



**City of Woodinville
Department of Development Services
Permit & Land Use Services Division
Woodinville, WA**

425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072
Permit Desk Hours • Monday – Friday • 8:30am – 4:00pm • Wednesday 11:30am-4:00pm

**CITY OF WOODINVILLE
STAFF REPORT TO THE HEARING EXAMINER
FOR
MONTEVALLO REZONE ZMA2004-094
AND
PRELIMINARY PLAT APPLICATION PPA2004-093**

March 1, 2007 – PUBLIC HEARING AT 7.30 PM
(Submittal or presentation of some information may be allowed on February 28, 2007)

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To: Greg Smith, City of Woodinville Special Hearing Examiner
From: Cindy Baker, Interim Director/Planning Director, Development Services
Date: February 23, 2007
Subject: Staff Report for Montevallo Rezone ZMA2004-094 and
Preliminary Plat Application PPA2004-093

INTRODUCTION

The following paragraphs outline the Comprehensive Plan goals and policies and the provisions of the Woodinville Municipal Codes (WMC) that apply to the rezone and preliminary plat for the proposed Montevallo development because they were in effect at the time of application completeness on November 23, 2004. Following the goals, policies and codes is other pertinent information to assist in decision-making. Staff-recommended conditions to the hearing examiner follow the aforementioned. Applicable Comprehensive Plan goals and policies and regulatory codes are as follows:

- Woodinville Comprehensive Plan 2004
- WMC Title 17, Land Development, 2004
- WMC Title 20, Subdivision Code, 2004
- WMC Title 21, Zoning Code, 2004

WMC Titles 8 (Health & Safety), 12 and 13 (Storm & Surface Water Utilities), 14 (Environmental Protection, Water Quality; note defers to King County manual 1998 and any future amendments up to the date of complete application), 15 (Buildings & Construction), 22 (Development Impacts to the extent applicable and to the extent subject to applicable vesting concerns).

NOTE: Nothing herein is intended to relieve the applicant from complying with all applicable regulatory standards, regardless of whether or not they are specifically referenced in this staff report. The applicant is and will remain responsible for satisfying all relevant codes, ordinances, rules and regulations with respect to the proposed Montevallo development.

PROCEDURAL BACKDROP

The following paragraphs precede the specific City staff recommendations for conditions of approval and are the underlying premises necessary to process the proposal. The Director makes the following procedural conclusions as a backdrop to the substantive recommendations set forth in this staff report:

1. The proposed rezone and preliminary plat for Montevallo can and should be consolidated and heard together at the same hearing based upon the following. Under WMC 20.08.020(3) *“unless the applicant requests otherwise, a subdivision or short subdivision application shall be processed simultaneously with application for variances, conditional uses, street vacations, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing, and subject to WMC 17.07.020” (refers to completeness of application. “*

The applicant for the Montevallo project did not request separate processing of its rezone request and preliminary plat application (Exhibit 17 and 2, respectively). Accordingly, the Montevallo rezone request and preliminary plat applications are being properly processed and heard together as Type III permits pursuant to WMC 17.07.030. Pursuant to WMC 17.07.030 and WMC 21.42.100 -110, the Hearing Examiner will make a final decision on the preliminary plat application, and will make a recommendation to the City Council regarding the applicant’s requested rezone. If the Hearing Examiner approves the preliminary plat at the requested R-4 density level, any such approval shall be expressly conditioned and contingent upon the City Council’s ultimate approval of the requested rezone. The process for decision-making on this proposal is as follows:

Rezone Recommendation: The hearing examiner will make a recommendation to the City Council for its decision on the rezone. An appeal of the rezone is a judicial appeal to King County Superior Court.

Preliminary Plat Decision: 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 preliminary plat decision can be administratively appealed to the city council and is limited to the existing record (CLOSED RECORD APPEAL PROCEEDING) i.e., no new factual evidence or information may be submitted.

The Director construes the above approach as consistent with relevant state and local procedural standards, including but not limited to WMC 17.07.020, WMC 20.08.020 and RCW 58.17.070.

2. The Montevallo proposal is considered vested to the land use regulations in effect at the time of the complete application. Under WMC 17.09 *a project permit application is complete when it meets the submittal requirements specified by the Director.* The rezone and preliminary plat applications were deemed complete on November 23, 2004 and a letter was sent in accordance with WMC 17.09.030 (Exhibit 13 and 20 respectively). The rezone and plat applications are inextricably linked. Based upon relevant legal standards, including but not limited to WMC 21.40.035, WMC 20.08.020 and WMC 21.04.080, the Director concludes that the applications are therefore vested to the codes and regulations in effect on November 23, 2004.
3. This vesting determination does not mean that the requested rezone is automatically granted. The applicant must still demonstrate that the proposed rezone satisfies the criteria for zone reclassifications. Under WMC 21.44.070, Zone reclassification, *“A zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the Comprehensive Plan and applicable functional plans and complies with the following criteria:*

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

The Director acknowledges WMC 21.04.080 (1) (a), which provides in relevant part that “developments with densities less than R-4 are allowed only if adequate services cannot be provided.” However, this provision does not cross-reference or by its terms supersede the generally-applicable rezone criteria codified at WMC 21.44.070. Under fundamental rules of ordinance interpretation, the City must construe WMC 21.04.080 and WMC 21.44.070 together, harmonizing and giving reasonable effect to both provisions. The Director thus concludes that the code does not automatically grant R-4 zoning to a requesting development applicant. Instead, applicants must independently satisfy the rezone criteria set forth in WMC 21.44.070.

4. The WMC, including but not limited to WMC 20.08.020 (1) and WMC 21.36, does not require mandatory consolidation of the proposed plats of Montevallo and Wood Trails.

WMC 20.08.020 (1) states that “all contiguous parcels of land, regardless of acquisition or location in different lots, tracts, parcels, tax lots or separate government lots, that are to be subdivided shall constitute a single subdivision ...action.”

The Wood Trails project site and the Montevallo project site are not “contiguous,” a term construed by the Director as “sharing a common boundary or abutting or adjoining.” The Director also interprets Chapter 21.36 WMC as not requiring formal consolidation of the Wood Trails and Montevallo proposals under these circumstances. The Director further acknowledges that the rezone/preliminary plat applications for the Wood Trails and Montevallo proposals were submitted several months apart and under separate permit numbers, and that the applicant for both proposals has not requested consolidation in this manner. Therefore, decisions on the two preliminary plats will be separate. However, in order to ensure convenience for interested parties, the Hearing Examiner will accept testimony for both the Wood Trails and the Montevallo proposals at each of the public hearings to be held on February 28 and March 1. (See Hearing Examiner Letter, Exhibit 47) The applicant has consented to this approach. (Exhibit 48).

REVIEW AND APPROVAL CRITERIA, SUBDIVISION CODE, 20.06.020 (1)

- (1) *Each proposed subdivision or short subdivision shall be reviewed to insure that:*
 - a. *The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville Comprehensive Plan, community urban forestry plan, and parks, recreation, and open space plan;*
 - b. *The proposal conforms to the development standards set forth in WMC Title 21, Zoning Code;*
 - c. *The proposal conforms to the requirements of this section and those set forth in this chapter and WMC 20.06 Subdivision and Short Subdivision Regulations and WMC 17.09.020;*
 - d. *The proposed street system conforms to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;*
 - e. *The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;*
 - f. *The layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;*
 - g. *Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;*
 - h. *Safe walk to school procedures, as established by the City, have been met;*
 - i. *Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.*

DESCRIPTION OF R-1 ZONE

The Montevallo proposal is located in the only R-1 zone in the City. R-1 zoning has remained constant since the incorporation of the city. It provides balance to other higher density residential zones in the city. Appropriate residential densities for all neighborhoods, including density and carrying capacity for the entire city, must be evaluated holistically. GMA stipulates each city and county (required to plan under the Act) must develop a comprehensive plan and zoning to accommodate their fair share of the State’s anticipated growth. This is expressed at the local level in terms of housing units and jobs.

Population and employment projections are developed by the Washington State Office of Financial Management. These growth projections are divided into regions and then down to the county level. Each county and the cities therein divide up the growth allocated to the county

according to established criteria including the “carrying capacity” (potential for accommodating growth) for each city and the county for a twenty-year planning period. The City’s Housing Allocation for the current planning period, 2001 to 2022, is 1,869 dwelling units. This allocation can be accommodated under existing Comprehensive Plan and zoning designations according to a 2001 Residential Carrying Capacity analysis (done as part of the 2002 Comprehensive Plan Update).

To measure how each city in the County achieves its assigned housing target, a report is published every five years that summarizes, city by city, the number of additional housing units that have been built for that period. The King County 2005 Buildable Lands Report indicates the City of Woodinville gained 497 new dwellings from 2001 to 2005. Another 41 dwelling units were added in 2006, according to the City’s Building Permitting records. This left a housing allocation balance of 1,331 dwelling units to be provided over the next 15 years.

Table 1. Housing Allocation and Permits Issued

Housing Allocations and Permits	Housing Units
2001 – 2022 Housing Allocation	1,869
2001 – 2006 Housing Permits Issued	-538*
Housing Allocation Balance	1,331

*Includes both Residential Zone Projects and known Commercial Zone Projects

Using as a base line the 2001 Residential Carrying Capacity analysis, the Table 2 indicates there remains sufficient capacity to accommodate the remaining Housing Allocation under current zoning.

Table 2. Residential Capacity Analysis

Residential Carrying Capacity*	R-1	R-4	R-6	R-8	Multi-Family (R-12 thru R-48/O)	Commercial Zones	Totals
A. 2001 Dwelling Unit Capacity**	158	497	598	170	524	y***	1,947 + y
B. 2001 – 2006 Permitted Units (capacity consumed)	50	77	191	120	1	99	538
Current Capacity (A minus B)	108	420	407	50	523		1,409 + y

*Capacity = land available for development or redevelopment current zoning
 **2001 Carrying Capacity Analysis conducted for the 2002 Comprehensive Plan Update
 ***y = Undetermined capacity in Commercial Zones (CBD & TB)

As Table 3 below indicates, with a current capacity of 1409+y housing units (Table 1) in all residential zones and an allocation balance of 1331 (Table 2) this leaves a surplus capacity of 78 housing units if left. This does not include residential capacity in any commercial zone.

