



**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
WOOD TRAILS REZONE ZMA2004-053
AND
PRELIMINARY PLAT APPLICATION PPA2004-054

February 28, 2007 – PUBLIC HEARING AT 7:30 PM

Carol Edwards Center, Gymnasium
17301 133rd Ave NE
Woodinville, WA 98072
Phone: (425) 489-2754

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 ZMA2004-0053 and Preliminary Plat Application PPA2004-0054

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 Wood Trails development because they were in effect at the time of application completeness on July 8, 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
- 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), 16 (reserved), 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 Wood Trails can be consolidated and heard together at the same hearing based upon the following. WMC 20.80.020(3) states “*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 Wood Trails project did not request separate processing of its rezone request and preliminary plat application (Exhibit 18 and 2 respectively), Accordingly, the Wood Trails rezone request and preliminary plat applications are being properly processed and heard together as Type III permits pursuant to WMC 17.070.030 and WMC21.42.100-110. 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.

Rezoning 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), 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 Wood Trails proposal is considered vested to the land use regulations in effect at the time of the complete application. WMC 17.09 states “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 July 8, 2004 and a letter was sent in accordance with WMC 17.09.030 (Exhibit 20 and 13 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 July 8, 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. Chapter WMC 21.36 does not require mandatory consolidation of the proposed plats for the Wood Trails and Montevallo proposals.

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 site and the Montevallo site are not “contiguous,” a term construed by the Director as “sharing a common boundary.” The Director also does not interpret Chapter 21.36 WMC as requiring formal consolidation of the Wood Trails and Montevallo proposals under these circumstances.

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 47).

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 Wood Trails proposal is located in the only R-1 zone in the City. R-1 zoning in the west Leota neighborhood, often referred to the west Wellington neighborhood, has remained constant since the incorporation of the city. Its importance provides the balance to other residential zones in the city. Appropriate residential densities for all neighborhoods, including density and carrying capacity for the entire city, must be evaluated holistically. The Washington State Growth Management Act (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 accomplished under existing Comprehensive Plan and zoning designations according to a 2001 Residential Carrying Capacity analysis (done as part of the 2002 Comprehensive Plan Update).

