

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

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

SUMMARY OF PROPOSAL

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

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

SUMMARY OF RECORD

Hearing Date:

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

Testimony:

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

Exhibits:

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

PROCEEDURAL ISSUES

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

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

2. The Concerned Neighbors of Wellington (CNW) argue that the rezone application should not be considered vested and should be considered under the regulations in effect at the time of the hearing rather than under previous regulations. The City and Phoenix contend that the rezone and preliminary plat applications were deemed complete on July 8, 2004, and a letter was sent to that effect. Exhibit #13 and Exhibit #20. The Hearing Examiner concludes that the letter established vesting on that date and the applications are therefore to be considered under the codes and regulations in effect on July 8, 2004. This is consistent with the process set forth in RCW 36.70B.070. See also Schultz v. Snohomish County, 101 Wn.App 693, 701 (2000). This is also consistent with the Supreme Court's decision in Association of Rural Residents v. Kitsap County, 141Wn.2d 185, 193, where the Court held that when a preliminary plat application vested, the accompanying planned unit development application vested also because it was the entire application that vested not just the preliminary plat. Planned unit developments are considered rezones under Washington law. Lutz v. Longview, 83 Wn.2d 566 (1979). Therefore the applicant has the right to have the entire application heard under the rules in effect on July 8, 2004, when the City determined that the application was complete.

3. This application was heard in the same time frame as the application for the Montevallo rezone and preliminary plat. The two projects were combined for the preparation of an environmental impact statement but were separate applications, filed on different dates, and were considered at separate hearings. As a courtesy to those who came to testify, the Hearing Examiner allowed testimony at each hearing on either proposal. They were not consolidated, however, into one application and are being treated by the City as separate applications. This is allowed under WMC 20.08.020(1) which would require their consolidation if the two properties were contiguous. They are not contiguous so consolidation was not required.

4. CNW objected several times throughout the proceedings about possible defects in the public notice. The first objection resulted in both plat hearings being continued from February 28th and March 1, 2007, to March 14th and 15, 2007, with the Wood Trails proposal being continued again until April 5, 2007. The main objection was to the misidentification of the Wood Trails property, but other objections were made, also. One objection was that the final hearing on April 5, 2007, was moved, at the last minute, from the Woodinville City Council Chambers to the Carol Edwards Center Gymnasium which is approximately a block away. This was done because of the size of the crowd. The combined hearings lasted for almost 15 hours. A large number of people testified

and many people testified more than once. The two proposals have been in the public's eye for an extended period of time and it would be difficult for the Hearing Examiner to conclude that anybody was unable to present written or oral testimony because of the alleged defects in the public notices. In fact, no one has come forth with any convincing argument that they were prejudiced by any defect in notice.

5. CNW also alleges that this zoning application cannot be approved because it is an illegal spot zone. Washington Case Law provides a concise definition of illegal spot zoning:

Spot zoning is an action by which an area is carved out of a larger area and specially zoned for use totally different from, and inconsistent with, the surrounding land and not in conformance with the comprehensive plan. Save a Neighborhood Environment v City of Seattle, 101Wn.2d 280 (1984).

The proposal's compliance with the comprehensive plan will be examined later in this decision. The Hearing Examiner concludes, however, that this is not an illegal spot zone because the use, detached single-family residential is not totally different from and inconsistent with surrounding properties which are also developed with detached single-family residential uses. The difference is density, not use. The Hearing Examiner finds that CNW has drawn too fine a line in attempting to find incompatibility. Both R-1 uses and R-4 uses are considered low density residential under Woodinville's Comprehensive Plan and would be considered as such under virtually every other comprehensive plan in any urban area in the State of Washington. Therefore, the Hearing Examiner concludes that this re-zone is not an illegal spot zone.

6. CNW argues that the hearing on this matter and any decision is premature because final plans and certain studies have not yet been completed. As an example, the applicant submitted a conceptual plan at the hearing on March 14, 2007, demonstrating how the project may look if all proposed conditions of approval recommended by staff were imposed. CNW argued that the proposal is not in final form, and, therefore, the hearings were premature.

This proposal is for preliminary plat. Plats are a two-step process with the preliminary plat being the initial step. A preliminary plat is defined in the State Law as:

"A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of the subdivision consistent with the requirements of this chapter. The preliminary plat shall be the basis for the approval or disapproval of the general layout of the subdivision".

A final plat is defined as:

"The final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and requirements set forth in this chapter and in local regulations adopted under this chapter. RCW 58.17.020(4)(5)".

CNW argues that all studies and final design elements should be in place prior to this approval. That is not the way that the two-step process works, however. Many of the preliminary studies are set forth in the Final Environmental Impact Statement but final design takes place after the

preliminary plat has been approved and before the final plat is signed by the City. The Hearing Examiner finds that there is sufficient information in the record to adequately evaluate the preliminary plat application.

7. The record in this case is voluminous. The public hearings on this project and the Montevallo project lasted for almost fifteen hours and there are literally thousands of pages of exhibits. Many issues were raised in public testimony and in the written submittals by both CNW and Phoenix Development, as well as by City staff. Because of the volume of comments, the Hearing Examiner cannot address every issue raised. The Hearing Examiner will, however, address relevant issues that are necessary for the issuance of a decision pursuant to the regulations. However not every comment will be addressed.

8. CNW and others have objected to the subdivision of the Montevallo property because the prior plat of Summer's Addition shows a road on site. It is argued that the plat cannot proceed until this public road is properly vacated. See Exhibit #88, pages 4 through 7. Phoenix Development has responded to that allegation in Exhibit #95, pages 71 and 72. The research done by Phoenix Development's project surveyor showed that there was no record of that road ever being dedicated as a public road in the King County records. It also has never been improved. The notations on the plat bear this out along with the fact that the lot owner has been paying taxes on the property shown as a road for over thirty years according to the evidence. For the reasons set forth in Exhibit #95 submitted by Phoenix Development, it does not appear that road was dedicated to the public even though the northern portion has been used by various adjacent property owners. Based on the evidence the Hearing Examiner cannot find that this allegation should keep the plat from moving forward through the process.

GENERAL FINDINGS

1. The applicant proposes to rezone the Montevallo project site from R-1 (1 unit per acre) to R-4 (4 units per acre) and to subdivide the property into 66 single-family residential lots. The property contains 16.48 acres. The proposed 66 lots include 19 surplus density credits to be transferred from the Wood Trails project site, which is also owned by the applicant. Transfers of density credits are allowed under WMC Chapter 21.36. Exhibit #1, page 5. The site is located on the west side of 156th Avenue NE directly south of the King-Snohomish County line and the Wellington Hills Golf Course. Exhibit #1, page 5. The legal description is lots 1 through 5, Summers Addition, according to the plat thereof, recorded in volume 100 of plats, pages 33 and 34 in King County, Washington. Exhibit #4.

