

November 1, 2006

EXHIBIT 158  
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"Citizens, business and local government,  
a community commitment to our future."

Richard Aramburu  
Attorney at Law  
505 Madison Street, Suite 209  
Seattle, WA 98104

RE: Wood Trails and Montevallo Preliminary Plat, File Nos SEP2004-055,  
PPA2004-054 and SEP2004095, PPA 2004-093  
Director's Interpretation on Appeal of Adequacy

Dear Richard:

Attached please find the official Director's Interpretation regarding appeals of adequacy of Final Environmental Impact Statements (FEIS). This interpretation responds to your written request of September 22, 2006, which was received in the department on October 2, 2006. As you know, I am new to this position and found it necessary to take a bit more time to determine past decisions, existing written or non-written policies and procedures, and to be sure how the city's code has been applied.

Thank you for your patience.

Sincerely,

Cindy Baker,  
Interim Development Services Director

CB:slg

cc: Zack Zell  
Susie McCann  
Mick Monken  
Steve Munson

Enclosure: (1) Official Director's Interpretation regarding appeals of adequacy of Final Environmental Impact Statements (FEIS)

cc: Andy ✓

**J. RICHARD ARAMBURU  
JEFFREY M. EUSTIS**

**Attorneys at Law**  
505 Madison Street, Suite 209  
Seattle, Washington 98104  
(206) 625-9515 Fax: (206) 682-1376

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September 22, 2006

J. Zachary Lell  
Ogden Murphy Wallace, PLLC  
1601 5<sup>th</sup> Avenue  
Suite 2100  
Seattle WA 98101

Ray Sturtz  
Planning Director  
City of Woodinville  
~~13203 NE 175<sup>th</sup> Street~~ 1750 - 133  
Woodinville WA 98072

Re: Wood Trails and Montevallo Preliminary Plat, File Nos SEP 2004-055, PPA  
2204-056, and PPA 2004-093  
Appeal of Adequacy of Final EIS

Dear Gentlemen:

As you know, this office represents several neighbors concerned with the preliminary  
plats of Wood Trails and Montevallo.

The Determination of Significance was entered for this project and the Final  
Environmental Impact Statement is apparently due at the end of this month. With the  
final EIS about to be issued, a question has arisen concerning whether the City of  
Woodinville has an appeal procedure regarding the adequacy of a Final EIS under  
SEPA. I am writing to the two of you seeking interpretation and clarification of  
Woodinville's SEPA appeal procedures.

Woodinville Municipal Code (WMC) section 14.04.260 deals with SEPA appeals.  
Subsection 2 indicates a limitation on appeals by stating:

"The City shall not allow more than one SEPA appeal proceeding on a  
procedural determination (the adequacy of a determination of Significance/Non-  
Significance or of a final EIS)."

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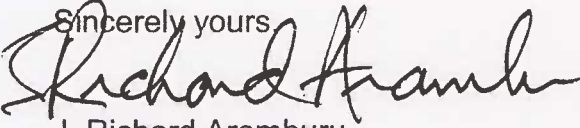
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Subsection 4 of that section sets forth available appeals of DNS's and DS's made with or before project decisions. However, this section does not provide for an appeal of the adequacy of a FEIS.

I am writing today to seek your guidance and interpretation as to whether or not the City has a procedure for appealing the adequacy of an EIS, and if so what the procedures are for doing so. For example, if an appeal of the adequacy of an EIS does exist, when must such appeal be taken, what procedures exist for its determination and whether or not such appeal is combined with other proceedings.

Thank you in advance for your review and interpretation of this subject matter.

Sincerely yours,



J. Richard Aramburu

JRA/km

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City of Woodinville

Attorneys

1700 Seventh Avenue, Suite 2200  
Seattle, Washington 98101-1332  
Telephone (206) 682-5600  
Facsimile (206) 682-2992

MICHAEL DAUDT  
mdaudt@tousley.com

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OUR FILE NO:  
H-4585-001.B1

April 16, 2007

VIA EMAIL AND U.S. MAIL

Greg Smith  
Hearing Examiner  
c/o Development Services Department  
17301 NE 133<sup>rd</sup> Avenue NE  
Woodinville, WA 98072

Re: Wood Trails Rezone and Preliminary Plat, File Nos. ZMA2004-053 and PPA2004-054  
Montevallo Rezone and Preliminary Plat, File Nos. ZMA2004-94 and PPA2004-093  
Written Comments

Dear Mr. Smith:

Please accept this letter and enclosure as part of the written record for the hearings on the above-referenced applications.

Enclosed is a copy of the original plat for the property which is the subject of the Montevallo applications. There are two items of significance in the plat. First, the plat depicts a road, labeled N.E. 205<sup>th</sup> Street and N.E. 204<sup>th</sup> Street, over the northern portion of the property and "dedicate[s] to the use of the public forever all streets and avenues shown and the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes." Nothing in the record indicates that this public road dedication was ever vacated. Furthermore, a significant portion of the area depicted as N.E. 205<sup>th</sup> Street has actually been used for many years as a public road to access adjacent properties, including properties to the north that are currently owned by the Husos and the Hanikas. Because the application calls for this public road to be removed and houses built in the public road, and the applicant has not followed the required procedures to vacate the public road, the application should be denied.

The second significant item in the original plat is found under the heading "Restrictions," where the plat states that "no lots shown on this plat shall be divided without prior

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approval from King County and Seattle-King County Department of Public Health.” No such approvals have been obtained by the applicant.

Sincerely,

TOUSLEY BRAIN STEPHENS PLLC



Michael Daudt

MDD/mdd  
Enclosure

cc: G. Richard Hill (email)  
J. Richard Aramburu (email)  
J. Zachary Lell (email)  
Cindy Baker (email)  
Clients

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