will continue to contribute to pedestrian traffic on the neighborhood roadways.

Page 3-83 says Wellington Elem. And Leota Jr are 1 mile away. This is as the crow flies. Due to blocked roads, you must drive down to Woodinville-Duvall then 168th Ave and 195th St to access the schools.

This is approximately 2 miles from the proposed Wood Trails development.

When we moved here we were told by Northshore Schools that they bus children west of 156th Ave because they feel it is not safe for children to walk along and cross busy 156th Ave. Since the traffic study was done (Dec '04 and June '05) we have noticed increased traffic on 156th Ave due to people cutting through Wellington Hills Golf Course (240th St SE in Snohomish County) going to and from Costco.

Page 3-84 says observed bicycle activity on 156th Ave was "minimal". Once warm weather hits, bicycle groups of 3-20 are commonly seen riding up and down 156th Ave. This is not an unusual occurrence. 156th Ave provides wonderful hills to test bikers endurance. With increased cars from the proposed developments I am concerned for their safety.

Traffic impact north of the King/Snohomish County line is not discussed. Montevallo borders Snohomish county and it would be prudent to look north as well.

Page 3-85 speaks of upgrade to Woodinville-Snohomish and 195th St. According to the city "Planning Commission Regular Meeting Packet" dated July 20, 2005 (page 24) these road improvements have been identified as a first tier CIP for the past 5 years and (page 55) not scheduled for completion until 2009. In my experience most road improvement projects take longer than expected I would not want to count on these road improvements to lessen the impact of additional traffic from these developments.

Page 3-126 (section 3.6.1) Proposed parks discussed -- One option listed is an undeveloped HOA property at 202nd St and 153rd Ave. This is neighborhood land not as an owner I do not want to sell it to the city to be developed as a city park.

Appendix J -- page 8 says there are no wetlands on the Montevallo site while discussion of the wetland on the western edge of the property begins on page 10.

Appendix J section 3 discusses the almost 2 acre wetland on the western edge of the proposed Montevallo site. Section 4 (page 11) discusses mitigation with respect to wetlands and states "Alterations of wetlands and buffers are generally not allowed under City of Woodinville Code except for specific conditions which are not met by this proposal." (emphasis added)

Another impact we didn't find discussed is that of school population. The proposed developments would send their young children to Wellington Elementary. This school already has nearly 600 students and uses portable classrooms to accommodate extra students. How many students are likely to live in these proposed developments? Are the schools (not just the bus transportation) able and willing to handle additional students without negatively affecting our children's education?

Sincerely,

Robert K Casto
Lawanna J Casto
14950 NE 204th St

3/3/2006

Cc: Concerned Neighbors of Wellington.

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

We find the DEIS inadequate for the following reasons:

In section 3.3.1, the DEIS states that the eastern portion of the site contains "relatively flat" areas interspersed with several steep-sided ravines. We walk through this area each week and immediately upon entering the utility road extending from NE 201st St you begin a downward decent. The same is true, in reverse, when ascending from the lower trails either to 148th Ave, just south of NE 202nd St or, directly onto NE 202nd St. When viewing this area from 148th Ave between NE 198th St and NE 202nd St, it appears that the slope begins immediately from the road and no "plateau" is evident.

It was stated that the majority of wildlife movement occurs through the western portion of the Wood Trails area. As we walk this area early each morning, we can attest to the fact that mule deer, coyotes and owl frequent the area on the eastern side of the property. Also, there was no mention of the Douglas' squirrels we see often in this area as well as the trillium that grow in the spring in several spots along the trails on the eastern edge of the property.

The high noise level from the industrial park to the west was acknowledged but not addressed. What will the impact be when the natural vegetation barrier is removed, both to the residents of the new development as well as to those living in the existing Wellington neighborhood?

The impact on traffic was not adequately studied. As residents of 198th Street, we are extremely concerned about the impact the addition of 66 households at the end of our road will have on the traffic flow in our neighborhood. However, the larger impact will definitely be on the outlying roads and highways such as 156th Avenue and Woodinville-Duvall Road. The number of serious injury and fatal accidents has increased on Woodinville-Duvall Road over the past several years and the volume of traffic on this major access road should not be increased until it has been widened, improved, etc.

Finally, the Wellington and larger Leota neighborhoods of Woodinville are zoned R1. Many residents, including ourselves, selected Woodinville for their home precisely because of the rural flavor. We do not feel that the DEIS adequately addresses the R1 alternative to the development of the Woods Trail and Montevallo properties and downplays the impact a change to R4 zoning will have on the existing community.

We feel the City of Woodinville needs to take to heart the city motto "Country Living City Style" when considering the inadequacies of the DEIS. As stated on your website, "although the saw and shingle mills have been replaced by boutique wineries and a vibrant retail core, Woodinville is a distinguished Tree City USA (1996 to present) and has incorporated the preservation of its "northwest woodland character" into design and development guidelines". Changing the zoning laws to allow as many as 66 homes on a 10 acre parcel will certainly **not** preserve the woodland character of Woodinville.

Sincerely

3/3/2006

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Craig & Marsha Tupper
15419 NE 198th Street, Woodinville

cc: Concerned Neighbors of Wellington

March 2, 2006

EXHIBIT <u>77</u>
PAGE <u>89</u> OF <u>157</u>

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

I have read the DEIS and have concluded that **it must have been put together by the developers and not an impartial company that looked at the area objectively**. They make it sound like there will be very little impact.

Not only will there be significant change in our neighborhood (digging for sewers and higher density population), but the services in our area will be overwhelmed. **Traffic and schools are overcrowded now**. None of these topics seem to be specifically addressed. **They obviously did not spend a lot of time checking into the wild life in 2004**. We have three varieties of squirrels (Douglas Tree Squirrel, which mainly lives in the tops of the Douglas Firs, Northern Flying Squirrel as well as the Grey Squirrels. The first two are not easily visible. We have Great Horned Owls in summer, eagles at times and herons. We have seen an American Martin when the squirrel population was too large. We have observed forty-five varieties of native birds.

I feel that if the developer would build according to existing zoning, R-1, most people would and could accept the development and the impact would be acceptable.

Respectfully,

Leonard Clemeson
15103 NE 202nd Street
Woodinville, WA 98072

(425) 486-0956

3/3/2006

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cc: Concerned Neighbors of Wellington

EXHIBIT	77
PAGE	90 OF 157

John and Kelly Huff
15107 N. E. 201st Street
Woodinville, WA 98072

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

We live on a potential access street to the Wood Trail Development. We moved our family to 201st street because of the large private lots, dead-end-street, quality of life, wildlife, character of the neighborhood and excellent schools. Woodinville's motto at that time - "City living, Country Style" - was one of the enticing benefits that drew us to the area to raise our young boys. These qualities are in jeopardy because of changes in city development. This letter is a request to keep our city, The City of Trees, livable in its current state. Don't be swayed by inadequate studies and poor planning.

The DEIS is inadequate because it does not address the true safety issues of traffic along 195 St. 198 St., 201 St., 202 St., 156th Ave. and Woodinville-Duvall Road, such as blind spots, dangerous topography, and limited site zones on potential access streets. Not to mention the alternative access from below or to the west from Hwy 9 and NE 200th Street or 144th Ave. NE, and keeping a R1 rating for the development.

Because of the already unsafe nature of our streets with no sidewalks and narrow streets, we do not allow our children to play near the street nor do we allow them to walk to school as there are no safe pedestrian walk areas or crosswalks. In addition, we drive our children to school to avoid these hazards. Often when driving to and from school we are required to sit at the light at the 156th Ave. /Wdvl-Dvl. Road intersection through one or two (2) lights. If there is a bus in the left turn lane it may be 3 lights before being able to make a left turn. The same situation occurs at the left turn lane from Wdvl-Dvl. Road onto 168th Ave.

If an additional 132 new residences are added to this area, "there will be apx. 800 additional car trips per day, with a 4% increase in the likelihood of a fatal accident involving a pedestrian." Common sense suggests that the intersections I mentioned would fail during morning and evening commutes. Further, the DEIS mentions traffic
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turning North (30% of the time) from the access roads in the evening. In the evenings between school and early evening we are traveling south from our access roads to the grocery stores, sports fields and gas stations. At that time, there is heavy traffic in both directions. Perhaps the Northbound travel is toward Costco – a traffic pattern not factored into the DEIS. It would seem that the DEIS is skewed toward the developer rather than what is best for the city, the neighborhood and the overall Woodinville community.

The DEIS is inadequate because it does not address the alternative access from the West that Wood Trails could tap into. It does not address access from below Wood Trails at 144th Ave. NE or Hwy 9 and NE 200th Street. This would eliminate the approximately 800 trips up and down the current streets generated by the proposed 132 houses. A West access would eliminate further congestion at the Woodinville-Duvall/156th Ave NE intersection. Not to mention that it would be a quicker route for emergency vehicles – which are already hindered by current traffic problems.

The DEIS is inadequate because it does not adequately address the R-1 zoning to its fullest potential. January 2006 an R-1 property at 14808 NE 192nd Street sold for \$469,000.00 without improvements and for the full price according to the MLS. Common sense suggests that R-1 zoning causes 75% less environmental impacts, less traffic on our roadways and less potential for fatalities due to substandard roadways and pedestrian walkways than R-4 zoning. R-1 zoning can be financially rewarding and must be fully addressed by the DEIS.

The DEIS misrepresents what R-4 is: 4 houses per acre. Wood Trails has 10.4 acres of land suited for building houses. If the other acres are unbuildable then they should not be considered when calculating the number of houses that can be built. If Wood Trails has 10.4 acres of suitable building land, they should not be allowed to build the proposed 66 units (6 units/acre), but rather only 40 units if it is a true and honest 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. It MUST be identified as an adverse effect in the document.

The DEIS 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.

DEIS Letter – Page 3

The DEIS does not adequately address all the transportation, service, safety and added infrastructure issues needed to handle that huge change in population. This is yet another benefit to living in the Woodinville area that will be compromised - the excellent schools with low teacher to student ratios.

We understand that development happens and that it is a necessity with our growing population - but let's do it smartly the first time. Please keep our neighborhood character true to itself. Keep the R-1 zoning and require a new DEIS that reflects the truth about the facts, not what a developer wants. Keep our motto: "City Living, Country Style".

Thank you for your time.

Kelly and John Huff

cc: Concerned Neighbors of Wellington

March 2, 2006

To: Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave. N.E.
Woodinville, WA 98072
E-mail: DickF@ci.woodinville.wa.us

From: Peter & Heidi Symington
15410 N.E. 198th St
Woodinville, WA 98072

Response to EIS for Wood Trails and Montevallo Subdivisions

- We have always understood that the area of Wood Trails could not be developed due to the nature of its terrain and that it would always be a greenbelt between the Wellington Neighborhood and the industrial park...It addition it was to provide a noise buffer from Hwy 522. Now all of a sudden it can be built upon. If it was suitable for family homes they would have been built on it years ago when N.E. 198th St. was extended further West from 156th St. N.E.
- When we voted to become a city it was to preserve the character of our City and Neighborhoods. Now it appears that the City is running out of control and is disregarding the original objective and I would like to see the City get back on track and support our neighborhood.
 - This EIS states very clearly in many places that the developer's objective is to change the character of our neighborhood. This is clearly stated in Section 1.6. The developer's main motivation is to glean as much profit as possible with who cares what happens afterwards attitude.
 - The developer refers to West Wellington as a rural character and the proposed development as urban because it would have increased density. Well

Woodinville was and is still farming and agricultural community. That is why all the land along the slough is designated as such and used for farming and agriculture and that is why it has many wineries in the area. Urban means “of, relating to or located in a city” and if we use that definition the Wellington Neighborhood is Urban and does not need increased density to meet somebody else’s definition.

- I believe that currently there 29 homes along N.E. 198th St. West of 156th St N.E. These homes are located on lots ranging from 1/3 acre to 1 ½ acre in size. Only one of the proposals comes close to maintaining the present character of the neighborhood and that is the “R-1 Zoning Alternative”. This is really misrepresented as an alternative proposal because it is already zoned “R-1”.
 - If the developer is really sincere in maintaining the “R-1” zoning for both of the proposed developments I believe all of resistance would go away.
 - As I said, there are 29 homes on N.E. 198th St. West of 156th N.E. so you can’t tell me that the traffic pattern will not change significantly if a development of over twice as many homes (66) or almost three times as many homes (85) is placed at the West end of the street.
 - Also the EIS refers to housing being considerably different and could be viewed as intensification of use of the area. In other words it would cheapen the neighborhood and cause a change in the character of the neighborhood. A change to R-4 would cause high density and probable change of the existing neighborhood through redevelopment. We moved to this area because it is what we liked and do not want to see it changed just so a developer can make a profit.
 - If you must allow building, use R-1 zoning, build 23 homes in Wood Trails and 14 in Montevallo and move on.
 - The EIS on page 1-8 says that the proposed Wood Trails site and Montevallo Site are compatible with adjacent single-family residential uses. But it also says it could be viewed as intensification of existing uses. These two sites are not in keeping with the existing character of the adjacent neighborhood and

threaten to change the existing character of the existing neighborhood and should not be allowed to change the zoning to R-4.

- Also, we don't want sewers and we don't have a need for them. Changing the zoning from R-1 to R-4 should not be used as an excuse to run sewers though the Wellington neighborhood.
- The EIS says that many of the trees will remain but it neglects to mention the trees to be eliminated on the east side of the proposed Wood Trails site development are the main trees that provide a noise buffer from Hwy 522 and the industrial area below. As with other traffic, Hwy 522 has greatly increased due to development and contributes much more traffic noise which will increase in intensity with the proposed removal of these trees.
 - Page 2-4, section 2.1.1(c) says 1,660 trees in excess of 5 inches will have to be removed. That is a significant decrease to the sound buffer. It is also a big loss to our natural environment.
 - How are all these trees to be replaced?
 - What happens to all the animal species living in these areas?
 - On page 2-3 it refers to earth moving of 110,000 cubic yards. It doesn't appear that the east side of Wood Trails is very flat and that the slopes are being scraped flat and some ravines filled. Will some of these structures be built on fill?
- I believe there are traffic issues which have not been fully reviewed and resolved in the EIS.
 - As I have already stated the traffic west of 156th N.E. on N.E. 198th St can increase 200 to 300% if a change in zoning is allowed. This is a huge increase for our type of family neighborhood. This increase is probably understated as there is additional traffic caused by other services and activities such as repair services, landscaping, delivery and etc. People already drive too fast down this street and 201st and 202nd. All of these streets run down hill after exiting 156th N.E. which causes people to drive even faster.