2. As stated, property to the north is in Snohomish County and developed with the Wellington Hills Golf Course. To the west and south are single-family residential uses and the properties are zoned R-1 and most are built on large lots. Along the east side of the site is 156th Avenue NE and there is a large undeveloped parcel across that street to the east. Exhibit #1, page 5.

3. The site is irregular in shape and contains approximately 16.48 acres in area. It is reasonably flat with a topography sloping gently from east to west at slope gradients in the range of five to 10 percent. Elevations on this site range from approximately 430 feet on the western part of the property to 490 feet at the eastern edge. The wetland located at the western end of the property is a topographic low point. The soil type is Alderwood Type C (6 to 15% slope) which has a moderate erosion hazard. Exhibit #1, page 5.

4. A single forested and emergent delineated Class 2 Wetland is located on the west side of the site. It is approximately 71,567 square feet in size. Water within this wetland drains to the north offsite in an intermittent flow, ditched stream feature. This stream eventually enters a more defined ravine offsite to the west which flows several thousand feet down a steep hillside before being culverted under the highway (SR 522) and eventually entering Little Bear Creek. Due to the length of its culverted channel just east of SR 522, as well as the very steep topography along the hillside to the north and west of the site, fish cannot enter or access the tributary that the site's wetland drains into on the west side of SR 522. See Exhibit #27, page 6; Exhibit #1, page 5 and Exhibit #40, page 3.2-11.

5. The applicant will protect the wetland with a fifty-foot buffer, which was the standard minimum buffer from the edge of the wetland for Class 2 Wetlands under the 2004 code when the application vested. Originally the wetland buffer was to be averaged and some portion used as a detention facility, but testimony by Mr. Sewall, the applicant's wetland expert, stated that the proposal no longer needs a buffer reduction. See Exhibit #1, Page 5 and Exhibit #95, page 10.

6. The tie-in to provide sewer service to the development will require construction in the wetland. While the original plan was to construct the sewer line through the wetland and restore it, testimony at the hearing was that the proponent will bore the sewer line underneath the wetland because it had an impermeable bottom and boring under it would be possible. Wood Trails, Exhibit #133, page 3.

7. The applicant seeks approval to subdivide this 16.48 acre site into 66 single-family residential lots along with a rezone from R-1 to R-4. The 66 lots include 19 density credits transferred from Wood Trails as calculated by the developer. The City has calculated the density credits to be 9. See Exhibit #1, page 19 and Wood Trails Exhibit #1, pages 22 and 23. The lots will range in size from 5,500 square feet to 13,737 square feet averaging approximately 6,708 square feet. The proposal is to construct single-family detached residential dwellings on site. Sewer and water will be supplied by the Woodinville Water District. See Exhibit #1, page 9 and Exhibit #95, page 17.

8. Access to this site will be via 156th Avenue NE, which is a north south collector. Two new access streets labeled as NE 203rd and NE 204th are shown on the Montevallo plat map. Exhibit #11. The plat map also shows three north south streets, 155th NE, 154th Avenue NE and 153rd Avenue NE serving several of the lots. The two east west streets dead end before leaving the plat on the west side and the north south streets stay within the boundaries of the plat. Exhibit #11. There is also a conceptual site plan in the record, which shows how the site might be developed if it complied with all of the staff recommended conditions of approval. See Exhibit #67. Exhibit #67, as a conceptual plan, shows the number of lots being reduced to 56, complying with Staff's calculations of transferred densities. It also shows the roadways being reconfigured with only one entrance from 156th Avenue NE. The lots are shown to be slightly larger due to the reduction of ten lots on site from the original drawing. See Exhibit #67.

FINDINGS RELATED TO THE REZONE

9. The proposal vested in November of 2004 and is governed by the 2004 Comprehensive Plan. The plan designates this site as low density residential which includes R-1 (1 unit per acre) through R-4 (4 units per acre). The property is currently zoned R-1 and the applicant seeks a

rezone to R-4. Exhibit #,1 page 13 and Exhibit #20.

10. The Woodinville Water District will provide sewer and water services to the proposed subdivision. Each lot in the development will be connected to the District's sewer and water systems, pending construction of site collection and distribution systems by the applicant. See Exhibits # 7 and 8. See also Exhibit #95, page 17.

11. R-4 as proposed, is designated as low density residential in the relevant comprehensive plan. Other relevant plan policies include:

- a. Land Use Policy LU-1.1 preserve neighborhood character, while accommodating for GMA Growth Forecasts.
- b. Land Use Policy LU-1.2 guide growth to areas with capacity, where impacts will be minimized, and where growth will help areas appearance or vitality.
- c. Land Use Policy LU-1.3 phase growth and municipal services together.
- d. Land Use Policy LU-2.2 connect development, open space, recreation areas by planned street, path, and utility corridor networks.
- e. Land Use Policy LU-3.1 development should compliment existing residential development patterns.
- f. Land Use Policy LU-3.2 preserve neighborhood natural environment.
- g. Land Use Policy LU-3.4 provide controls to minimize encroachment by incompatible land uses.
- h. Land Use Policy LU-3.7 permit a range of densities to encourage a variety of housing types to serve a range of incomes.
- i. Housing Policy H-1.1 allow a variety of housing types and lot sizes.
- j. Community Design Policy CD-1.2 preserve views, natural features, and landmarks.
- k. Community Design Policy CD-2.2 encourage native vegetation in residential, commercial, industrial areas.
- l. Community Design Policy CD-2.3 use trees and landscaping to buffer surrounding land uses.
- m. Community Design Policy CD-2.4 require street trees in all development.
- n. Community Design Policy CD-2.5 require developments to retain existing significant vegetation, where feasible, through regulations in the Woodinville Zoning Code.

- o. Community Design Policy CD-3.1 integrate existing development into the character of surrounding area.
- p. Capital and Public Facilities Policy CF-3.1 require the City or other service providers to establish capital facilities service standards.
- q. Environmental Policy ENV-3.1 encourage urban forest preservation.
- r. Environmental Policy ENV-3.2 protect critical habitat areas.
- s. Environmental Policy ENV-3.3 maintain a standard of no net loss of critical habitat functions and values.
- t. Environmental Policy ENV-3.4 maintain critical area connectivity.
- u. Environmental Policy ENV-3.7 encourage native plant use.
- v. Environmental Policy ENV-4.1 protect public safety and potential seismic, flood hazard and slide hazard areas.
- w. Environmental Policy ENV-4.2 minimize the adverse affects of development on topographic, geologic and hydrologic features and native vegetation. City of Woodinville Exhibit #1 pages 13-19.

12. The staff report sets forth an analysis of the City's housing allocation under the Growth Management Act (GMA) for the planning period from 2001 to 2022. The allocation comes from the overall King County carrying capacity allocation attributed to Woodinville. Staff's conclusion is that the residential zones have the capacity necessary to meet the housing allocation now without further zone changes to higher density. Exhibit #1 page 4.