Table 3. Housing Allocation Surplus

Current Carrying Capacity	1409
Housing Allocation Balance	-1331
Housing Allocation Surplus	78

Neither the 2001 analysis nor the table above identify the capacity in the Central Business District (CBD) and Tourist Business (TB) zones to accommodate housing units. Both of these zones allow residential development. Since 2002, 99 units have been permitted for three relatively small projects located in the CBD zone. There are two projects currently undergoing building permit review (permits not issued yet) that could provide another approximately 700 to 720 housing units. One of these projects will be constructed in the TB zone and the other in a Multi-family/Office zone next to downtown. If both of these projects are approved for the number of units submitted, the Housing Allocation balance (units to be provided) would be reduced to just over 600 units. The redevelopment of a 20-acre mobile home park in downtown and other development currently being discussed for various locations in the CBD zone indicates there is a potential for the entire City’s remaining GMA Housing Allocation to be provided by mixed-use commercially zoned

projects. This reduces, if not eliminates, the need to rely on any additional residential created areas to fulfill the City's housing obligation under the State's GMA and King County's Countywide Planning Policies for more than 15 years.

Since incorporation in 1993, it has been an expressed goal and vision of the City to preserve "our Northwest Woodland Character." The R-1 Zone area represents approximately 30% of the total acres of the City, and approximately 50% of the residentially zoned land. It also contains a significant amount of the City's native tree cover and wooded hillsides, the primary elements that define Northwest Woodland Character. While the City strives to fulfill its obligation to provide housing, it will be important to take advantage of the carrying capacity outside of the R-1 Zone area in order to retain these important and unique elements for future generations until the need is identified.

Recently, the city council established a moratorium in the R-1 area under Ordinances 419, 424, and 427 to study the impacts of different zoning options on the environment, neighborhood character, and transportation. Although the Montevallo project is vested to the regulations extent in 2004 and outside the purview of the moratorium, the City Council's findings in its moratorium ordinances are informative as to the physical character of the underlying R-1 zoning district. These legislative findings are attached as exhibits (Exhibit 49). In addition, the analysis of overall city-wide residential zoning plays an important role in determining localized densities.

A. SUMMARY OF PROPOSED ACTION

The applicant proposes to rezone the project site (City File No.ZMA2004-094) from R-1 (one unit per acre) to R-4 (four units per acre) and to subdivide (City File No.PPA2004093) a 16.48-acre property into 66 single-family residential lots. The applicant has requested to receive and utilize surplus density (19 credits as calculated by the applicant) from the Wood Trails project site, also owned by the applicant, as allowed under WMC Chapter 21.36. Under this proposal, the Montevallo property would constitute the receiving site, and the Wood Trails property would constitute the sending site. Montevallo is located west of 156th Avenue NE, directly south of the King-Snohomish County line and the Wellington Hills Golf Course. It is in the NW ¼ of Section 2, Township 26 North, Range 5 East WM, King County. Two main roads (NE 203rd Street and NE 204th Street) access the site from 156th Avenue NE.

The site is surrounded by residential lots on both the south and west sides, at ¼ to 1 acre parcels and ¾ to 2 acres parcels, respectively. The east side of the site borders 156th Avenue NE (also known as the Boston Road), with a large undeveloped parcel across the street. The north side of the site abuts an approximately 20-acre forested area on the east side of the Wellington Hills Golf Course. Many of the houses were built in the 1970's and 1980's (some newer/some older). Streets in the surrounding Wellington neighborhood are typically paved without curbs, gutter, and sidewalks. Most of the neighborhood is heavily wooded, with open areas, particularly in the north-central part of the area. The site is predominantly cleared and developed at low-density, single-family use, with four single-family residential lots with homes on the east side of the site, and a single-family home near the west side of the site. See Figures below (Exhibit 4) and the legal description (Lots 1 through 5, Summers Additions, according to the plat thereof, recorded in volume 100 of plats, pages 33 and 34, in King County Washington). The natural features on the site include:

Topography: The topography of the Montevallo site slopes gently from east to west at slope gradients in the range of 5 to 10 percent. Elevations on the site range from approximately 430 feet in the western part of the property to 490 feet at the eastern edge, near 156th Avenue NE. The wetland at the western end of the property is a topographic low point.

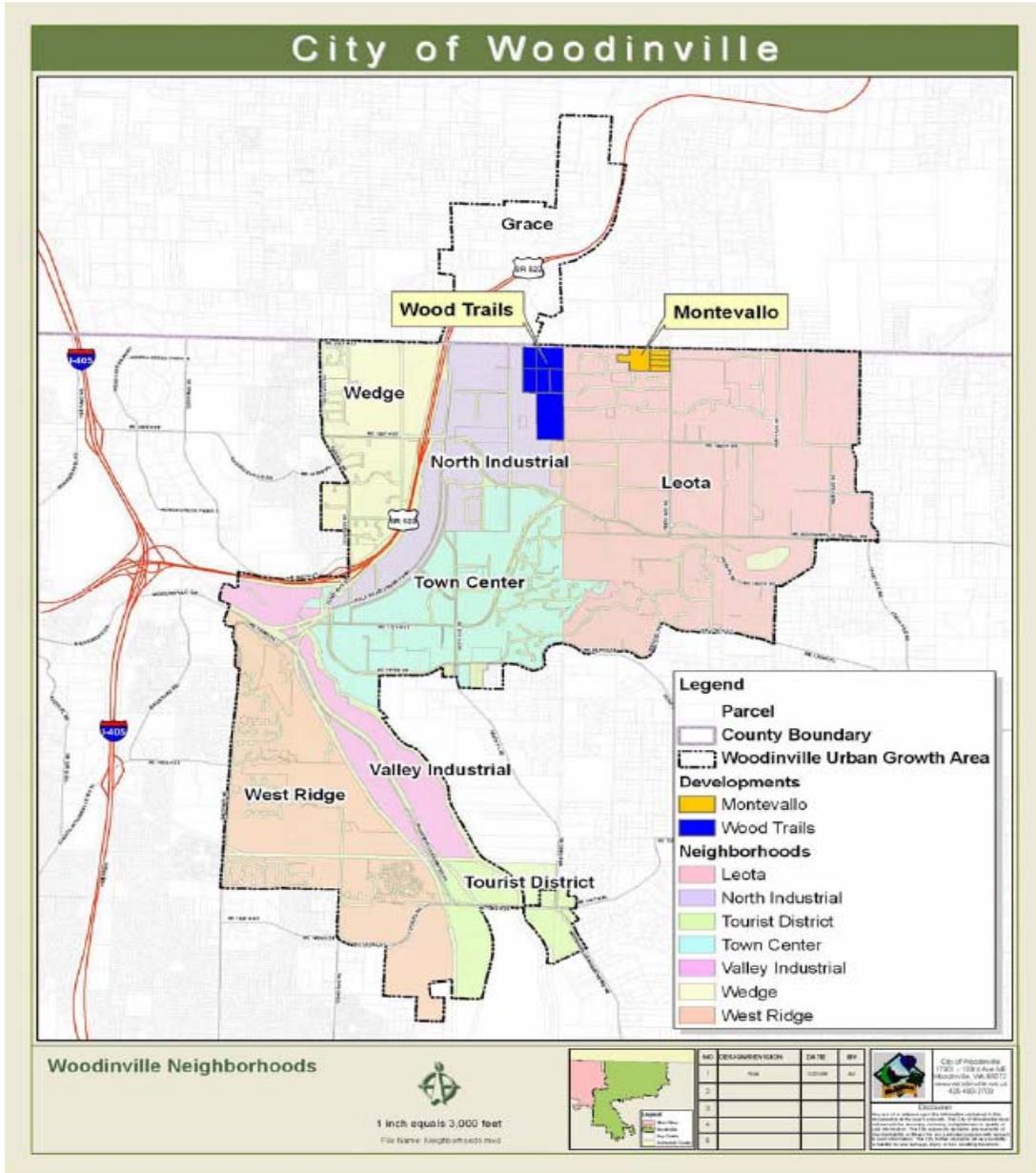
Soils: The soil type present on the site is Alderwood C (6-15 % slope), which has a moderate erosion hazard. No geologic hazards or unusual subsurface conditions, including steep slopes, erosion hazard areas, or seismic areas are evident.

Wetland/streams: A single-forested and emergent delineated Class 2 wetland (71, 567 square feet) is located along the west side of the site. Water within this wetland drains to the north off-site in an intermittent flow, through ditched stream feature. This stream eventually drains to Little Bear Creek. The applicant will protect the wetland with a 50 foot buffer (allowed under 2004 code), the standard minimum buffer from the edge of the wetland for Class 2 wetlands. The wetland buffer will be averaged and some portion will be used for a detention facility. The sewer line tie-in will require construction in the wetland of approximately 3,000 square feet and 6,000 square feet of buffer. The wetland and buffer will be restored. In addition, a narrow pedestrian walkway was originally proposed to cross the wetland but has been eliminated to protect the wetland. Exhibit 27

is a wetland report. . The Montevallo development proposal does not include removal of any habitats on the site that would be preferred by threatened or endangered species or candidate species such as the pileated woodpeckers for either foraging or nesting.

The applicant has requested several deviations from standards for the proposed development. In addition, the city has noted a number of activities that would require deviations that were not requested. The table below identifies these activities and indicates the city's recommendations or decisions (See Figure 1 and Figure 2).

