

## Jenny Ngo

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**From:** Jenny Ngo  
**Sent:** Wednesday, June 10, 2015 8:37 AM  
**To:** 'Prak Naki'  
**Cc:** Agnes Kowacz; Dave Kuhl  
**Subject:** RE: Critical Areas Determination

Prakash,

The development should be “reasonable” based on the zone and surrounding properties. With that being said, R-6 properties have a minimum lot size of 6,000 square feet, up to 50% of which can be covered by buildings (measured at the edge of the roof eaves). A 3,000 square foot house would be typical and appropriate in this zone.

An important consideration will be on the location of the home relative to the landslide hazard area and the wetland – you’ll need to pick a spot that will be the least impact to these critical areas and something that will also work for you. I can provide you the criteria that this project will be reviewed for – the code requires that *the applicant* demonstrates compliance, which for good or bad gives you the power to make your case.

Jenny

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**From:** Prak Naki [mailto:pmodi2002@hotmail.com]  
**Sent:** Tuesday, June 09, 2015 9:34 PM  
**To:** Jenny Ngo  
**Cc:** Agnes Kowacz; Dave Kuhl  
**Subject:** RE: Critical Areas Determination

Jenny,

What additional minimum documents/papers I need to provide to City if I want to get a reasonable use permit for one single family home? Will I get pushback to built a 3000 sq.ft home on approx. 3500 sq.ft land footprint. Since the land is sloped, I plan to add approx. 1500-1700 sq.ft of unfinished/finished daylight basement too.

I don't have full grading/building plan but I will like to get some reasonable confidence from City around building atleast 1 single family home with roughly above size and footprint prior to engaging with developer to get the full design and building permit process started.

Thanks in advance for your help!

Regards,  
-Prakash

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From: [JennyN@ci.woodinville.wa.us](mailto:JennyN@ci.woodinville.wa.us)  
To: [pmodi2002@hotmail.com](mailto:pmodi2002@hotmail.com)

CC: [agnesk@ci.woodinville.wa.us](mailto:agnesk@ci.woodinville.wa.us); [davek@ci.woodinville.wa.us](mailto:davek@ci.woodinville.wa.us)

Subject: RE: Critical Areas Determination

Date: Tue, 9 Jun 2015 23:52:38 +0000

Prakash,

The appeal period is different than a comment period in a quasi-judicial permit. Comments are accepted up until the date of the hearing in a quasi-judicial hearing. The comment period provided is a first round – in decisions without a hearing, that would be the only comment period. With a hearing, comments are accepted up until the date of the hearing when the record closes. The appeal period does not get extended. It is meant to provide consistency to applicants so that they could move forward with a project. If the appeal period were to change, determining when a decision would be “final” would not be predictable.

Based on the language in the shoreline master program, the specific critical areas code adopted under Ordinance 375 is the one that your property is subject to. We had said that there's a potential that the project could be subject to the new code depending on when you submit, but based on the manner in which the SMP is written, that doesn't appear to be the case. I apologize for that confusion – the relationship between critical areas under the Growth Management Act and Shoreline Management Act can be a complex one. We were not trying to press the timeline with that information, but we do feel that it is important that we do try to move forward, it was a clarification of how critical areas ordinances are supposed to be adopted under a shoreline vs. non-shoreline.

As I mentioned to you in our conversation yesterday – we did not base the determination of the wetland category solely on what Acera or Otak stated. The wetland located in the stream's floodplain was our basis for the “influenced by” part.

Jenny

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**From:** Prak Naki [<mailto:pmodi2002@hotmail.com>]

**Sent:** Tuesday, June 09, 2015 2:00 PM

**To:** Jenny Ngo

**Cc:** Agnes Kowacz; Dave Kuhl

**Subject:** RE: Critical Areas Determination

Jenny,

So just to be clear...

1. There is no way in your process to extend appeal beyond 14 days even when some unforeseeable circumstances exist? This is surprising as the "comment period" for the community when published also had a hard timeline in December but City just choose to move the date for 2-3 months. This gives me an impression City choose to abide by timeline and process that suits them and not their applicant :(

2. I am still confused here... Are you saying that new changes to the critical area code happening later this month will not be applicable to this parcel even if I plan to built 1 single family home or multiple single family home (by appealing City's recent decision on wetland classification). Is this correct?

I am concern because, while we were discussing about potential resolution to wetland by bringing in both wetland scientist or getting opinion from 3rd scientist, I was told that "critical area code" changes are happening at the end of month and there is no room from timeline perspective left to reach some mutual decision. This again feels like City bend rules to suit their need at the cost of the applicant.