13. There was evidence presented by CNW, both in oral testimony and in writing, that there are large numbers of single-family detached homes on lots approximately the size proposed by Phoenix for Montevallo, within ten miles of this area and therefore there is no need for more density on this site. While many of the lots listed were in communities other than Woodinville and also related primarily to the resale of homes rather than the development of new lots, the data is relevant to the Hearing Examiner's decision. See Exhibit #91, pages 11 and 12.

14. Phoenix counters with an analysis of the remaining R-4 inventory in Woodinville arguing that the City has a faulty capacity analysis as it pertains to properties zoned R-4 and available for new development. Phoenix argues that land zoned R-4 and developed between 2002 and 2007 has not been removed from the City's inventory and that the remaining vacant and redevelopable R-4 lands have not been adjusted to affect new critical area boundaries, buffers and stormwater detention requirements adopted after 2002. Their experts state that the available land with R-4 zoning was 2.7% of the entire City in 2001 and it is less today because of the increased critical area buffers. See Exhibit #95, pages 63 through 67. The land zoned R-1 represents approximately 30% of the total area of the City and approximately 50% of the residentially zoned land. Exhibit #1, page 5. See also Wood Trails Exhibit #128.

15. The City ordered the preparation of an EIS for this development and the Wood Trails development. The technical appendices to the Draft EIS include two geotechnical engineering

studies in Appendix C and D, a drainage report in Appendix E, a wetland and stream report in Appendix I and a wildlife habitat report in Appendix K. There are summaries of the geotechnical report, which were submitted after the EIS was finalized and they are in the record as Exhibit #95, pages 21 through 23. and Wood Trails Exhibit #131.

16. Those reports conclude that the site is appropriate for development due to the fact that it is relatively flat and grading would be minor. The wetland will be protected pursuant to City regulations and stormwater will be directed to a detention facility, treated and then dispersed to the wetland. See Exhibit #40, page 2-12.

17. The geotechnical reports also studied the erosion issue. WMC 21.24.290.2A classifies erosion areas within the City of Woodinville. As stated in the geotechnical reports, however, site-specific investigations with the knowledge of the proposed development activities provides a more thorough evaluation of a potential erosion hazard. The reports state, that based on the site-specific evaluations, the Montevallo site exhibits little evidence of erosion. As the site is developed, the City will require the use of best management practices (BMP) so that soil erosion can be managed and impacts minimized. See Exhibit #40, page 3.1-15.

18. Considerable information was submitted on storm drainage controls for the site including possible impacts to Little Bear Creek. Storm drainage was studied extensively in the DEIS and FEIS. See Exhibit #35, Appendix E and Exhibit #40, pages 3.2-1 through 3.2-37. The analysis follows the King County Surface Water Design Manual (KCSWDM), which was used by the City at the time this plat was filed. The analysis was based upon the KCSWDM and the analysis was accepted by the City with some modifications. Those modifications are in the conditions of approval. Water quality impacts to Little Bear Creek were also studied. See Wood Trails Exhibit #134; Exhibit #95, pages 68 through 70; Exhibit #27 and Exhibit #35, Appendix J, pages 1 through 8.

19. The proposal is reasonably compliant with the Woodinville Comprehensive Plan. The Hearing Examiner hereby adopts and incorporates the discussion of Comprehensive Plan Policies set forth in Exhibit #1, pages 10 through 16. Specifically the Hearing Examiner finds that the zone change will allow the development of low-density detached single-family homes in an area designated in the comprehensive plan as low density residential. While arguments have been made that the adjacent neighborhood is much less dense, R-4 is still classified as low density. In addition, buffering as recommended by the City can alleviate impacts from a slight difference in density. The site will be served with City water and sewer and the street network will be improved. The west side of the site will be left in a Native Growth Protection Area (NGPA) which will provide habitat and open space and enhance a degraded wetland. It presents a range of densities, which encourages a variety of housing types to serve a variety of income levels. It preserves much of the natural features of the site, such as the wetland and will preserve trees in accordance with the City's Tree Retention regulations. Exhibit #1, pages 10 through 16 and Exhibit #19 pages 7 through 11.

Criteria for a Rezone

WMC 21.44.070 sets forth the zone reclassification criteria. It states: "a zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the comprehensive plan and applicable functional plans and complies with the following criteria:

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

In addition, in WMC 21.04.080, which describes the residential zones, it states:

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

Washington courts have held:

Rezoning are not presumed valid. The applicant has the burden of showing that either conditions have changed since the original zoning or that the proposed rezoning implements policies of the comprehensive plan and that the rezoning bears a substantial relationship to the public health, safety, morals or welfare. Only general, not strict conformance with the Comprehensive Plan is required. The requirements of local ordinances must also be satisfied. Woods v Kittitas County 130 Wn App 573 (2005).

Conclusions on Rezone Application

1. Based on the findings by the Hearing Examiner as stated above, The Hearing Examiner concludes that the proposal is in fact consistent with the City's Comprehensive Plan. See Exhibit #1, pages 10 through 16 and Exhibit #40, pages 3.4-22 through 3.4-28. Courts have held that consistency with a Communities Comprehensive plan is evidence that a rezoning promotes public health, safety, morals and welfare. Henderson v. Kittitas Co., 124 Wn.App 747, 756 (2004)
2. The Hearing Examiner concludes, based upon the findings above that the criteria for a rezoning have been met. They are:
 - A. There is a demonstrated need for additional zoning of the type proposed.

This criterion is a many faceted criteria. The City has analyzed it according to its GMA growth allocation from King County and found that Woodinville could meet its housing allocation without this rezoning. The applicant's expert criticized the City's study as not fully analyzing the amount of actual R-4 Zoning there was in the city for development. Most of the housing development that has occurred since 2002 has been in apartments and condominiums rather than single-family residential uses. As the applicant's expert demonstrated, if the amount of R-4 developed between 2002 and 2007 were removed from the available R-4 land totals, the amount of R-4 available for new development or redevelopment would be much less than the existing amount cited by the City which still

was only 2.7% of the land area of the City. The R-1 Zone by contrast, makes up nearly 30% of the City's zoning. Clearly more R-4 Zoning is needed to create a diversity of building sites availability by establishing more areas where detached single-family can be constructed at lower densities than R-1 densities. In addition, the Growth Management Hearings Board has held that Woodinville is not to perpetuate one-acre lots that will effectively thwart urban development. Urban develop being defined by the Board as four units per acre. See Hensley v Woodinville CPSGMHB Case number 96-3-0031 (February 25, 1997).