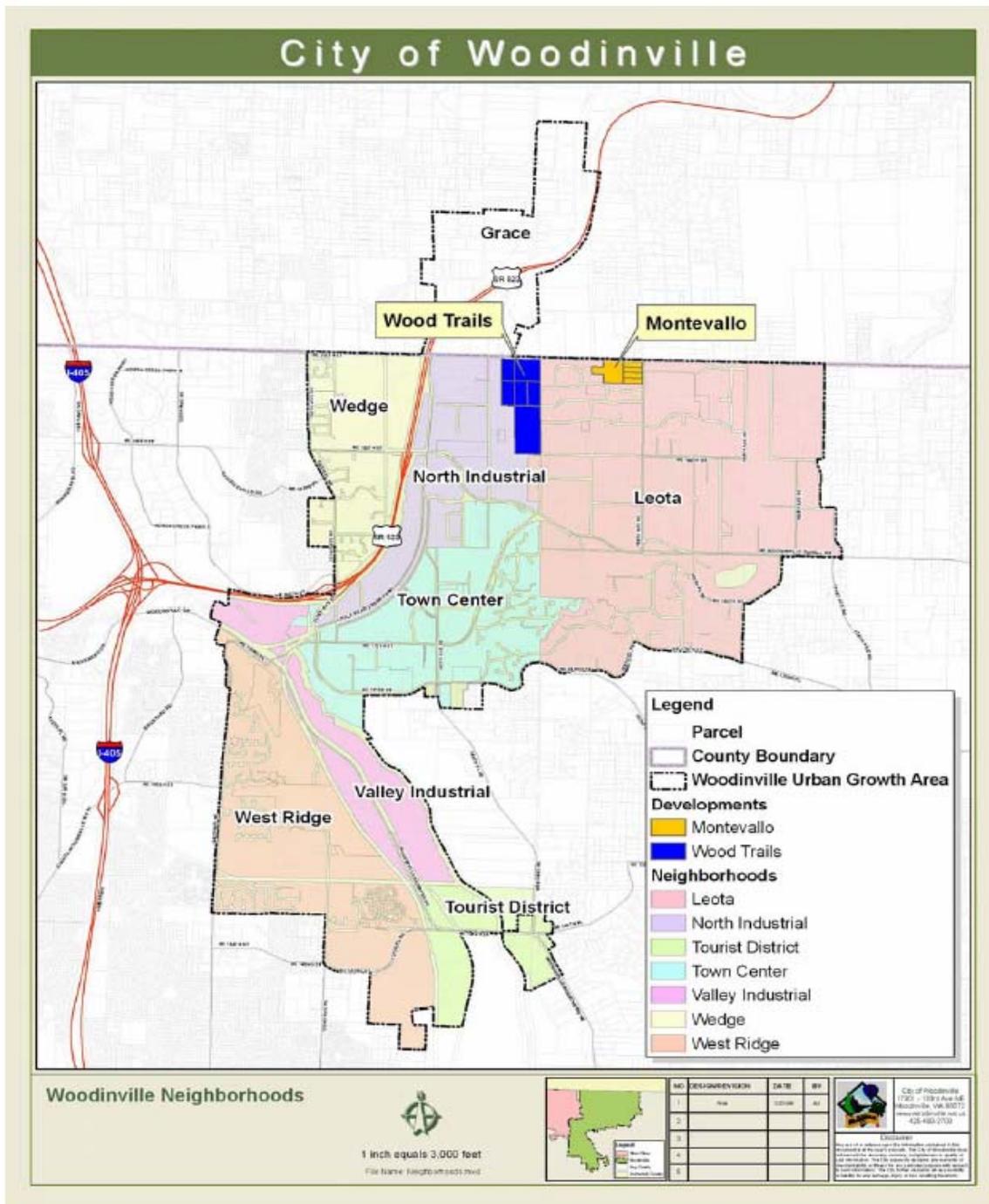


Figure 1 – R-1 Area Map

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 2) in all residential zones and an allocation balance of 1331 (Table 1) this leaves a surplus capacity of 78 housing units. 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 tables 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, then 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 Washington State 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 Growth Management Act (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 Ordinance 419, amended by Ordinance 424, and then renewed by Ordinance 427 (Exhibit 48) to study the impacts of different zoning options on the environment, neighborhood character, and transportation. Although the Wood Trails project is vested 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 (Exhibit 49). 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.ZMA2004-2004-053) from R-1 (one unit per acre) to R-4 (four units per acre) and to subdivide (City File No. PPA2004054) a 38.7-acre property into 66 single-family residential lots. The applicant has requested to send surplus density (19 lots as calculated by the applicant) from the Wood Trails project site to the proposed Montevallo development site, which is also owned by the applicant and is being processed by the under a separate permit number, as allowed under WMC Chapter 21.36. Under this proposal, the Wood Trails property would constitute the sending site and the Montevallo property would constitute the receiving site. Wood Trails property is located at the present terminus of NE 202nd Street, NE 201st Street, NE 198th Street and NE 195th Street, west of 148th Avenue NE. It is in the NE ¼ of Section 3, Township 26 North, Range 5, Willamette Meridian, King County respectively. (See Exhibit 4 and legal description).



Figure 2 – Vicinity Map

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. See Figures below (Exhibit 5) and the legal description (Exhibit 4).

1. **Lot Pattern and Density:** Lots range in size from 5,060 square feet to 13,787 square feet, averaging 6,930 square feet. Lots in the Wellington neighborhood average around 35,000 square feet, or 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 proposed lot and street layout will be in conformance with City of Woodinville Subdivision Code sections 20.06.040 Lot Standards, and 20.06.130, Street Standards. Proposed action includes a request to transfer 19 density credits to the Montevallo site. The proposal will meet the maximum density of 4 units per acre, per WMC 21.36 density credit transfer, as allowed in the R-4 zone (Exhibit 6).
2. **Internal Circulation:** Because of physical geographical constraints, lots on the site would be arranged in three groups: South (13 lots) located at the intersection of 148th Avenue NE and NE 195th Street; Middle (20 lots) located along 148th Avenue NE and NE 198th and NE 201st Streets; North (33 lots) near 202nd Street.
3. **Roadway Section:** The applicant has submitted deviation request(s) to reduce the interior roads (Exhibit 40), which have been reviewed by staff. It is the City's recommendation that all north/south roads shall be constructed to full standards. Connections from existing rights of way (NE 195th St, NE 198th St, NE 201st St, and

NE 202nd) will be constructed to full standards. Only road section "B" will be allowed to be built to a reduced standard because of environmental and grade constraints and a reduction of impervious surface. Note: Density will be calculated using full roadway standards – including Road B. (Exhibit 11).

4. Drainage: Because of the steep slopes on the hillside the City recommends the use of HDPE fused welded pipe on the steep hillside to convey stormwater. The HDPE fused welded pipe shall be placed above ground and anchored properly except in the locations of the two existing easements, where common utilities would be installed. The City does not recommend dispersion or infiltration for the lots abutting the steep slopes.

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 Deviations From Standards Table).

**Wood Trails
Deviations from Standards**

Codes & Regulations	Deviations Requested by Applicant	City Recommendations or Decisions
WMC 21.24.340 (6) KCSWDM Core #1	This request is to divert stormwater away from natural discharge point and connect pond outfall to a closed pipe system.	It will be allowed because: <ol style="list-style-type: none"> 1. The existing piping system 600 feet to the north can convey flows away from the natural discharge point, but still onsite, and flows reconnect where the natural discharge would have been received - all in an enclosed piping system. 2. It does not affect any critical habitat systems. Flows are all in piping. The above is conditioned upon an analysis of the conveyance systems sizing to reduce impacts on the existing system. If the existing stormwater system cannot accept flows, that system shall be upgraded to receive flows
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."	All north/south roads shall be constructed to full standards. Connections from existing rights of way (NE 195 th , NE 198 th , NE 201 st and NE 202 nd) shall also be constructed to full standards. Only road section "B" will be allowed to be built to a reduced standard because of environmental and grade constraints and a reduction of impervious surface. Note: Density shall be calculated using full roadway standards – including Road B.
Transportation Infrastructure Standards (TISS) 1-5.2.2	This request is to exceed maximum catch basin spacing between the top of slope and bottom of slope. Continuous fused HDPE pipe will be constructed on the hillside per standards; including anchoring to the surface or boring to reduce erosion impacts	Does meet the public best interest, safety criteria, function and maintenance criteria for deviation by reducing erosion hazard possibility in the geological hazard area
WMC 21.24.290 WMC 21.24.300 WMC 21.24.310	This request is to disperse roof and footing drains where topography prohibits taking to detention pond	Anywhere on the slope where infiltration or dispersion within 50 feet of top of slope, piping to a detention facility shall be required. The current request does not meet the public best interest, safety criteria, function and maintenance criteria for deviation.

Codes & Regulations	Deviations Requested by Applicant	City Recommendations or Decisions
Transportation Infrastructure Standards (TISS) 1-4.2.9	Streets longer than 150 feet requires deviation from standard	Applicant's Road "B" is a modified loop Cul-de-sac. It appears to meet the design criteria for a deviation by expanding turn radius. A downhill mid block turnout would not be advised for safety reasons.
WMC 21.24.340 (8)	Elimination of class 3 wetland to install a public detention facility	Mitigation will be required for a 2 to 1 ratio on tract A prior to any final plat approval. There is added mitigation to protect wildlife traversing this site.
WMC 21.28.030	Under R-1 option, the requirement not to hook up to sewer	Because of proximity to existing service, R-1 or R-4 would be required to connect to public sewer.
Transportation Infrastructure Standards (TISS) 1-4.2.9	Hammerhead requirements: A modified design connecting four lots on NE 195 th St.	A standard cul-de-sac is required for the road section connecting four lots on NE 195 th St. as there has been no justification for this deviation; in addition, a detention vault shall be required rather than pond because of maintenance and erosion hazards and safety concerns for the down slope properties.
WMC 21.24.290 WMC 21.24.310 WMC 15.09.010 chapter 18	Construct slopes greater than 2 horizontal: 1 vertical for the detention facility	Does not meet the public best interest, safety criteria, function and maintenance criteria for deviation by reducing erosion hazard possibility in the geological hazard area
WMC 21.24.310	Installation of utilities in steep slope area	Mitigation will be required to show proper design and anchorage of utilities within a combined trench. Where utility easements currently exist, utilities such as stormwater must be anchored on the surface.
WMC 21.16.130	Tree Retention	Applicant must be able to provide a tree retention plan showing trees and calculations within the NGPE
Transportation Infrastructure Standards (TISS) 1-4.2.9	Bollards installed on roadways	Does not meet the public's best interest, safety criteria, function and maintenance criteria for deviation by reducing circulation on external streets as required in the Comprehensive Plan. It creates dead end road sections without the ability to turn around as well as turning radius safety problems on NE 195 th St.
WMC 21.08.030	Town home consideration	Must meet the requirements of conditional use permit; notes 10 and 12 of WMC 21.08.030