Figure 1 – Vicinity Map



Montevallo Deviations from Standards

Codes & Regulations	Deviations Requested by Applicant	City Recommendations or Decisions
WMC 21.24.340 (6)	This request is to divert most stormwater away from natural discharge point (the wetland) and connect vault outfall to a closed pipe system.	The diversion proposed will not continuously hydrate the wetland. 1. Residential roof drain flows to maintain the wetland are not reliable or enforceable and; 2. Wetland viability could be adversely affected. The proposed detention vault would likely intercept groundwater seeps and therefore a detention pond is recommended.
Transportation Infrastructure Standards (TISS) 104A (R4) or 103A (R1)	This request is to reduce right-of-way width standards from 60 feet to "50 feet by constructing: (2) -10 foot public utility/plant strip/sidewalk easements and 30 feet dedicated roadway width."	Does not meet the criteria for deviation of road standards because: 1. Modifications are not in the public best interest because parking would be limited, surrounding neighborhoods have full right of ways and there are no physical site constraints. 2. Engineering studies performed have not shown value (N/A) 3. There is not an increased safety metric 4. The function would not improve 5. Appearance would not improve 6. Maintenance differences are negligible
Codes & Regulations	Deviations Not Submitted; Identified by City	City Recommendations or Decisions
Transportation Infrastructure Standards (TISS) 1-4.2.9	Streets longer than 150 feet requires deviation from standard	Applicant should reconfigure lots or submit cul-de-sac design for end of 204 th
WMC 21.24.340	Place trail in wetland requires a variance from Zoning Code	Although pedestrian connectivity through the wetland is important for connectivity between neighborhoods, the Zoning Code currently does not permit trails crossing wetlands.
WMC 21.24.340 (4)	Place the sewer line underneath the wetland requires a Planning Director approval	This would be approved by applying non-invasive boring under the wetland area.

B. GENERAL INFORMATION: Applicant's Proposal

Applicant: Phoenix Development, Inc
PO Box 1367
16108 Ash Way, Ste E 201
Lynnwood, WA 98037
Contact: Loree Quade
(425) 775 – 8663

Property Owner: Same (Exhibit 3)

Location: Montevallo is located west of 156th Avenue NE, directly south of the King-Snohomish County line and the Wellington Hills Golf Course. It is in the NW ¼ of Section 2, Township 26 North, Range 5 East WM, King County.

STR: 03-26-05

Parcel Numbers: 8078700010, 8078700020, 8078700030, 8078700040, 8078700050

Comprehensive Plan: Low Density Residential (R-1 to R-4)

Existing Zoning: R-1

Proposed Zoning: R-4

SEPA Status: Notice for Request for Comments on the Scope of the Environmental Impact Statement (EIS) was published on October 11, 2004; a revised EIS Scope was published on December 20, 2004; a Draft EIS was published on January 17, 2006, and a Final EIS published on December 13, 2006.

Acreage: 16.48

Number of Lots: 66, including 19 density credits (as calculated by the developer from the Wood Trails site)

Density: 4 units per acre, gross density using density transfer; 5 units per acre net (as calculated by the city) using density transfer. See density calculations by the city (Appendix A, attached), which differ in totals from the applicant's calculations.

Lot Size: Lots range in size from 5,500 square feet to 13,737 square feet, averaging 6,708 square feet.

Proposed Use: Single-Family Detached Dwellings

Sewage Disposal: Woodinville Water District (Exhibit 8)

Water Supply: Woodinville Water District (Exhibit 7)

Solid Waste: Waste Management

Fire District: Woodinville Fire & Life Safety District No. 36

School District: Northshore School District No. 417

Electricity: Puget Sound Energy

Natural Gas: Puget Sound Energy

Telephone: Verizon

Cable: Comcast Cable

Telecommunications: Verizon, various cellular and fiber optic providers

Completed

Application Date: November 23, 2004

Associated Application: SEPA Determination File No. SEP2004095
Zoning Map Amendment (Rezone) File No. ZMA2004094

Hearing Date: March 1, 2007

Staff Contact: Susie McCann, Development Services Manager Land Use Division
or Cindy Baker, Interim Director, Development Services

C. HISTORY/BACKGROUND:

The Technical Review Committee (TRC) consisting of the following City representatives: Civil Plans Examiner, Surface Water Coordinator, Transportation Planner, Building Plans Examiner, Current Planner, Parks Planner, Fire Plans Examiner/Inspector and a representative from the Woodinville Water District met with the applicant to discuss the possible proposed development, clarify technical information of the proposed project and determine the applicable City of Woodinville codes and regulations relating to the development. As a result of these preliminary discussions, Phoenix Development submitted a preliminary plat application to the City of Woodinville Development Services Department on November 8, 2004 to subdivide a 16.48 acre property zoned R-1 into 66 single-family detached residential units and a concurrent application to rezone the property from R-1 to R-4.

D. SEPA THRESHOLD DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE:

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible SEPA official of the City of Woodinville issued a determination of significance on October 11, 2004 and therefore required preparation of an Environmental Impact Statement (EIS) on the proposed development. A Draft EIS was issued on January 17, 2006 (Exhibit 35). This DEIS was based on the review of the environmental checklist and other pertinent documents, resulting in the conclusion that the proposal could cause probable significant adverse impacts to the environment. In addition, the threshold determination was also based on possible significant impacts from likely cumulative effects of both Montevallo and Wood Trails proposed rezones and preliminary plats.

Agencies, affected Native American tribes, jurisdictions and the public were provided a 14-day comment period (Exhibit 43). A Public meeting was held on February 16, 2006 (Exhibit 33). The Final EIS was issued on December 12, 2006 (Exhibit 40). The Director issued a formal interpretation dated November 6, 2006 (Exhibit 36) clarifying that the Woodinville Municipal Code does not provide for an administrative appeal of the Final EISs. The Director's interpretation was not appealed within the applicable deadline.

E. AGENCIES CONTACTED: See Distribution List (Exhibit 50)

F. COMPLIANCE WITH COMPREHENSIVE PLAN:

This proposal is governed by the 2004 Comprehensive plan (i.e., the Plan in effect in 2004 when the Montevallo application was deemed complete), which designates this area as Low Density Residential (R-1 to R-4; one to four units per acre). The proposed rezone to R4, Low Density Residential, complies with the policies of the Comprehensive Plan. The following are specific goals of the comprehensive plan that are applicable to the proposal.

LAND USE

Land Use Policy LU-1.1 *Preserve neighborhood character, while accommodating for GMA growth forecasts and* **Land Use Policy LU-1.2** *Guide growth to areas with capacity, where impacts will be minimized, and where growth will help area's appearance or vitality.*

Comment:

The proposed rezone/subdivision would preserve the existing detached single-family residential land use pattern of the Wellington Hills neighborhood. The Montevallo subdivision, as proposed, could assist in accommodating the future growth forecast to 2022. However, there are other opportunities to accommodate that growth that is already being accounted for in current residential development other places in the city. (See discussion above in II Description of R-1 zone, regarding growth.) The proposal would achieve densities more intensive than existing surrounding developments that are at approximately 1-2 dwelling units per acre. Development of the site would change the visual character from less developed (five homes) to more development density (66 homes). The visual impacts to adjacent residents could be mitigated by a large perimeter buffer on the site or creating lower density (larger lots or similar to the immediately adjacent lots) on the perimeter to screen the site from nearby views.

Land Use Policy LU-1.3 *Phase growth and municipal services together.*

Comment:

The proposed action would be consistent with this policy with the extension of services, including sanitary sewer onto the site and improvements to the street frontage adjacent to the proposed site.

Land Use Policy LU-2.2 *Connect development, open space, recreation areas by planned street, path, and utility corridor networks.*

Comment:

The proposed action would meet this policy by providing new on-site streets (including sidewalks), as well as improvements to existing streets. A pedestrian trail was proposed to connect with neighboring properties through the on-site/off-site wetland; however, has been removed from the proposal. Bicycle connections would be provided on the streets. The capital improvements in the city's Parks, Recreation and Open Space Plan (PRO), include two neighborhood parks and one trail to be constructed that could serve the West Wellington neighborhood. In addition, there is a park within blocks of the site. Although the applicant proposes to construct a recreation facility on the detention vault, the City is requiring that a pond to protect the wetland be installed, which would eliminate the facility. Payment of park impact fees (PIF) pursuant to Chapter 3.36 WMC is expected for this proposal, which will contribute funding toward necessary "System Improvements" to the City's parks and recreational facility inventory.

Land Use Policy LU-3.1 *Development should complement existing residential development patterns.*

Comment:

The proposed subdivision would continue the existing residential land use pattern in Wellington Hills. However, the proposal would introduce smaller-lot attached single-family residential development which may not necessarily "complement" the residential pattern. The visual look of the surrounding area would be changed, particularly to the existing residents in the Wellington Hills neighborhood. The proposed homes could be two times closer together than most homes in the area. Lots adjacent to the site range from ¼ to 2-

acre sites. The form and scale of development would also contrast with surrounding lot development. The visual change in the development is, however, not expected to be significant because one of the four sides of the development is separated by a wetland from the adjacent properties, another side already has four homes adjacent to the roadway separating the adjacent neighborhood, and another has lot sizes to those on the adjacent property. The City recommends development of the same size lots immediately adjacent to the site compatible with existing Wellington neighborhood lots or plant a 50 foot (this is an increased width) Type I Full Screen Buffer per Chapter 21.16.040 (1). The figure that follows indicates lot size patterns and location of houses in the R-1 area.