The Growth Hearing Board has held that a minimum urban density is four units per acre. The Supreme Court held in the case of Viking Properties v. Holm 155 Wn.2d. 112 (2005) that the Growth Boards don't have the authority to make "Bright line tests". The Boards do have authority, however, to determine whether a City is in compliance with GMA. RCW 36.70A.280. One of the goals of GMA is to encourage urban development within urban areas and reduce sprawl. RCW 36.70A.020. The Hearings Board in the Hensley case, as cited above, have determined that one acre zoning will effectively thwart urban development. Therefore, the fact that the City has 30% of its zoning in R-1 and only 2.7% in R-4 clearly demonstrates the need for more R-4 zoning. Therefore, the Hearing Examiner finds that this criterion has been met.

B. The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties.

To the north is Snohomish County and the land has a rural designation. The adjacent zoning to the west, east and south is R-1. As stated above, both R-1 and R-4 are designated in the low-density residential category and this site will be developed with single-family residential uses although at a higher density than the R-1. While there was considerable argument that the R-4 would not be compatible with the R-1, both uses are detached single-family residential uses and both are considered low-density zoning by the City. See WMC 21.04.080(1)(a).

In addition, the Woodinville code in place when this application vested, stated that this property could not be developed as R-1 because utilities are available. This would put the applicant in a Catch-22 position of having property that could not be developed with either R-4 or R-1. The code has since been changed, but the old code still applies to this application. It should also be noted that pursuant to WMC 21.08.030, the R-1 through R-4 are located in what's known as the "Residential Low Density Zone". Therefore the Hearing Examiner must find that the zone reclassification to R-4 is consistent and compatible with the zoning of the surrounding properties.

C. The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

As noted above, the property was studied extensively in the DEIS and FEIS. Both the applicant's experts and the City's reviewing experts concluded that the site was suitable based on the characteristics of the site. The extensive study of geotechnical aspects, stormwater drainage, and the wetland convinces the Hearing Examiner to conclude that the site is suitable. The soils on the site have the strength to be developed with single-family units at the proposed density and the wetland area on the site will be retained in its

natural state as open space. Stormwater can be accommodated and with the conditions of approval as set forth in this decision, the site is suitable for development.

FINDINGS RELATED TO THE PRELIMINARY PLAT

1. The Hearing Examiner hereby adopts and incorporates all findings and conclusions from the previous section relating to the rezone request as well as the General Findings.
2. The preliminary plat as filed is set forth in the record as Exhibit #11. The applicant also submitted a conceptual Montevallo site plan which depicted recommended conditions of approval from the staff report. That is in the record as Exhibit #62. The Montevallo plat with data information is set forth in Exhibit #63.
3. Montevallo as proposed meets the requirements for depth, front and side lot lines and building setbacks as they were set forth in the subdivision code when this proposal was vested. Exhibit #1, page 17. The proposed lot and street layout will be in conformance with the Woodinville Municipal Code. See WMC 20.06.040 and 20.06.130. Exhibit #1, page 17.
4. The Montevallo proposal is for detached single-family residential uses which is allowed in the zoning code. WMC 21.08.
5. This preliminary plat proposes sixty-six lots with approximately 3.43 acres of open space protected in perpetuity as a Native Growth Protection Area (NGPA). The gross density is set forth in the application as 4.0 units per acre. Exhibit #19, pages 2 and 3. This will be reduced because of a reduce density transfer allowance.
6. Montevallo contains a wetland that is being enhanced. The wetland will be located in the NGPA area located on Tract A. Exhibit #1, pages 16 and 17.
7. The applicant has asked for the right to receive residential density from the Wood Trails sending site. Under the applicant's analysis, nineteen credits can be transferred. Staff has analyzed the applicant's calculation and revised them based on additional conditions of approval, such as wider roadways in Wood Trails and determined that nine density transfer credits should be allowed. See Wood Trails Exhibit #1, pages 22 and 23. The preliminary plat will be served by public water and sewer service from the Woodinville Water District. Exhibit #95, page 17.
8. Comments from the Woodinville Fire and Life Safety Deputy Chief and also the Chief of Police for Woodinville indicated neither agency found any significant impacts on their operations from the development of the site. Exhibit #40, pages 7.2 and 7.3.
9. The internal roadways will be constructed to full standard and will connect with existing rights-of-way at 156th Avenue NE. The original plat showed two connections to 156th Avenue NE, one at NE 204th Street and one at NE 203rd Street. The conceptual plan submitted by the applicant and in the record as Exhibit #62, which shows a redesigned plat complying with City staff conditions, shows only one entrance to the plat approximately in the center. That plan also shows all lots being served by two east west streets and two north south streets for circulation purposes. See Exhibit #62.

10. The transportation network and the projects on that network were studied extensively in the EIS. See Exhibit #40, section 3.5. Traffic safety was studied in Exhibit #40, section 3.5.1.8 and concluded that safety should not be a big concern despite the limitations of the roadways in the surrounding neighborhood. The traffic study also did a Level Of Service (LOS) analysis and found that all of the intersections would still be within acceptable LOS standards. Exhibit #40, table 3.5-6 on page 3.5-56. The traffic analysis and the FEIS received a peer review from Parametrix the consultant to the City's Public Works Department and Parametrix agreed with the traffic analysis. See Exhibit #40-additional information located in the back of the FEIS.
11. Many issues were raised during the hearing process regarding sight deficiencies, inferior road widths and lack of sidewalks in the adjoining neighborhood. Those comments were responded to by the Transpo Group, the company that prepared the FEIS analysis, and their responses convinced the Hearing Examiner that the FEIS analysis is correct and that traffic impacts should be minimal. See Exhibit #165, pages 14 through 16 and Wood Trails Exhibit #129.
12. The City of Woodinville requires payment of a Traffic Impact Mitigation fee (TIF) for each dwelling unit created. TIF fees are determined by the zone in which the site is located. This site is in the Leota Zone. TIF fees are paid at the time a building permit for a dwelling unit is issued. The amount of the fee will be determined by the applicable fee ordinance at the time the complete building permit application is submitted to Development Services Department. See Chapter 3.39 WMC and Exhibit #1, page 21.
13. Students who reside in the Montevallo plat will attend schools in the North Shore School District #17. They would attend either the Wellington Elementary School, or the Leota Junior High School or Woodinville High School. Staff states that enrollment in the North Shore School District; particularly in the eastern portion of the district where the plat is located is experiencing slow growth and declining enrollment. Therefore adding some number of students to the schools would not have a significant adverse impact on those schools. The applicant has submitted a North Shore School District school walk safety assessment. Exhibit #9. The school district currently does not assess impact fees. Exhibit #1, page 22.
14. There are no existing City of Woodinville parks, recreation facilities or properties in the West Wellington Neighborhood or within close walking distance. This plat is subject to the Park Impact Fee Ordinance, Chapter 3.36 WMC. A park impact fee will have to be paid to contribute to future park improvements.
15. There are no transit stops within what would be considered walking distance from this proposed plat. There is transit service to Woodinville, however. King County Metro operates two transit routes in the vicinity of the project site. A park and ride lot is located in the downtown area. Exhibit #40, page 3.5-30.
16. The applicant has submitted a preliminary tree retention map which is in the record as Exhibit #12. Staff has found that the proposal complies with landscape and tree retention standards of WMC 21.16.130 through 200. A final plan will be required.
17. The applicant has requested several deviations from standards set forth in Woodinville's codes and regulations. Those requests and the City's response are set forth in Exhibit #1, page 8. The proposed deviations which have been granted by the City include:

- a. The applicant has requested to divert more stormwater away from the natural discharge point, i.e. the wetland, and connect a vault outfall to a closed pipe system. The City did not approve that deviation because it was determined that the diversion proposed would not continuously hydrate the wetland. Therefore a detention pond is recommended by the City. The applicant has requested a slight modification in the City's condition on that detention pond and the Hearing Examiner agrees to the language submitted by the applicant. It will become a condition of approval.
- b. The applicant has requested a reduction in right-of-way width standards from sixty feet to fifty feet. For various reasons set forth in Exhibit #1, page 8, the City has rejected that modification.
- c. The applicant proposes placing the sewer line underneath the wetland through boring. The City agrees that noninvasive boring under the wetland area is appropriate.

No other deviations were approved by the City. See Exhibit #1, pages 10 and 11.

Conclusions on Preliminary Plat Application

Jurisdiction

The Hearing Examiner is granted jurisdiction to hear and decide preliminary plat applications pursuant to Woodinville Municipal Code (WMC) Section 20.08.030.

Criteria for Review

To approve a preliminary plat, the Hearing Examiner must find that the following criteria set forth in WMC 20.06.020 are satisfied:

- A. Goals and Policies. The proposal conforms to the goals, policies, criteria and plans set forth in the City of Woodinville comprehensive plan, community urban forestry plan, and parks, recreation and open space plan;
- B. Development Standards. The proposal conforms to the development standards set forth in WMC Title 21, Zoning Code;
- C. Subdivision Standards. The proposal conforms to the requirements of WMC 20.06.020 – Review and Approval Criteria for Subdivisions, WMC 20.06 – Subdivisions and WMC 17.09.020 – Project Permit Application;
- D. Proposed Street System. The proposed street system conforms to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic;

- E. Utilities. The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
- F. Layout of Lots. The proposed layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings may be reasonably sited, and that the least disruption of the site, topography, trees and vegetation will result from development of the lots;
- G. Geologically Stable Soil. Identified hazards and limitations to development have been considered in the design of streets and lot layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected;
- H. Safe Walking to School Procedures. Safe walking to school procedures, as established by the City, have been met;
- I. Tree Preservation. Tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.

Conclusions Based on Findings

1. With conditions, the proposal complies with “Criteria A.” in that it conforms to the goals, policies, criteria, and plans set forth in the City of Woodinville Comprehensive Plan, community urban forestry plan, and parks, recreation and open spaces plan. Subdivision development will occur in an area zoned low-density residential and surrounded by existing low-density residential except for the area to the north which is rural. In the FEIS developed for the proposed subdivision the mitigation suggested will become conditions of approval. Significant trees will be preserved and the applicant shall establish a Native Growth Protection Area (NGPA) to preserve open space and the site’s wetland. See also the Findings and Conclusions on the Comprehensive Plan Compliance set forth under the Zoning Section. Conditions of approval are necessary to insure that any erosion resulting from subdivision development is adequately controlled using best management practices and that stormwater is adequately controlled and disposed of.

2. As proposed, the project meets “Criteria B.” because it is consistent with the density and dimensional standards of the R-4 zoning district and is compatible with surrounding development. With an approval of a rezone to R-4, the proposed subdivision density is consistent with the density provisions of the City code. No lot is to be less than the minimum lot size or minimum lot width. The proposed subdivision while being slightly more dense than the properties around, will still result in low density detached single-family residential development, which is consistent with uses on those lands.

3. With conditions, the proposal conforms to “Criteria C” because it would be consistent with the subdivision standards set forth in WMC Chapter 20.06, including those pertaining to lot standards, easements, water supply, sewage disposal, storm drainage, watercourses, street right-of-way widths, street lighting and recreation. Subdivision lots will meet minimum lot size and width standards for the R-4 zone. Woodinville Water District will provide water and sewer service to the proposed subdivision. Stormwater runoff from the subdivision will be collected and impounded on site and then directed to the wetland on site to keep it hydrated. The preliminary plat map is

consistent with R-4 zoning. The applicant shall pay a park mitigation fee to the City upon the issuance of a building permit for each dwelling.

Certain conditions of approval are necessary to ensure the proposed subdivision meets the code and those conditions will be in place for this plat.

4. The proposal meets "Criteria D." because the proposed street system conforms to the City of Woodinville standards and provides for the safe, orderly, and efficient circulation of traffic. The streets in the plat conform to the City of Woodinville public infrastructure standards and specifications and neighborhood street plans, and are laid out in such a manner as to provide for the safe, orderly and efficient circulation of traffic.

5. The proposed subdivision meets "Criteria E." because it will be served with water and sewer by the Woodinville Water District.

6. The proposal meets "Criteria F" because the layout of lots, and their size and dimensions take into account topography and vegetation on the site in order that buildings maybe reasonably sited and that the least disruption of the site, topography, trees and vegetation will result. The site is reasonably flat and the soils are stable. Many trees will be retained and a Natural Growth Protection Area (NGPA) will be established around the wetland and it will be preserved and enhanced. A landscape plan and tree retention plan has been submitted and will be a final requirement with final plat submission.

7. A geotechnical study concluded that the site soils are suitable for urban residential development design of the lots and the stormwater system considered site grades, topography and the existing wetland. Therefore, the proposal meets "Criteria G."

8. Safe walk to school procedures have been complied with, meeting "Criteria H."

9. "Criteria I." has been met because tree preservation has been considered in accordance with the community urban forestry plan and tree preservation requirements have been adequately met.

DECISION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends that the rezone from R-1 to R-4 be approved by the City Council and also approves the subdivision of this property into 56 residential lots with a density transfer of 9 lots from the Wood Trails plat. The property shall be developed substantially in accordance with plans submitted and as modified by these conditions of approval. This approval is granted subject to the following conditions:

GENERAL:

1. The Department Director shall have the authority to direct the developer or his on-site representatives to immediately cease activities and redirect their attention to resolving any problem, particularly any environmental degradation, which in the director's opinion needs immediate resolution. Failure of the developer or his representative to redirect such labor and equipment shall result in immediate project closure and resolution of the problem by the City. The developer will be billed for such City time and materials involved in resolving the problem, which shall include a penalty of 10% of the assessed cost. Such bill shall be paid prior to the

City removing the closure.

2. Mail routes and mailbox locations shall be approved by the postmaster. Mailbox locations shall also be approved by the City Engineer to insure they do not interfere with traffic sight distances.