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: Located at present terminus of NE 202nd Street, NE 201st Street,
NE 198th Street and NE 195th Street, west of 148th Avenue NE

STR: NE ¼ of Section 3, Township 26 North, Range 5, Willamette
Meridian, King County respectively.

Parcel Numbers: 0326059032, 0326059038, 0326059042, 0326059044,
0326059045, 0326059111

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: 38.7

Number of Lots: 66 +19 surplus density credits to be transferred to the Monevallo
site (as calculated by the developer)

Density: 4 units per acre, gross density using density transfer (See density
calculations by City (Attachment 1), which differs in totals from the
applicant's calculations.)

Lot Size: Lots range in size from 5,060 square feet to 13,787 square feet,
averaging 6,930 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: Various cellular and fiber optic providers

Completed

Application Date: July 8, 2004

Associated

Application(s): SEPA Determination File No. SEP2004055
Zoning Map Amendment (Rezone) File No. ZMA2004053

Hearing Date: February 28, 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 July 8, 2004 to subdivide a 38.7 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 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 Wood Trails and Montevallo proposed rezones and preliminary plats.

Agencies, affected Native American tribes, jurisdictions and the public were provided a 45 - 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 35) 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 49)

F. COMPLIANCE WITH COMPREHENSIVE PLAN:

This proposal is governed by the 2004 Comprehensive Plan (i.e., the Plan in effect in 2004 when the Wood Trails 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 that allows for the ability to apply for the rezone. 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 Wood Trails subdivision, as proposed, assists the City in accommodating the future growth forecast to 2022. The Wood Trails subdivision would achieve densities more intensive (maximum 4 dwelling units per acre) than existing development in the surrounding neighborhoods (1 to 2 per acre). The development of this site will have some impacts to the appearance and vitality of the area neighborhood. However, these impacts may be addressed through design (Example: low density housing constructed on the perimeter of the proposal and vegetated buffer installed to better match the adjacent properties).

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

Comment:

The proposed action would be consistent with the policy with the extension of sanitary sewer and water onto the site and street frontage improvements. There is a concern about access to the site through lower density R-1 development. The streets that will provide immediate access to the site are two lane roads without curb, gutter and sidewalks. The streets improved to R-4, as part of the plat, shall be constructed to resemble more typical urban improvements including curb, gutter and sidewalks.

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 street connections from NE 202nd to NE 195 St, which would divert pedestrian traffic from 156th Avenue NE. Pedestrian trail is proposed to connect the western site to the Industrial Zone. Due to environmental constraint (steep slope and erosion hazard areas), the City will not support the trail. The proposed park facilities proposed in the City's PRO plans are not within walking distance. Therefore the City's assumption is that the applicant will meet park and recreation requirements through the payment of park impact fees pursuant to codified Chapter 3.36 WMC

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

Comment:

The proposed subdivision would continue the existing residential land use pattern in Wellington Hills. There are existing single-family homes to the northeast and east (across 148th Avenue NE). These homes tend to be older and the lots are smaller (0.5 to 1.0 acres). New, larger homes are located to the east of the southern part of the site. The proposal would introduce smaller-lot single-family detached residential development on sanitary sewer which may impact the visual look of the neighborhood particularly to the existing residents in the Wellington Hills neighborhood. The visual change in the development is not expected to be significant because the north, south, and west side of the development is separated by a forested NGPA area from the adjacent properties. There are existing homes adjacent to the roadway (148th Avenue NE) separating the adjacent neighborhood to the east. The City recommends development of the same size lots immediately adjacent to the site compatible with existing Wellington neighborhood lots

or plant a 50 ft (this is an increased width) Type I Full Screen Buffer per Chapter 21, Title 16, Section 040 (1).

Land Use Policy LU-3.2

Preserve neighborhood natural environment.

Comment:

While a significant portion of the site will be maintained in a natural state (i.e., open space/landscaping .9 acres and Native Growth Protection Area (NGPA) Tracts 21.9 of the 38.7 acres), there will be an unavoidable loss of trees and habitat on the site due to: construction of building area, street improvements, and other impervious surfaces. This project 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:

The Wood Trails site would consist of land uses compatible with the residential land uses to the north, south, and east portion of the site. The, west side is adjacent to an industrial area, but separated by terrain (significant elevation change) and a proposed Native Growth Protection Area (NGPA). Therefore would not an 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.*

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 Wood Trails subdivision consists of single-family homes on smaller lots than what currently exists in Wellington Hills.

B. HOUSING ELEMENT

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

Comment:

See LU3.7

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

Comment:

Wood Trails proposes to provide a pedestrian connection from Wood Trails to 144th Avenue NE, which is not supported by the City due to steep slopes and erosion constraints. Therefore, the City would require payment of park fees to offset park impacts in accordance with the Park Impact Fee Ordinance codified at Chapter 3.36 WMC.

C. COMMUNITY DESIGN ELEMENT

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

Comment:

There are views of the Olympic Mountain Range and downtown from the site. The development, as proposed, will meet or exceed City of Woodinville tree retention regulations and preserve the wetland and its buffer per WMC 21.16 and WMC 21.24.

