

Jenny Ngo

From: Agnes Kowacz
Sent: Wednesday, April 20, 2016 10:38 AM
To: P Modi
Cc: Jenny Ngo
Subject: RE: Modi Reasonable Use Permit MDNS

OK, I will contact the hearing examiner and give you some possible dates. Thank you,
Agnes

From: P Modi [mailto:pmodi2002@hotmail.com]
Sent: Wednesday, April 20, 2016 10:29 AM
To: Agnes Kowacz <agnesk@ci.woodinville.wa.us>
Cc: Jenny Ngo <JennyN@ci.woodinville.wa.us>
Subject: RE: Modi Reasonable Use Permit MDNS

Hey Agnes,

I have already provided Acera report which addresses #5, #6 and #7 which I think City should simply use to answer Karen Walter's question. I don't believe that now again I need to engage with Acera to pull these info as separate document. City should be able to pick relevant section from the report to answer such comments.

We have completed wetland delineation per City's ask including recently done by Cooke Scientific which provided you with the updated delineation based on her experience. It is unfair on City's part to keep asking the same question and assuming that complete wetland delineation is not completed. Why did City made a statement in their MDNS about "Delineation of western boundary does not include clear verification of hydrologic vegetation which is required under the delineation manual" especially knowing fully that there will not be any vegetation and in City's own word that " [The boundary does not move and is not based on one season of the year, it is a definitive location](#)" which Cooke Scientific provided in their report.

How many times city want to keep doing wetland delineation? I will also like to ask why again delineation from Cooke Scientific requires re-verification especially since City by its own statement allowed to complete western boundary re-delineation back in Jan. At this point of time, it feels like despite doing anything and everything that City asked including scaling back development from 3 subs-division/ 3 homes to no sub-division and 1 home , doing 3 times wetland delineation by 3 different wetland scientist and still stuck at the same question after 2 years ...keeps me worried around what actually City want's. Is City's desire to not allow me to build one single family home? Does City simply want to buy this property or give me an alternate parcel somewhere else in exchange of this? Please let me know as it is simply unfair to prevent individual from building just 1 home on their own property despite agreeing and abiding by all request in last 2 years and pouring in tons of money to satisfy City's requirement.

I think I have reached a very frustrating state/experience with City and would prefer to go forward to schedule the hearing.

Thanks,
-Prakash

From: agnesk@ci.woodinville.wa.us
To: pmodi2002@hotmail.com
CC: JennyN@ci.woodinville.wa.us
Subject: Modi Reasonable Use Permit MDNS
Date: Wed, 20 Apr 2016 15:23:03 +0000

Good morning Prakash-

Towards the end of the SEPA determination (MDNS), the City received an email from Karen Walter from the Muckleshoot Tribe, which is attached. Several of the items that are being requested by Ms. Walter were conditioned with the issued MDNS. Items #5, 6, and 7 are part of the Acera report, which need to be pull out separately because the other information in the report (the rating and delineation) is not accurate/not applicable. A complete wetland delineation, listed in the MDNS as well as Ms. Walter's email, is still lacking for your project, which is critical to having a successful hearing. The delineation from Cooke Scientific needs to be re-verified in accordance to the report. However, the choice is up to you whether you would like for us to schedule the hearing and move forward with your project. Please let me know how you would like to proceed.

Thank you,

Agnes Kowacz | Associate Planner

City of Woodinville

17301 133rd Ave NE

Woodinville, WA 98072

Office: (425) 877-2293

Email: agnesk@ci.woodinville.wa.us

From: P Modi [<mailto:pmodi2002@hotmail.com>]
Sent: Tuesday, April 19, 2016 10:45 AM
To: Agnes Kowacz <agnesk@ci.woodinville.wa.us>
Subject: RE: Modi Reasonable Use Permit MDNS

Hey Agnes,

Just checking to know what is the next step , now that 14 days notice period is over as of 4 PM April 18th.

Thanks for all the help!

