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City of Snoqualmie, Community Development Department
Attn City Council, City Hall, Mark Hofman Jason Rogers and all other pertinent parties
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RE: Appeal to the Notice of Decision for the Conditional Use Permit CUP 17-0001 regarding the Panorama Apartments project on Parcel S-20 of Snoqualmie Ridge II.

Thank you for the opportunity to file this appeal to the Hearing Examiner's Findings, Conclusions and Decision in regards to the Notice of Decision for the Conditional Use Permit CUP 17-0001 regarding the Panorama Apartments project on Parcel S-20 of Snoqualmie Ridge II.

Throughout my appeal I reference the accompanying document, the 34 page document labelled as Panorama Apartments LLC Decision on Appeal and CUP Application January 23, 2018.pdf

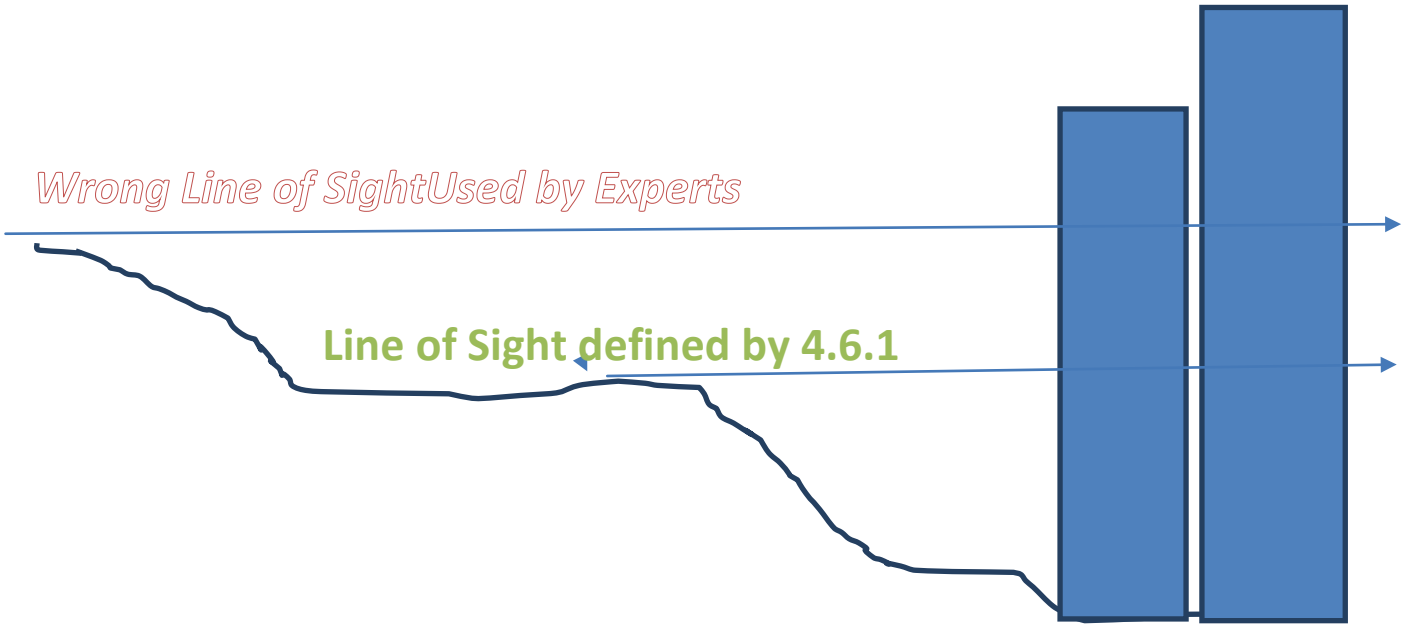
The following are supported by credible evidence, references to the record, meaningful analysis, and/or citation to the proper authority.