3. The Natural Growth Protection Area (NGPA), the landscape strips and any other private common areas shall be maintained by a homeowners association. A set of covenants, conditions, and restrictions (CC&Rs) prepared for the proposed development is subject to review and approval by the City of Woodinville, and shall be recorded with the King County Auditor's Office prior to the recording of the final plat. The CC&Rs shall address the duties and responsibilities of the homeowners association with respect to common areas. This includes, but is not limited to the levying and collection of assessments, and the operation, maintenance and preservation of all common areas and facilities and shall also provide for the administration and enforcement of these duties and responsibilities. The City shall be kept informed of all names and addresses of current association officers.

4. The final plat shall include a clause requiring property owners and the homeowners association to maintain, in a uniform manner, city right-of-way/easements located between their property lines and the back of adjacent sidewalks. The city shall have the authority to enforce such maintenance. If, upon being informed by the City to perform such maintenance and said property owner does not comply, the City shall have the option of maintaining the right-of-way/easement and shall bill the property owner for all associated costs including administrative costs. If city invoices are not paid within ninety (90) days, the city shall have the option of attaching a lien against said property.

5. Maintenance bond(s) amounts shall be approved by the Public Works Department and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the city shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City.

6. Nine (9) dwelling units may be transferred from the Wood Trails property (sending site) in accordance with the WMC 21.36.030 and WMC 21.36.050 (Transfer of Residential Density Credits).

ENVIRONMENTAL – Reference Final EIS (Exhibit 40)

1. The wetland location and class must be shown on the plat drawing.

2. The pedestrian access trail easement shall be removed from the proposal.

3. The wetland must be properly restored after installation of the storm drainage and sanitary sewer pipes. A restoration plan shall be submitted with the engineering plans.

4. The current Wetland Report does not address the wetland recharge method proposed by the Applicant. Discharge is to be from the detention facility.

5. The Geotechnical Engineering Study does not address the utility installation by boring in the wetland area. The applicant's geotechnical engineer shall provide recommendations for utility installation in the wetland area. This is to be submitted with engineering plans.
6. A Native Growth Protection Area (NGPA) shall be placed upon all areas not included within the site development (lot and right of way) areas of the subdivision and shall be designated on the final plat. The onsite wetland and required buffers are to be protected as an NGPA. NGPA Tract A is to be dedicated to the homeowners association.
7. The boundary of the Native Growth Protection Area (NGPA) shall be designated by signs to be approved by the City. The signs shall be located every 100 feet along the NGPA boundary; additionally, there shall be a sign centered along each lot line adjacent to the NGPA.
8. The boundary of the NGPA shall be delineated by an approved fence (split-rail).
9. The applicant shall comply with the suggested mitigating measures set forth in the FEIS Exhibit #40.

FIRE

1. Road width and construction for Fire Department access must meet City of Woodinville Transportation design requirements.
2. Curb turning radius shall be a 25-foot curvature.
3. Fire Department access roads with dead-ends over 150 feet, such as NE 204th Street near Tract B, shall have an approved turn-around per City of Woodinville Transportation Infrastructure Standards and Specifications (TISS)
4. The Fire Department shall have access to within 150 feet of any portion of a buildable portion of any lot.
5. A current hydrant flow chart is required for the closest hydrant to each structure at the time of building permit application for that structure. Fire flow will be calculated based on square footage of each structure. Homes not meeting minimum fire flow requirements shall be provided with an automatic fire sprinkler system.
6. Hydrant spacing shall be in accordance with Uniform Fire Code, Appendix III-B
7. Homes 5,000 square feet in size or greater shall be provided with an automatic fire sprinkler system per International Fire Code (IFC) pending site development.
8. Homes served by access roads greater than 15% grade shall be provided with an automatic fire sprinkler system.
9. Any road used for fire department access 28 feet or less in width shall have parking on one side of the street only. Any road used for fire department access 26 feet or less shall have no parking on either side of the street. Note: This requirement is not to be construed as an approval of any deviation request for roads narrower than that required by the City of Woodinville Transportation and Infrastructure Standards.

IMPACT FEES

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

LANDSCAPE & TREE RETENTION

1. This project shall comply with applicant City street tree requirements. Street trees shall be provided as follows, per WMC 21.16.050:
 - a. The trees shall be owned and maintained by the homeowners association, unless located in the City right-of-way. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - b. The species of trees shall be approved by the City of Woodinville Development Services Department. If located within the right-of-way, tree shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers or which are not compatible with overhead utility lines.
 - c. Trees shall be located within the street right-of-way and planted in accordance with WMC 2.24.090, City of Woodinville Public Infrastructure Standards and Specifications, Landscaping Section 7, Details 341, 342, and in accordance with the Public Tree Care Standards Manual.
 - d. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, the performance bond must be replaced with a maintenance bond, and per WMC 21.24.150, held for a period of up to five (5) years. The duration of maintenance/monitoring obligations shall be established by the Planning Director, based upon the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures. After the maintenance period has ended, the maintenance bond may be released after the City of Woodinville Development Services Department has completed a second inspection and determined that the trees have been kept healthy and thriving.
2. A detailed tree retention plan shall be submitted with the final engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of WMC 21.16.140.
3. No clearing of the subject property is permitted until the final tree retention plan is approved

by the City of Woodinville Development Services Department. Flagging and temporary fencing of trees to be retained shall be provided, consistent with WMC 21.16.160.

4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant WMC 21.16.160.

5. A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with WMC 20.06.175 20.06.190 and 21.16.

6. Plat plans shall include a City signature block.

7. Track C, as shown on the preliminary plat, shall be maintained by the Home Owner's Association.

SURFACE WATER

1. Storm drainage containment, treatment and disposal must be in compliance with the 1998 King County Surface Water Design Manual requirements.

2. The storm drainage easement on Tract D will be dedicated to the City for the purpose of storm facilities maintenance only.

3. The Track B Detention Pond or other detention system that is demonstrated to promote continued hydration of the wetland – Shall be dedicated to the City of Woodinville after the required maintenance period has ended.

4. The total of impervious areas on each lot and for all roadways must be labeled on the plat drawing.

TRANSPORTATION

1. A transportation impact fee is required. This project is subject to the City's Transportation Impact Fee (TIF) Ordinance (Chapter 3.39 WMC). TIF fees are paid at building permit issuance for each residence. The fee amount shall be the amount in effect as of the date of complete building application. Submit a completed TIF Worksheet with each new dwelling building permit.

2. 156th Avenue NE right-of-way must be shown with dimensions and labeled on the plat drawing.

3. The proposed roads shown on plat drawings must satisfy City standards for high density residential streets (TISS Detail 104A and 104B). Full width right-of-ways and roadways are required, which may mean a reduction in the number of lots.

4. The street layout/geometry must satisfy City TISS requirements.

5. The Geotechnical Engineering Study does not address the proper road pavement section. City standard roadway section (TISS Detail 104B) for High Density Residential Streets must be

used. Right-of way must be shown with dimensions and labeled on the plat drawing.