Community Design Policy CD-2.2 *Encourage native vegetation in residential, commercial, industrial areas; CD-2.3 Use trees/landscaping to buffer surrounding land uses; and CD-2.4 Require street trees in all development; CD-2.5 Require developments to retain existing significant vegetation, where feasible, through regulations in the Woodinville Zoning Code.*

Comment:

The proposed subdivision meets or exceeds the aforementioned policies through compliance with City tree retention and landscaping standards, which call for the use of native vegetation (WMC Chapter 21.16) and sensitive areas review (WMC Chapter 21.24). In addition, the applicant can use landscape buffers around the perimeter of the site to help buffer surrounding land uses, which may address some concerns from adjacent property owners regarding neighborhood visual change. Landscape and Tree Retention Plans shall be submitted with the engineered drawings, reviewed, and approved prior to issuance of a land surface modification permit (Exhibit 12) and subject to City review and approval.

Community Design Policy CD-2.5 *Require preservation of existing vegetation through zoning regulations.*

Comment:

Development would meet or exceed the City's adopted tree retention requirements and wetland/wetland buffer preservation requirements WMC Chapter 21.16 and 21.9 acres of Native Growth Protection Area (NGPA).

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 (single-family residential). However, the proposed development would result in smaller lots, loss of trees and natural vegetation where the development occurs. The NGPA area would compensate for tree loss on individual lots while complying with tree retention requirements. Changes to the visual streetscape will be more noticeable do to the construction of required frontage improvements in accordance with TISS 1999 Edition. The impact to the visual character of the site can be softened through the type of design and use of landscape and perimeter buffers as described under LU-3.1.

CAPITAL FACILITIES ELEMENT

Capital and Public Facilities Policy CF-3.1

Require the City or other service providers to establish capital facility service standards; parks and recreation standards are as follows.

Comment:

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

- Woodinville Water District Sewer & Water Availability – Both water and sewer certificates of availability have been submitted to the City.
- City of Woodinville Storm and Surface Water Management – Storm water management requirements have been met or mitigated.
- City of Woodinville Transportation Standards – Level of service will be E or better. Impacts due to additional peak trip generation shall be mitigation through payment of TIF.
- City of Woodinville Parks & Recreation – Parks and recreation standards shall be met through payment of PIF.
- Northshore School District No 17 – School impact is below the SIF requirement standards.
- Woodinville Fire & Life Safety District – Level of services will be relatively the same.
- Woodinville Police – Levels of service will remain the same.
- City of Woodinville Municipal Buildings – Levels of services will remain the same.

ENVIRONMENTAL ELEMENT

Environmental Policy ENV-3.1 *Encourage urban forest preservation.*

Comment:

The subdivision will meet or exceed this policy by complying with tree retention standards and forest practices regulations. The proposed action will preserve the forested Native Growth Protection Area (NGPA) Tract A. A tree retention plan will be submitted with the engineered drawings and reviewed for compliance with City standards WMC 21.16.130 through 200; 21.17; 21.06.268 and 14.04 prior to grading the site. A Forester Practices Class IV permit may be required depending on the volume of timber to be removed. If a Class IV permit is required, the permit application shall be submitted with the Land Surface Modification Permit. Permit (if required) must be obtained prior to grading the site.

Environmental Policy ENV-3.2 *Protect critical habitat areas* and **Policy ENV-3.3** *Maintain a standard of no net loss of critical habitat functions and values.*

Comment:

The proposed action will eliminate some habitat and vegetation due to the construction of building sites, road improvements, detention facility, and extension of the sewer line from the industrial area along 144th Avenue NE. The extension of the sanitary sewer line from the industrial area along 144th Avenue NE to the Wood Trails site would require excavation of a trench (City recommends boring) and placement of a HDPE fused sewer pipe through a steep slope area to the south. There will be some permanent loss of critical habitat areas. However, a significant portion of the site will be held in a NGPE tract. This project is subject to WMC Chapter 21.24 and will be required to mitigate the impacts on site. A mitigation/vegetation management plan and Critical Areas Information form shall be submitted with the engineered plans in accordance with City regulations and approved prior to grading the site. A maintenance/monitoring bond sufficient to guarantee the monitoring and maintenance of the critical area shall be submitted to the City and held for a period no less than five (5) years.

Environmental Policy ENV-3.4 *Maintain critical area connectivity.*

Comment:

The development would protect the Native Growth Protection Area (NGPA) that does provide viable wildlife habitat.

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 development review process.

Environmental Policies ENV-4.1 *Protect public safety in potential seismic, flood hazard and slide hazard areas and ENV-4.2* *Minimize the adverse effects of development on topographic, geologic and hydrologic features, and native vegetation WMC 21.24.29.*

Comment:

Erosion Hazard Area:

A majority of the Wood Trails site has been identified by the King County (1990) Sensitive Areas Map Folio as an erosion hazard area. According to the King County Soil Survey only the Alderwood Gravelly Sandy Loam soils on 15 to 30 percent slopes have an erosion hazard characterized as severe. Alderwood Gravelly Sandy Loam soils on 6 to 15 percent slopes, which occur in much of the upland portion of the Wood Trails site, have moderate erosion hazard. The Wood Trails site does not have the characteristic and is not likely to have areas that would be considered seismic hazards (WMC Chapter 21.24.290).

Landslide Hazard Area:

Multiple localized areas on the Wood Trails site have slopes exceeding 40% and meet the WMC criteria for identification of a landslide hazard. While movement of surface material is not severe, it may be appropriate to treat them through common stabilization technique such as back-sloping and erosion control within cut slopes, and removal and/or stabilization of fill slopes. Due to the very dense glacial deposits underlying the site, discovered during test sites, there is a low susceptibility to large-scale deep-seated slope movements at the site (WMC Chapter 21.24.290. Due to the steep slope hazard areas located in the hillside on the Wood Trails site, infiltration/dispersion shall not be allowed. HDPE welded drainage pipe shall be installed (above ground where practicable) to carry surface water away from the steep slopes to a detention facility located at the bottom of the slope.

Detention Pond Tract D – Stormwater detention pond would require cuts 15 – 30 feet deep at some locations, which would increase the potential for surface erosion along the face of the permanent cut slopes. Therefore, the City will require the installation of a detention vault instead of a detention pond because of erosion hazards and close proximity to adjacent industrial buildings that could pose a safety concern. Measures shall be taken to limit erosion along the slopes above the vault to stabilize the site. Example: installation of erosion control mats, hydroseeding, or other appropriate permanent vegetation.