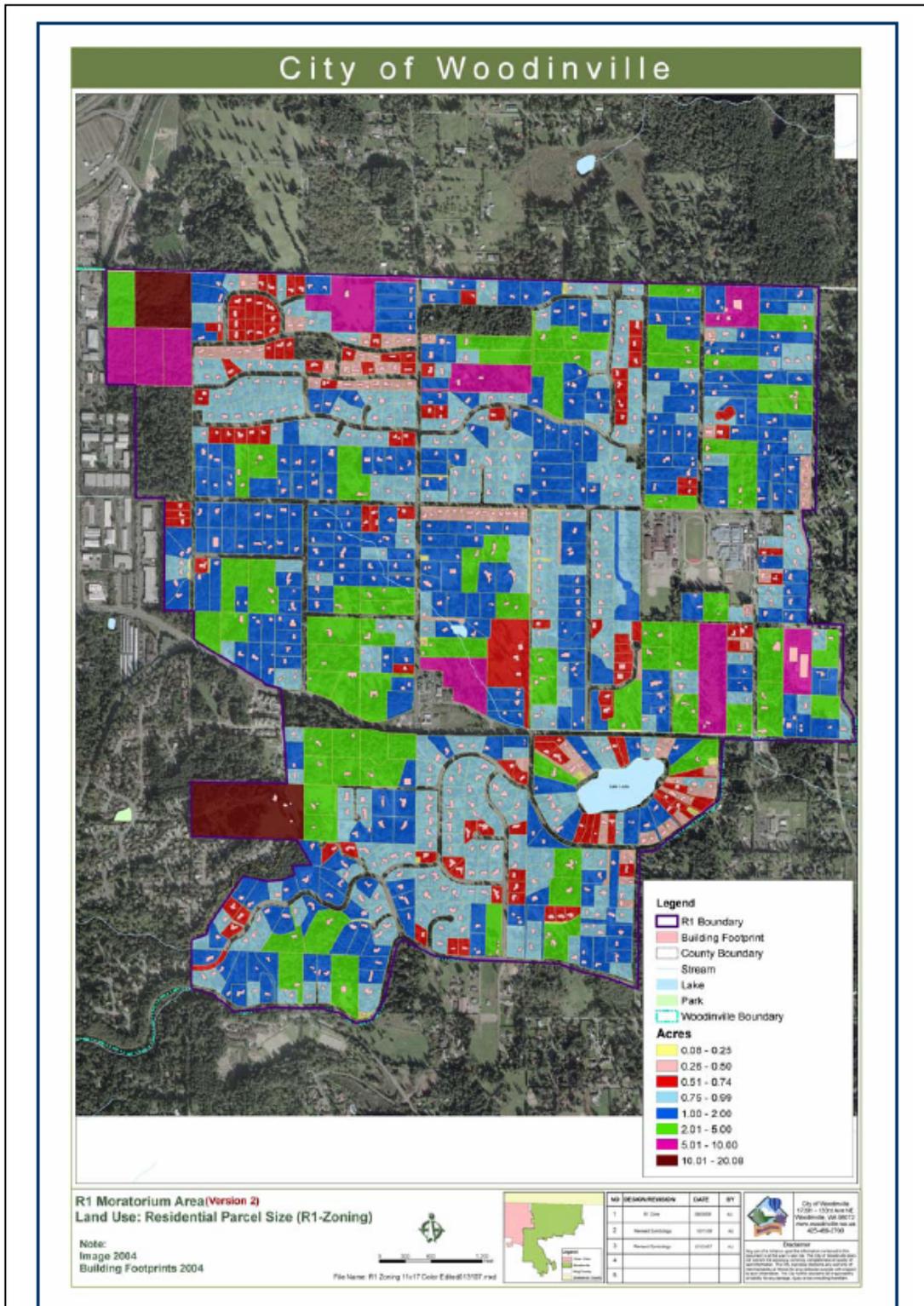


Figure 3 – R-1 Area Map

Land Use Policy LU-3.2 Preserve *neighborhood natural environment.*

The proposal would comply with city development standards for tree retention (Ch. 21.16 WMC) and critical areas (Ch. 21.24 WMC) by retaining some trees and the wetland; however, there would be an unavoidable loss of trees on the site.

Land Use Policy LU-3.4 *Provide controls to minimize encroachment by incompatible land uses.*

The Montevallo site would be compatible with the residential land uses to the north, south and east of the site, and therefore would not represent encroachment by incompatible uses.

Land Use Policy LU-3.5 *Allow residential lot clustering abutting critical areas or rural resource lands to provide buffers and reduce land use conflicts.*

The development does not propose lot clustering. Therefore this policy is not applicable.

Land Use Policy LU-3.7 *Permit a range of densities to encourage a variety of housing types to serve a range of incomes.*

The proposal would be consistent with this policy because it will provide a greater density than surrounding areas, which may allow for a variety of housing types to serve different income ranges. The Montevallo subdivision consists of single-family homes on smaller lots than most of those currently in Wellington Hills.

HOUSING ELEMENT

Housing Policy H-1.1 *Allow a variety of housing types/lot sizes.*

See LU 3.7 analysis above.

Housing Policy H-2.1 *Require usable open space (pocket parks, trails, etc.) in residential development.*

Some open space and recreational facilities are planned for Montevallo, however, the design and location of the detention facility needs to change from a vault with active recreation facility on top to a pond that would minimize impacts to the wetland but eliminate the recreational facility. .

COMMUNITY DESIGN ELEMENT

Community Design Policy CD-1.2 *Preserve views, natural features, and landmarks.*

There are no views or landmarks to preserve. The subdivision will be required to meet or exceed City of Woodinville Tree Retention regulations and preserve the wetland and its buffer..

Community Design Policy CD-2.2 *Encourage native vegetation in residential, commercial, industrial areas.*

Proposal would be subject to City tree retention standards, and landscaping standards that call for the use of native vegetation.

Community Design Policy CD-2.3 *Use trees/landscaping to buffer surrounding land uses.*

The proposal would be subject to applicable City landscaping requirements. The use of trees and landscape buffers around the site could help buffer increase density of the proposal site from adjacent properties.

Land Use Policy LU-3.2

Preserve neighborhood natural environment.

Comment:

There will be unavoidable loss of trees and habitat on the site due to: construction of building area, street improvements, and other impervious surfaces. However, this development is subject to City development standards for tree retention (Ch. 21.16 WMC) and sensitive areas (Ch. 21.24 WMC) and Best Management Practices will be utilized during construction.

Land Use Policy LU-3.4

Provide controls to minimize encroachment by incompatible land uses.

Comment:

Montevillo is surrounded by residential development on all sides. Therefore, the proposed subdivision is consistent and compatible with the surrounding residential uses.

Land Use Policy LU-3.5 *Allow residential lot clustering abutting critical areas or rural resource lands to provide buffers and reduce land use conflicts.*

Comment:

The development does not propose lot clustering. Therefore this policy is not applicable.

Land Use Policy LU-3.7 *Permit a range of densities to encourage a variety of housing types to serve a range of incomes.*

Comment:

The proposal, to a varying degree, would continue the current housing trends in Wellington Hills. The Montevillo subdivision consists of single-family homes on smaller lots than what currently exists in Wellington Hills.

Community Design Policy CD-2.4 *Require street trees in all development and*
Community Design Policy CD-2.5 *Require preservation of existing vegetation through zoning regulations.*

Comment:

The proposal would meet or exceed the City's adopted tree retention requirements (Exhibit 12) and wetland/wetland buffer preservation requirements.

Community Design Policy CD-3.1 *Integrate existing development into character of surrounding area.*

Comment:

The rezoning of the site from R-1 to R-4 and development of single-family homes is consistent with the area's existing land use pattern. However, the subdivision, as proposed, would result in smaller lots, less open area than exists today and a more urban character on the Montevallo site. Lots in the Wellington neighborhood average around 35,000 square feet, or two to five times the size of the proposed lots. This creates a visual difference in the streetscape between the two areas with greater spacing between buildings in the R-1 area. The resulting change in visual character would likely be a significant change to adjacent residents but not considered to be a significant adverse impact. The impact to the visual character of the site can be reduced through design using trees, perimeter buffers and increased lot size at the boundaries.

CAPITAL AND PUBLIC FACILITIES ELEMENT

Capital Facilities Policy CF-3.1 *Require capital facility service standards to be established by the providing agency for the following types of facilities to determine long-term facility and funding requirements.*

The applicant has identified levels of service standards to the satisfaction of the following agencies to accommodate the plat proposal:

- Woodinville Water District – Both water and sewer availability certificates have been submitted
- City of Woodinville – Storm and surface water management standards have been met or will be mitigated
- City of Woodinville – Transportation standards will be mitigated through TIF and levels of services will be level E or better
- City of Woodinville – Parks and Recreation standards will be mitigated through PIF
- Northshore School District – Schools are currently below impact fee requirement standards
- Woodinville Fire and Life Safety District – Levels of service will remain the same
- Woodinville Police – Levels of service will remain the same
- City of Woodinville – Municipal buildings level of service will remain the same

ENVIRONMENTAL ELEMENT

Environmental Policy ENV-3.1 *Encourage urban forest preservation*

Comment:

The proposed subdivision would meet the intent of this policy by complying with adopted City tree retention standards. The proposal will preserve the forested wetland and most of the wetland buffer on the Montevallo site. A tree retention plan will be submitted with the engineered drawings. The plan will be reviewed for compliance with city standards prior to the grading of the site.

Environmental Policy ENV-3.2 *Protect critical habitat areas, **Environmental Policy ENV-3.3** *Maintain standard of no net loss of critical habitat functions/values and* **Environmental Policy ENV-3.4** *Maintain critical area connectivity.**

Comment:

Based on ecological studies conducted by the applicant, a wetland is located on the Montevallo site, but no streams or shorelines. The subdivision would involve some permanent and temporary wetland and wetland buffer impacts associated with construction of a non-trenched sewer line. Wetland impacts would be addressed through a mitigation plan consistent with requirements of the WMC 21.24 critical areas development standards. In addition, buffer averaging is being proposed. Consequently, there would be no net loss of wetland functions and values as a result.

Environmental Policy ENV-3.7 *Encourage native plant use.*

Comment:

The development would meet City requirements for the use of native plants in required landscaping; a detailed check of such landscaping would be conducted during the plat review process.

Environmental Policies ENV-4.1 *Protect public safety in potential seismic, flood hazard and slide hazard areas.*

Comment:

Based on the lack of geologic hazards or unusual subsurface conditions this policy is not applicable.

Environmental Policy ENV-4.2 *Minimize the adverse effects of development on topographic, geologic and hydrologic features, and native vegetation.*

Comment:

See Policies ENV-4.1, ENV-3.2, Environmental Policy ENV-3.3, Environmental Policy ENV-3.4

In summary, the development as proposed would be consistent generally with the Comprehensive Plan. The site could accommodate development consistent with the R-4 zone.

G. COMPLIANCE WITH WOODINVILLE MUNICIPAL CODE

WMC TITLE 17, LAND DEVELOPMENT, 2004

17.07 The Montevallo Rezone and Preliminary Plat process are Type III decisions.

17.09 Project permit application submittal requirements have been met, including evidence of sewer available.

WMC TITLE 20, SUBDIVISION CODE, 2004 (Effective until 12/25/04)

All sections of the code shall be met. The following citations are mentioned to emphasize particular circumstances.