- Something would have to be installed to keep vehicle speed down as the City would never police the area. Maybe speed bumps and or circle intersections.
 - West N.E 198th, 201st and 202nd all run East up hill to where they intersect with 156th N.E. When waiting to turn either north or south onto 156th N.E. there is very poor visibility in the day light hours and even worse in the evening hours. The intersections are very poorly lit. It is not easy to exit from 156th N.E. either because the side streets run down hill so the visibility is not very good when making a turn. Also, the street lighting is very poor.
 - We would probably need a signal or center turns lanes.
 - A couple of lights along 156th would probably discourage people from using 156th St. N.E. as a bypass.
 - The intersection of N.E. 198th and 156th St. N.E. is poor because N.E. 198th St does not run directly across 156th St N.E. Instead the east side of N.E. 198th St is located further south than the west side. This causes problems when someone is going north on 156th N.E. and wants to turn left on N.E. 198th St. and someone is going south on 156th N.E. and wants to turn left on N.E. 198th St. Basically the vehicles are in each others way.
 - 156th St N.E. runs north from the Woodinville Duval Rd. up into Snohomish County and services a large area. Snohomish county drivers use it both north and south to bypass Hwy 522 and Hwy 9. In addition it is now being used by customers accessing the new Costco Store on Hwy 9. So the 2 and 3 % increases in the EIS are not realistic.
 - 156th is an old two lane road and does not have side walks and is slightly paved on one side with a ditch on the other side. It is not very safe for pedestrian traffic and will only become more of a hazard
 - In addition, it is very poorly lit for night traffic and has poor visibility for turning any time of day.
 - This road is also a hazard during the winter, especially the south end where there is a steep hill and the sun does not hit the north side it so it ices up all the time.
 - The street is old and is already starting to break down so any increase in traffic will just decrease the quality of the road.
 - I believe the EIS traffic statistics are understated based on newer development (such as Costco) in other areas that use 156th St. N.E. as a bypass.
- Regarding the comment made on page 1-12 of the EIS, about the permeability of the soils on the Wood Trails site considered low and generally not conducive to operation of drain field systems, when were these test made?
 - Were any tests actually made?
 - I didn't notice any actual test performs in the EIS.

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

The Wood Trails/Montevallo DEIS is seriously flawed in many respects that are important to me. I thought the purpose of this study is to evaluate the true environmental impacts of the development. I expect you to order a new study to address concerns being raised by my neighbors in the Wellington Hills neighborhood before going any further with the existing draft EIS.

This activity may require an independent and impartial team to assess the impact the proposed developments may have on my neighborhood. I'm feeling very imposed on to try and keep the existing zoning in place at R1 and to keep it within the spirit of that concept.

High density housing does not fit the spirit of current zoning concepts in my mind. The issue of credit for unusable land doesn't feel right to me. The next thing you know, an argument would be built that the unusable land doesn't even have to be adjacent to the properties being built upon. In the extreme case, that land could even be located in the next county. Where is the sense of fair play?

The general lack of area planning has left our neighborhoods with very few options for getting off of our hill. There are only two practical escape routes now; one being the Golf course road and the other the Woodinville-Duvall Rd. They were attempting to close the Golf course road in the past and may be successful at some point in the future. All this placed a great deal of burden on 156th St. and Woodinville-Duvall Rd.

Developing the proposed areas without considering multiple escape routes to the West is not right.

Several points have been brought to my attention that I didn't realize before. Specifically:

- **Use of miss-leading base traffic data.** The data used was reportedly dated from before the Costco development had even begun, and may not accurately reflect the current traffic situation. I'm told that the measurements

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used were taken from an atypical day and time of year, which further clouds any interpretation of impact on traffic. Since, I live on 202nd St. I have a pretty good idea what the impact will be in front of my house.

- **The DEIS does not address many of the most critical traffic points in the area which will be obviously affected by the proposed developments.**

1. the off-ramp of Highway 522 at NE 195th Street (where nearly all new residents will likely exit the highway to come home),
2. the intersection of Route 9 and 195th Street directly east of the off-ramp (from which traffic routinely backs up on to Highway 522 daily at the present),
3. the intersection of Woodinville-Duvall Road and 156th Avenue NE (where nearly all residents will have to turn to approach the development), and
4. the intersection of the Woodinville Duvall Road and 168th Avenue NE (where many potential new residents would be turning to access the schools their children will attend). *I would like to point out here, that taking the street barriers down on 195th street adjacent to Street of Dreams and Wellington Elementary can help reduce the traffic problems around 168th Ave NE and Woodinville Duvall Rd. but potentially cramp the style of folks living along 195th street. Would probably have to put a traffic light up at the corner of 156th and 195th and even locate some speed bumps there to keep the drag racing down.*

These intersections, and in fact nearly all of the Woodinville-Duvall Road/NE N Woodinville Way (195th) from Highway 522 to Cottage Lake, are near gridlock many days of the week at the present. When there is an accident or temporary road closure on either 156th Street or the Woodinville Duvall Rd there are no good options available. That seems to be missing from the DEIS. The added impact of nearly 800 car trips per day (using the national average of 6 car trips per day per household) through these already-overstressed points is not even addressed.

- **The statistics are misused and misrepresent the true impact of the development.** The Wood Trails site, for example, will consist of only 10.4 “net residential” buildable acres; taking “credits” against unbuildable land is incorrect, deceptive and misleading, purely for the purpose of making the development seem less traumatic for the surrounding area than it inevitably will be. By using the entire Wellington Neighborhood as a base, the DEIS attempts to make the addition of 132 additional households look minor. In fact, in the ten acres adjacent to the Wood Trails portion, there are approximately ten households, reflecting the current true R-1 zoning. By adding 66 new units to the adjacent area, the Wood Trails development alone

would actually result in a 600% increase in traffic to the immediate area, all funneled through two streets. The building of 66 houses on 10.4 actual "net residential" buildable acres does not remotely qualify even under R-4 zoning. This is just wrong.

- **Consider the actual topography of the most heavily trafficked streets.** Both 198th Street and 201st street, anticipated to handle all the traffic for the Wood Trails development, are winding narrow roads with numerous blind rises and curves; they are already hazardous to the many young children who play there at all hours of the day. Adding nearly 400 car trips per day to these narrow streets will inevitably result in a much more dangerous environment for current residents, yet this impact is not even addressed in the study. The city of Woodinville, erected traffic barriers on 195th street to cut down on traffic through that neighborhood using these kind of arguments.
- **Seriously consider the R-1 alternative.** While the charts and some of the text do pay cursory "lip service" to the idea of maintaining the R-1 zoning of the area, this study reaches the improbable conclusion that cutting the density by nearly 85% (a true 10 houses on 10 buildable acres, vs. 66 in the Wood Trails area alone) would not result in any difference in environmental impact. This is just wrong!.
- **Seriously consider access to the Wood Trails area from the Industrial Area down below to the West.** Again, this alternative was quickly dismissed without serious consideration or study. This is just wrong!
- **Consider the well-known soil stability issues on 148th Avenue.** It has been brought to my attention that between the summers of 1999 and 2000, a large sinkhole appeared on 148th Avenue NE north of 195th Street. This was reported to the city of Woodinville, which dispatched a team of geologists and road experts to study the hole. This fissure was so deep that the bottom of it could not be seen even when lowering a light source deep into it. Initially, the team left the site without taking any action. It was only when the city was reminded that as there was now a public record of the city having knowledge of this dangerous condition, all liability for any personal injury occurring on this public street would fall to the city, that they finally returned to place yellow warning tape around the massive hole. Some weeks later, the city returned to fill the crevasse with gravel and rocks, but not before it was noted that the hole appeared to contain much landfill material, leading the city to suspect that the initial development of the area was built over potentially unstable landfill. This should all be a part of city records. The DEIS should address this issue and also take some geologic cores or samples from this area.
- **Consider that the Montevallo is a Class 2 wetland that requires a 50 foot buffer.** The DEIS needs to do a better job of addressing this issue.

Again, I expect you to order a new study to address concerns being raised by my neighbors in the Wellington Hills neighborhood before going any further with the existing draft EIS. The purpose of this study is to evaluate the true environmental impacts of the proposed developments. The Wood Trails/Montevallo DEIS is seriously flawed in many respects that are important to me and my neighbors

Respectfully,

Ronald Olsen
14959 NE 202nd St
Woodinville, WA 98072
425-483-6837
olsencr3@comcast.net

cc: Concerned Neighbors of Wellington

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

I am writing regarding my concerns about the DEIS for the proposed Wood Trails / Montevallo subdivisions. I would like to register my concerns and my opposition to this planned development.

- **Failure to seriously consider the R-1 alternative.** Woodinville has met the 20-year growth requirements. The Growth Management Act does not require R4 - R6 developments. Why request a re-zoning from existing R1 to R4 when the City of Woodinville has an excess inventory of R4 zoned land?
- **Future growth:** What happens when individuals who currently own a R-1 home, subdivide their lot and increase the number of automobiles and children and the need for sewers and schools? It is something that I would certainly consider living so close to the proposed developments and having an increased tax burden as a result.
- **Failure to consider the additional burden on local schools.** The schools currently serving the area are already severely overcrowded and are operating out of bungalows and other temporary structures inadequate to serve the children of the area. Yet this proposal will add the children of 132 additional households (potentially up to 300 children, using national averages) and the DEIS does not even consider this issue. Who will pay for this added infrastructure? It is not specified.
- **Use of outdated traffic data.** The time day studied was atypical and does not reflect the recent opening of Costco on Hwy 9 and the impact of Costco customers "taking a short cut" on 156th. The results should not even be considered for this study.

It is clear that this document is insufficient to adequately assess the true environmental impact of the proposed development, and must be redone from scratch using a truly impartial team with no financial incentive to see the development proceed as planned.

Sincerely,

3/3/2006

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Muriel Ryan
14821 NE 202 Street
Woodinville, WA 98072
425.485.0910

cc: Concerned Neighbors of Wellington

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us
RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

I live on a potential access street to the Wood Trail Development. We moved our family to 195th street because of the large private lots, dead-end-street, quality of life, wildlife, character of the neighborhood and excellent schools. "City living, Country Style" was Woodinville's motto. It 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 inadequate studies and poor planning.

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

We live in a limited sight zone which is posted 15 mph which the DEIS does not address.

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 or cross walks and three (3) limited site areas on 195th St. between our house and 156th Ave. I drive my children to school to avoid these hazards. I sit at the 156th Ave. /Wdvl-Dvl. Road intersection through one or two (2) lights. If there is a bus in the left turn lane it may be 3 lights before I can turn left. The same situation occurs at the left turn lane from Wdvl-Dvl. Road onto 168th Ave. If an additional 132 houses are added to the area, traffic will increase. Common sense says the intersections I mentioned would fail during morning and evening commutes and the limited sight zones would become more dangerous with the addition of apx. 800 more cars on the streets.

The DEIS uses figures before Costco was built in the neighborhood. These stats should be measured again to completely measure the current traffic patterns. DEIS mentions traffic turning North onto 156th Ave. (30% of the time) from the access roads in the a.m. and p.m. (page 29 of Transportation 3.5). I personally go South 95% of the time to the grocery stores, sports fields, downtown area, movie theatres and schools. The "assignment" of traffic going North onto 156th Ave and turning onto 240th Street SE is absurd. 240th Street SE is a private road that cuts through a golf course. It is signed: Limited Sight Distance, No Shoulders, Local Access Only and posted 15mph a majority of its length. The DEIS must address this substandard route and the stats surrounding it.

The DEIS does not address the substandard shoulders on 195th Street or other potential access streets. 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 0-2 foot shoulder the DEIS mentioned. The walkers and joggers exercise on the pavement because of the substandard shoulder. It is nonexistent, rough and not maintained. "With 132 new residences, there will be apx. 800 additional car trips per day, with a 4% increase in the likelihood of a fatal accident involving a pedestrian." The DEIS must address this issue.

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

The DEIS is inadequate because it does not adequately address the R-1 zoning to its fullest potential. January 2006 an R-1 property at 14808 NE 192nd Street sold for \$469,000.00 without improvements and for the full price according to the MLS. 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 DEIS.

The DEIS misrepresents what R-4 is: 4 dwelling units per acre. Wood Trails has a net residential area of 10.4 acres (table 2.1a) 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 as stated in section 2.1.2a of the DEIS. 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. It must be identified as an adverse effect in the document.

The DEIS 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. The DEIS does not adequately 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. Please keep our neighborhood character true to itself. Keep the R-1 zoning and require a new DEIS that reflects the facts from an impartial source. Keep our motto: "City Living, Country Style".

Thank-you for your time.

Cindi Stinson
15009 NE 195 Street
cc: Concerned Neighbors of Wellington

March 3, 2006

Dick Fredlund, Planner
Planning department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: dickf@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

The purpose of this letter is to express my discontent with the EIS that has been presented for the proposed Wood Trails and Montevallo developments in my neighborhood. In my opinion it is very discrepant and biased towards the developers point of view. I will admit that I am not educated in this type of procedure but I do hold a BA in business administration so I am not totally inept at understanding it. I have also been following discussions with other interested individuals in my neighborhood that have a better understanding than I do. Why was the developer permitted to choose and pay for whoever did this investigation? I would have thought an independent source that had no connection to the developer would have been a better choice and would have provided a more unbiased report.

First off, I want to express that I have do not have a big objection to keeping the zoning R-1 and developing the property under that zoning. It would definitely be more in line with what the housing in the area is now.

The Montevallo area has a class 2 wetland classification involved in it. I understand that this is a Federal classification and does the city of Woodinville have the authority to change or circumvent this classification?

I do not believe that the traffic impact has been adequately addressed. The addition of some 130 additional homes in this area would at least add another 260 trips in each the am or pm rush hour time zone. Every single family home now has at least two vehicles in it, and a family in this day and age cannot survive without both of the adults in it working full time. In addition there will most likely be high school age children in some of these houses who will also have there own cars and will be going to or coming from school during those times. Anyone driving in this area knows how much 156th backs up to the north in the am and what Woodinville-Duvall road looks like at both the times involved. It is almost impossible to turn left (east) from 156th to Woodinville-Duvall road even with the left turn lane at the light. Traffic is always backed up from 168th to 156th not allowing much more than two cars to turn during one cycle of the light.

I also do not think much consideration of the impact to the existing roads during construction has been taken. The roads in our neighborhoods are barely two cars wide and

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heavy equipment traveling on them would definitely break them down. Safety would also be a big question at that time also. Cars parked on the street will be likely to be hit and there would not be room for traffic to pass by the wide equipment that would be required for this kind of construction. There are a lot of children in this area who ride their bikes, skateboards, and scooters along the roads in questioned. Because of the fact these streets are dead end streets the children are often seen playing games in the street. Those of us who live in the area are aware of this and drive accordingly. Why has access from the industrial area west of the Wood Trails proposed development not been considered? Is it because no one wants to impose on the businesses involved and think it is easier to impose on the residential section?

The review of the impact of adding all the pavement required for this development and reducing the ground that absorbs all the runoff is also inadequate. My neighbors to the east of me have a pond in their back yard that is over flowing this year due to the amount of wet weather we have had. I can see this pond being even worse than it is if Montevallo is allowed to continue as proposed. That would possibly mean that I would also see an increase in the amount of water in my own back yard.

In closing, I would like to mention that I have lived in the neighborhood for over 28 years now. I have watched Woodinville grow from a small community that only had a mom and pop grocery down where the Play it Again Sports store is to what we are today. I have to say that I do not think all the changes have been good for us. I loved the little town I moved to 28 years ago and was impressed with the Northshore school system's rating. It was a great place to raise my two girls and I think they enjoyed almost every minute of it. I do not want to live in a bustling city. If I did I would move to Seattle. I like the countrified atmosphere and want to maintain it. We do not need row houses and Southern California like housing in our neighborhood!

Sincerely,

Gary J. Hasse
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Woodinville, WA 98072-6451
Email: ghasse2@comcast.net

cc: Concerned Neighbors of Wellington

March 1, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund,

I live at 14919 NE 198th St in Woodinville, and the 66 home (R4) Wood Trails Development planned for my area will directly impact the quietude and the air quality of my neighborhood.