See Policies ENV-4.1, ENV-3.2, Environmental Policy ENV-3.3, and Environmental Policy ENV-3 for additional information.

G. COMPLIANCE WITH WOODINVILLE MUNICIPAL CODE

- 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 1998 King County Surface Water Manual and any future amendments up to date of complete application.
- WMC Titles 15, Building & Construction; 22, Development Impacts

In summary, the development as proposed would be consistent generally with the 2004 Comprehensive Plan. The site could accommodate development consistent with the R-4 zone.

WMC TITLE 17, LAND DEVELOPMENT, 2004

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

17.09 Project permit application submittal requirements, including evidence of sewer availability.

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 Wood Trails proposal meets 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.* Native Growth Protection Area tracts exist on the site and will be protected according to the code. Utilities will be installed by surface installation or boring in the steep slopes. Impacts will be mitigated.

20.08.02(e) The proposed lot and street layout will be in conformance with sections WMC 20.06.040 Lot Standards and WMC 20.06.130 Street Standards.

WMC TITLE 21, ZONING CODE, 2004

21.04.080 Residential Zones proposed use is appropriate if areas are designated by the Comprehensive Plan as low density 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 services. Wood Trails does appear to fit these criteria and adjacent properties at R-1 densities.

21.08. Permitted Uses Wood Trails proposed action is for detached single-family residential use, which is within the intent of the code as specifically allowed by this Chapter.

21.12 Establishes requirements for densities. The Wood Trails proposal requests density credits for critical area buffers. The Preliminary Plat proposal allows for a maximum density of 4 dwelling units per acre.

Density Transfer Sites

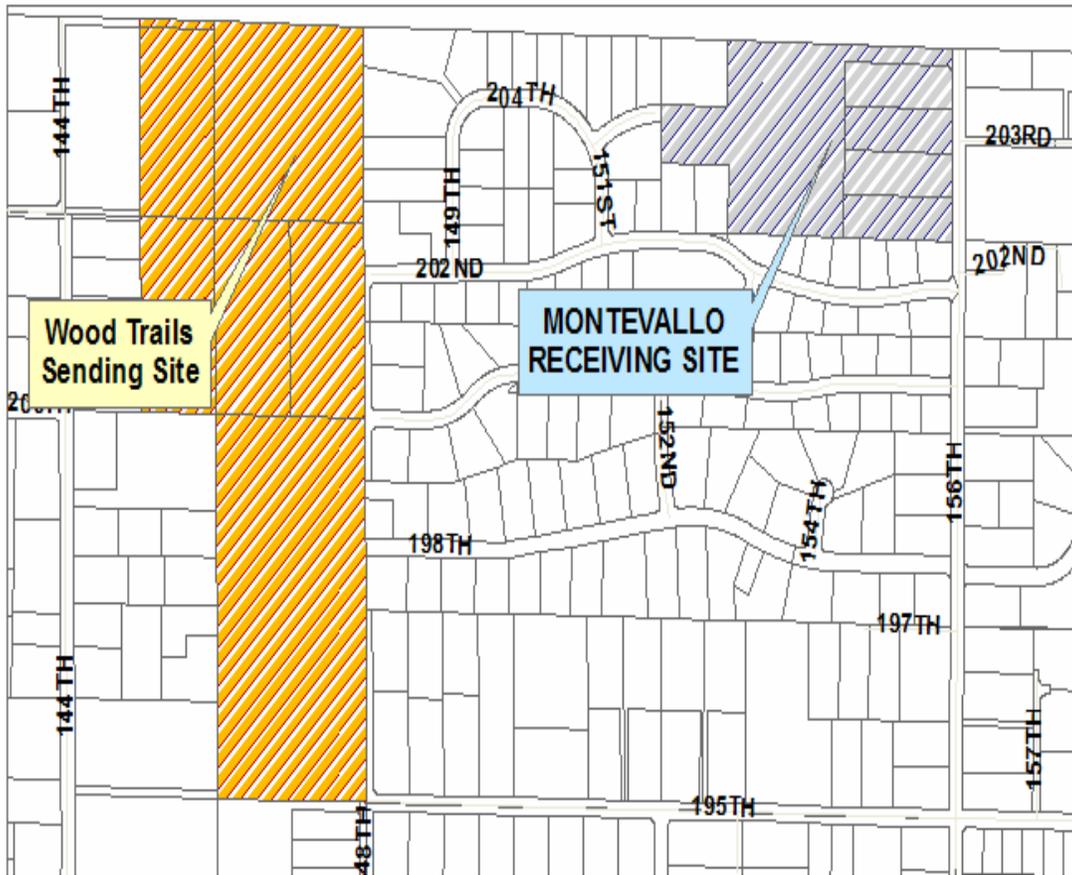


Figure 3 – Sending & Receiving Site

21.16. Wood Trail 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. Wood Trails site contains a wetland that is being eliminated and relocated to the NGPA located on Tract A and enhanced/enlarged on a 2:1 basis. In addition, the applicant has completed an Environmental Impact Statement in accordance with City codes and regulations, and State Environmental Policy Act (SEPA) WAC 197.11.