20.06.048 Lot Standards on the Montevallo proposal meet the criteria for depth, front and side lot lines and building setbacks.

20.06.06 Easements *must be the minimum necessary ...and combined with other easements.* The easements in and near the wetland will need to be assessed for the minimum necessary, especially the diagonal 8" sewer line that appears to be able to be realigned so as to avoid additional impacts to the wetland. Native Growth Protection Easements exist on the site and will be protected according to the code. Several utilities will be installed by boring in the wetland. Impacts will be mitigated and any possible interception of groundwater away from the wetland will be avoided 20.08.02(e). The proposed lot and street layout will be in conformance with sections 20.06.040 Lot Standards, and 20.06.130, Street Standards.

WMC TITLE 21, ZONING CODE, 2004

21.04.080 Residential Zones is to implement the Comprehensive Plan Goals and Policies for housing quality, diversity, and affordability, and to efficiently use residential land, public services, and energy.

This is accomplished by *(1)(a) providing in the low density zones (R-1-R-4) for predominantly single-family detached dwelling units. ... Developments with densities less than R-4 are allowed only if adequate services cannot be provided.*

Use of this zone is appropriate in residential areas designated by the Comprehensive Plan as follows: *... (2)(a) as 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.*

Montevallo appears to fit these criteria. The wetland is not a land with area-wide constraints and the adjacent properties, although have lots of about twice the proposal's size, do not have public or private facilities and services.

21.08. Montevallo will have only residential uses, which is well within the intent of this code.

21.12 Establishes Requirements for Densities. The base density for the R-1 zone is one unit per acre and the base density for R-4 is 4 units per acre. Maximum density in the R-1 zone can only be achieved by one-building duplexes and for R-4 achieved through transfer of density credits (WMC 21.34). The Montevallo proposal density relies upon both the use of density credits for critical area buffers and transfer of density credits from the Wood Trails property pursuant to Chapter 21.36 WMC, which allows for a maximum density of 5 units per acre under R-4.

21.16. Montevallo proposal complies with landscape and tree retention standards.

21.24 This section of the code relates to protecting critical (sensitive) areas and following State Environmental Policy Act (SEPA) requirements. As mentioned previously, the Montevallo site contains a wetland that is being protected. The applicant has completed

an Environmental Impact Statement in accordance with City code and Washington State SEPA WAC 197-11 (Exhibit 39).

21.36 Transfer of Residential Densities. Base residential density may be transferred from a sending site to a receiving. The sending site must be maintained in a natural state. Sending sites must have open space, wildlife habitat and woodlands. The Wood Trails property has all of these. Receiving sites shall be zoned R-4 and therefore Montevallo must receive a rezone to be able to receive credits. The maximum density for an R-4 is 5 units per acre.

Density Transfer Sites

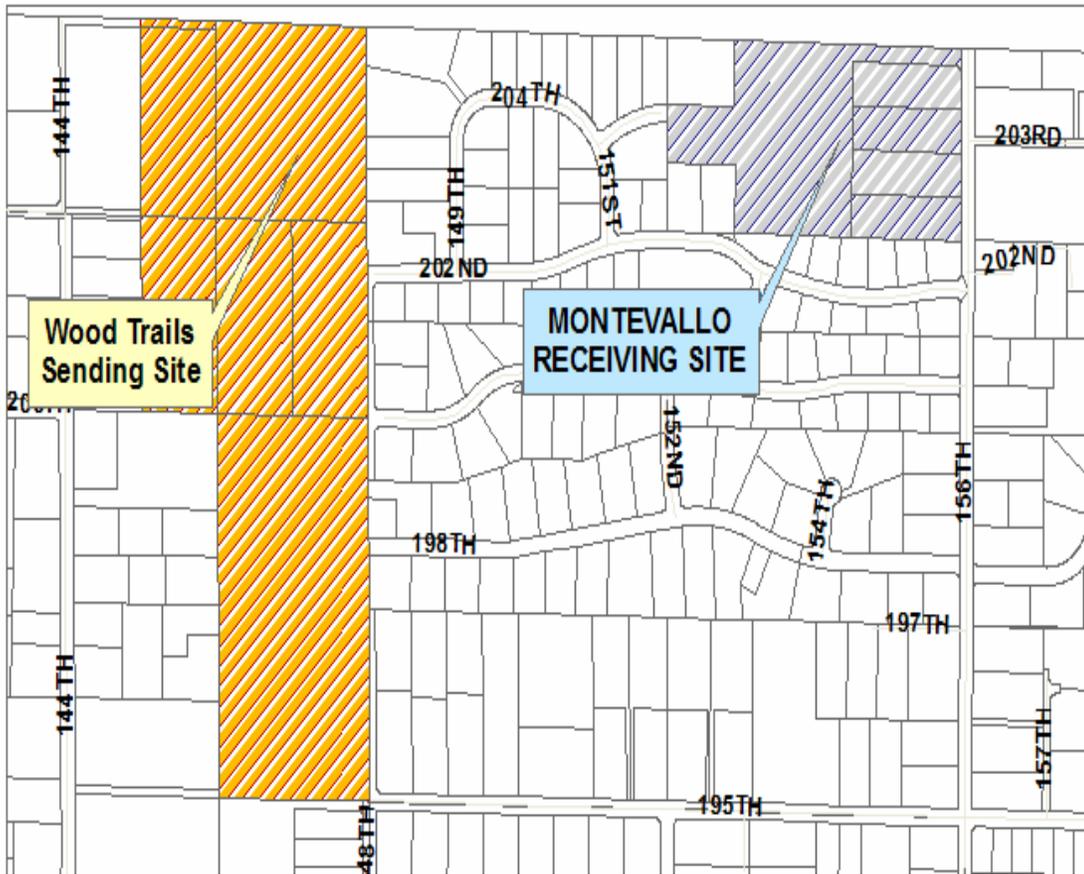


Figure 4 – Density Transfer Sites

Montevallo - Density Calculations

Maximum Allowable Density in R-4 = 5 Dwelling Units per Acre and in R-1= 1 Dwelling Unit Per Acre	Applicant's Density Calculation - R-4 Proposed Action assuming approval by the City of proposed deviations.	City Recalculated Applicant's Density Calculation - R-4 Proposed Action assuming approval by the City of proposed deviations.	City Density Calculation - R-4 with Full Standards (no deviations), Max Allowable Density, Density Credits, and Credit Transfers per Zone	City Density Calculation - R-1 Alternative with Full Standards (no deviations), Max Allowable Density and Density Credits per Zone
Formula for Density Calculation:				
Gross Site Area	16.48 Acres	16.48 Acres	16.48 Acres	16.48 Acres
Deductions from Gross Site Area				
R-O-W/Access Tracts & Easements	2.22 acres	2.22 acres	4.44 acres	1.80 acres
Detention Facility Tract	0.78 acres	0.78 acres	.78 acres	.85 acres
Recreation Area	N/A	0.22 acre	0.22 acre	N/A
Wetland Area	1.63 acres	1.63 acres)	1.63 acres	1.63 acres
Net Site Area	11.85 acres	11.63 acres	9.41 acres	12.2 acres
Acres in Critical (Sensitive) Areas Credits				
Wetland Area	1.63 acres	N/A - Wetlands are excluded from density calculations per WMC 21.12.080(2)	N/A - Wetlands are excluded from density calculations per WMC 21.12.080(2)	N/A - Wetlands are excluded from density calculations per WMC 21.12.080(2)
Wetland Buffer Area	1.58 acres	1.58 acres	1.58 acres	1.58 acres
Recreation Tract	0.22 acres	N/A - Recreation tracts receive no credit per WMC 21.12.080(1)	N/A - Recreation tracts receive no credit per WMC 21.12.080(1)	N/A - Recreation tracts receive no credit per WMC 21.12.080(1)
Total Acres of Sensitive Areas (NOTE: some critical areas are excluded from density credits, e.g. wetlands)	3.43	1.58	1.58	1.58
Critical Areas divided by Gross Site Area = Percentage of Critical Area	3.43 acres/16.48 acres = 20.8%	1.58 acres/16.48 acres = 9.8%	1.58 acres/16.48 acres = 9.8%	1.58 acres/16.48 acres = 9.8%
Using WMC 21.12.080 Density Credit Table, find amount of density credit allowed based on percentage of critical areas	20.8% = 90% of density credit	9.8% = 100% of density credit	9.8% = 100% of density credit	9.8% = 100% of density credit
Acres of total critical areas (allowed) x density credit = effective critical area.	1.80 X 90% = 1.62 acres	1.58 X 100% = 1.58 acres	1.58 X 100% = 1.58 acres	1.58 X 100% = 1.58 acres
Net Site Area + Effected Critical Area = Total Site Area used to calculate density	11.85 + 3.08 = 14.93 acres	11.63 + 1.58 = 13.21 acres	9.41 + 1.58 Acres = 10.99 acres	12.2 + 1.58 = 13.78 acres
Acres allowed for density calculations	13.47 acres *	13.21 acres	10.99 acres	13.78 acres
Total Dwelling Units allowed (without any transfer of density)	54 units (53.88) based on 4 dwelling unties per acre X acres allowed for density calculations	53 units (52.84) based on 4 dwelling unties per acre X acres allowed for density calculations	44 units (43.9) based on 4 dwelling unties per acre X acres allowed for density calculations	14 units (13.78) based on 1 dwelling unties per acre X acres allowed for density calculations
Density Transfer from Wood Trails				
Formula to determine eligible density transfer credits: Total site area less encumbrances and area used to calculate density for other development plus environmental sensitive area density credit per WMC 21.12 & 21.24 multiplied by standard allowed density of sending site	Wood Trail Plat Sending Site: 38.7 acres total site - 28.3 acres encumbered - 16.5 acres used for Wood Trail density calculation + 10.9 sensitive area credit X 4 units per acre = 19.2 or 19 units of eligible density transfer credits	Wood Trail Plat Sending Site: 38.7 acres total site - 28.3 acres encumbered - 16.5 acres used for Wood Trail density calculation + 10.9 sensitive area credit X 4 units per acre = 19.2 or 19 units of eligible density transfer credits	Wood Trail Plat Sending Site: 38.7 acres total site - 30.8 acres encumbered - 16.5 acres used for Wood Trail density calculation + 10.9 sensitive area credit X 4 units per acre = 9.2 or 9 units of eligible density transfer credits	N/A - No density transfer credits allowed in R-1 zone per WMC 21.12.030B(4)
Dwelling Units Proposed by Applicant	66 units proposed (47 + 19 Density Transfers)	N/A	N/A	N/A
Dwelling Units Calculated by City	N/A	66 units (53 + 13 density transfer credits)	53 units (44 + 9 density transfer credits)	14 units

* Number provided by applicant

WMC 21.44 Decision Criteria for consistent evaluation of land use applications:

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

WMC 21.44.070(1) requires a rezone applicant to establish that “[t]here is a demonstrated need for additional zoning as the type proposed.” Given that the City is currently meeting and/or exceeding its growth targets through approval of substantial residential development elsewhere within the City’s jurisdiction, the extent to which a “demonstrated need” for additional R-4 zoning exists is potentially subject to differing interpretations. While some code and Comprehensive Plan provisions can be construed as supporting further development within the Low Density Residential areas of the City, the extent, character and timing of any such development is not indelibly predetermined. The “need” criterion under WMC 21.44.070(1) ultimately requires an objective judgment by the Hearing Examiner and City Council based upon relevant City plans, policies, goals and timeframes. See discussion above (Description of R-1 Zone) on residential densities in the city and population allocation.