I did my best to review and understand the DEIS provided by the City, but this DEIS did not appear to be provided by the City, it appeared to be provided by experts hired by the developer. If this is correct than I feel the City should hire another group of experts that report its findings to the City not the developer.

I also did not see a study done on the increase of noise pollution and auto-related air pollution to our neighborhood.

The DEIS should show a comparison of the increases expected in noise and air pollution from an R1 perspective and an R4 perspective.

Right now I can hear some freeway and Recycle Plant noise, but how much more can my neighbors and I expect to hear when the trees are removed for R1 and how much more when the trees are removed for R4? For me this DEIS report is incomplete and should be redone.

Right now my neighbors and I enjoy a very walkable neighborhood with what seems to be good air quality, but nothing that I found in the DEIS report speaks to what the air quality will become with 23 homes (R1) or 66 homes (R4) added. If I am correct, that no study has been done on these two matters, then for me your DEIS is incomplete and should be redone.

This development will certainly impact our current neighborhood and the City of Woodinville should do everything in its power to help the current Woodinville residents maintain their quietude and air quality. This should start with a comprehensive DEIS that uses every science available to make those determinations and to use scientists and experts that are working for the City not the developer.

Sincerely

3/3/2006

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Linda Petrin
14919 NE 198 ST
Woodinville, WA 98072

cc: Concerned Neighbors of Wellington

February 22, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

I have reviewed the Draft EIS for the proposed Wood Trails/Montevallo developments and I have the following comments and / or questions that I would like to have addressed:

- 1) On pg 1-2 it is proposed that the Montevallo site be re-zoned as R-4. However, in the description for the Proposed Action the number of housings specified is 66 (see page 1-2). Per Table 2.1b (pg 2-8), the number of acres to be developed was calculated as 13.11 with 5 d.u. per ac. Thus, the proposed housing density for the Montevallo development in the Proposed Action is not R-4 even though the DEIS states that the re-zone is R-4. On page 2-6 it is indicated that the maximum allowed density for the Montevallo site under the R-4 zoning would be 47 units. However, in order to get 66 units a 19-lot density credit would need to be applied and a R-4 zone variance issued by the City of Woodinville.

It appears that what is actually being described in the Proposed Action is an R-5 / R-6 development and as such is incorrectly described and evaluated in this DEIS.

In review of this DEIS for the Montevallo site, I feel that the DEIS inadequately evaluates the impact of the Proposed Action since it incorrectly refers to this development as an R-4.

A variance to R-4 zoning would be required in order to build the development described in the Proposed Action. However, the impact of this variance is not addressed and /or referred to in any of the land use evaluation sections of this DEIS.

For example, refer to pg 3-68 where it is stated that the 'permitted density for this designation ('low density residential' definition) will not exceed 4-dwelling units per acre'. In the subsequent paragraph it is stated that 'the Proposed Action and the Attached Housing Alternative both would include site rezones to R-4, which is consistent with this designation'. However, there is no mention of the re-zone variance required for the Proposed Action development of 66-houses in Montevallo, where at 66-houses this development clearly does not meet the 'low density residential' definition just described within the DEIS.

- 2) It is not adequately addressed in the DEIS why the two proposed developments can be linked via a 'density credit'. Are not these developments geographically independent of one another and thus not associated with each other. How can a 'density credit' be applied between discrete developments and thus lead to a higher housing density over that required under R-4 zoning code. This aspect has not been addressed within the DEIS as currently written.

- 3) It is referenced on pg 1-6 that the number of new weekday AM peak hour trips for the Proposed Action will be 56 and 43 from the respective developments. However, when you review section 3.5.2(a) and Table 3.5e there are some inaccuracies and inconsistencies.

On pg 3-89 it is stated that 'five existing single-family dwelling units on the Montevallo site would be removed with construction of the project. Credit for these existing homes was applied towards the project trip generation'.

It is unclear as to why a 'credit' is given for these 5-houses since the lay-out for the Montevallo site indicates that these 5-houses are actually **replaced** with new houses at a higher density. It is thus inaccurate to refer to these old housings as being 'displaced' as is done in the summary tables in section 1.4.1 – this misrepresents what is being proposed and defined by the Montevallo site.

Additionally, it is inaccurate to 'credit' the trips generated by these old houses since these houses have not been eliminated but replaced with minimally 7-8 new houses. Thus the data presented in Table 3.5e is in error and does not accurately assess the traffic impact of the proposed developments. Please note that this comment also applies to the trip data presented and/or referred to for the proposed Attached Housing Alternative.

Further, it should be noted that the number of AM Peak Hour trips assigned to the old 5-units at the Montevallo site is shown as a negative 10 in Table 3.5e. If one applies this same rate to the new houses within Montevallo, then a total of $66 \times 2 = 132$ AM peak hour trips is calculated rather than 42 (note: this higher trip number more accurately reflects the double pay-check families that generally exist today).

Given the above inaccuracies, the DEIS appears to have incorrectly and inadequately assessed the impact on traffic volumes that can be expected from both of the proposed developments.

- 4) Through out the DEIS the proposed 'R-4' developments are indicated as having a negative impact on the residential character and nature of the established neighborhood by generating higher density housing adjacent to a R-1 low-density zone. However, in the summary table within Section 1 this negative impact is not indicated and/or referred to in all cases. Instead it is stated that the 'development compatible with adjacent uses' for the 'Attached Housing Alternative', this 'compatibility' is clearly not an accurate statement.

In all cases, the summary table needs to more accurately and clearly address the negative impact that the high density housing developments will have on the surrounding neighborhoods.

Thank you so much for taking the time to read my comments and concerns to the draft EIS. I look forward to seeing these comments and concerns addressed in the final EIS for the proposed developments of Wood Trails and Montevallo.

Sincerely,

Barbara Czuba
15808 NE 203rd Place
Woodinville, WA 98072

3/3/2006

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cc: Concerned Neighbors of Wellington

February 8, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

Subject: Comments on Draft EIS Wood Trails and Montevallo Subdivisions

Dear Mr. Fredlund:

These comments concern the scope of the DEIS for the proposed Wood Trails and Montevallo developments. The DEIS is inadequate because:

General. There is inadequate or inaccurate information concerning the details of the development or potential effects in many instances. Because of the absence of information, it is inappropriate to issue a Final EIS without further review. If our comments are properly addressed, there will be a need for further evaluation of the content of the EIS prior to finalization.

1. **Summary Tables, Water section.** The Table suggests that there will be no significant impacts to water quality. It is inaccurate to state that there will be no significant impacts to water quality. In fact, pollutant loading from fuel and oil leakage, automobile use, and home and yard activities will increase contaminant loading. The extent of the pollution will increase in rough proportion to the number of residents or residences within the proposed development. The inclusion of a detention pond and leaf compost filter will reduce but not eliminate pollution run-off from the proposed developments. For example, the proposed system is only minimally effective in removing petroleum (oil drips and fuel spills), weed killers, anti-freeze, and other common chemicals used in cars and by homeowners. The EIS must represent this situation more accurately. It is not an "insignificant" impact.
2. **Water/Plants & Animals.** The DEIS includes a gross omission/understatement. Buried in Appendix E is the recognition that Little Bear Creek is a salmonid-bearing stream. It is much more than that. In the Lake Washington/Cedar/Sammamish (WRIA 8) Near-Term Action Agenda for Salmon Habitat Conservation (August 2002), Little Bear Creek is recognized as supporting runs of Chinook, sockeye, Kokanee, and Coho salmon. Moreover, the Chinook salmon was listed as "threatened" in March of 1999 under the Endangered Species Act verify this status remains. It is a major omission for there to be no discussion of the potential site impacts on a salmonid-bearing stream containing a threatened species. Beyond the requirement to recognize this technical element as an intrinsic component of the EIS, the City of Woodinville and the proponent must determine whether any development should be allowed that allows significant removal of tree and vegetative cover and replaces it with impervious surface. These actions will contribute sediment, chemical, and

thermal pollution to Little Bear Creek (Wood Trails Development). It is noteworthy that one of the action items of the Near-Term Action Agenda mentioned above is the protection of tree and vegetative cover within the drainage basin. This development project is inconsistent with that goal.

While it is recognized that Level 2 controls per the 1998 King County Surface Water Control Manual (KCSWCM) are included in the design, this is no substitute for an evaluation of potential storm water effects. For example, a vault with a leaf-compost filter is included as part of the treatment flow train. However, the vault is by-passed if discharge from the detention pond exceeds a 2-year peak release flow rate. The adverse environmental effect created by this situation is as follows. The proposed detention pond/leaf filter achieves part of its treatment objective by storing contaminants and slowing flow. During a significant storm event, defined as an event that exceeds the design storm flows of the system, much of the material stored in the treatment system is washed out, and the flows bypassed around the storm water treatment components. The net effect is to flush the system into the storm water conveyance system downstream. This untreated water then makes it way to Little Bear Creek, home of the threatened Chinook salmon. Yet, there is no mention of potential adverse impacts to water quality or the salmonids of Little Bear Creek. Clearly, more work needs to be done in the EIS to discuss potential adverse impacts and mitigation, if it is even appropriate to consider developing the site at all.

3. **Water.** In the evaluations of Wood Trails and Montevallo, there is no recognition or evaluation of groundwater and effects on groundwater. In the evaluation of test pits, there may not have been groundwater encountered, but this finding does not imply the absence of groundwater or recharge areas. In the evaluation of stormwater run-off, an assumption was made that all incident water ran off as sheet flow or entered gullies. These findings are inaccurate, and the consequence is that the EIS is incomplete without an evaluation of groundwater. Recognizing that groundwater is an important source of clear, cool water to the regional groundwater system and Little Bear Creek, this omission is major. To be complete, there must be an examination of local groundwater conditions through installation of new monitoring wells, sampling and analysis of site groundwater, and modeling of potential effects on the regional groundwater and surface water.
4. **Stormwater.** A statement is made in the Summary Table 1 (Water) and other locations that there would be no impact on existing storm water conveyance facilities because they "have adequate capacity." In Appendix E, there are a number of statements made which contradict this assertion. For example, in Section 4, statements are made that drainage waivers will be requested and (System C) that the "capacity of this system appeared to be adequate." Was there no analysis to determine if there is adequate capacity?

Associated with this uncertainty is the note that a Sea-Tac Rainfall Region input parameter with a Scale Factor of 1 was used in the run-off evaluation. Please ensure that these input parameters are consistent with Woodinville rainfall.

It is necessary that a complete and accurate evaluation be performed before asserting that the system capacity is adequate.

5. Erosion Control and Design, Appendices E and G. There is no information concerning these important details that can have a dramatic effect on water quality. Yet, the conclusion was made that the site development will have no significant water quality effects. How can one conclude that there will be no significant adverse effects when no detail is provided on methods to control construction-related pollution?
6. Appendix E. Page 10-1. It is stated that the drainage system will be publicly maintained. Any system, stormwater treatment or otherwise, is inherently less reliable if maintenance is required for its proper operation. If, for example the leaf compost rots or is disturbed or saturated, the treatment system will not operate as designed. The EIS needs to address this situation. Also, note that this proposal requires that a public entity (the City of Woodinville?) will be tasked with another maintenance activity at a cost to its taxpayers.
7. Stormwater. Appendix E. Bypass Areas. The development plan includes plans to bypass the detention pond for several sites. While there is inclusion of a dispersion trench, other locations discharge directly to the storm sewer with no treatment. Further, in the text (page 4-3), there is discussion of the "requirement" for bypassing 12.5 acres of upstream area around the onsite detention pond. Finally, there is recognition that "pollution-generating surfaces will be bypassing the onsite detention pond". It is proposed that, in effect, equivalent upstream areas will be treated as a mitigation effort. This proposed development allows for the release of pollutants with no treatment to storm water drains that lead to a salmonid-bearing stream containing an ESA-defined threatened species. Yet the main volume of the DEIS asserts that there is no significant adverse impact on water quality or wildlife. Again, the analysis is seriously flawed. Part of the reason for the flawed analysis appears to be an incomplete description/evaluation of the proposed development. Whatever the cause, the development proposal is seriously flawed and does not address serious environmental effects such as this.
8. Wetlands. It appears that the proponent is planning to reconstruct the existing wetland on the Montevallo property (Appendix J, 4.0). Although less pertinent to the EIS, it is noteworthy that alteration of wetlands and buffers are not allowed by the City of Woodinville, unless specific conditions are met (which are not met by this proposal). Nonetheless, the Table 1 summary and the Appendix suggest that there would be damage to the wetlands. Although restoration work is proposed, it is important to note that wetlands or other environmental sensitive areas do not establish their value in a matter of minutes. They take years to develop into high quality habitat. Further, the wetland inhabitants may not have the option of moving out and back while the construction and restoration occur. These issues need to be addressed.
9. Wetlands. Montevallo. Table 1 summary. The Table indicates that there is essentially no difference in impacts to water quality and plants/animals between the R-4 and R-1 alternatives. It is also necessary to point out that under the R-1 density build-out, there is no need for a sewer line, and the existing wetland can be preserved. The position that the proponent seems to be taking is there is equivalent

impact. There is not, even with an increase in planting area, inasmuch as there is a much greater disturbed area under a R-4 development scenario.

10. Summary Table and document-wide. In the comparison of Alternative 2 (R-1) zoning and housing, statements are made that water quality would degrade through the increase of fecal coliform emanating from septic tank systems. Septic tank systems are designed to degrade/treat coliform through soil and biological treatment. It is inaccurate to represent that septic systems would produce higher contaminant loading than sewer connections. One broken sewer line will contribute more coliform and pollutant loading than all the septic systems combined ever could. Please remove all references and statements suggesting that septic systems adversely affect water quality.
11. Wetlands, Appendix J, 3.3. An observation is made about the dry condition of soil in the upland area. It will be helpful to include the area mentioned and the climatic conditions before the visit. Was the field trip made during an extended period of little or no precipitation? Do you feel these conditions are typical? It important to assess how representative these observations are to understand possible effects of development.
12. Wetlands, Appendix I; and general comment. The document indicates a plan to fill the wetlands present on the area of the proposed Wood Trails site and replace it with 8 times the area of enhanced riparian plantings. While this is an interesting proposal, it is not necessarily the case that the wetland has to be destroyed because a regional detention pond must be located exactly in the area of the existing wetland. We are sure that with some creativity and more funds, the detention pond could be located elsewhere. Another point is to consider whether a smaller detention pond could be built and located in a different place under a R-1 build out. Finally, there is a note that an underground detention vault is "not an economically feasible option". The concern in this and other instances is that the development plan does not have enough flexibility to consider variations that would reduce the environmental impact. The EIS indicates needs to be based on a development plan that is less contrived to attempt to show little difference between a R-4 build-out and other options.

Sincerely

Matt & Lisa Schultz
16206 NE 200th CT
Woodinville, WA 98072

cc: Ray Sturtz, Fred Green

3/3/2006

William R. Trippett
Attorney at Law

15525 NE 195th ST, Woodinville, WA 98072-8465 – (425) 398-7299

e-mail w7vp@comcast.net
Fax: (425) 486-6327

Admitted in Washington Virginia (Inactive)

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

RE: Wood Trail/Montevallo Development
Draft Environmental Impact Statement

Dear Dick:

It was nice to see you again at the recent public comment session for the Draft Environmental Impact Statement issued with respect to the Wood Trail/Montevallo Development. I know you, like me, are winding down a career in municipal government and I wish you well as you look to a more leisurely future.