21.36 Transfer of residential density credits (See Density Table)

Density Table

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
Formula for Density Calculation:			
Gross Site Area	38.7 Acres	38.7 Acres	38.7 Acres
Deductions from Gross Site Area			
R-O-W/Access Tracts & Easements	2.5 acres	2.5 acres	5.0 acres
Detention Facility Tract	3.0 acres	3.0 acres	3.0 acres
Recreation/Open Space Area	0.9 acre	0.9 acre	0.9 acre
Native Growth Protection Area (NPGA)	21.9 acres	21.9 acres	21.9 acres
Net Site Area	10.4 acres	10.4 acres	7.9 acres
Acres in Critical (Sensitive) Areas Credits			
Steep Slope & Buffer Area (NGPA)	21.9 acres	21.9 acres	21.9 acres
Total Acres of Sensitive Areas (NOTE: some critical areas are excluded from density credits, e.g. wetlands)	21.9	21.9	21.9
Critical Areas divided by Gross Site Area = Percentage of Critical Area	21.9 acres/38.7 acres = 57%	21.9 acres/38.7 acres = 56.6%	21.9 acres/38.7 acres = 56.6%
Using WMC 21.12.080 Density Credit Table, find amount of density credit allowed based on percentage of critical areas	57% = 50% density credit	56.6% = 50% density credit	56.6% = 50% density credit
Acres of total critical areas (allowed) x density credit = effective critical area.	21.9 X 50% = 10.9 acres	21.9 X 50% = 10.9 acres	21.9 X 50% = 10.9 acres
Net Site Area + Effected Critical Area = Total Site Area used to calculate density	10.4 + 10.9 = 21.3 acres	10.4 + 10.9 = 21.3 acres	7.9 + 10.9 = 18.8 acres

Acres allowed for density calculations	21.3 acres	21.3 acres	18.8 acres
Total Dwelling Units allowed (without any transfer of density)	85 units (85.2) based on 4 dwelling units per acre X acres allowed for density calculations	85 units (85.2) based on 4 dwelling units per acre X acres allowed for density calculations	75 units (75.2) based on 4 dwelling units 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
Dwelling Units Proposed by Applicant	66 units proposed (85 - 19 density transfers)	N/A	N/A
Dwelling Units Calculated by City	N/A	66 units (85 - 19 density transfers)	66 units (75 - 9 density transfer credits)

Note: Applicant used all critical areas instead of allowed critical areas for their total critical areas, then only wetland buffer and recreation for the "effective" critical area value.

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. Receiving sites shall be zoned R-4 and therefore Montevallo must receive a rezoned to be able to receive credits. The maximum density for an R-4 is 5 units per acre.

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 rezoned 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 Wood Trails 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 Wood Trails proposal also appears to meet this criteria.

OTHER WMC TITLES:

- WMC 8 (Health & Safety) - Must comply with noise regulations 8.08 during construction to the extent applicable and subject to any applicable vesting.
- WMC 12 (Street names and address assignment, road standards, storm water facilities, maintenance, bonding, etc) – Must comply with WMC 12 to the extent applicable and subject to any applicable vesting
- WMC 13 – Must comply with 1998 King County Surface Water Design Manual and any and all amendments to the extent applicable and subject to any applicable vesting
- WMC 14 (Environmental Protection, Water Quality; note defers to King County manual 1998 and any future amendments up to the date of complete application) – Applicant shall comply with WMC 14 to the extent applicable and subject to any applicable vesting.
- WMC 15 (Buildings & Construction), 22 (Development Impacts, to the extent applicable and subject to any applicable vesting).

H. SUBDIVISION CODE FEATURES (WMC 20.06 and 20.08)

1. *Lot Pattern and Density:* The proposed lot and street layout will be in conformance with City of Woodinville Subdivision Code sections 20.06.040 Lot Standards, and 20.06.130, Street Standards. The applicant is also proposing to transfer 19 density credits from Wood Trails site to the Montevallo site. The applicant will be meeting the maximum density allowed in the R-4 zone.
2. *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).
3. *Roadway Section:* All north/south roads will be constructed to full standard. Connections from existing rights of way (NE 195th St, NE 198th St, NE 201st St, and NE 202nd) will be constructed to full standards. Only road section "B" will be allowed to be built to a reduced standard because of environmental and grade constraints and a reduction of impervious surface. Note: Density will be calculated using full roadway standards – including Road B. (Exhibit 11).
4. *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).

TRANSPORTATION PLANS:

1. **TRANSPORTATION PLANS:** The subject subdivision is not in conflict with Transportation, Non-motorized and Trails Plans (See FEIS Section 3.5 Exhibit 39).
2. **SUBDIVISION ACCESS: Vehicular access would be provided via four roadway connections to Wood Trails.**
 - a) 148th Avenue NE
 - b) NE 195th Street
 - b) NE 198th Street
 - c) NE 201st Street
 - d) NE 202nd Street

The applicant proposes to place bollards on NE 195th Street and NE 202nd Street to address concerns expressed by residents according to the applicant's representative. The City of Woodinville Public Works Department has reviewed the proposal and cannot support the placement of bollards on city streets.

3. **TRAFFIC GENERATION:** Wood Trails 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. The impacts to the City's infrastructure shall be mitigation through payment of TIF.

4. **ADEQUACY OF ARTERIAL ROADS:** This proposal has been reviewed under the criteria in City of Woodinville 1999 Transportation Infrastructure Standards and Specifications (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) (Located in FEIS Exhibit 39 – Additional Information).
 - a. Transportation improvements will be in place at the time of development, or a financial commitment (performance bond) is in place to complete the improvements.
 - b. Transportation Impact Fee will be required.
5. **Transportation Impact Fee:** The City of Woodinville Transportation Impact Fee Ordinance codified at Chapter 3.39 WMC requires payment of a traffic impact mitigation fee (TIF) for each dwelling unit created. TIF fees are determined by the zone in which the site is located. This site is in the Leota zone. TIF fees are paid at 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:

1. SCHOOLS:

- a. 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 eastern 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).

c. **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.

d. **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.

2. **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 codified at Chapter 3.36 WMC.

3. **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.

4. **POLICE SERVICES:** Memorandum from John Mc Swain, Chief of Police for the City of Woodinville (Located in FEIS - Exhibit 39) 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 the rights-of way impacted by the development to the City prior to commencing construction.

1. **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 rights-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 1999 Transportation Infrastructure Standards and Specifications (TISS) and approval of the Public Works Director. Future connectivity points (manholes and lateral connections) shall be provided per Woodinville Water District (at all street connections at property boundaries). City of Woodinville recommends that sewer

laterals be placed at every other property edge along 202nd Street between Wood Trails and Montevallo developments as a mitigation measure of street impacts. The Certificate of Sewer Availability (Exhibit 8), signed by the Woodinville Water District, indicates this sewer district's capability to serve the proposed development.