6. The City Limits must be shown on the plat drawing.

7. According to a site traffic impact analysis of the City of Woodinville Public Works Department, Chapter 3.5 Transportation in the Final Environmental Impact Statement issued on December 12, 2006, the City projected additional peak period traffic generated by this project. Therefore, this project is subject to City of Woodinville Transportation Impact Fee Ordinance No. 356.

8. All required improvements shall be completed before final plat approval.

9. Drawings of record shall be approved and signed by the Public Works Director prior to final plat approval.

10. The original plat drawing showed two access roads to the plat from 156th Avenue NE. The conceptual plan shown at the hearing depicts only one access road. Any reduction in access roads from two to one, must be approved by the City Engineer and the Fire Department. The City Engineer shall approve all plans for city infrastructure and shall approve such installation prior to acceptance by the City.

11. Maintenance bond(s) amounts must be approved by the Public Works Department and bonds shall be submitted to the City prior to final plat approval. The maintenance bond shall be for a minimum of two (2) years. At the end of the bonding period, the city shall inspect the installed infrastructure. Any infrastructure that appears defective or has deteriorated beyond normal expectation for the bonding period shall, at the City Engineers direction, be repaired or replaced to the satisfaction of the City.

Example:

- a. Landscape – 2-Year Maintenance Guarantee
- b. Lighting – 2-Year Maintenance Guarantee
- c. Site Improvements – 2-Year Maintenance Guarantee
- d. Wetland – 5-Year Maintenance Guarantee

12. Street lighting shall be in compliance with city standards as approved by the City Engineer.

13. All utilities shall be underground within the development.

L. OTHER CONSIDERATIONS

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

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

DATED this 16th day of May 2007.



Greg Smith
City of Woodinville Hearing Examiner pro tem

Testimony Listing:

Spoke 03/14/2007 Spoke 4/05/2007 Spoke 03/15/2007

Shading represents difficulty in reading sign in sheet

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**Montevallo PPA and ZMA Exhibit Index List –
Revised 05/01/2007 by Sandy Guinn**

Exhibit Number	Description	Number of Pages
1	Woodinville Staff Report, including referenced to all applicable codes, comprehensive plan, regulations Exhibits 2 through 54	
2	PPA MT Preliminary Plat General Application PPA2004-093	5
3	PPA MT Title Report	113
4	PPA MT Legal Description	1
5	PPA MT Vicinity Map	1
6	PPA MT Density	1
7	PPA Certificate of Water Availability	6
8	PPA Certificate of Sewer Availability	4
9	PPA Northshore School District Walk Safety Assessment	1
10	PPA Development Consistency Checklist	4
11	PPA MT Preliminary Plat Plan	8
12	PPA MT Preliminary Tree Retention Plan	1
13	PPA - Letter of Complete Application	2
14	PPA Signed Notice of Application 12/20/07	2
15	PPA Proof of Publication - Notice of Application	1
16	PPA Affidavit of Site Posting Notice 12/21/04	2
17	MT General Application ZMA 2004-094	5
18	ZMA Application SEPA Checklist	14
19	ZMA Project Description and Rezone Analysis - Triad	12
20	ZMA Letter of Complete Application	2
21	ZMA Signed Notice of Application 12/20/04	1
22	ZMA PPA Proof of Publication – Notice of Application	1
23	ZMA Property Owner Radius Map and Mailing List	5
24	ZMA State of Washington Department of Community, Trade and Economic Development – Reviewing and approval letter with list of reviewing agencies.	2
25	SEPA Application SEP2004-095 11/08/04	5
26	SEPA Environmental Checklist	14
27	Applicant's Wetland and Stream Analysis 11/08/04	14
28	Conceptual Mitigation Plan	1
29	SEP Letter of Complete Application	2
30	Signed Notice of Revised EIS Scope 12/20/04	2
31	Signed Notice: Determination of Significance - Comment Period Extension 1/10/05	1
32	Wood Trails and Montevallo EIS Application	1
33	Signed Notice of Draft Environmental Impact Statement (DEIS) - Availability	1
34	Proof of Publication - Notice of Draft Environmental Impact Statement (DEIS) - Availability Notice	4
35	Draft Environmental Impact (DEIS)	2 Volumes
36	Signed Notice of Official Director's Interpretation Regarding Appeals Procedure of Final Impact Statement (FEIS) 11/6/06	11

37	Proof of Publication - Of Official Director's Interpretation Regarding Appeals of Adequacy of Final Impact Statement (FEIS)	1
38	Signed Notice - Final Environmental Impact Statement (FEIS) - Availability Notice 12/13 /06	4
39	Proof of Publication - Final Environmental Impact Statement (FEIS) - Availability Notice	1
40	Final Environmental Impact Statement – Report and Appendices A-P	3 Volumes
41	Applicant's Requests for Deviation From Standards on project	5
42	Montevallo Area Property Owners; Party of Record; and Agency Distribution Lists	12
43	Public Comment Regarding all aspects of the Wood Trails/Montevallo project; (PPA, ZMA, SEPA, EIS Scoping, DEIS, FEIS) Chronological Order	230
44	Signed Public Hearing Notice of Rezoning and Preliminary Plat Application for Montevallo – 2/12/07	3
45	Proof of Publication - of Rezoning and Preliminary Plat Application for Montevallo- Public Hearing	1
46	Affidavit of Site Posting Notice 2/12/07	2
47	Public Hearing Examiner's Letter	1
48	Applicant's Consent Letter for Separate Public Hearings	1
49	Moratorium Ordinances #419; #424, #427	24
50	Agency Distribution List	3
51	Additional Public Comments Received as of 02/22/07	29
52	Montevallo Preliminary Technical Information Report dated 11/5/04	107
53	Comment Letter from McCullough Hills, PS Received 2/23/07	2
54	Notice of Continuation of Public Hearing 02/26/07	20
55	Public Comments	16
56	Board – Compilation of Wetlands, Reconnaissance, and Inventories See Wood Trails Exhibit 63	1
57	Board – Woodinville Neighborhoods (Wood Trails and Montevallo land area highlighted See Wood Trails Exhibit 67	1
58	Board – Land Use: Residential Parcel Size (R-1 zoning) with Montevallo and Wood Trails parcels highlighted See Wood Trails Exhibit 68	1
59	Board – 2004 Topography of the City Woodinville, Lidar Source: King County See Wood Trails Exhibit 69	1
60	Board –Montevallo Preliminary Plat; Wetland and buffer outlined	1
61	Board –Montevallo Preliminary Drainage and Utility Plan	1
62	Board - Conceptual Montevallo Site Plan	1
63	Board –Montevallo - Data Information	1