The Wood Trail/Montevello Development, like many others we have seen over the years, is not without controversy. Indeed when a project of this magnitude comes along it inevitably strains the ability of even the most competent and conscientious planner. The evaluation of this proposed development calls for an examination of the details in the most rigorous way in order to avoid creation of irreparable damage to a valued part of the Woodinville community.

I do not come to you in my usual capacity as the legal representative of a party to this controversy, but rather as a resident of the Wellington community. My family will be affected by the long-term consequences of this action. In that context I bring to this issue the many years I have worked on land use related legal issues as a land use attorney, Civil Deputy Prosecutor, City Attorney and City Administrator. I hope you will accept my comments as being constructive based on the many years of experience we have both had in looking at the effects of land use proposals.

In my spoken comments at the public comment session I advised that the Draft EIS is woefully incomplete in one major respect; that it does not consider the long term affect thrust upon the Wellington community by these proposals. It has been my experience, and one which I suspect you share, that proposals to increase the density of a neighborhood, particularly by the use of sanitary sewers, inevitably results in substantial infill to the surrounding areas in a manner that has significant consequences. Those consequences manifest themselves in negative impacts on transportation and other services.

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In the present matter, the draft Environmental Impact Statement does not enumerate or quantify the character of those impacts in any meaningful way. I would suggest, based on my own experiences, that within ten years the pressure imposed on the current R-1 landowners, both as a result of financial strain and inadequate infrastructure, will force the conversion of what is now exclusively an R-1 zone, to R-4. No amount of good intentions by the City Council can avoid that result and promises to the contrary are, in my experience, meaningless.

Thus the approval of this proposal is a virtual guarantee that the entire neighborhood will be at the R-4 density within only a few years.

It is my understanding that the Woodinville is well ahead of its UGA population targets. If that is so there is very little need to force this degree of infill in this area.

I thus have significant reservations regarding the compliance with consistency and concurrency under the Growth Management Act.

Legal actions (or threats) by developers have often colored the decision making process for proposals such as these. In this instance the approval of the proposal requires a number of discretionary acts by the City Council. Thus while the application may be vested under existing law, that vesting does not compel the approval of a rezone. I urge the city not to be pressured by any developer under such circumstances. It is emphatically not actionable for a city to deny a rezone where the action was taken in a legal and orderly manner under the law, particular where the negative consequences of the approval are as clear as they are here.

I urge you, then, to require that the Draft Environmental Impact Statement be revised to show a detailed projection of the infill that will occur in the Wellington area based on reasonable and prudent projections instead of merely referring to these impacts as "indirect consequences."

Thank you for the opportunity to make these comments and I look forward to seeing you again soon

Sincerely,

William R. Trippett
Attorney at Law

My name is Jonathan Yang, I live at 15127 NE 198th St. We just moved to Wellington Hills weeks ago. My family enjoy the great area and neighborhood.

We have a few comments on the proposed development of Wood Trail and Monta Vallo.

Building high-density residences on or close to steep slopes is not a harmony to nature, to the area, to the city of Woodinville.

Wood Trail and Monta Vallo will be two high-density residence PATCHES far from each other. Jamming in sewage pipe connecting the two patches is not economical, nor harmonic to the area. Forcing existing properties to hook to the sewer is simply a rip off. It is typically a “rob Peter to pay Paul”.

In developing countries such as China, people turned wet land into agricultural land decades ago. Now they realized it was an overdevelopment, which caused more disaster than harvest. They are now turning the land back into wetland. There is a topic word often discussed: **“Sustainable economic development”**. The high density development on Wood Trail and Monta Vallo will be an overdevelopment to the area to the city. The negative impact will be visible before long.

Please do not change the zoning, please stop the over development, please think 5 years ahead, 10 years ahead, and 200 years ahead.

Jonathan Yang

March 3, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

RE: Comment on Draft Environmental Impact Statement (DEIS) for Wood Trails/Montevallo

Dear Mr. Fredlund:

There are several issues with the DEIS that must be addressed before it can be considered complete and accurate:

1. The critical areas boundaries are not accurately defined. The DEIS actually states in paragraph 13 of section 1.4.2, regarding landslide hazards, "the specific hazards and their associated buffers have not been completely delineated." It is not possible to ascertain what modifications might be required for the proposed development without the details for the critical areas boundary. Any change to zoning for higher density must be considered premature without these details. Furthermore, the nature of this deficiency of the DEIS is of such significance that additional time for public comment should be allowed if at any point in the future the DEIS is modified to include this critical areas study.
2. Data for the traffic studies were collected before the opening of the new Costco, and therefore significantly underestimate the traffic along the 156th Avenue. Particularly, the impact of actual current traffic rates combined with new traffic due to the the proposed developments on the ability to make left turns to and from the the streets affected by the proposed development will be much more significant than stated in the DEIS.
3. The DEIS does not provide any details regarding the traffic on eastbound Woodinville-Duval Rd. The left turn queue (to northbound 156th Ave.) regularly backs up beyond capacity for normal afternoon weekday traffic, and effect blocking of the lefthand lane for eastbound traffic before the light. The effects of additional afternoon traffic to the proposed development sites from eastbound Wondinville-Duval Road MUST be considered.
4. The study for pedestrian traffic on the affected streets appears to have been conducted on a non school day, as the number of stated pedestrians is less than 1/3 of the number of students who I regularly observe currently using the bus stops along 198th St. during school days. The data must be corrected to accurately represent real pedestrian traffic, and the effects of the proposed development re-addressed.

On a final note, I would like to voice my strong dissatisfaction with a process that allows/requires a proponent for a rezoning proposal to prepare such a sensitive document as the Environmental Impact Statement. I am not an expert in the legal issues regarding land development, and therefore I only address those issues that seem obvious to a layman

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such as myself. I know there are several other deficiencies with this DEIS that have been raised by other individuals in my community who do have specific expertise regarding the sewers (both effects of construction and placement, and taxes on existing homeowners), water quality study, infrastructure, city growth targets (with respect to the Growth Management Act), etc., etc., etc... **This is not a document that has been prepared and presented in good faith. All deficiencies and inaccuracies appear to be calculated to support a rezone.** A DEIS prepared in a truly qualified and conscientious manner I would still expect to contain inaccuracies and deficiencies, but they would fall equally on both sides of the line (for and against rezone). I am not really trying to lay blame for this, but feel it is something that must be corrected. This process would be much better served if a true third-party is retained to re-write the DEIS and address all the deficiencies voiced by the public.

Sincerely,

Matt Perran
15206 NE 198th St.
Woodinville, WA 98072

cc: Concerned Neighbors of Wellington

March 2, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville WA 98072

Dear Mr. Fredlund:

As long-term residents of Woodinville, we have watched with interest and concern the proposals for development in the Wood Trails area, and feel qualified to comment on some aspects of the DEIS for this area that we feel are certainly deficient, perhaps even misleading in some respects.

We have lived on 195th street for 25 years, and have raised two children in this location, so we have seen the natural pattern of their foot traffic to and from the Wellington schools. This street, 195th, is the normal access for that traffic, and can properly be expected to continue being the main access for any additional housing in the Wood Trails addition, even to the north of the present end of this street. Beginning even 20 years ago, the crossing of 156th caused responsible concern on the part of parents of this street, but in the last 5 years or so it has become enormously more dangerous to cross there.

We take walks twice on most days on this street, and have begun to avoid going east from our house simply due to the difficulty and danger of pedestrian crossing of 156th at the 195th street corner. As adults, we are now avoiding it, and would no longer consider permitting grade schoolers to do it alone.

The proposed additional traffic - both pedestrian and vehicular - would push this to a limit we don't feel the city should permit. The danger is simply too great.

Moving west from the intersection of 156th and 195th, the dangerous situation continues, as on 195th street there are a number of places where a pedestrian is completely out of sight of oncoming traffic due to the change in grade of this area. We invite the planners to visit this street and walk it to experience it personally. With any wind in the trees, it's quite common to be unable to hear traffic approaching. Again, this experience happens to adults, and children are only more subject to these issues due to their height and youth. There are no sidewalks, curbs, or shoulders to mitigate these problems.

We also must comment on the use of what we feel are questionable statistics regarding the number of vehicle trips per unit quoted in the DEIS. The numbers used for the higher-density housing may well be valid when these housing types exist in a more urban environment, where pedestrian access is both safe and prevalent to shopping, schools, and offices, but this neighborhood is remarkably different than that. It has by nature a very restricted access, that being exclusively from 156th street. Because of this, we must challenge these numbers as being grossly

misleading.

In addition, we note that in section 3.4.2(a) of the DEIS, the comment is made that the proposed action would help the City to accommodate the GMA forecasts. We think it is well known that the city is in good shape in this area, and does not require such actions to meet the requirements. This action is simply not necessary for these purposes.

Respectfully submitted,
Dave and Joyce Hyder

Mr. Fredlund, Woodinville City Planner

The purpose of this email is to let you know that I'm against high density row houses that will destroy the planning goals of the City of Woodinville. I have lived on a 4.7 acre parcel of land on NE 195th St. for over thirty-two years. There were no houses abutting my land when I moved in. Since then houses have been built on all sides of me. I have a unique perspective of how the ground water drainage changed over the years. I now have an abundance of water running through my property which wasn't present before all the houses were built. One builder even laid a white pipe on top of the ground which ends at my property line and drains the neighbor's downspout water directly onto my property. I assume this was allowed by the city because of the permits and inspections that a builder must meet.

The building of Wood Trails would definitely impact all surrounding properties in many negative ways. From what has happened on my land I'm concerned about the drainage problems to the industrial properties down the hill from Wood Trails. I'm concerned about the increase in traffic on streets that have many blind driveways entering the streets and many low vision areas. I'm concerned about the safety of the children walking to school. I'm concerned about the plan to direct traffic that will need to first go east through neighborhoods to eventually go west to existing freeways. I'm concerned that the developer has not adequately tested the soil to prove that the soil in Wood Trails is conducive to the planned project. In my opinion the EIS has not thoroughly addressed these issues.

For these reasons and many more I recommend and request that the city does not change the zoning code from R 1 to R 4. The developer is taking credits from non-buildable property to meet zoning requirements to build high density houses. This is not right and does not at all follow the city's planning goals.

Thank you.

Janet Patrick
15252 NE 195th St.
Woodinville, WA 98072

March 3, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072
Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

The DEIS is inadequate because it calls for building up to 6 homes per acre. Currently the surrounding properties are no more than 1 home per .08 acre. This puts these new developments at odds with the character of the existing neighborhood. Not only does it change the character of the neighborhood we cherish, it also decreases the property values of the neighborhood property.

Furthermore, this plan increases the burden on the existing infrastructure. For example, 195th Street is already beginning to see substantially increased traffic since the opening of Costco and Woodinville-Duvall Rd continues to increase in congestion without any remedy insight. Building up to 6 homes per acre as the DEIS will allow significantly increases the traffic on the narrow street (195th Street) instead of alleviating the existing problem. It is appalling to see that these changes are being proposed without weighing the impacts they will have on the infrastructure and without investigating whether the current infrastructure can withstand the impacts of the proposed developments. A review of traffic congestions and recommendations for possible remedies is desirable before proceeding with the DEIS.

This area is home to a significant wildlife population including endangered or at risk bird species, which would be harmed by such wide-scale development. Cutting down trees and forcing several homes per acre will have an adverse effect on the natural inhabitants of this neighborhood. The wood trails area especially provides undisturbed wildlife habitat and a migratory passage for migrating birds. It may be beneficial for the EIS to investigate and document the species of birds and other wildlife which will be impacted by these projects. Sizeable green belts provide substantial undeveloped areas as shelter for the area wildlife. Destruction of these safe havens could mean harm to the natural world.

New residents to the neighborhood means additional enrollment for local schools. Especially when the number of new residents is unusually high, it is expected that the increased burden on the system will have negative impacts. A few considerations are how the student teacher ratio will be impacted and will the ability to provide the quality of education which we have come to expect, be jeopardized? A complete analysis of increasing needs of the school system needs to be completed.

The pedestrian routes from the Leota Jr. High to the development are not referenced. The EIS should identify existing walking routes from schools and analyze safety issues along these routes.

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Increased traffic on the streets due to the increased homes and cars also increases the likelihood of accidents involving children who may either be at play or reroute to schools. The EIS needs establish safety measures for the children in the area.

Sincerely

Makhdoom Ahmed
14849 NE 195th Street
Woodinville, WA

cc: Concerned Neighbors of Wellington

March 1, 2006

Dear Mr Fredlund:

Thank you for the opportunity to comment on the DEIS for the Wood Trails and Montevallo projects. I believe this DEIS is inadequate because it either fails to address, or it addresses inadequately, the following items:

1. The report uses many qualifying words which lead one to question the accuracy and validity of many of it's conclusions. For instance, page 3-41 states the quality of storm water runoff from the Wood Trails site "should have" no adverse effect on aquatic habitat in Little Bear Creek. Given the report admits Little Bear Creek is an important fish bearing creek, and that fish bearing creeks can be sensitive to storm water quality, it is not good enough to believe it "should have" no adverse effect. If there is any doubt about the issue, further studies need to be done to confirm the absolute minimum mitigation measures that are necessary to say conclusively there "will be" no adverse effects on aquatic habitat.
2. Page 3-45, 3.3.2(e) mentions "past and present development activity in the vicinity of the project site and resultant modifications to plant and animal habitat over several decades", almost as a reason or excuse to continue such modifications with this project. This seems at best a cavalier attitude which presumes to dismiss this wildlife habitat as not worthy of protection since it may not contain endangered species, and is surrounded mostly by urban areas. Even somewhat isolated habitats are not ecologically independent, but are functionally connected into the surrounding landscape. The report fails to answer logical questions along these lines, such as what impact will the loss of this habitat have on the total landscape diversity and recreational area of the City of Woodinville as a whole? It fails to indicate how much the loss of this wildlife habitat area would reduce the remaining roadless habitat in the city of Woodinville.
3. Throughout, the report fails to adequately document any meaningful consideration or measurement of the value and positive aspects this roadless wildlife habitat area provides as a natural buffer between the existing residential area and the industrial areas to the west. The loss of this habitat will result in the reasonable likelihood of more than a moderate adverse impact on environmental quality, not the least of which is the quality of life for the existing residents of Wellington. The report fails to discuss impacts from this project to existing residents in the matters of potential increased noise pollution, loss of recreational area, changes in the visual dimension of the landscape, or effects of increased wind exposure after planned site clearing of trees, all of which affect the neighborhood character of the existing residential area.

4. Why does the R-1 zoning Alternative only contemplate individual septic systems? If, as the report states, conversion of on site septic systems to a public sewer system reduces the coliform load from the soil and water table, and this is touted in the report as a potential positive aspect of this development proposal, should this then not also be a recommended requirement for the R-1 zoning alternative for this project as well? This is especially important as the proposed Wood Trails project is so much closer to the sensitive Little Bear Creek than is the existing residential neighborhood.

5. The report mentions several times the extension of Public Sewer lines to both these projects, and alludes future connections of existing septic systems to this public sewer might result in improved water quality downhill from the project. However, the report fails to discuss or delineate any potential negative impacts of such future sewer line extensions. It fails to discuss any impacts or costs to existing homeowners in the area from such extensions. It also fails to indicate exactly which or how many homeowners would be affected or impacted by these sewer extensions, or if connections to this planned sewer would be made mandatory for existing residents on septic systems. These are not trivial impacts and they need to be thoroughly addressed so the City and it's residents can consider the true costs and impacts of these proposed projects.