I hope there will be a better way to built trust in future as I felt during this process of being cheated of my rights to sub-divide the parcel based on City own interpretation of codes as they feel appropriate to them and also by sticking to Otak knowing fully that they didn't had necessary experience in the wetland or have no

prove that wetland is hydrological connected other than speculation :(

Thanks,  
-Prakash

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From: [JennyN@ci.woodinville.wa.us](mailto:JennyN@ci.woodinville.wa.us)  
To: [pmodi2002@hotmail.com](mailto:pmodi2002@hotmail.com); [acera.consulting@gmail.com](mailto:acera.consulting@gmail.com)  
CC: [agnesk@ci.woodinville.wa.us](mailto:agnesk@ci.woodinville.wa.us); [davek@ci.woodinville.wa.us](mailto:davek@ci.woodinville.wa.us)  
Subject: RE: Critical Areas Determination  
Date: Tue, 9 Jun 2015 18:39:07 +0000  
Prakash,

I am following up on two questions you had for us yesterday:

1. Can the appeal period be extended beyond the 14 days? No, the appeal period cannot be extended. Once the appeal period ends is over, there will not be an opportunity to appeal.
2. Vesting for the permits? We discussed with the City Attorney and reviewed the Shoreline Master Program that this project is subject to. Vesting occurs with a subdivision or building permit. One thing to note is that critical areas in the shoreline jurisdiction are adopted by the ordinance listed in the Shoreline Master Program, not the regular zoning code. This means that changes to the critical areas code happening later this month would not apply to this property. The City would need to update the Shoreline Master Program if we were to adopt the new critical areas code. This is different than what was previously discussed – you would not be affected by the upcoming changes. I apologize for the confusion over this – the way in which the critical areas ordinance was adopted in the shoreline master program affects which code the project falls under.

Jenny

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**From:** Jenny Ngo  
**Sent:** Tuesday, June 02, 2015 8:01 AM  
**To:** 'Prak Naki'; Mike Layes Biologist  
**Cc:** Agnes Kowacz; Dave Kuhl  
**Subject:** RE: Critical Areas Determination

Hi Prakash –

I can understand the confusion. We amended the first page (attached document) to state “issued” instead to remove any sort of misunderstanding. This decision is “issued” as referenced in the paragraph above and on page 11, rather than “approved.” Hope that clears things up.

Jenny

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**From:** Prak Naki [<mailto:pmodi2002@hotmail.com>]  
**Sent:** Monday, June 01, 2015 10:28 PM  
**To:** Jenny Ngo; Mike Layes Biologist  
**Cc:** Agnes Kowacz; Dave Kuhl  
**Subject:** RE: Critical Areas Determination

Hey Jenny,

I am going thru your "critical area determination" response and probably got lost in the mixed kind of response..

Summary states that my project to sub-divide into 3 parcel is "Approved with condition" whereas your conclusion at the end of document states the City concludes wetland to be category 1 and hence kind of making the entire 1.63 acre parcel unbuildable . So how should I read your summary conclusion that my project is approved with condition.

I also didn't find what are the condition I need to address or meet to ensure my sub-division is approved as I couldn't understand what condition I need to further meet since your overall summary states my project is approved with condition but there is no section which lists condition that are missing.

Please clarify.

Thanks,  
-Prakash

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From: [JennyN@ci.woodinville.wa.us](mailto:JennyN@ci.woodinville.wa.us)  
To: [pmodi2002@hotmail.com](mailto:pmodi2002@hotmail.com); [acera.consulting@gmail.com](mailto:acera.consulting@gmail.com)  
CC: [agnesk@ci.woodinville.wa.us](mailto:agnesk@ci.woodinville.wa.us); [davek@ci.woodinville.wa.us](mailto:davek@ci.woodinville.wa.us)  
Subject: Critical Areas Determination  
Date: Mon, 1 Jun 2015 20:02:02 +0000  
All –

The critical areas determination is being issued today. See attached.

Prakash – if you go forward with the appeal as we had discussed a little bit about last week, you will need to submit the appeal to City Hall no later than June 15<sup>th</sup>. Information about filing an appeal can be found in <http://www.codepublishing.com/wa/woodinville/html/Woodinville17/Woodinville1717.html#17.17>. For the appeal itself, the following information should be included:

*(2) Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee as set by the City's most current fee schedule, and contain the following information:*

- (a) Appellant's name, address and phone number;*
- (b) Appellant's statement describing his or her standing to appeal;*
- (c) Identification of the application which is the subject of the appeal;*
- (d) Appellant's statement of grounds for appeal and the facts upon which the appeal is based;*
- (e) The relief sought, including the specific nature and extent;*
- (f) A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.*

Documents submitted and listed within the critical areas determination will be included. I would suggest stating some of your grounds in the content of the appeal. Although some information has been mentioned across documents and previous emails, it would be best to put your points together in one place for the appeal. That document will be critical for the hearing examiner to move forward.

Jenny

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