WMC 21.44.070(2) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties. Montevallo is surrounded by the same uses (“activity or function carried out on an area of land) as the surrounding properties, although the densities would be about twice. Therefore, the Montevallo proposal appears to meet these criteria.

WMC 21.44.070(3) The property is practically and physically suited for the uses allowed in the proposed zone reclassification. The Montevallo proposal also appears to meet this criteria.

OTHER WMC TITLES: 8 (Health & Safety), 12 and 13 (Storm & Surface Water Utilities), 14 (Environmental Protection, Water Quality; note defers to King County manual 1998 and any future amendments up to the date of complete application), 15 (Buildings & Construction), 22 (Development Impacts).

H. OTHER INFORMATION

TRANSPORTATION:

Internal Circulation: Shall meet City of Woodinville Transportation Infrastructure Standards. Residents can access and maneuver through the subdivision and to adjacent streets walking, bicycling, or driving (Exhibit 11).

Roadway Section: The roads will be constructed to full standards in accordance with City of Woodinville Transportation and Infrastructure Standards & Specifications Detail 104A, High Density Residential Streets. The applicant has submitted deviation request(s) to reduce the interior roads within the subdivision. The Public Works Department will review the deviation request(s) in accordance with TISS Section 1-1.8 Deviation from Standards and Woodinville Municipal Code 20.080.20(3) General Provisions (Exhibit 11).

Transportation Plans: Shall be designed in accordance with the City of Woodinville Transportation Infrastructure Standards and Specifications (TISS). Transportation Plans: The subject subdivision is not in conflict with Transportation, Non-motorized and Trails plans (See FEIS Section 3.5 Exhibit 40).

Subdivision Access: Vehicular access to the Montevallo site would be provided via two new roadways connecting to 156th Avenue NE and located to the north and south of NE 203rd Place.

Traffic Generation: Montevallo subdivision impact on the Wellington area is expected to add vehicle trips with full development of the proposed subdivision. This calculation includes service vehicles (i.e., mail delivery, garbage pick-up, school bus) which may currently serve this neighborhood, as well as work trips, shopping, etc.

Adequacy of Arterial Roads: This proposal has been reviewed under the criteria in City of Woodinville TISS. See memo from Mick Monken, Public Works Director to Cindy Baker, Interim Director of Development Services addressing the concerns expressed by citizens and the peer review from Parametrix (Public Works Consultant) (Exhibit 40 – Additional Information).

Transportation improvements will be in place at the time of development, or a financial commitment (performance bond) is in place to complete the improvements.

Transportation Impact Fee: City of Woodinville Transportation Impact Fee Ordinance 356, effective date October 2, 2004, requires the payment of a traffic impact mitigation fee (TIF) for each dwelling unit created. TIF fees are determined by the zone in which the site is located. This site is in the Leota zone. TIF fees are paid at building permit issuance. The amount of the fee will be determined by the applicable fee ordinance at the time the complete building permit application is submitted to the Development Services Department.

PUBLIC SERVICES

SCHOOLS:

School Facilities: Student in the immediate area attend the Northshore School District No. 17 and will be served by the following schools:

Wellington Elementary
Leota Jr High School
Woodinville High School

Enrollment in the Northshore School District, particularly in the northeastern portion of the district where the proposed plat is located, is experiencing slow growth and declining enrollment (NSD 2006). Adding the small number of students to the schools in the Northshore School District would fill some of the reduced capacity, but would not have a significant adverse impact to the schools.

The Wellington Elementary and Leota Junior High are both located on 195th, one mile from the Wood Trails site. The applicant has submitted a Northshore School District School Walk Safety Assessment from the Northshore School District. The School District reviewed the proposed subdivision and suggests the area along NE 198th Street, which leads to the Wood Trails side, meet acceptable standards. Both streets have shoulder widths predominantly in excess of 6 ft. The sections of shoulder that are less than 6 ft are short and the speed limits on both streets are 25 mph (Exhibit 9).

School Access: The District has indicated that the future students from this subdivision will be bussed to the elementary school and junior high school and walk to the senior high school.

Wellington Elementary – Current bus stop NE 201st and 152nd Ave NE
Leota Junior High School – Current bus stop NE 202nd and 153rd Ave NE Woodinville
Senior High School – Bus provided for students living more than a mile from the school.

School Impact Fees: This project is not subject to school impact fees due to the amendment established by Ordinance 312, effective date January 26, 2002 regarding assessed School Impact Fees for the Northshore School District No. 417.

Parks and Recreation Space: There are no existing City of Woodinville parks, recreation facilities or properties (developed or undeveloped) in the West Wellington neighborhood or within close walking distance. The subdivision is subject to the Park Impact Fee Ordinance No 399.

Fire Protection: A Certificate of Water Availability from the Woodinville Water District indicates that water is presently available to the site (Exhibit 7). The Woodinville Water District was not able to verify sufficient quantity of fire hydrant flow to satisfy King County Fire Flow Standards. Prior to final recording of the plat, the water service facilities must be reviewed and approved per King County Fire Flow Standards. Woodinville Fire and Life Safety District concluded in an e-mailed letter dated October 20, 2006, that based on the location and site considerations the subdivision would have no impact to their ability to provide fire and EMS services (Exhibit 40).

Police Services. Memorandum from John McSwain, Chief of Police for the City of Woodinville (Exhibit 40) stating the proposed subdivision would have no significant impact to the police department as it exists at the time of the memorandum was written (October 17, 2006).

UTILITIES & STORMWATER

The city recommends the applicant submit a video to document the condition of all the rights-of way impacted by the development to the city prior to commencing construction.

Sewage Disposal: To rezone the property to R- 4, the **site must be served by a** public sewer system. The applicant proposes to serve the subject subdivision by means of a public sewer system managed by the Woodinville Sewer District. All damage to city right-of-way during the installation of the sewer line from 148th Avenue to the site will be repaired in accordance with the City of Woodinville TISS and approval of the Public Works Department. Future connectivity points (manholes and lateral connections) shall be provided per Woodinville Water District. City of Woodinville recommends that sewer laterals be placed every other property along 202nd Street (sewer line path). The Certificate of Sewer Availability signed by the Woodinville Water District indicates this sewer district's capability to serve the proposed development.

Water Supply: To rezone the property to R-4, the site must be served by a public water system. The applicant proposes to serve the subject subdivision with a public water supply and distribution system managed by the Woodinville Water District. Damage to the city right-of-way during installation of the service lines to the site will be repaired in accordance with TISS and Public Works approval. A Certificate of Water Availability, signed by the Woodinville Water District indicates this district's capability to serve the proposed development.

Drainage: The site is subject to the conservation flow control and basic water quality requirements in the 1999 King County Surface Water Design Manual. (KCSWDM).

I. FINDINGS

GENERAL

1. The Applicant, Phoenix Development, submitted an application for a preliminary plat November 08, 2004 (Exhibit 2). The application was determined complete on November 23, 2004 (Exhibit 13);
2. The site of the proposed subdivision is located at located west of 156th Avenue NE, directly south of the King-Snohomish County line and the Wellington Hills Golf Course;
3. The proposal is to divide a 16.48 acre site into 66 single-family lots, using density credits and density transfers;
4. Pursuant to WMC 20.08.030(1), each application to subdivide land into more than five lots must conform to the provisions defined within Preliminary Plat Review;

5. The site was posted and notice was published in the Woodinville Weekly (Exhibit 16);
6. Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible SEPA official of the City of Woodinville issued a Draft Environmental Impact Statement (DEIS) on the proposed development on January 17, 2006 (Exhibit 35);
7. WMC 17.11.040 Public Hearing Notice Requirements, a public hearing notice was published in the Woodinville Weekly (Exhibit 45); for a public hearing on February 16, 2006 to hear comments relating to the DFEIS;
8. All applicable notice requirements have been met with regards to the March 1, 2007 rezone and preliminary plat hearing, including but not limited to legal notice, mailings, etc. (Exhibit 44, 45 and 46);
9. Pursuant to 20.06.020A(1), the proposed subdivision must conform to the goals, policies, criteria and plans set forth in the City of Woodinville Comprehensive Plan as a prerequisite to approval;
10. The Future Land Use Map (Comprehensive Plan) of the City of Woodinville dated November 2000 designates this property as Low Density Residential allowing a density of between one (1) and four (4) dwelling units per acre;
11. Requests for Deviation of City of Woodinville Transportation Infrastructure Standards and Specifications have been submitted by the applicant.

REZONE

The applicant has demonstrated the ability to serve the site with sewer, and the applicant appears to meet two of the review and decision criteria necessary for a rezone. However, it is the burden of the applicant to demonstrate "need" which can be determined in a number of ways. The city has evaluated "need" based on residentially available or developable lands, population allocation, and current forecast of consumption of residential lots. Using this information only, R-4 is not necessary at this time or until 2022, but may at a later time.