6. Although the report mentions several times the close proximity of the proposed Wood Trails project to the industrial area to the west (a brief review of the supplied maps of the area show the proposed new project sites as close as 250 feet to this industrial area, whereas the existing residential homes are over 1000 feet from the industrial area), the report fails to determine what specific types of industrial activity are in this area, or if there might be any safety concerns or impacts from the project's closer proximity to potential hazardous or flammable materials used at these industrial facilities.

7. My reading of the report's discussion of traffic impacts leads me to believe that, at best, the report may not be accurate, or at worst may actually be biased in favor of the applicant. I base this belief not as an expert on traffic flows, but on the following two facts:

A. As a resident of the area, I would expect a study and review Of the traffic impact from 132 additional homes in the area should at the Very least be an impartial and independent study, by a disinterested third party. However, the Transpo Group consultants who did these studies were not hired by the City, but originally by the applicant, in large part to help them gain project approval from the City. Transpo's own web site states "Our satisfaction rests entirely on that of our clients". From this, one would think they would do as much as they could to advance their clients interests. My concern here is not just that the presented facts may not be accurate or complete, but that conclusions can be tilted to favor one point of view over another by selectively presenting some facts or downplaying or possibly omitting others. The strong possibility of a conflict of

February 28, 2006

Dick Fredlund, Planner
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RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

In reviewing the Wood Trails/Montevallo DEIS, it is apparent that the document is seriously deficient in several key areas. One can only guess as to why this is, but it certainly appears that any alternatives, mitigation solutions, data or conclusions that would potentially reduce the profit for the developer have been ignored, as this study was paid for and supervised by the developer. **But the purpose of this study is not to ensure profits for the developer, but rather to evaluate the true environmental impacts of the development (with the obvious goal of minimizing negative impacts).**

Due to these serious deficiencies, including misstatements of facts, erroneous and unsupported conclusions, suspect alteration of data or use of inaccurate data, and failure to seriously consider crucial alternatives or mitigation plans, it is clear that this entire document should be scrapped and the study begun again by a truly independent and impartial team not beholden to those who stand to profit from this development.

The deficiencies include, but are not limited to, the following:

- **Use of outdated and erroneous base traffic data.** The data used is old, from before the Costco development was even begun, and does not accurately reflect current traffic levels. Moreover, measurements used were taken from an atypical day and time of year, which further degrades the usability of the data as a basis for future use assumptions.

- **Failure to address many of the most critical traffic points in the area which will be obviously affected by the proposed developments.**

These include, but are not limited to:

- the offramp of Highway 522 at NE 195th Street (where nearly all new residents will exit the highway to come home),
- the intersection of Route 9 and 195th Street directly east of the offramp (from which traffic even now routinely backs up on to Highway 522 daily),
- the intersection of Woodinville-Duvall Road and 156th Avenue NE (where nearly all residents will have to turn to approach the development), and
- the intersection of the Woodinville-Duvall Road and 168th Avenue NE (where many potential new residents would be turning to access the schools their children will attend).

These intersections, and in fact nearly all of the Woodinville-Duvall Road/NE N Woodinville Way (195th) from Highway 522 to Cottage Lake, are in almost perpetual gridlock most days and most hours of the week at the present. The added impact of nearly 800 car trips per day (using the national average of 6 car trips per day per household) through these already-overstressed points is not even addressed.

And this isn't the end of the likely traffic impact ignored by the DEIS. Currently, many drivers bypass the 195th Street exit from SR-522 because of the frequent backups onto the highway, and instead continue on to the 240th St. exit, cutting up through the Wellington Hills Golf Course to access 156th Avenue. This will only get worse over time and will be exacerbated, especially, by the Montevallo development, and all the "Local Residents Only" signs in the world will not prevent drivers from using 240th as a connector road to 156th. These signs have been proven to be laughably ineffective in the past, as demonstrated by the large amount of pass-through traffic currently on 156th, and are likely to be even more

widely ignored as traffic worsens due to developments like these.

- **The statistics are egregiously misused and misrepresent the true impact of the development.** The Wood Trails site, for example, will consist of only 10.4 "net residential" buildable acres; taking "credits" against unbuildable land is incorrect, deceptive and misleading, purely for the purpose of making the development seem less traumatic for the surrounding area than it inevitably will be.

By using the entire Wellington Neighborhood as a base, the DEIS attempts to make the addition of 132 additional households look minor. In fact, in the ten acres adjacent to the Wood Trails portion, there are approximately ten households, reflecting the current true R-1 zoning. Adding 66 new units to the adjacent area, the Wood Trails development alone would actually result in a 600% increase in traffic to the immediate area, all funneled through two streets.

But a look at the actual site plans for the proposal reveal an even more severe impact. The plans clearly show that only FIVE existing homes are currently accessed by going to the end of either 198th or 201st streets. The addition of 70 homes to this (the 66 called for in the Wood Trails plans and an additional four who would no longer have access to their lots from 195th or 202nd; see below) would actually be an increase of a whopping 1400%, with 75 households' worth of traffic flowing to the ends of streets currently servicing five -- **from 30 car trips per day to 450, more than 15 times as much as currently.** The DEIS does not mention this, as if ignoring the truth will somehow change the reality.

The building of 66 houses on 10.4 actual "net residential" buildable acres does not remotely qualify even under R-4 zoning. **An EIS is not about what one can "get away with" under the law, but rather what the actual impacts of a proposed development are likely to be, and these figures are an obvious attempt to cloud the truth.**

- **Failure to consider the actual topography of the most heavily trafficked streets.** Both 198th Street and 201st street, anticipated to handle all the traffic for the

Wood Trails development, are winding narrow roads with numerous blind rises and curves; they are already hazardous to the many young children who play there at all hours of the day. Adding nearly 400 car trips per day to these narrow streets will inevitably result in a much more dangerous environment for current residents, yet this impact is not even addressed in the study.

- **Failure to consider the additional burden on local schools.** In terms of community services, this is a very serious oversight. The schools currently serving the area are already severely overcrowded and are operating out of bungalows and other temporary structures inadequate to serve the children of the area. Yet this proposal will add the children of 132 additional households (potentially up to 300 children, using national averages) and the DEIS does not even consider this issue. Who will provide this added infrastructure? It is not specified.
- **Failure to seriously consider the R-1 alternative.** While the charts and some of the text do pay cursory "lip service" to the idea of maintaining the R-1 zoning of the area, this study reaches the improbable conclusion that cutting the density by nearly 85% (a true 10 houses on 10 buildable acres, vs. 66 in the Wood Trails area alone) would not result in any difference in environmental impact. The conclusion is unsupported by the data. **It is ludicrous to assume that 400 car trips per day are the functional equivalent of 60.** The stated capacities of the streets in question do not, in fact, reflect the levels for a safe and functional residential street but are rather a theoretical arithmetical calculation used for comparison purposes, not for measuring safety or functionality, and certainly should not be used as a guideline as to what an acceptable level of city services and infrastructure should be. It is clear that the reason for this immediate dismissal of this alternative is due to the decreased profits for the developer, which should not be the focus or priority of a study such as this.
- **Failure to seriously consider access to the Wood Trails area from the Industrial Area down below to the West.** Again, this alternative was quickly dismissed without serious consideration or study, clearly because it would

limit the profits for the developer. Again, this is an improper use for this study.

- **Failure to note that the proposal would eliminate access to current property by existing homeowners.** The Wood Trails proposal includes a very quick mention of blocking off 148th Avenue NE at 195th Street to eliminate the possibility of access to the development from this point, but does not mention that access to at least two households currently on 148th Avenue would also be blocked. This appears to be the situation for at least two existing properties near 202nd as well. To require these residents to access their own property from 198th Street to the North, of from 201st to the South, and then wind their way through the development and finally approach their land from a direction opposite to which their driveways are angled, is a ludicrous -- and potentially physically impossible, due to the narrowness of the proposed streets and the lack of any available turnaround -- burden to impose upon them.
- **Failure to consider the well-known soil stability issues on 148th Avenue.** Between the summers of 1999 and 2000, a large sinkhole appeared on 148th Avenue NE north of 195th Street. This was reported to the city of Woodinville, which dispatched a team of geologists and road experts to study the hole. This fissure was so deep that the bottom of it could not be seen even when lowering a light source deep into it. Initially, the team left the site without taking any action. It was only when the city was reminded that, as there was now a public record of the city having knowledge of this dangerous condition, all liability for any personal injury occurring on this public street would fall to the city, that they finally returned to place yellow warning tape around the massive hole. Some weeks later, the city returned to fill the crevasse with gravel and rocks, but not before it was noted that the hole appeared to contain much landfill material, leading the city to suspect that the initial development of the area was built over potentially unstable landfill. This should all be a part of city records, yet it is not mentioned in the DEIS at all, as if it never happened. And no geologic cores or samples were taken from this area either.

- **Moreover, even the most cursory study of 148th Avenue itself reveals numerous large depressions and potholes** which continually recur year round regardless of the weather conditions, and which must be filled at least quarterly. This is clear evidence of some form of soil instability or erosion occurring from beneath, yet again this is not mentioned in the DEIS because it was never studied. Who will take responsibility for maintaining the streets after the development is completed? It is never specified because this problem was never considered.

Again, this list is not exhaustive. But from these deficiencies alone **it is clear that this document is insufficient to adequately assess the true environmental impact of the proposed development, and must be redone from scratch using a truly impartial team** with no financial incentive to see the development proceed as planned.

Respectfully,



Adam Gold
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cc: Concerned Neighbors of Wellington

February 8, 2006

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RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

My wife and I are long time, 29 year residents of the Wellington Hills neighborhood. Like most of our neighbors we are concerned with the adverse impacts that will result from two developments known as Wood Trails and Montevallo. The DEIS submitted by the developer is inadequate because it fails to recognize, consider and/or offer acceptable solutions to many of the issues that will have both short-term and long-term effects on the Wellington neighborhood as well the City of Woodinville.

My wife and I attended the meeting last week at city hall. While we did not speak, you should know that we concur with the DEIS deficiencies cited by our neighbors. These include concerns about increased risk to pedestrians, both children and adults, and bicyclists, both children and adults, that would result from a significant increase in traffic on our narrow roads.

We heard comments from a Woodinville fire fighter who spoke of the DEIS not addressing the ability of the fire department to adequately protect the increased number of homes because of current level of traffic on our roads.

Both of these concerns are not even acknowledged by the developer's DEIS. The DEIS deals with the issue by asserting that the effect of adding 132 homes would have a negligible, adverse effect on neighborhood traffic. Such an assertion speaks to the questionable quality of the DEIS and the professionals who prepared it. As advocates for the developer they have formulated opinions on public safety issues, if accepted by the city, save the developer hundreds of thousand of dollars and perhaps millions in mitigation costs to properly address these issues. We are not a traffic engineers, just neighborhood residents and our common sense tells us that you can't add 132 homes and the corresponding additional car trips per day without seriously, adversely effecting traffic and public safety.

We heard from a gentleman who presented empirical, first hand evidence that the proposed storm water drainage plan as outlined in the DEIS for the Wood Trails Development is not adequate. The gentlemen testified that the current system frequently has been unable to handle the current runoff. Again, we are not engineers but common sense tells you if the system cannot handle the current volume of water, it will fail if you add more imperious surface from new home development. Once again, the quality of the DEIS conclusions seem to indicate inadequate skills from the professionals who prepared the statement and a bias on their part to find solutions that are least costly to the developer.

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There is an old saying in business, when it not about money, it about money! The owner/developer of the proposed Wood Trails and Montevallo parcels want to maximize the profits from the development and increasing density increases profit. We now this to be true, because if it didn't they would simply develop under its current R-1 zoning. Their desire to maximize profit is understandable. But why should they be permitted to maximize profits from their land at the expense of the neighbors and the city? Here are some additional questions that the officials of Woodinville need to consider.

Is not the burden of proof properly on the developer to prove to the City of Woodinville that the requested re-zone benefits the neighborhood and the city, not just that it doesn't harm the neighborhood or the City of Woodinville?

If the re-zone is denied, has the city harmed the developer, the neighborhood or itself?

If the city grants the re-zone, does that not establish a precedent so that any and all who own parcels adjacent to the proposed developments can sub-divide their parcels to a similar density? Is such a precedent to the long-term benefit of the city?

If the city grants the re-zone have they not invalidated their own 1994 resolution and therefore broken their promise to the citizens they were elected to serve. If you break this promise, why should we trust you in the future?

We hope that you will carefully consider our concerns and questions. In closing, let me assure you that we are not against the development of Wood Trails or Montevallo so long as it is developed in accordance with the current zoning. If such a development does not afford the owner/developer with sufficient profit, then shame on them for purchasing property in a neighborhood on the same terms and conditions as we did so 29 year ago.

Sincerely

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cc: Concerned Neighbors of Wellington CNW@Wellington-Neighborhood.com

March 3, 2006

Dick Fredlund, Planner
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Dear Mr. Fredlund:

Thank you for the opportunity to submit a formal response to the city's proposed Draft Environmental Impact Statement.

Based on the overwhelming response the City received to this proposal both in October, 2004 and also in the recent meeting on February 16, 2006, I believe the City has the facts it needs in order to allow the Hearing Examiner to make a conclusion of law that the DEIS is flawed and cannot be accepted, thus allowing both proposed areas to remain zoned at R1 and the environment to not be adversely impacted.

I'd like to provide some additional comments to help the City understand some of the fatal flaws in this document.

Water Issues

- The back of our property butts up to the wetlands which now occupy the proposed Montevallo area. These are legally designated Wetlands, as provided in the documentation I received from the city and as tagged on the trees in these wetlands. These are Department of Ecology tags with the name of the official who tagged the wetlands.
- During the winter months, the wetlands becomes a lake as the water rises up to 4 feet from its summer level. It has already been established that any building on the acreage will increase erosion, which will permanently change the wetlands ecosystem. This is a federal violation, as indicated clearly on the Department of Ecology's web site.
- The grasses, frogs, and salamanders that live in this wetland cannot be "transplanted." One simply cannot take an ecosystem that has been developed over 25-50 years and "move it" somewhere else. This is precisely the reason that this wetlands has been tagged and designated.
- Additionally, up hill development will cause foreign soil and water runoff to land in this protected environment, thus causing permanent alterations. Each alteration is subject to fines by the Department of Ecology. I see no documentation in the DEIS that confirms that the builder has written confirmation from the Department of Ecology that "no adverse impact" will occur to this declared property.
- When we purchased our home in September, 2004, it was inspected by a professional inspector for possible water damage. The inspector confirmed in his written report that only a small area in one corner of the house had experienced water damage. However, this year, due to the heavy rainfall and inability of the City of Woodinville's current water drainage system to handle water drainage for R1 zoning, our home had 3,000 gallons of water underneath it that had to be pumped out. The DEIS does not adequately address this.
- The drains in the industrial park are already overflowing, as testimony was provided to the City of Woodinville during the recorded City of Woodinville meeting. Since the planned

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water runoff impacts the currently overflowing system, the builder has not made adequate allowance for this issue.