2. **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 City rights-of-way during installation of the service lines to the site will be repaired in accordance with City of Woodinville 1999 Transportation Infrastructure Standards and Specifications (TISS) and approval of the Public Works Director. A Certificate of Water Availability (Exhibit 7), signed by the Woodinville Water District indicates this district's capability to serve the proposed development.
3. **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:

1. The Applicant, Phoenix Development, submitted an application for a preliminary plat July 08, 2004 (Exhibit 2). The application was determined complete on July 8, 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 38.7 acre site into 66 single-family lots transfer 19 credits to the Montevallo site;
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 Determination of Significance on October 11, 2004 (Exhibit 28) and Draft Environmental Impact Statement (DEIS) on the proposed development on January 17, 2006 (Exhibit 34) a Final Environmental Impact Statement (FEIS) was issued on December 12, 2006 (Exhibit 39);
7. WMC 17.11.040 Public Hearing Notice Requirements, a public meeting notice was published in the Woodinville Weekly (Exhibit 28); for a public meeting on February 16, 2006 to hear comments relating to the DFEIS;
8. 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;

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. Pursuant to WMC 20.06.020(1)(b), the proposed subdivision must conform to the development standards set forth in the Woodinville Municipal Code Chapter 21 Zoning Code as a prerequisite to approval;
12. 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 (ZMA2004-053) (Exhibit 17) on July 8, 2004 and a complete application notice was mailed on July 8, 2004 (Exhibit 17) and (Exhibit 20);
14. 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;
15. The site is proposed to be developed in one phase;
16. Requests for Deviation of City of Woodinville Transportation Infrastructure Standards and Specifications have been submitted by the applicant (Exhibit 40);
17. 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)

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 (ZMA2004-053) (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 submitted a current Certificate of Water Availability from Woodinville Water District to the City on January 6, 2007 (Exhibit 7);
- 4, The Applicant has provided a current Certificate of Sewer Availability from the Woodinville Water District January 6, 2007 (Exhibit 8);

5. The site is proposed to be developed in one phase;
6. Requests for Deviation of City of Woodinville Transportation Infrastructure Standards and Specifications has been submitted and reviewed by the City staff (Exhibit 41 Summary Table).

K. CONCLUSIONS:

The subject subdivision shall comply with the goals and objectives of the City of Woodinville Comprehensive Plan and shall comply with the requirements of the Subdivision and Zoning Codes and other controls of the City of Woodinville, based on the conditions for preliminary plat approval.

1. This proposal, with recommended conditions, meets the Goals and Policies of the Comprehensive Plan in effect in 2004;
3. This proposal, with recommended conditions, meets the regulations and requirements of the Zoning Code WMC 21;
4. This proposal, with recommended conditions, meets the criteria for preliminary plat approval of the Subdivision Code, WMC 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 17.07.030;
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 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 39), Chapter 3.5 Transportation in the Final Environmental Impact Statement issued on December 12, 2006, the City projected additional peak period traffic will be generated by this project. This project is subject to City of Woodinville 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 40). Deviation for reduced road width;
10. A Native Growth Protection Area (NGPA) 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 density for the site includes a request for density transfer of 19 units. (Exhibit 6);
13. 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;
14. Fire hydrants shall be delineated on the preliminary plat as approved by the City Engineer and Fire District;
15. A note shall be placed on the final plat that requires the dispersion or tightlining of roof drains directly into the Stormwater collection system.

M. 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 City Development Services Director shall have the authority to direct the developer or his on-site representatives to immediately cease activities and redirect their attention to resolving any problem, particularly any environmental degradation, which in the director's opinion needs immediate resolution. Failure of the developer or his representative to redirect such labor and equipment shall result in immediate project closure and resolution of the problem by the City. The developer will be billed

for such City time and materials involved in resolving the problem, 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 Native Growth Protection Area (NGPA). The City shall review such association's CC&R's prior to recording and kept 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 Director and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the City shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City;
6. A maximum of eleven (11) dwelling units are eligible to be transferred from the Wood Trails (sending site) in accordance with the WMC 21.36.030 and WMC 21.36.050 (Transfer of Residential Density Credits) to the proposed Montevallo project site, which is being processed under a separate permit number.
7. Plat plans shall include City signature block.

ENVIRONMENTAL – Reference Final EIS (Exhibit 39).

1. Wetland relocation and class must be shown on the plat drawing. The site receiving the wetland must submit an application for environmental (separate Land Modification Permit). Restored wetland will be replaced on a 2:1 ratio on Tract A prior to issuance of the first home certificate of occupancy. Restoration plan shall be submitted with the engineering plans;
2. Geotechnical Engineering Study does not address the utility installation in the geological hazard area. Applicant's geotechnical engineer shall provide a comprehensive geotechnical report and recommendations for the application of utilities, infrastructure, and housing;
3. NGPA to be dedicated to the homeowners association. The boundary of the Native Growth Protection Area (NGPA) shall be delineated by an approved fence (split-rail)

with signage approved by the City. The signs shall be located every 100 feet along the NGPA boundary; additionally, there shall be a sign centered along each lot line adjacent to the NGPA.

4. Anywhere on the slope where infiltration or dispersion is proposed within 50 feet of top of slope, piping to a detention facility shall be required because of erosion hazards.

FIRE

1. Road width and construction for Fire Department access must meet City of Woodinville Transportation design requirements (TISS);
2. Curb turning radius shall be 25 feet curvature.
3. Fire Department access roads with dead-ends over 150 feet shall have an approved turn-around per City of Woodinville Transportation Infrastructure Standards and Specifications (TISS);
4. Fire hydrants shall be installed in compliance with requirements of the City Engineer and the Fire Marshall. Hydrant spacing shall be in accordance with Uniform Fire Code, Appendix III-A and B;
5. 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. Homes served by access roads greater than 15 percent grade shall be provided with an automatic fire sprinkler system;
8. City "No Parking" signs shall be provided for one side of the street;
9. At the time of any building permit application submittal, 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. Example: Noted on Road B
11. Homes 5000 feet or greater shall be provided with an automatic fire sprinkler system per International Fire Code (IFC) pending site development.