SUBDIVISION

1. Pursuant to WMC 20.08.030(4), as a basis for approval, approval with conditions, or disapproval of preliminary plat, the Hearing Examiner shall determine if appropriate provisions have been made for, but not limited to the purpose and criteria set forth in WMC 20.06 Subdivision and Short Subdivision Regulations.
2. Pursuant to 20.06.020A(1) Review and Approval Criteria:
 - a) the proposed subdivision conforms to the goals, policies, criteria and plans set forth in the City of Woodinville Comprehensive Plan The Future Land Use Map dated November 2000 designates this property as Low Density Residential allowing a density of between one (1) and four (4) dwelling units per acre;

- b) The proposed subdivision conforms to the development standards set forth in the Woodinville Municipal Code Chapter 21 Zoning Code, except for any requested or city identified variances/deviations identified in the Summary of Proposed Action. The site is zoned R-1, residential one (1) dwelling unit per acre. An application to rezone the property from R-1 to R-4 was submitted to the city (ZMA2004-094) (Exhibit 17) on November 8, 2004 and a complete application notice was mailed on November 23, 2004 (Exhibit 20) (Exhibit 19);
 - c) The proposal conforms to the requirements of this section and those set forth in this chapter and WMC 20.06 Subdivision and Short Subdivision Regulations and WMC 17.09.020, except for any requested or city identified variances/deviations identified in the Summary of Proposed Action;
 - d) The proposed street system, except for any requested or city identified variances/deviations identified in the Summary of Proposed Action, conforms to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic. For variances/deviations, Table;
 - e) The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - f) The layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;
 - g) Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;
 - h) Safe walk to school procedures, as established by the City, have been met;
 - i) Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.
3. The Applicant provided a Certificate of Water Availability from the Woodinville Water District (Exhibit 7) dated April 25, 2004. The original certificate submitted with the application expired on 11/20/2006. The certification was renewed by the Woodinville Water District on January 6, 2007.
 4. The Applicant has provided a Certificate of Sewer Availability from the Woodinville Water District (Exhibit 8) dated April 25, 2004. The original certificate submitted with the application expired on 11/20/2006. The certification was renewed by the Woodinville Water District on January 6, 2007.

5. The site is proposed to be developed in one phase.
6. Requests for Deviation of City of Woodinville Transportation Infrastructure Standards and Specifications (Exhibit 41 Summary Table below).

J. CONCLUSIONS

1. All analysis and findings of this report are hereby adopted as conclusions.
2. This proposal, with recommended conditions, meets the Goals and Policies of the Comprehensive Plan provisions in effect in 2004.
3. This proposal, with recommended conditions, meets the regulations and requirements of the Zoning Code WMC Chapter 21.
4. This proposal, with recommended conditions, meets the criteria for preliminary plat approval of the Subdivision Code, WMC Chapter 20.
5. The Hearing Examiner has jurisdiction to conduct a public hearing for and render a final determination on an application for a preliminary plat pursuant to the Woodinville Municipal Code (WMC) 20.08.030(3) and 17.07.030. A preliminary plat application is a Type III project permit pursuant to WMC 17.17.030. Pursuant to WMC 21.36.060, the applicant's request for a transfer of residential density credits must be reviewed concurrently with the applicant's preliminary plat application.
6. The criteria used by the Hearing Examiner to review and decide an application for a preliminary plat are described in WMC 20.06. The criteria for reviewing the applicant's request for a transfer of residential density credits are set forth in Chapter 21.36 WMC. The proposed subdivision conforms to the criteria established under WMC 20.06 provided the conditions listed below are met.
7. As provided for under the City of Woodinville Municipal Code and the City of Woodinville Comprehensive Plan, and under direction of analysis by the Northshore School District Number 417, it has been determined that this development will not have an adverse impact on the School District. The applicant is not required at this time to provide for mitigation to the District.
8. According to a site traffic impact analysis of the City of Woodinville Public Works Department (Exhibit 38), Chapter 3.5 Transportation in the Final Environmental Impact Statement issued on December 12, 2006, the City projected additional peak period traffic generated by this project. This project is subject to the Transportation Impact Fee Ordinance codified at Chapter 3.39 WMC.
9. The applicant has requested a modification to the Street Design Standard 104A, Treatment to reduce street right of way widths (Exhibit 41). If the deviation request(s) are not approved, the applicant will be required to build the infrastructure to full City standards and specifications.
10. A Native Growth Protection Easement (NGPE) shall be designated on the final plat covering those areas not within the buildable portions of the subdivision.
11. The proposed subdivision is subject to the Park Impact Fee Ordinance codified at Chapter 3.36 WMC.
12. The requested density for the site includes an additional 19 bonus and transfer units/lots to the Montevallo site (Exhibit 6).
13. Eleven (11) transfer density credits (as calculated by the city; calculations may be revised if circumstances change) are to be received from Wood Trails in the nearby area provided that the rezone is approved. The applicant has satisfied the criteria set forth in Chapter 21.36 WMC for this requested density transfer.
14. The applicant, prior to issuance of any clearing and grading permits, shall submit a Temporary Erosion and Sedimentation Control (TESC) Plan to the City for approval.

15. Fire hydrants shall be delineated on the preliminary plat as approved by the City Engineer and Fire District.
16. A note shall be placed on the final plat that requires the dispersion or tightlining of roof drains directly into the Stormwater conveyance system via HDPE fuse-welded pipe if near the steep slope. See requirements under steep slopes in the Critical Areas Ordinance.

K. RECOMMENDATIONS

City of Woodinville and the City of Spokane have an Interlocal Agreement that the City of Spokane would provide Hearing Examiner Services on an as-needed basis. Pursuant to WMC 2.27.020, the City Manager has appointed Greg Smith as Hearing Examiner *pro tem* for this matter.

Rezone: Staff recommendation to the Hearing Examiner is for the **approval** of the applicant's requested rezone, but with the following qualifier. WMC 21.44.070(1) requires a rezone applicant to establish that "[t]here is a demonstrated need for additional zoning as the type proposed." Given that the City is currently meeting and/or exceeding its growth targets through approval of substantial residential development elsewhere within the City's jurisdiction, the extent to which a "demonstrated need" for additional R-4 zoning exists is potentially subject to differing interpretations. While some code and Comprehensive Plan provisions can be construed as supporting further development within the Low Density Residential areas of the City, the extent, character and timing of any such development is not indelibly predetermined. The "need" criterion under WMC 21.44.070(1) ultimately requires an objective judgment by the Hearing Examiner and City Council based upon relevant City plans, policies, goals and timeframes.

Preliminary Plat: Staff recommendation to the Hearing Examiner is for the **approval** of the preliminary plat subject to the above discussions, conclusions, findings and the following conditions:

RECOMMENDED CONDITIONS OF APPROVAL:

GENERAL:

1. The Department Director shall have the authority to direct the developer or his on-site representatives to immediately cease activities and redirect their attention to resolving any problem, particularly any environmental degradation, which in the director's opinion needs immediate resolution. Failure of the developer or his representative to redirect such labor and equipment shall result in immediate project closure and resolution of the problem by the City. The developer will be billed for such City time and materials involved in resolving the problem, and shall include a penalty of 10% of the assessed cost. Such bill shall be paid prior to the City removing the closure.
2. Mail routes and mailbox locations shall be approved by the postmaster. Mailbox locations shall also be approved by the City Engineer to insure they do not interfere with traffic sight distances.
3. A Home Owners Association shall be formed to insure maintenance of the landscape strips and common areas including the NGPE. The city shall review

such association CC&R's prior to recording – the city shall be informed of current names and addresses of association officers.

4. The final plat shall include a clause requiring property owners and the homes association to maintain, in a uniform manner, city right-of-way/easements located between their property lines and the back of adjacent sidewalks. The city shall have the authority to enforce such maintenance. If, upon being informed by the City to perform such maintenance and said property owner does not comply, the City shall have the option of maintaining the right-of-way/easement and shall bill the property owner for all associated costs including administrative costs. If city invoices are not paid within ninety (90) days, the city shall have the option of attaching a lien against said property.
5. Maintenance bond(s) amounts are approved by the Public Works Department and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the city shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City.
6. Eleven (11) dwelling units are to be transferred from the Wood Trails property (sending site) in accordance with the WMC 21.36.030 and WMC 21.36.050 (Transfer of Residential Density Credits). The density calculation is based on the approval to deviate from road standards and reduce road widths.

ENVIRONMENTAL – Reference Final EIS (Exhibit 40)

1. Wetland location and class must be shown on the plat drawing.
2. Pedestrian access trail easement has been removed from the proposal.
3. Wetlands must be properly restored after installation of the storm drainage and sanitary sewer pipes. Restoration plan shall be submitted with the engineering plans.
4. Wetland Report does not address the wetland recharge method proposed by the Applicant. Discharge is to be from the detention facility.
5. Geotechnical Engineering Study does not address the utility installation in the wetland area. Applicant's geotechnical engineer shall provide recommendations for utility installation in the wetland area. To be submitted with engineering plans.
6. NGPA Tract A to be dedicated to the homeowners association.
7. Onsite wetland and required buffers are to be protected as an NGPA.
8. A Native Growth Protection Area (NGPA) shall be placed upon all areas not included within the site development (lot and right of way) areas of the subdivision and shall be designated on the final plat.
9. The boundary of the Native Growth Protection Area (NGPA) shall be designated by signs to be approved by the City. The signs shall be located every 100 feet along the NGPA boundary; additionally, there shall be a sign centered along each lot line adjacent to the NGPA.
10. Boundary of the NGPA shall be delineated by an approved fence (split-rail).