Animal Impact:

- The DEIS does not adequately address the impact to the established wildlife by these two developments. The following animals have been observed in and around the two areas proposed for development and would be displaced by the proposed building due to the heavy density of housing proposed:
 - Salamander
 - Woodpecker
 - Bobcat
 - Deer
 - Coyote
 - Several kinds of small and large frogs
 - Wetland grasses
 - Wetland vegetation
 - Heron
 - Robins
 - Wrens
 - Gray Squirrel
 - Red Squirrel
 - Stellar's Jay
 - Spotted Owl
 - Mountain Beaver
 - Fox
 - Raccoon

Other Issues Which Must Be Addressed:

- Gradation of Wood Trails sloping was done by air, not by hand, so is not accurate. Actual slopes are 40 degrees.
- The limits of the Wood Trails Subdivision shown on many of the site plans and maps includes a northern area that was subsequently removed via a boundary line adjustment. This appears to be an erroneous carry-over from other documents. The limits of the Wood Trails site should be the correct limits as the applicant has defined according to the most recent application documents and as defined in the legal descriptions of the sites included the DEIS text. The site limits should be consistently and accurately depicted on all of the site plans, maps and figures included in the DEIS.
- Many of the figures for the Wood Trails site are unclear and of no use for review purposes because of a combination of the scale being too small, missing legends or explanations, and poor reduction / copying quality. Examples include Figures 2.1b (Wood Trails Storm Drainage Plan) and 2.1c (Wood Trails Grading Plan). These figures should be presented in a more usable format and refined for the purposes of what each figure is attempting to illustrate. It is both confusing and disconcerting when reviewing critical parts of the DEIS to not be able to understand what the author(s) are attempting to depict in many of the figures for the Wood Trails site.
- The topographic map for the Wood Trails site as currently presented is completely inadequate for evaluating potential environmental impacts at the site. This issue has been brought to the

City's attention several times during the last two year, and this problem has not been addressed. The applicant has apparently completed a detailed survey of only the developed area footprint of the site. For areas of the site beyond the developed footprint, it appears that the developer has used some very coarse contour approximations that often inaccurately represent actual site conditions, and do not have the resolution to show some significant ravines and areas of topographic relief. This results in the topographic base maps currently used for many of the figures in the DEIS being unusable and/or inaccurate for evaluating many of the environmental impacts. In particular, this deficiency severely restricts any meaningful evaluation of impacts from geologic hazards or the preliminary site grading plans. Why was the recent LIDAR topographic information provided by King County not incorporated with the detailed survey data to product a more representative map of site topography?

- The sanitary sewer line between the Montevallo and Wood Trails sites is an integral part of the Proposed Action (and the Attached Housing Alternative). However, the DEIS does not include any maps or descriptions (depths, type of construction, etc.) of the connecting sanitary sewer line between the two sites. This is a significant omission, resulting in the absence of any analysis of environmental impacts associated with construction of this sewer line. Mitigation measures for the significant construction-related impacts associated with excavation and installation of the sanitary sewer line through the existing neighborhood should also be identified.
- The cumulative direct and indirect impacts on the Wellington neighborhood and surrounding areas that would result from the Proposed Action (or the Attached Housing Alternative) are of greatest importance. The DEIS does not include the appropriate level of analysis for the cumulative impacts that would result from the precedent of extending the sewer line into a large contiguous unsewered geographic area and the approval of the corresponding rezoning request. The DEIS should provide a range of probable projected growth scenarios that correspond to the precedents that each of the alternatives would have on future development in the Wellington/Leota area. Defining these types of projected growth scenarios would provide for a more meaningful and more complete analysis of potential cumulative impacts. This level of analysis should be one of the cornerstones of the DEIS to allow decision-makers a comparison of cumulative environmental impacts that could result from each of the alternatives. A more complete analysis is critical for understanding potential cumulative water, transportation, traffic, and public services impacts with the corresponding change in residential densities that could occur via "infilling" on many other parcels in the Wellington/Leota area.
- An EIS should be a critical well-understood analysis of environmental impacts that clearly shows the differences between the proposed action and several other alternatives. However, because of the numerous significant deficiencies, omissions, and poor organization, this DEIS does not fulfill this primary objective. Instead, the incomplete and misleading analysis of the potential impacts results in "conclusions" that whitewash over the intuitively obvious differences in environmental impacts associated with each alternative. The Proposed Action will undoubtedly result in a greater degree of adverse environmental impacts relative to the R-1 Zoning Alternative, and the DEIS should clearly demonstrate these differences.
- There is no mention of City of Woodinville Resolution No. 93 in the DEIS. This resolution concerns the identification of a buffer between the industrial properties and the residential neighborhoods east of the industrial area, with the steep slopes providing a natural boundary between the two land uses. The DEIS should evaluate the intent and applicability of Resolution No. 93 with respect to the Proposed Action and the alternatives. Some of the

environmental impacts and land-use elements associated with the Proposed Action appear to contradict the intent of Resolution No. 93, and this resolution should be incorporated in the DEIS analysis.

- Why does the DEIS limit the analysis of the listed elements only to the specific topics indicated in parentheses on page 3-1 ? Other critical topics that were identified during the scoping phase are noticeably absent on this list. Key topics missing in the DEIS analysis include the following: (1) school bus routes, especially considering the proposed narrower sub-standard street widths; (2) impacts to neighborhood schools given the existing high enrollment issues at Wellington Elementary; (3) access issues associated with public services and safety such as police and fire; (4) potential decrease in police response times given the already severely strained police coverage issues that the City is currently in the process of addressing; (5) noise issues associated with the elimination and/or significant decrease in the natural slope buffer for the Wood Trails site. These topics are important to the community, and should be addressed in the Final EIS. At the very least, if the City deemed an element or issue identified during the EIS scoping was insignificant, the DEIS should clearly state why that conclusion was reached.
- The layout, format, and repetitive statements in Table 1 (Summary of Environmental Impacts by Alternative), results in an involved confusing presentation that does not provide a concise comparative summary of the alternatives. Some portions of Table 1 would probably be more effective for inclusion at the end of the impact analysis of each environmental element in Chapter 3. Having separate columns to list impacts from each site for each alternative does not allow a concise comparison of the cumulative impacts for each of the alternatives taken as a whole, and not split between the two sites. Perhaps developing a second summary table that distills the significant impacts down by treating the two sites as one entity would provide additional clarification as to the relative impacts between the four alternatives. This could be supported by additional tables, one for each site, that summarizes the environmental impacts for each of the alternatives. In addition, Table 1 as currently constructed does not clarify the intuitive differences in environmental impacts that would obviously occur when comparing the Proposed Action with the other developed alternatives.
- Two conditions need to be met to obtain the conditional use permit required for the Attached Housing Alternative at the Wood Trails site [page 2-19]. How would these conditions be met? There is not any supporting documentation in the DEIS that indicates that these two conditions could be met. What are the substantive arguments for why these two conditions would likely be met? If there are no substantive arguments, it appears that obtaining a conditional use permit is not reasonable, and therefore the Attached Housing Alternative is not a realistic alternative and should not be included in the EIS analyses.
- The discussion of the benefits and disadvantages of future implementation is incomplete and overly generalized. This discussion should be expanded after a more complete evaluation of direct and indirect cumulative impacts is completed (see comment 5). What would be some specific benefits to the City for delaying implementation of the Proposed Action until some scenarios for projected growth associated with approval of the Proposed Action are developed? The cumulative impacts associated with the precedent the Proposed Action would set would undoubtedly impact City planning efforts, including providing the necessary infrastructure. Would the City reduce potential adverse impacts to area-wide planning efforts by reserving implementation of the Proposed Action until a later date? How would area-wide planning efforts be potentially undermined by implementing the Proposed Action as scheduled?

- The DEIS analysis for evaluating potential Wood Trails access options should compare both the net benefits and adverse impacts as compared to using the existing residential streets. This evaluation should be incorporated through all of the environmental analyses presented in Section 3 of the DEIS to clearly discriminate the impacts associated with the various alternatives.
- A more complete evaluation of Wood Trails site access alternatives is needed to compare the beneficial impacts relative to the adverse impacts. Examples of potential beneficial impacts associated with construction of an access road from the west side of Wood Trails include both site construction and post-development elements as noted below:
 - Easier access for site construction and staging/ activities. Initial access to the site from the west is probably easier than accessing the site from the east..
 - The industrial area would be more suitable for construction traffic entering and exiting the site as compared to the rural residential roads that would be used to access the site from the east. There would less adverse impacts to existing residential streets as a result of construction traffic causing additional noise, dust and pedestrian safety concerns.
 - The industrial roadways are designed for heavier vehicle weights. There would be less impacts to existing road integrity than would occur by construction traffic using the existing neighborhood streets, which are clearly not designed for this type of use.
 - A western access road would provide more direct access to arterial streets, freeways and highways. As shown in Figure 3.5e, Project Trip Distribution, most of the trip destinations would be towards these arterial streets and highways.
 - Less thru-traffic routed to 156th Avenue NE, Woodinville-Duvall Road and 240th Street SE, thereby minimizing long-term congestion and traffic safety impacts on these heavily used roads.
 - A western access road would probably provide easier access and shorter response times for fire trucks.
- The Proposed Action results in both sites having an average “built” density of 6 to 8 houses per developed acre. This density is not compatible with the intent of the low-density residential zoning classification that currently applies to this area according the City’s Comprehensive Plan. This obvious incompatibility is glossed over by vague wording in the DEIS.
- The development of either the Proposed Action or the Attached Housing Alternative would result in subdivisions that are essentially isolated from other similar moderate-density subdivisions located elsewhere in the City. There is no area within about two miles of the proposed developments that consists of residential lots as small as 5,500 square feet. The smallest existing lots in the Wellington area are typically on the order of about in size, with many of the lots significantly greater than ½ - acre. The relatively high-density and urban character of the Proposed Action or the Attached Housing Alternative contrasts sharply with the surrounding R-1 rural residential character. This obvious conflict in neighborhood characteristics should be more clearly identified, described and evaluated in the DEIS.
- In the discussion of secondary and cumulative impacts on page 3-129, it is stated that the City’s population projections account for “assumed development and some degree of infill”, and thereby the recreation demands for the Proposed Action are already accounted for in the City’s PRO Plan. However, the Proposed Action includes a rezone request combined with

extension of sewer into the Wellington area. How does the City's PRO Plan incorporate the additional population for the Wood Trails and Montevallo Proposed Actions on parcels that are currently zoned for R-1 densities? How does the City's PRO Plan incorporate additional future population densities that would occur on other parcels at higher densities than R-1 as a result of the extension of sewer services into this area and the precedent of the Wood Trails / Montevallo rezone request?

- Based on the discussion of parks and recreation mitigation measures (pages 3-129 to 3-131), the only proposed mitigation for the Proposed Action is payment of park impact fees. The discussion in the DEIS indicates an unwillingness by the applicant to incorporate parks or recreation facilities that the City considers appropriate for receiving credits against the impact fees. Why would the City approve the Proposed Action without incorporating some on-site or nearby parks that would directly address some of the deficiencies in park and recreation facilities identified for the Wellington neighborhood? This could result in a mitigation measure (payment of fees only) that results in no action being taken by the City to address the identified deficiencies in parks, recreation facilities, and pedestrian trails in the Wellington area, while simultaneously adding a significant number of residents.

Respectfully submitted,
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Martin and Sharon Peterson
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March 1, 2006

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RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

In reviewing the Wood Trails/Montevallo DEIS, it is disturbing at the lack of attention to appropriate issues this document is intended to address.

The most unsettling issue that flies in the face of fair dealing is this study was paid for and supervised by the developer. In the name of conflicts of interest this is entirely out of scope and lacks credibility from its inception.

Not surprisingly are deficiencies whose obvious intent would be to serve the success of the developer. There are misstatements of facts, erroneous and unsupported conclusions, suspect alteration of data or use of inaccurate data, and failure to seriously consider crucial alternatives or mitigation plans, it is clear that this entire document should be disregarded and if repeated done by well documented arm's length transaction.

Some of the deficiencies include, but are not limited to, the following:

- Use of outdated and erroneous base traffic data. It is so egregious in fact to be an embarrassing representation of what the real facts are.
- Failure to address many of the most critical traffic points in the area which will be obviously affected by the proposed developments.

For example,

- the off ramp of Highway 522 at NE 195th Street (where nearly all new residents will exit the highway to come home),
- the intersection of Route 9 and 195th Street directly east of the off ramp (from which traffic routinely backs up on to Highway 522 daily at the present),

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 - Failure to consider the actual topography of the most heavily trafficked streets. Both 198th Street and 201st street, anticipated to handle all the traffic for the Wood Trails development, are winding narrow roads with numerous blind rises and curves; they are already hazardous to the many young children who play there at all hours of the day. Adding nearly 400 car trips per day to these narrow streets will inevitably result in a much more dangerous environment for current residents, yet this impact is not even addressed in the study.
 - Failure to consider the additional burden on local schools. This is a very serious oversight. The schools currently serving the area are already severely overcrowded and are operating out of bungalows and other temporary structures inadequate to serve the children of the area. Yet this proposal will add the children of 132 additional households (potentially up to

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- Who pays for this added infrastructure? It is not specified.
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- Failure to seriously consider access to the Wood Trails area from the Industrial Area down below to the West. This alternative was dismissed without serious consideration or study. Is this because it would limit the profits for the developer. This is an improper use for this study.
- Failure to note that the proposal would eliminate access to current property by existing homeowners. The Wood Trails proposal includes a very quick mention of blocking off 148th Avenue NE at 195th Street to eliminate the possibility of access to the development from this point, but does not mention that access to at least two households currently on 148th Avenue would also be blocked. To require these residents to access their own property from 198th Street to the North, then wind their way through the development and finally approach their land from a direction opposite to which their driveways are angled, is a ludicrous -- and potentially physically impossible, due to the narrowness of the proposed streets and the lack of any available turnaround - - burden to impose upon them.
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should all be a part of city records, yet it is not mentioned in the DEIS at all, as if it never happened. And no geologic cores or samples were taken from this area.

- Moreover, even the most cursory study of 148th Avenue itself reveals numerous large depressions and potholes which continually recur year round regardless of the weather conditions, and which must be filled at least quarterly. This is clear evidence of some form of soil instability or erosion occurring from beneath, yet again this is not mentioned in the DEIS because it was never studied. Who will take responsibility for maintaining the streets after the development is completed? It is never specified because this problem was never considered.

From these deficiencies alone it is clear that this document is insufficient to adequately assess the true environmental impact of the proposed development.

Should the city proceed forward with only a first blush of such a large amount of erroneous deficiencies, then the city should prepare itself for an immediate citizen's action, the least of which may result in, public outcry, litigation and a complete turnover of city staff originating from the very residents of whom they are charged to protect.

Respectfully,

Mary M. Holt
NE 203rd Pl
Woodinville, WA 98072
425-485-0044

cc: Concerned Neighbors of Wellington

March 1, 2006

Dick Fredlund, Planner
Planning Department
City of Woodinville
17301 133rd Ave NE
Woodinville, WA 98072

Email: DickF@ci.woodinville.wa.us

RE: Comment on Draft EIS for Wood Trails/Montevallo

Dear Mr. Fredlund:

In reviewing the Wood Trails/Montevallo DEIS, it is disturbing at the lack of attention to appropriate issues this document is intended to address.

The most unsettling issue that flies in the face of fair dealing is this study was paid for and supervised by the developer. In the name of conflicts of interest this is entirely out of scope and lacks credibility from its inception.

Not surprisingly are deficiencies whose obvious intent would be to serve the success of the developer. There are misstatements of facts, erroneous and unsupported conclusions, suspect alteration of data or use of inaccurate data, and failure to seriously consider crucial alternatives or mitigation plans, it is clear that this entire document should be disregarded and if repeated done by well documented arm's length transaction.