IMPACT FEES

1. This project is subject to the following impact fee Ordinances:

- a. Transportation Impact Fee (TIF) Ordinance codified at Chapter 3.39 WMC
- b. Park Impact Fee (PIF) Ordinance codified at Chapter 3.36 WMC

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. The applicant shall develop 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).
2. 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 (not if in the City right-of-way) and maintained by the homeowners association. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - b. The species of trees 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. Detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of WMC 21.16.140;
3. No clearing of the subject property is permitted until the final tree retention and grading plan is approved by the City of Woodinville Development Services

Department. Flagging and temporary fencing of trees to be retained shall be provided, consistent with WMC 21.16.160;

4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant WMC 21.16.160;
5. A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with WMC 20.06.175 20.06.190 and 21.16. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.);

SURFACE WATER

1. Detention Pond Tract D – The City shall require the installation of a detention vault instead of a detention pond because of erosion hazards and close proximity to adjacent industrial buildings that could pose a safety concern. Measures shall be taken to limit erosion along the slopes above the vault to stabilize the site. Example: installation of erosion control mats, hydroseeding, or other appropriate permanent vegetation.
2. Tract D shall be dedicated to the City of Woodinville for maintenance of the vault.
3. Allowable impervious areas on each lot must be labeled on the plat drawing.
4. Stormwater shall be conveyed by using continuous fused HDPE pipe on the hillside and constructed per standards; including anchoring to the surface to reduce erosion impacts.

TRANSPORTATION

1. Transportation impact fee required. This project is subject to Transportation Impact Fee (TIF) Ordinance 356. 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. All street names shall be shown on the plat plans (Example: 156th Avenue NE);
3. Bollards shall not be installed in any public rights-of-way.
4. All north/south roads will be constructed to full standards. Connections from existing rights of way (NE 195th St, NE 198th St, NE 201st St, and NE 202nd) will be constructed to full standards. Only road section “B” will be allowed to be built to a reduced standard because of environmental and grade constraints and a reduction of impervious surface. Note: Density will be calculated using full roadway standards – including Road B. (Exhibit 11).

5. Proposed roads shown on plat drawings must satisfy City standard for high density residential streets (TISS Detail 104A and 104B);
6. Street layout/geometry must satisfy City TISS requirements;
7. Geotechnical Engineering Study does not address the proper road pavement section. City standard roadway section (TISS Detail 104B) for High Density Residential Streets must be used;
8. Right-of way must be shown with dimensions and labeled on the plat drawing;
9. Allowable impervious areas on each lot must be labeled on the plat drawing;
10. City Limits must be shown on the plat drawing;
11. All existing and proposed streets must be listed on the plat;
12. 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 City of Woodinville Transportation Impact Fee Ordinance codified at Chapter 3.39 WMC;
13. All required improvement shall be completed before final plat approval;
14. Drawings of record shall be approved and signed by the Public Works Director prior to final plat approval;
15. The City Engineer shall approve all plans for city infrastructure and shall approve such installation prior to acceptance by the City;
16. 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
17. Street lighting shall be in compliance with city standards as approved by the City Engineer;
 18. Future connectivity points (manholes and lateral connections) shall be provided per Woodinville Water District (at all street connections at property boundaries).

19. City of Woodinville recommends that sewer laterals be placed at every other property edge along 202nd Street between Wood Trails and Montevallo developments as a mitigation measure of street impacts.
20. All other utilities shall be placed underground within the development (included street frontage area).
21. Mitigation will be required to show proper design and anchoring of utilities within a combined trench see requirements for steep slopes or erosion hazard areas.

M. OTHER CONSIDERATIONS:

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

- a. Forest Practice Permit from the Washington State Department of Natural Resources.
- b. National Pollutant Discharge Elimination System (NPDES) Permit from WSDOE.
- c. Water Quality Modification Permit from WSDOE.
- d. Water Quality Certification (401) Permit from U.S. Army Corps of Engineers.

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.

N. PUBLIC HEARING PROCESS:

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

O. 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 at the applicant's requested density level will be expressly conditioned 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).

WOOD TRAILS EXHIBITS – PRELIMINARY PLAT STAFF REPORT

#	Description
1	Wood Trail Staff Report
2	PPA WT Preliminary Plat General Application PPA2004-54
3	PPA WT Title Report
4	PPA WT Legal Description
5	PPA WT Vicinity Map
6	PPA WT 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 WT Preliminary Plat Plan
12	PPA WT 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
17	WT General Application ZMA 2004-053
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
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 SEP2004-055
26	SEPA Environmental Checklist
27	SEP Letter of Complete Application
28	Scoping EIS – Signed Notice of Determination of Significance
29	Proof of Publication - Scoping EIS - Notice of Determination of Significance
30	Signed Notice of Revised EIS Scope 12/20/04
31	Wood Trails and Montevallo EIS Application
32	Signed Notice of Draft Environmental Impact Statement (DEIS) - Availability Notice
33	Proof of Publication - Final Environmental Impact Statement (FEIS) - Availability Notice
34	Draft Environmental Impact (DEIS) – Report and Appendices A-L
35	Signed Notice of Official Director’s Interpretation Regarding Appeals Procedure of Final Impact Statement (FEIS) 11/6/06

36	Proof of Publication - Of Official Director's Interpretation Regarding Appeals of Adequacy of Final Impact Statement (FEIS)
37	Signed Notice - Final Environmental Impact Statement (FEIS) - Availability Notice 12/13/106
38	Proof of Publication - Final Environmental Impact Statement (FEIS) - Availability Notice
39	Final Environmental Impact Statement – Report and Appendices A-P
40	Applicant's Requests for Deviation From Standards on project
41	Wood Trails Area Property Owners; Party of Record; and Agency Distribution Lists
42	Public Comment Regarding all aspects of the Wood Trails project/Montevallo; (PPA, ZMA, SEPA, EIS Scoping, DEIS, FEIS) Chronological Order
43	Signed Notice of Rezoning and Preliminary Plat Application for Wood Trails – Public Hearing 02/12/07
44	Proof of Publication - of Rezoning and Preliminary Plat Application for Wood Trails – Public Hearing
45	Affidavit of Site Posting Notice 2/12/07
46	Public Hearing Examiner's Letter
47	Applicant's Consent Letter for Separate Public Hearings
48	Moratorium Ordinances #419; #424, #427
49	Agency Distribution List
50	Additional Public Comments Received as of 02/22/07

