

Susie McCann

From: Cindy Baker
Sent: Friday, April 27, 2007 11:13 AM
To: Susie McCann
Subject: FW: Rebuttal Memorandum
Attachments: Rebuttal Memo.pdf

FYI

From: Rich Hill [mailto:Rich@mhseattle.com]
Sent: Thursday, April 26, 2007 2:02 PM
To: Zach Lell- City Attorney; Rick Aramburu; Cindy Baker
Cc: Loree Quade; Bob Vick
Subject: Rebuttal Memorandum

Zach, Rick and Cindy –

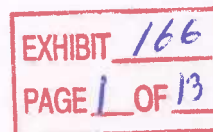
Here is a copy of the Applicant's rebuttal memorandum.

-- Rich

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BEFORE THE HEARING EXAMINER
CITY OF WOODINVILLE

In the Matter of:)	
)	APPLICANT PHOENIX
WOOD TRAILS REZONE)	DEVELOPMENT'S REBUTTAL
ZMA 2004-053)	MEMORANDUM
)	
WOOD TRAILS PRELIMINARY PLAT)	
APPLICATION)	
PPA 2004-054)	
)	
In the Matter of:)	
)	
MONTEVALLOREZONE)	
ZMA 2004-094)	
)	
MONTEVALLO PRELIMINARY PLAT)	
APPLICATION)	
PPA 2004-093)	

1. INTRODUCTION

The Wood Trails and Montevallo proposals are undoubtedly the most exhaustively analyzed 66-lot subdivisions in the history of the State of Washington. They are the subject of a Final EIS that is over 400 pages in length plus hundreds of pages of technical appendices. Hundreds of comment letters have been submitted. Thorough staff reports have been prepared. Three nights of public hearings have been held. Concurrently, the City has sponsored a Sustainability Study to evaluate development issues in the R-1 zones that include Wood Trails and Montevallo.

1 What is the ultimate conclusion the City has reached to date in all of these analyses? Simply
2 put, the proposals as mitigated will have no significant adverse impacts, are fully consistent with the
3 City's land use plans and policies, and are compatible with neighboring land uses.

4 **A. The Final EIS Concluded the Wood Trails and Montevallo Proposals'
5 Environmental Impacts Are Nonsignificant.**

6 As for earth (soil stability and erosion issues), the Final EIS concluded that Wood Trails will
7 have no significant adverse impacts so long as the pond is replaced by a vault, no dispersion
8 trenches are placed within 50 feet of the top of slope, and no utility trenches are dug in steep slopes.
9 FEIS 3.1-22. The Final EIS concluded that the Montevallo proposal would have negligible adverse
10 earth impacts. FEIS 2.1-18.

11 As for water, the Final EIS concluded that the changes to the hydro-geologic regime for
12 both proposals will be "minor," and that impacts to water quantity and water quality issues will be
13 "minimal." FEIS 3.2-37.

14 As to plants and animals, the Final EIS concluded that impacts would "not be significant,"
15 as to Wood Trails, and would be "minimal," as to Montevallo. FEIS 3.3-20 - 3.3-21.

16 As to land use, the Final EIS concluded that the Wood Trails and Montevallo proposals are
17 compatible with existing adjacent residential land uses. FEIS 3.4-17 – 3.4-18. The Final EIS found
18 the proposals to be consistent with applicable comprehensive plan land use policies. FEIS 3.4-22 –
19 3.4-28. The Final EIS also found the proposals to be consistent with the zoning code purpose
20 statements for R-4 zones. FEIS 3.4-30.

21 As to traffic and parks, the Final EIS found no significant adverse impacts from either
22 proposal. FEIS 3.5-94 and 3.6-8.

23 **B. The Sustainability Study Found No Environmental Impacts Justifying
Retention of R-1 Zoning.**

1 The City's Sustainability Study placed the Wood Trails and Montevallo sites in the "Hillside
2 Drainages" area. As to that area, the consultants concluded that "geologically hazardous areas in
3 and adjacent to the R-1 zone depend primarily on proper development practices and stormwater
4 management, not maintenance of R-1 zoning." Ex. 139 at p. 26. It also found that transportation
5 issues were not a basis for maintenance of R-1 zoning, and that capital facilities were available to
6 support R-4 zoning. Ex. 139 at p. 23.

7 **C. The Staff Reports Confirm that the Wood Trails and Montevallo Proposals**
8 **Comply with the Comprehensive Plan, with the Woodinville Municipal Code,**
9 **and are Compatible with the Adjacent Residential Neighborhoods.**

10 The City's Planning Director conducted her own independent review of the project
11 applications, the Final EIS, the Sustainability Study, applicable City policies and codes, and found
12 that the Wood Trails and Montevallo proposals, as mitigated pursuant to her recommended
13 conditions, complied with all applicable City requirements. See Wood Trails Staff Report, pp. 13-
14 28, Montevallo Staff Report, pp.10-20.

15 **D. The Evidence Presented to the Hearing Examiner Reinforces the Conclusions**
16 **Reached in the City's Final EIS, Sustainability Study, and Staff Reports.**

17 The opponents presented arguments to the Hearing Examiner to seek to question the
18 exhaustive research that had already gone into the analysis of Wood Trails and Montevallo.
19 However, as the City's and Applicant's responses demonstrate, these arguments have no merit.

20 The testimony offered by and the evidence submitted by Joel Birchman, P.E., of Perteet
21 Engineering and Mike Swenson, P.E., of The Transpo Group, added to that already in the Final EIS,
22 demonstrate that there is adequate capacity for the additional traffic the proposals will generate, and
23 that traffic can be handled safely. The City will require appropriate mitigation to address any
increased risk on the streets that access the project to ensure no decrease in level of safety occurs.

See Wood Trails Exhibits 86, 129; letter report from Mike Swenson, P.E., submitted on April 26,

1 2007; testimony of Joel Birtschman, P.E.

2 The evidence testified to and submitted by Ray Coglas, P.E., of Earth Solutions NW, in
3 addition to the thorough analyses contained in the Final EIS, show that development of both
4 proposals can proceed without incurring risk due to geologic hazards, so long as appropriate best
5 management practices are followed. See Wood Trails Exhibit 131; letter report from Ray Coglas,
6 P.E., submitted on April 26, 2007.

7 Mark Keller, P.E., of Triad Associates submitted evidence that confirmed the conclusions in
8 the Final EIS that stormwater drainage will be safely retained and released in accordance with
9 applicable drainage codes. The level of analysis completed at this stage of the process is
10 appropriate and typical. Triad's preliminary analysis has identified that there may be some sections
11 of the system downstream that may need to be upgraded (increased pipe size or increased pipe
12 slope) and that there is adequate space to make these changes. Yosh Monzaki, the City Public
13 Works staff person responsible for this issue, confirmed Mr. Keller's analysis. See Wood Trails
14 Exhibit 134; Memorandum from Mark Keller, P.E., submitted on April 26, 2007; testimony of Yosh
15 Monzaki.

16 Ed Sewall of Sewall Wetland Consulting testified and submitted evidence confirming that
17 the project impacts on plants and animals will be nonsignificant, that impacts on wetlands will be
18 mitigated, and that the current hydrogeology of the Montevallo wetland will be protected. See
19 Wood Trails Exhibit 133; letter report from Ed Sewall, Senior Biologist, submitted on April 26,
20 2007; testimony of Ed Sewall.

21 With respect to land use planning and zoning need issues, Matthew Gardner, Bob Vick, and
22 Mike McCormack testified and submitted evidence. There is a clear land use need for more dense
23 zoning than R-1 can provide. R-1 zoning is a grossly inefficient use of land in an age of land