Some of the deficiencies include, but are not limited to, the following:

- Use of outdated and erroneous base traffic data. It is so egregious in fact to be an embarrassing representation of what the real facts are.
- Failure to address many of the most critical traffic points in the area which will be obviously affected by the proposed developments.

For example,

- the off ramp of Highway 522 at NE 195th Street (where nearly all new residents will exit the highway to come home),
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Respectfully,



Christy Diamond
NE 203rd PI
Woodinville, WA 98072
425-485-0044

cc: Concerned Neighbors of Wellington

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Planning Department
City of Woodinville
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Woodinville, WA 98072

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Respectfully,

Kirk Rondorf
NE 203rd PI
Woodinville, WA 98072
425-485-0044

cc: Concerned Neighbors of Wellington

78
DS. Avey 04

Sept 04?
Determination
Signature

March 16, 2005

Memo To: Ray Sturtz and Dick Fredlund, City of Woodinville
From: David Nemens
CC: Richard Weinman
Subject: Wood Trails / Montevallo EIS Peer Review - Status Update

EXHIBIT 78
PAGE 1 OF 4

We are writing this memo to inform you of the status of the Wood Trails/Montevallo EIS Peer Review, as we understand it, and to identify a few recommendations to expedite the process.

DEIS Preparation

Triad Associates is writing the EIS for the two projects. In recent weeks there appear to have been a number of miscommunications involving the status of the draft, the peer review protocol, and lines of communication. In addition, there appears to be some confusion about the adequacy of the most recent draft we reviewed, and the extent to which that draft needs to be revised before resubmission to the City.

It is important that all material to be reviewed be submitted to the City for distribution to the peer reviewers. It is also important that the applicant submit relatively complete drafts (rather than single sections) for review. There seems to be some lack of clear communication with the applicant on both of these points. George Newman said that he would find it helpful to have a clear written protocol or procedure from the City; I agreed, and said I would follow up with you about this.

City's Technical Consultants

As part of the peer review process, the City contracts with technical consultants to review the technical reports and EIS sections. There have been some delays in identifying these consultants and setting up the contracts. Here is the latest contract status, as best as I have been able to determine it by speaking with the parties involved.

Geotechnical: Nelson Geotechnical Engineering is under contract with the City for this project. Dave Nelson has met with Dick Fredlund and me, visited the site, and received

a copy of the geotechnical report submitted by the applicant with the preliminary plat applications.

Traffic: Perteet Engineering has been selected to review the traffic section of the EIS. Sherman Goong of Perteet has met with Dick Fredlund and me, and has visited the site. The applicant has not submitted a separate traffic technical report, so no such report has been forwarded to Perteet. Perteet still is not under contract. The contracting arrangements were initially going to be handled through Public Works, but now are being handled through Community Development. As of Monday (3/14), Goong had not prepared a scope of work or budget, explaining to me that he had insufficient information about the work expected of him on which to base such a scope and budget

Memo To: Ray Sturtz and Dick Fredlund, City of Woodinville
From: David Nemens
March 16, 2005
Page 2

Storm Drainage: The City initially planned to contract with a firm called Obunco (sp?) for review of the storm drainage technical report and EIS section; but the City could not find any local contact information for Obunco. I found out Monday (3/14) that the task has now been assigned to Yosh in Public Works. I have not discussed the project with Yosh or anyone else in Public Works.

Biology: The City has an on-call contract with Adolfson Associates. I spoke by phone Monday with Cathie Conolly of Adolfson. She has been contacted by Community Development staff and asked to review plants and animal/wildlife habitat for the Wood Trails site only. She has not been asked to review wetlands for either site, and has not been asked to review anything for the Montevallo site. She also expressed some concern about not having enough information about the overall peer review process to develop and accurate, comprehensive scope of work and budget.

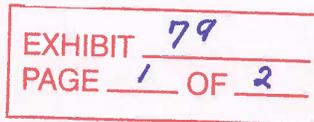
Conclusions and Recommendations

Based on the above information, we offer the following conclusions and recommendations to the City.

1. Review Protocol: The City should issue a written review protocol or procedure. This should be provided to Triad and to the Applicant, as well as to the technical consultants. The protocol should state that Triad shall submit only complete drafts (rather than individual sections) to the City for review, and that all such drafts should be submitted via mail, messenger, or email to Dick Fredlund at City Hall. (Triad may copy Huckell/Weinman on such transmittals.) The procedure should specify the number of drafts to be submitted to the City; we recommend that two additional drafts of the Preliminary DEIS be submitted. It should also list the technical reports that the Applicant has submitted, so that there is no confusion about which of these the City has and is reviewing. Although this procedure has been explained to the Applicant and to Triad in the past, it apparently needs to be

explained again, in writing. This same procedure can be provided to the City's technical consultants, so that they have a better basis for the preparation of work scopes and budgets.

2. Technical Consultants: The City should complete its contracting arrangements with the various technical consultants as quickly as possible. We could sub-contract with the reviewers if this would expedite the process; alternately, if the City wishes to contract directly with these consultants, we could review and manage their scopes of work. We recommend that the Adolfson Associates work scope be expanded to include both project sites (Montevallo as well as Wood Trails), and that they also be tasked with the review of EIS sections and technical reports pertaining to wetlands.



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

December 15, 2005

Mr. Fred Green, President
Concerned Neighbors of Wellington
15218 NE 198th Street
Woodinville, WA 98072

Dear Mr. Green:

Please accept our thanks to you Mr. Mason, Mr. Paris and Mr. Schultz for a good and productive meeting this past Monday. We also appreciate your willingness to segment the meeting subjects so Mayor Brocha could leave before potential future quasi-judicial matters were discussed.

I agree that we have under-managed some communications and information aspects of your collective inquiries. I have met with Mr. Sturtz and Mr. Fredlund and we have agreed that we can be more responsive if we separate the SEPA process issues related to the three land use applications filings on the proposed Woodtrails and Montevallo developments from those of how we are responding to your customer service requests pursuant to information, communications, staffing and management oversight of the process.

For this SEPA process, Dick Fredlund remains the lead staff and is your single point of contact. Dick will prepare a weekly update on all land use planning applications. We have taken the step to make it available on the City web site. Since it includes updates on all filings, we thought it may be more preferable to your group to check the web site than to have the three application updates excerpted and mailed to you. They can be found at either of two places:

1. Projects Page
<http://www.ci.woodinville.wa.us/government/projects.asp>
2. Community Development department page
<http://www.ci.woodinville.wa.us/government/dept-plan.asp>

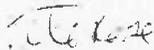
Once you are at that location, click on the private projects link. Please take a look and give us feedback as to whether this will fill the request for weekly updates and whether there is enough information for you to tell the current status of the application. When Mr. Fredlund is away, Mr. Sturtz will assure that a back-up is assigned for his files and that this back-up is known within the department.

You are correct that the Huckell /Weinman firm moved from the role of reviewer to lead preparer for the EIS on this project earlier in the year. Mr. Fredlund is preparing a description of the current roles and responsibilities for work product for the preparers, reviewers and management oversight and that will be communicated to you under separate cover. The document is at the point where Mr. Sturtz and Mr. Fredlund are going over the comments the reviewers of the preliminary draft of the DEIS have submitted with the Huckell firm. You indicated that your group had some written comments to contribute and would provide them by the end of this week. I have reminded Mr. Sturtz and Mr. Fredlund that their primary goal is that this document provides an objective, clear and complete portrayal of the conditions, impacts and options considered as is reasonably possible at this stage.

For other contacts regarding things outside of the EIS process, please feel free to contact me. Since the items are currently those of staff responsiveness and "Who's on First?" kinds of things, I need to get a feel for the locations of any "misses" in priorities and customer service processes. I have given my executive assistant access to my e-mail and instructions to flag and bring to my attention any communications from your four names or CNW letterhead. My back-up for these purposes when I am away is Assistant to the City Manager Deborah Knight.

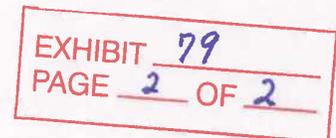
Thank you for listening to our efforts and responses in the area of the minimum density filings. If your group has any desire to plug into this work or receive updates, staff lead is City Planner Carl Smith (carls@ci.woodinville.wa.us).

Sincerely,



Pete Rose, City Manager

Pc: Roger Mason, Otto Paris, Matt Schultz
Ray Sturtz, Dick Fredlund, Deborah Knight, Linda Fava



Concerned Neighbors of Wellington

"Dedicated to Preserving the Character of the Wellington Neighborhood"

1) Data Boards

March 2, 2007

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

EXHIBIT 80
PAGE 1 OF 2

RE: Request for Public Records

Ms. Baker,

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

We are also formally requesting that we receive (via either hard paper copies or forwarded email) all emails and correspondence between the applicant and City Staff. We are making the request so that we remain in the loop about what issues are being discussed and/or resolved between the City and the applicant prior to the Public Hearings. Please be sure these are forwarded and faxed immediately. In addition to future correspondence, please forward any correspondence that has taken place since the city has issued their Staff Report on the Wood Trails and Montevallo Hearings. Please note that this request is being made because any Request for Public Records cannot be fulfilled by the City until after the Public Hearing which denies us the ability to enter the above requested information into the Wood Trails and Montevallo Hearing Records.

My Contact Information:

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

Sincerely,

Fred A. Green
President, CNW

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

Email - please confirm you received

*NO response -
upst - no M.O.*

P.O. Box 2934, Woodinville, WA 98072-2934
Concerned Neighbors of Wellington is a Washington Non-Profit Corporation

Quotes from conversation with Cindy Baker, March 14th, 2007, approximately 10:00 a.m.

Cindy Baker called Fred Green, President of CNW and stated:

EXHIBIT 80
PAGE 2 OF 2

I just learned on Monday that Phoenix submitted a revised plan on Friday night.

Phoenix attempted to address some of the issues we raised in our staff report but did not do a very good job of it. We did not have time to study the revisions for more than about 30 minutes, but the revisions are not very different from original plan.

They lost about 3 lots by addressing road width.

Phoenix did not address vault which is important to city.

It's wordy and filled with errors.

The city will address the hearing examiner about revisions but will advise examiner they have not studied for more than 30 minutes and are not prepared to fully comment on changes.

A copy will be waiting for CNW at city hall.

- You may recall our exchange last night.

~~After meeting, I printed out data boards~~

- We discussed study + she stated she had
STAFF

- Data Boards - 50 x 100 lots

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March 15, 2007

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Please print your name and give your current mailing address including zip code **AND** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both.

Please make sure all information is readable

		Testify	Notify of Hearing Examiner's Decision
1.	Name: <u>NADINE JONES</u>		X
	Mailing address <u>14903 NE 201ST</u>		
	Email address <u>Woodinville WA 98072</u>		
2.	Name: <u>Austin T. Winant</u>		
	Mailing address <u>15908 NE 198th st</u>		
	Email address <u>jwinant@comcast.net</u>		
3.	Name: <u>Rick Aramburu</u>	X	X
	Mailing address		
	Email address		
4.	Name: <u>Fred Green</u>	X	X
	Mailing address <u>20624 86th Ave SE</u>		
	Email address <u>Smiths, WA 98096</u> <u>Fred @ Green Financial . com</u>		
5.	Name: <u>Jeff Glickman</u>	X	X
	Mailing address		
	Email address		
6.	Name: <u>Roger Mason</u>	X	X
	Mailing address <u>15023 NE 195TH ST.</u>		
	Email address		
7.	Name: <u>Math Schultz</u>	X	X
	Mailing address		
	Email address		
8.	Name: <u>Steve Goltshalk</u>	X	X
	Mailing address		
	Email address		
9.	Name: <u>Otto Paris</u>	X	X
	Mailing address <u>14806 NE 198th St.</u>		
	Email address <u>Woodinville WA 98072</u>		
10.	Name: <u>Keri Scarborough</u>	X	X
	Mailing address		
	Email address		
11.	Name: <u>Sharon Peterson</u>	X	X
	Mailing address <u>15206 NE 202nd St 98072</u>		
	Email address <u>Serdman@microsoft.com</u>		

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		Testify	Notify of Hearing Examiner's Decision
12.	Name: <u>Brad Rich</u> Mailing address <u>18046 Both Ave NE, Woodinville</u> Email address <u>brich@renewware.com</u>	X	X
13.	Name: <u>Jaul Forman</u> Mailing address <u>19831 156th Ave NE</u> Email address <u>pkforman@juno.com</u>		X
14.	Name: <u>Jonathan Yang</u> Mailing address <u>15127 NE 188th St</u> Email address <u>JonathanYang9999@Hotmail.com</u>		
15.	Name: <u>Susan Lease</u> Mailing address <u>8024 242nd St SE Woodinville 98072</u> Email address <u>kclsan@att.net</u>	X	
16.	Name: <u>Linda King</u> Mailing address <u>17344 116th Ave NE Wn</u> Email address <u>LLARIKING1@comcast.net</u>	X	X
17.	Name: <u>Christy Diamond</u> Mailing address <u>14136 NEW-D RD 144-WDV 98072</u> Email address <u>QCI@OZ.NET</u>	X	X
18.	Name: <u>Robert A Harman</u> Mailing address <u>14949 NE 20th St</u> Email address <u>Harmanhouse@verizon.com</u>		
19.	Name: <u>Peter Rothschild</u> Mailing address <u>20002 156th Ave NE</u> Email address <u>Pgr@xsandm.com</u>	X	X
20.	Name: <u>Brad Walker</u> Mailing address <u>15218 NE 195th St</u> Email address <u>Brad.Walker@Comcast.net</u>	X	X
21.	Name: <u>GREG HOKULANI ORTON</u> Mailing address <u>15908 NE 193rd PL. WOODINVILLE, WA 98072</u> Email address <u>GREGO@AMAZON.COM</u>		X

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		Testify	Notify of Hearing Examiner's Decision
22.	Name: Juliana Gunnarsson Mailing address 19924 163rd Ave NE Woodinville WA 98072 Email address gunnarssonusa@comcast.net		X
23.	Name: RAYMOND RHODES Mailing address 15725 NE 198th St. WOODINVILLE, WA 98072 Email address		X
24.	Name: Brad Stolt Mailing address Email address		
25.	Name: BRIAN ORTON Mailing address 7820 238th St SE WOODINVILLE 98072 Email address BRIAN.ORTON@KPCOM.COM		
26.	Name: DAVE HENRY Mailing address 15019 NE 201st St. Woodinville 98072 Email address dhenrynas@msd.com	yes	yes
27.	Name: Laurie Thompson Mailing address PO Box 1561, 98072 Email address TLT1988@yahoo.com	no	yes
28.	Name: JAMES HARTMAN Mailing address 14908 NE 201 St. WOODINVILLE, WA 98072 Email address	yes	yes
29.	Name: Kathleen Kemis Mailing address 15008 NE 198 St Wdnv. 98072 Email address		X
30.	Name: Paul Sharp Mailing address 15008 NE 198 St. Woodin. 98072 Email address paul.sharp@verizon.net		X
31.	Name: Helen Grottschalk Mailing address 14918 NE 198 St Woodinville WA 98072 Email address hgotts@hotmail.com		X