FIRE

1. Road width and construction for Fire Department access must meet City of Woodinville Transportation design requirements.
2. Curb turning radius shall be 25 feet curvature.
3. Fire Department access roads with dead-ends over 150 feet, such as NE 204th Street near Tract B, shall have an approved turn-around per City of Woodinville Transportation Infrastructure Standards and Specifications (TISS)
4. Provide Fire Department access to within 150 feet of any portion of a buildable portion of any lot.
5. Current hydrant flow chart required at the closest hydrant to each structure. Fire flow will be calculated based on square footage of each structure. Homes not meeting minimum fire flow requirements shall be provided with an automatic fire sprinkler system.
6. Hydrant spacing shall be in accordance with Uniform Fire Code, Appendix III-B
7. Homes 5000 feet or greater shall be provided with an automatic fire sprinkler system per International Fire Code (IFC) pending site development.
8. Homes served by access roads greater than 15% grade shall be provided with an automatic fire sprinkler system.
9. At the time of any building permit application, a hydrant flow chart will be required from the closest hydrant to each structure. Buildings not receiving the minimum low requirements shall be provided with an automatic fire sprinkler system.
10. Any road used for fire department access 28 feet or less in width shall have parking on one side of the street only. Any road used for fire department access 26 feet or less shall have no parking on either side of the street. Note: This requirement is not to be construed as an approval of any deviation request for roads narrower than that required by the City of Woodinville Transportation and Infrastructure Standards.

IMPACT FEES

1. This project is subject to the following impact fee Ordinances:
 - Transportation Impact Fee (TIF) Ordinance (Chapter 3.39 WMC) and
 - Park Impact Fee (PIF) Ordinance (Chapter 3.36)
2. As provided for under the City of Woodinville Municipal Code and the City of Woodinville Comprehensive Plan, and analysis by the Northshore School District Number 417, it has been determined that this development will not have an adverse impact on the School District.

LANDSCAPE & TREE RETENTION

1. This project shall comply with applicant City street tree requirements. Street trees shall be provided as follows, per WMC 21.16.050:
 - a. The trees shall be owned and maintained by the homeowners association. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - b. The species of trees shall be approved by the City of Woodinville Development Services Department. If located within the right-of-way, tree shall not include

- poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers or that is not compatible with overhead utility lines.
- c. Trees shall be located within the street right-of-way and planted in accordance with WMC 2.24.090, City of Woodinville Public Infrastructure Standards and Specifications, Landscaping Section 7, Details 341, 342, and in accordance with the Public Tree Care Standards Manual.
 - d. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, the performance bond must be replaced with a maintenance bond, and per WMC 21.24.150, held for a period of up to five (5) years. The duration of maintenance/monitoring obligations shall be established by the Planning Director, based upon the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures. After the maintenance period has ended, the maintenance bond may be released after the City of Woodinville Development Services Department has completed a second inspection and determined that the trees have been kept healthy and thriving.
2. Detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of WMC 21.16.140.
 3. No clearing of the subject property is permitted until the final tree retention plan is approved by the City of Woodinville Development Services Department. Flagging and temporary fencing of trees to be retained shall be provided, consistent with WMC 21.16.160.
 4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant WMC 21.16.160.
 5. A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with WMC 20.06.175 20.06.190 and 21.16. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.).
 6. Plat plans shall include City signature block.
 7. Track C shall be maintained by the Home Owner's Association.

SURFACE WATER

1. Drainage must satisfy the 1998 King County Surface Water Design Manual requirements.
2. Storm drainage easement on Tract D will be dedicated to the City for the purpose of storm facilities maintenance only.
3. Track B Detention Pond – Shall be dedicated to the City of Woodinville after the required maintenance period has ended.
4. Allowable impervious areas on each lot must be labeled on the plat drawing.

TRANSPORTATION

1. Transportation impact fee required. This project is subject to the City's Transportation Impact Fee (TIF) Ordinance (Chapter 3.39 WMC). TIF fees are paid at building permit issuance. The fee amount shall be the amount in effect as of the date of complete building application. Submit a completed TIF Worksheet with each (new dwelling) building permit.
2. 156th Avenue NE right-of-way must be shown with dimensions and labeled on the plat drawing.
3. Proposed roads shown on plat drawings must satisfy City standard for high density residential streets (TISS Detail 104A and 104B). Full width ROWs and roadways are required, which may mean a reduction in the number of lots.
4. Street layout/geometry must satisfy City TISS requirements.
5. Geotechnical Engineering Study does not address the proper road pavement section. City standard roadway section (TISS Detail 104B) for High Density Residential Streets must be used.
6. Right-of way must be shown with dimensions and labeled on the plat drawing.
7. Allowable impervious areas on each lot must be labeled on the plat drawing.
8. City Limits must be shown on the plat drawing.
9. All existing and proposed streets must be listed on the plat.
10. According to a site traffic impact analysis of the City of Woodinville Public Works Department (Exhibit 38), Chapter 3.5 Transportation in the Final Environmental Impact Statement issued on December 12, 2006, the City projected additional peak period traffic generated by this project. This project is subject to City of Woodinville Transportation Impact Fee Ordinance No. 356.
11. All required improvement shall be completed before final plat approval.
12. Drawings of record shall be approved and signed by the Public Works Director prior to final plat approval.
13. The City Engineer shall approve all plans for city infrastructure and shall approve such installation prior to acceptance by the City.
14. Maintenance bond(s) amounts are approved by the Public Works Department and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the city shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City.

Example:

- a. Landscape – 2-Year Maintenance Guarantee
 - b. Lighting – 2-Year Maintenance Guarantee
 - c. Site Improvements – 2-Year Maintenance Guarantee
 - d. Wetland – 5-Year Maintenance Guarantee
15. Street lighting shall be in compliance with city standards as approved by the City Engineer.
 16. All utilities shall be underground within the development.

L. OTHER CONSIDERATIONS

Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:

- a. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE
- b. Water Quality Modification Permit from WSDOE
- c. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.

In summary, the development as proposed would be consistent with the Comprehensive Plan and Zoning Code for the R-4 zone. The site could accommodate development consistent with the R-4 zone, but would require careful consideration and protection of the sensitive areas. Provided that specific sensitive area study and final design plans confirm that all environmentally sensitive areas were preserved and buffered as required by the City of Woodinville 2004 Zoning Code (including prescribed setbacks and compliance with performance standards), the development alternatives would be consistent with these portions of the WMC.

M. PUBLIC HEARING PROCESS

The rezone and preliminary plat hearing is an official OPEN RECORD HEARING.

N. HEARING EXAMINER & APPEAL PROCESS

Rezone Recommendation: The hearing examiner will make a recommendation to the city council for its decision on the rezone. An appeal of the rezone is a judicial appeal to superior court.

Preliminary Plat Decision: The hearing examiner will make a final decision on the preliminary plat, and any approval of the preliminary plat will be expressly conditions and contingent upon the city council's approval of the rezone. The preliminary plat can be administratively appealed to the city council and is limited to existing record (CLOSED RECORD APPEAL PROCEEDINGS)

Reference: Cindy Baker, Interim Director of Development Services Director's Interpretation Dated November 6, 2006 (Exhibit 36) and (Exhibit 37).

LIST OF EXHIBITS:

#	Description
1	Woodinville Staff Report
2	PPA MT Preliminary Plat General Application PPA2004-93
3	PPA MT Title Report
4	PPA MT Legal Description
5	PPA MT Vicinity Map
6	PPA MT Density
7	PPA Certificate of Water Availability
8	PPA Certificate of Sewer Availability

9	PPA Northshore School District Walk Safety Assessment
10	PPA Development Consistency Checklist
11	PPA MT Preliminary Plat Plan
12	PPA MT Preliminary Tree Retention Map
13	PPA - Letter of Completed Application
14	PPA Signed Notice of Application
15	PPA Proof of Publication - Notice of Application
16	PPA Affidavit of Site Posting Notice 12/20/04
17	MT General Application ZMA 2004-0094
18	ZMA Application SEPA Checklist
19	ZMA Project Description and Rezone Analysis - Triad
20	ZMA Letter of Complete Application
21	ZMA Signed Notice of Application 12/20/04
22	ZMA PPA Proof of Publication - Notice of Application
23	ZMA Property Owner Radius Map and Mailing List
24	ZMA State of Washington Department of Community, Trade and Economic Development - Reviewing and approval letter with list of reviewing agencies.
25	SEPA Application SEP2004-095 11/08/04
26	SEPA Environmental Checklist
27	Applicant's Wetland and Stream Analysis 11/08/04
28	Conceptual Mitigation Plan
29	SEP Letter of Complete Application
30	Signed Notice of Revised EIS Scope 12/20/04
31	Signed Notice: Determination of Significance - Comment Period Extension 1/10/05
32	Wood Trails and Montevallo EIS Application
33	Signed Notice of Draft Environmental Impact Statement (DEIS) - Availability Notice
34	Proof of Publication - Notice of Draft Environmental Impact Statement (DEIS) - Availability Notice
35	Draft Environmental Impact (DEIS) - Report and Appendices A-L
36	Signed Notice of Official Director's Interpretation Regarding Appeals Procedure of Final Impact Statement (FEIS) 11/6/06
37	Proof of Publication - Of Official Director's Interpretation Regarding Appeals of Adequacy of Final Impact Statement (FEIS)
38	Signed Notice - Final Environmental Impact Statement (FEIS) - Availability Notice 12/13 /06
39	Proof of Publication - Final Environmental Impact Statement (FEIS) - Availability Notice
40	Final Environmental Impact Statement - Report and Appendices A-P
41	Applicant's Requests for Deviation From Standards on project
42	Montevallo Area Property Owners; Party of Record; and Agency Distribution Lists

43	Public Comment Regarding all aspects of the Wood Trails/Montevallo project; (PPA, ZMA, SEPA, EIS Scoping, DEIS, FEIS) Chronological Order
44	Signed Notice of Rezoning and Preliminary Plat Application for Montevallo- Public Hearing 2/12/07
45	Proof of Publication - of Rezoning and Preliminary Plat Application for Montevallo- Public Hearing
46	Affidavit of Site Posting Notice 2/12/07
47	Public Hearing Examiner's Letter
48	Applicant's Consent Letter for Separate Public Hearings
49	Moratorium Ordinances #419; #424, #427
50	Agency Distribution List
51	Additional Public Comments Received as of 02/22/07
52	Montevallo Preliminary Technical Information Report dated 11/5/04
53	Comment Letter from McCullough Hills, PS Received 2/23/07