64	Red folder: Public Comments received 03/13/ through 03/15/07; Staff's Closing Request dated March 15, 2007; Other Information/Errata – Montevallo; Letter dated February 13, 2007 from J. Richard Aramburu addressed to Cindy Baker (16 pages with fax cover); AND Transmittal dated March 14, 2007 from Triad Associates addressed to Cindy Baker, City of Woodinville with following attachments: Montevallo Conceptual Site Plan (2), Transmittal dated March 9, 2007 from Triad Associates addressed to Cindy Baker, Memo dated March 7, 2007, from Phoenix Development (Loree Quade) addressed to Cindy Baker, and letter dated March 8, 2007 from G. Richard Hill of McCullough Hill, addressed to Cindy Baker	37
65	Applicant Phoenix Development's Hearing Memorandum	32
66	Letter dated March 15, 2007 addressed to Mr. Greg Smith Hearing Examiner from Bob Vick, Senior Vice-President, Phoenix Development	14
67	Conceptual Site Plan Montevallo	1
68	Where the Forest Meets the Sea	36
69	Comments to the Hearing Examiner on FEIS and Rezone and Preliminary Plat Application for Montevallo and Wood Trails	8
70	Written comments from Christina McMartin dated March 15, 2007, Attn: Woodinville City Council, Ms. Cindy Baker and City Attorney	1
71	Letter dated March 15, 2007 from J. Richard Aramburu to Greg Smith, Hearing Examiner	43
72	Letter dated March 15, 2007 from Adam Gold to the Hearing Examiner	3
73	CNW Members – Yield public testimony time to CNW presenters (submitted by Mr. Fred Green)	1
74	Analysis of Montevallo Rezone and Preliminary Plat Application, Volume One, Two and Three (plus CD). Two sets of 3 volumes were submitted to the Hearing Examiner by the public. It was stated that both sets were exactly the same except the cover. One cover was Montevallo and one was Wood Trails. Because of their size, only one will be relied on as an exhibit - Analysis of Montevallo Rezone and Preliminary Plat Application, Volumes One, Two, Three, and one CD – Montevallo Exhibit #74.	2144 and one CD
75	Documents received March 15, 2007, from Susan Boundy Sanders	28
76	Wildlife Information	1
77	Fred Green, Concerned Neighbors of Wellington letter dated March 3, 2006 regarding Wood Trails / Montevallo DEIS Review	157

78	Huckell/Weinman Associates, Inc., March 16, 2005 memo to Ray Sturtz and Dick Fredlund, City of Woodinville	4
79	Letter dated December 15, 2005 to Mr. Fred Green, President, concerned Neighbors of Wellington signed Pete Rose, City Manager	2
80	Letter dated March 2, 2007, from Fred Green, President, CNS, to Cindy Baker, Interim Development Services Director	2
81	Sign Up Sheet March 15, 2007 Montevallo Preliminary Plat and Rezone	19
82	DVD of the Montevallo Video taped at March 15, 2007 public hearing	One DVD
83	Correspondence submitted by citizens; Jones & Stokes (Lisa Grueter) email dated April 6, 2007, addressed to Cindy Baker regarding noise attenuation from trees; Perteet (Joel E. Birchman) email dated April 04, 2007, addressed to Cindy Baker, regarding WT & Montevallo Rebuttal	36
84	Green folder: Correspondence/emails from citizens, Memorandum dated February 27, 1997 from Stephanie Cleveland, Project Planner to Planning Commission, and copy of Request for Public Records #2007-043 and documentation provided	97
85	Letter from Cindy Baker, City of Woodinville, dated April 16, 2007, addressed to Greg Smith, Hearing Examiner with attachments (best available science) – See Wood Trails Exhibit #155	373
86	Email dated April 13, 2007 from Jane Winant to Cindy Baker; Richard Leahy; Email dated April 16, 2007 from Mike Daudt to Susie McCann; Jennifer Kuhn; gsmith@spokanecity.org	7
87	Email sent December 8, 2006 from Yosh Monzaki to Cindy Baker, Steve Munson, Susie McCann, Mick Monken; email sent December 13, 2006 from Sandy Guinn to Development Services; Correspondence from Traci Herman to Cindy Baker responding to email request of March 2, 2007; Email sent April 16, 2007, from Lee Ann Reid to Sandy Guinn; Copy of letter dated March 2, 2007 from Fred A. Green, President, CNW, to Cindy Baker; copy of letter dated March 15, 2007, from Sunday and Scot McCallum to Woodinville City Council & Planning Commission; and copy of letter received April 16, 2007, from Austin T. Winant to Mr. Greg Smith, Hearing Examiner	13

88	Letter dated November 1, 2006 from Cindy Baker, Interim Development Services Director to Richard Aramburu, Attorney at Law; letter dated September 22, 2006 from J. Richard Aramburu to J. Zachary Lell, Ogden Murphy Wallace, PLLC, and Ray Sturtz, Planning Director; letter dated April 16, 2007 from Michael Daudt to Greg Smith Hearing Examiner; Email sent April 12, 2007, from Steve and Karen Tidball to Council; Email sent April 18, 2007, from Susan Huso to Richard Leahy	15
89	Evidence Summary and Arguments by Concerned Neighbors of Wellington In Opposition To Rezone and Plats – See Wood Trails Exhibit #159	50
90	Hand typed note from Kathy McLemore to Jeff/Lisa with ABC Legal Service form dated 4-19-07 – See Wood Trails Exhibit #160	2
91	Analysis of Wood Trails Rezone and Preliminary Plat Application , Volume Four, prepared by Concerned Neighbors of Wellington – See Wood Trails Exhibit #161	196
92	Letter dated April 19, 2007, from Otto K. Paris, L.G., L.H.G., Hydrogeologist to Ms. Cindy Baker, Interim Director of Development Services – See Wood Trails Exhibit #162	3
93	Tree Preservation Plan for Wood Trails & Montevallo projects dated April 19, 2007, from Peter C. Blansett, S. A. Newman Firm	6
94	Email sent March 11, 2007 from Kerry Kunnanz to Susie McCann	1
95	Transmittal dated April 26, 2007, from Triad Associates, addressed to Hearing Examiner with attachments (Phoenix Development Rebuttal Memorandum prepared by G. Richard Hill; Response Letter to Additional Review Comments prepared by Transpo; Response Letter prepared by Woodinville Water District; Response Letter prepared by Sewall Wetland Consulting; Response Letter to CNW Comments prepared by Earth Solutions NW; Rebuttal to CNW Narrative prepared by Phoenix Development Inc.; Response to Comments RE: City Capacity Analysis prepared by Erika Jensen; Response Letter to CNW Volume 4 Comments prepared by Mark Keller; Letter regarding Summers Addition prepared by Mark Harrison – See Wood Trails Exhibit #165	72
96	Email sent April 27, 2007, from Cindy Baker to Susie McCann, forwarding email sent April 26, 2007, from Rich Hill to Zach Lell-City Attorney; Rick Aramburu; Cindy Baker – See Wood Trails Exhibit #166	13