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<u>Please make sure all information is readable</u>			
		Testify	Notify of Hearing Examiner's Decision
32.	Name: <u>DOUG GIBSON</u> Mailing address <u>14830 NE 198TH ST.</u> <u>WOODINVILLE, WA 98072</u> Email address <u>dgibson@WIS LLC.COM</u>		
33.	Name: <u>JACKIE SCHWARTZ</u> Mailing address <u>20122 148 AVE NE</u> Email address <u>JACKIE@ATCHUTCA.COM</u>	<u>NO</u>	<u>YES</u>
34.	Name: Mailing address Email address		
35.	Name: Mailing address Email address		
36.	Name: Mailing address Email address		
37.	Name: Mailing address Email address		
38.	Name: Mailing address Email address		
39.	Name: Mailing address Email address		
40.	Name: Mailing address Email address		
41.	Name: Mailing address Email address		

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			Testify	Notify of Hearing Examiner's Decision
42.	Name: <u>CLIFF GRIFFIN</u>			
	Mailing address <u>14907 NE 198 St S</u>			
	Email address <u>hotterwill@comcast.net</u>			
43.	Name: <u>Susan Bowndy - Sanders</u>			
	Mailing address <u>17859 149th Av. NE</u> <u>Woodinville, WA 98072</u>			
	Email address <u>sbsand@hotmail.com</u>			
44.	Name:			
	Mailing address			
	Email address			
45.	Name:			
	Mailing address			
	Email address			
46.	Name:			
	Mailing address			
	Email address			
47.	Name:			
	Mailing address			
	Email address			
48.	Name:			
	Mailing address			
	Email address			
49.	Name:			
	Mailing address			
	Email address			
50.	Name:			
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	Email address			
51.	Name:			
	Mailing address			
	Email address			

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		<i>Testify</i>	<i>Notify of Hearing Examiner's Decision</i>
52.	Name:		
	Mailing address		
	Email address		
53.	Name:		
	Mailing address		
	Email address		
54.	Name:		
	Mailing address		
	Email address		
55.	Name:		
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56.	Name:		
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57.	Name:		
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61.	Name:		
	Mailing address		
	Email address		

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		<i>Testify</i>	<i>Notify of Hearing Examiner's Decision</i>
62.	Name: Mailing address Email address		
63.	Name: Mailing address Email address		
64.	Name: Mailing address Email address		
65.	Name: Mailing address Email address		
66.	Name: Mailing address Email address		
67.	Name: Mailing address Email address		
68.	Name: Mailing address Email address		
69.	Name: Mailing address Email address		
70.	Name: Mailing address Email address		
71.	Name: Mailing address Email address		

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		<i>Testify</i>	<i>Notify of Hearing Examiner's Decision</i>
72.	Name:		
	Mailing address		
	Email address		
73.	Name:		
	Mailing address		
	Email address		
74.	Name:		
	Mailing address		
	Email address		
75.	Name:		
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76.	Name:		
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77.	Name:		
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78.	Name:		
	Mailing address		
	Email address		
79.	Name:		
	Mailing address		
	Email address		
80.	Name:		
	Mailing address		
	Email address		
81.	Name:		
	Mailing address		
	Email address		

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		<i>Testify</i>	<i>Notify of Hearing Examiner's Decision</i>
82.	Name:		
	Mailing address		
	Email address		
83.	Name:		
	Mailing address		
	Email address		
84.	Name:		
	Mailing address		
	Email address		
85.	Name:		
	Mailing address		
	Email address		
86.	Name:		
	Mailing address		
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87.	Name:		
	Mailing address		
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88.	Name:		
	Mailing address		
	Email address		
89.	Name:		
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90.	Name:		
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	Email address		
91.	Name:		
	Mailing address		
	Email address		

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the appropriate box if you wish to testify, receive notification of
Hearing Examiner decision, or both.

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		Testify	Notify of Hearing Examiner's Decision
92.	Name: <i>Mike O'Grady</i> Mailing address <i>14906 NE 204th ST</i> Email address <i>seamog@verizon.net</i>		
93.	Name: Mailing address Email address		
94.	Name: Mailing address Email address		
95.	Name: Mailing address Email address		
96.	Name: Mailing address Email address		
97.	Name: Mailing address Email address		
98.	Name: Mailing address Email address		
99.	Name: Mailing address Email address		
100.	Name: Mailing address Email address		

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pg 7

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		Testify	Notify of Hearing Examiner's Decision
101.	Name: <u>EUGENE L. LAMB</u> Mailing address <u>P.O. Box 292</u> <u>19424 153rd Ave NE</u> Email address <u>eugenelamb@msn.com</u>	X	X
102.	Name: <u>Stephen YABROFF</u> Mailing address <u>19320 162ND AVE. NE</u> Email address <u>SMY850@COMCAST.NET</u>	X	X
103.	Name: <u>Vicley DELOFF - SEKSON</u> Mailing address Email address <u>Tony sekson@earthlink.net</u>		X
104.	Name: <u>RICK & LINDA HANIKA</u> Mailing address <u>24320 75th AVE SE</u> <u>Woodinville WA 98072</u> Email address		X
105.	Name: <u>MARIE DAY</u> Mailing address <u>20219- 157th AVE NE, M-M DAY 1 @</u> <u>Woodinville WA 98072</u> <u>MSM.com</u> Email address		X
106.	Name: <u>Julia Poole</u> Mailing address <u>15306 NE 202nd St</u> <u>Woodinville, WA 98072</u> Email address <u>ja.poole1@earthlink.net</u>	yes	yes
107.	Name: <u>Amtul Z. Makhdoom</u> Mailing address <u>14849 N.E. 195th st Woodinville, WA: 98072</u> Email address <u>Makhdoomfamily_@hotmail.com</u>	yes.	yes.
108.	Name: <u>Kenneth Olson</u> Mailing address <u>14925 NE 192nd St.</u> <u>Woodinville, WA 98072</u> Email address <u>ken@kollmmanagement.com</u>		X
109.	Name: <u>BARBARA CZUBA</u> Mailing address <u>15808 NE 203rd PLACE</u> Email address <u>Woodinville, WA 98072</u>	X	X
110.	Name: <u>CHRISTINA McMARTIN</u> Mailing address <u>19228-168 AVE NE, 98072</u> Email address <u>CMCMartin@verizon.net</u>	X	X
111.	Name: <u>Rathleen Forman</u> Mailing address <u>19831 156th AVE NE</u> <u>Woodinville 98072</u> Email address <u>pkforman@juno.com</u>	X	

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		Testify	Notify of Hearing Examiner's Decision
112.	Name: <u>JARRETT RENSHAW</u> Mailing address <u>20230 149th PL NE</u> Email address <u>JARRETT.ERIN@COMCAST.NET</u>		<input checked="" type="checkbox"/>
113.	Name: <u>Erin Renshaw</u> Mailing address <u>20230 149th PL NE</u> Email address <u>Jarrett.Erin@comcast.net</u>		<input checked="" type="checkbox"/>
114.	Name: <u>Cory Kohler</u> Mailing address <u>18622 142nd Ave NE</u> Email address <u>[Signature]</u>		<input checked="" type="checkbox"/>
115.	Name: <u>Dave Hyder</u> Mailing address <u>15776 NE 195th</u> Email address <u>djhyder@comcast.net</u>		<input checked="" type="checkbox"/>
116.	Name: <u>Jenifer Hallman</u> Mailing address <u>19160 160th Ave NE</u> <u>Woodinville</u> Email address <u>Jenhallman@hotmail.com</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
117.	Name: <u>Janet Patrick</u> Mailing address <u>15252 NE 195th St, Woodinville</u> Email address <u>patrickji@aol.com</u>		<input checked="" type="checkbox"/>
118.	Name: <u>CHARLES BOWER</u> Mailing address <u>20249 149th PL NE</u> Email address <u>CHARLBOWER@MSN.COM</u>		<input checked="" type="checkbox"/>
119.	Name: <u>Makhdoom Ahmed</u> Mailing address <u>14848 NE 195th St, 98072</u> Email address <u>makhdoomfamily@yahoo.com</u>		<input checked="" type="checkbox"/>
120.	Name: <u>Al & Thelma Pasion</u> Mailing address <u>19417 148th Ave NE</u> <u>Woodinville, WA. 98072</u> Email address		
121.	Name: <u>Gindi Stinson</u> Mailing address Email address		

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		Testify	Notify of Hearing Examiner's Decision
122.	Name: <u>Kelly Huff</u> Mailing address Email address		
123.	Name: <u>CLINT OLSON</u> Mailing address <u>15858 NE 195th St Woodville 98072</u> Email address		X
124.	Name: <u>LEROY KUEBLER</u> Mailing address <u>20255 149TH PL NE One Woodville</u> Email address <u>KAYN LEROY@verizon.net</u>		X
125.	Name: <u>Susan Huso</u> Mailing address <u>PO Box 1176 Wood</u> Email address	Y	Y
126.	Name: <u>Kay F. Kuebler</u> Mailing address <u>20255 149TH PL NE Woodville 98072</u> Email address		
127.	Name: <u>HELEN R. FRY</u> Mailing address <u>15317 NE 201 St Wdville 98072</u> Email address <u>hvanhel@aol.com</u>		X
128.	Name: <u>Mike & Marion Hays</u> Mailing address <u>15335 NE 202 St Woodville, WA 98072</u> Email address		X
129.	Name: <u>Sara & AVIV Shakah</u> Mailing address <u>15363 NE 201st Woodville WA 98072</u> Email address <u>Sarashakah@aol.com</u>		X
130.	Name: Mailing address Email address		
131.	Name: Mailing address Email address		

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		Testify	Notify of Hearing Examiner's Decision
142.	Name: <u>Rick Hawika</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Mailing address <u>24320 75th AVE SE</u>		
	Email address <u>woodinville wa</u>		
143.	Name: <u>Jo Ann Hasse</u>		<input checked="" type="checkbox"/>
	Mailing address <u>15116 NE 202</u>		
	Email address <u>woodinville wa 98072</u>		
144.	Name: <u>James Snell</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Mailing address <u>15009 NE 198th St</u>		
	<u>Woodinville wa 98072</u>		
	Email address <u>jes3788@yahoo.com</u>		
145.	Name: <u>Ron Olson</u>		<input checked="" type="checkbox"/>
	Mailing address <u>14959 NE 202nd St</u>		
	Email address <u>olsencv3@comcast.net</u>		
146.	Name: <u>Chris Olsen</u>		<input checked="" type="checkbox"/>
	Mailing address <u>14959 NE 202nd St</u>		
	Email address <u>olsencv3@comcast.net</u>		
147.	Name: <u>RODNEY WILLIAMS</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Mailing address <u>15344 NE 201st St</u>		
	<u>WOODINVILLE WA 98072</u>		
	Email address <u>WILLIAMS@RDGRIP.COM</u>		
148.	Name: <u>KAREN JOHNSON</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Mailing address <u>15385 NE 198th St Woodinville</u>		
	Email address <u>Bridgettr179@hotmail.com</u>		
149.	Name: <u>PATRICK MORRIS</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Mailing address <u>15104 NE 202nd St. WOODINVILLE, WA</u>		
	Email address <u>pmorris@comcast.net</u>		
150.	Name:		
	Mailing address		
	Email address		
151.	Name:		
	Mailing address		
	Email address		

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		Testify	Notify of Hearing Examiner's Decision
152.	Name: <u>Seanette Knutson</u> Mailing address: <u>22531 NE 191st Court</u> <u>Woodville WA 98077</u> Email address: <u>sgk@seanet.com</u>	<u>NO</u>	<u>YES</u>
153.	Name: <u>Phillip Keller</u> Mailing address: <u>19005 152 Ave NE</u> Email address:	<u>NO</u>	
154.	Name: <u>ADAM GOLD</u> Mailing address: <u>19626 148th Ave NE Wood 98072</u> Email address: <u>AG@EXRES.COM</u>	<u>YES</u>	<u>YES</u>
155.	Name: <u>MARTIN & JACKIE SCHWARZ</u> Mailing address: <u>20122 148th Ave NE</u> <u>WOODINVILLE WA</u> Email address: <u>Martin@atchurch.com</u>	<u>YES</u>	<u>YES</u>
156.	Name: <u>HAL LARSON</u> Mailing address: <u>20105 153rd NE</u> Email address:	<u>YES</u>	<u>YES</u>
157.	Name: <u>John P. COUGHLIN</u> Mailing address: <u>15606 Wood DuVal Rd</u> Email address: <u>WOOD, WA. 98072</u>		
158.	Name: <u>Kristyn Howell</u> Mailing address: <u>14817 NE 192nd St</u> <u>Woodinville WA 98072</u> Email address: <u>Kristyn-howell@comcast.net</u>	<u>NO</u>	<u>YES</u>
159.	Name: <u>James & Wendy Avery</u> Mailing address: <u>14906 NE 202nd St</u> Email address: <u>averyhome@comcast.net</u>	<u>NO</u>	<u>Yes</u>
160.	Name: Mailing address: Email address:		
161.	Name: Mailing address: Email address:		

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162.	Name:		
	Mailing address		
	Email address		
163.	Name:		
	Mailing address		
	Email address		
164.	Name:		
	Mailing address		
	Email address		
165.	Name:		
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166.	Name:		
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167.	Name:		
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168.	Name:		
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170.	Name:		
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Please print your name and give your current mailing address including zip code **AND** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both.

Please make sure all information is readable

		<i>Testify</i>	<i>Notify of Hearing Examiner's Decision</i>
172.	Name: Mailing address Email address		
173.	Name: Mailing address Email address		
174.	Name: Mailing address Email address		
175.	Name: Mailing address Email address		
176.	Name: Mailing address Email address		
177.	Name: Mailing address Email address		
178.	Name: Mailing address Email address		
179.	Name: Mailing address Email address		
180.	Name: Mailing address Email address		
181.	Name: Mailing address Email address		

SIGN UP SHEET March 15, 2007 IF YOU WISH TO TESTIFY OR RECEIVE NOTICE OF THE DECISION REGARDING THE MONTEVALLO PRELIMINARY PLAT AND REZONE <i>Please print</i> your name and give your current mailing address including zip code AND email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both. <u>Please make sure all information is readable</u>			
		<i>Testify</i>	<i>Notify of Hearing Examiner's Decision</i>
182.	Name:		
	Mailing address		
	Email address		
183.	Name:		
	Mailing address		
	Email address		
184.	Name:		
	Mailing address		
	Email address		
185.	Name:		
	Mailing address		
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186.	Name:		
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187.	Name:		
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	Email address		
188.	Name:		
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190.	Name:		
	Mailing address		
	Email address		
191.	Name:		
	Mailing address		
	Email address		

**SIGN UP SHEET
March 15, 2007**

**IF YOU WISH TO TESTIFY OR RECEIVE NOTICE OF THE
DECISION REGARDING THE MONTEVALLO PRELIMINARY
PLAT AND REZONE**

Please print your name and give your current mailing address including zip code **AND** email address, and indicate by checking in the appropriate box if you wish to testify, receive notification of Hearing Examiner decision, or both.

Please make sure all information is readable

		<i>Testify</i>	<i>Notify of Hearing Examiner's Decision</i>
192.	Name:		
	Mailing address		
	Email address		
193.	Name:		
	Mailing address		
	Email address		
194.	Name:		
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197.	Name:		
	Mailing address		
	Email address		
198.	Name:		
	Mailing address		
	Email address		
199.	Name:		
	Mailing address		
	Email address		
200.	Name:		
	Mailing address		
	Email address		

Exhibit 82

DVD of the Montevallo Video taped at March 15, 2007 public hearing

One DVD

Available for review at City of Woodinville's Development Services's counter

Original
J. Sanchez 3/20/07