-Prakash

From: agnesk@ci.woodinville.wa.us

To: atmoritz@gmail.com; bill@liderengineering.com; jpierce@presenter.com; kwalter@muckleshoot.nsn.us; richreed@clearwire.net; richardcreed702@gmail.com; ryan@mgmtspecialists.com; snokingwatershedcouncil@gmail.com

Subject: Modi Reasonable Use Permit MDNS

Date: Mon, 4 Apr 2016 23:49:33 +0000

PROJECT NAME: Modi Reasonable Use Permit

DESCRIPTION OF PROPOSAL: Reasonable Use Permit to develop a 1.63-acre lot featuring critical areas with one single-family residence in the R-6 zone. Critical areas on site comprise approximately 75 percent of the site and include geologically hazardous, stream and wetland areas, and associated buffers. The project is not categorically exempt from SEPA pursuant to WAC 197-11-800.

PROPONENT: Prakash Modi

LOCATION OF PROPOSAL, INCLUDING STREET ADDRESS, IF ANY: 19400 136th Avenue NE Woodinville, WA 98072

LEAD AGENCY: City of Woodinville

PROJECT NUMBER: SEP14023 / CAE14001

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted within 14 days of issuance, by 4:00pm on April 18, 2016.

Questions: The application, supporting documents, and studies are available for review at the Woodinville City Hall. You may review the project application at City Hall, at 17301 133rd Avenue NE, Woodinville, WA 98072. To provide comments, contact Agnes Kowacz, Associate Planner at (425) 877-2293 or agnesk@ci.woodinville.wa.us.

Agnes Kowacz | Associate Planner

City of Woodinville

17301 133rd Ave NE

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Office: (425) 877-2293

Email: agnesk@ci.woodinville.wa.us

--Forwarded Message Attachment--

From: KWalter@muckleshoot.nsn.us

To: agnesk@ci.woodinville.wa.us; davek@ci.woodinville.wa.us

CC: sepaunit@ecy.wa.gov; Angela.Peace@dfw.wa.gov

Subject: RE: Modi Reasonable Use Permit MDNS

Date: Mon, 18 Apr 2016 22:09:36 +0000

Agnes and David,

Thank you for sending us the proposed Mitigated Determination of Non-Significance. We have reviewed this document and offer the following questions and comments:

1. From the list of recipients below, it seems that this MDNS should be sent to a larger audience, including, but not limited to the Washington Department of Fish and Wildlife and the Washington Department of Ecology.

Please note that WAC 197-11-340 (2)(b) from the SEPA rules, states:

(b) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the department of ecology, and affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice under WAC 197-11-510.

Did Woodinville send the MDNS to the agencies with jurisdiction (WDFW) and Ecology?

2. Also, for the SEPA review to be complete, the City needs to send the checklist per WAC 197-11-340(2)(b). There wasn't one included with the MDNS.
3. The first mitigation measure is a requirement to have Wetland A delineated using the US Army Corps of Engineers' Wetland Delineation Manual. Hasn't this occurred already? If not why not? What does the February 24, 2016 memo from Cooke Scientific say? (Document 4 in the Voluntary Offers and Applicable Documents)?

The first step in evaluating project impacts is to have detailed information about the affected environment. If Wetland A has not been correctly delineated, then we don't know the extent of impacts and it is pre-mature to issue SEPA decision documents for this project.

4. Similarly, without knowing the extent of wetland fill, how can the extent of mitigation be determined? The second mitigation measure is a requirement to replace altered wetlands due to filling at a rate of four square feet to one square feet and to replace wetland buffers at a rate of one square feet to one square feet beyond the buffer reduction enhancement.
5. What is the proposed buffer reduction enhancement?
6. Is there a mitigation plan? There isn't one listed in the applicable documents section of the MDNS.
7. What is the proposed monitoring period for whatever mitigation is proposed?

We need additional information and responses to answer the questions above so that we can fully understand and evaluate the proposal. We recommend that the City withdraw the MDNS; work with the applicant to compile the necessary information and make it available for review, then re-notice the project accordingly. Please let me know if you have any questions.

Thank you,

Karen Walter

Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division

Habitat Program

39015 172nd Ave SE

Auburn, WA 98092

253-876-3116

From: Agnes Kowacz [<mailto:agnesk@ci.woodinville.wa.us>]

Sent: Monday, April 04, 2016 4:50 PM

To: Anna Moritz; Bill Lider; Jeff & Betty Pierce; Karen Walter; Richard Reed; Richard Reed 2; Ryan Watson; SnoKing Watershed Council

Subject: Modi Reasonable Use Permit MDNS

PROJECT NAME: Modi Reasonable Use Permit

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