A. Apparent height of structures does not satisfy requirements of MUFP DA 4.6.1.

Refer to Page 3, lines 14 -19 and Page 26, lines 16 -19 which reads as:

*Section 4.6.1 of the Mixed Use Final Plan Development Agreement for the Snoqualmie Ridge II neighborhood, where Parcel S-20 is located, expressly provides that: "The Applicant may request a conditional use permit for a specific multi-family residential development of 4 or 5 stories in height, but only if the specific proposal is located on a site where the existing topography lends itself to a taller development such that the apparent height **from the higher elevation on the site** does not give the appearance of a structure in excess of 2 or 3 stories, and where the proposed building is designed so that the portion of the structure with a height in excess of 3 stories is less than 50% of the total structure, and is designed in a fashion to minimize the bulk and scale of the 4- or 5- story height through modulation, orientation, or other architectural treatment." (Emphasis added to original)."*

As you can see, section 4.6.1 of the Mixed Use Final Development Agreement for SRII clearly requires that the buildings apparent height cannot be in excess of 2 or 3 stories, *when observed from a vantage point 'from the higher elevation on the site'.*This means a sight line expert must*stand on the highest point on the site* and look at the buildings, and they must appear to be no more than 3 stories tall when viewed while standing on the highest point of the parcel. The experts' studies and reports were made from outside of and above the parcel, looking into the parcel, which is the incorrect *vantage point.* This is a significant problem because the vantage point the experts used is several feet higher than the parcel, therefore resulting in materially different, and some would say intentionally misleading results. Because the apparent height of the buildings is a very important consideration, their findings and reports therefore do not meet the criteria outlined in Section 4.6.1 of the Mixed Use Final Plan Development Agreement for the Snoqualmie Ridge II neighborhood, and the Hearing Examiner's decision should be overturned accordingly.The experts' reports and findings are cited at; Page 4, line 22 – 24 through to Page 5, line 1 as well as Page 5, line 6-10 as well as Page 17, lines 15 to 17. All expert testimony and studies clearly state that observations were made from a vantage point outside of the parcel, which obviously will produce a more favorable result because it is from a higher elevation. There would have been very different results had they been performed from the correct vantage point, as demonstrated by the graphic below.



B. General Land Use Application Inconsistencies

Refer to Page 26 Line 1 - 8which reads as:"Though some witnesses directed attention to erroneous references to just 4 buildings on some of the application materials and staff analysis, the vast majority of substantive written material directly addresses FIVE specific buildings that are covered by the CUP application, which would authorize four-story heights for Buildings F, G, H, J and K in the Panorama Apartments project. Typos do not serve to control or limit the scope or substance of the pending conditional use permit application. The illustrations used in the hearing record clearly identify FIVE buildings that would be four stories, identified as Buildings F, G, H, J and K, and the original application materials depict FIVE buildings that would be four stories. *See Application, Exhibit C – Preliminary Grading Plan.* The Staff Advisory Report provides evidence that its CUP review and analysis was, in fact and substance, intended to address the criteria and potential impacts for FIVE (5) buildings with four stories, including without limitation Findings 27, 32, 33, 34, 41, and 44; proposed Conclusion No. 11; and the Recommendation of Approval, which is specific to buildings F, G, H, J and K."

The vast majority of the written material does not reflect 5 buildings being 4 or more stories. Please carefully review only the original application, dated 5-24-17. From my observation, every reference to the number of buildings is 4 buildings being 4 stories. It is not until a latter request by the applicant, that they mention the5 buildings being 4 stories. The applicant did not address this error until the second hearing, and only when they verbally said 'it was a typo'. Standard legal procedure would require that the applicant file a formal correction to the record. There was no evidence presented by the applicant to indicate that it was not an intentional error.

C. Environmental Impact Study not in expert hands.

1. The Hearing Examiner clarifies many times whether each involved party was either an expert or not an expert in their field. Consequently the Hearing Examiner accepted their input because they are an 'Expert' in their field. The Hearing Examiner did not deem Mark Hofman an Environmental Expert. Mark Hofman is the SEPA designated official, however his opinion is not expert, and as such we need an expert opinion as to whether a new Environmental Impact Study is in fact needed. The Hearing Examiner cannot pick and choose which party needs to be an 'Expert' in order for their testimony or decision to be valid and therefore relied upon. In addition to whether Mr Hofman is an Environmental Expert, I would like to point out the following;

    a. A project cannot proceed without a valid Final Environmental Impact Statement. Agreed, there is no 'expiration date' of a Final EIS, but your Final Environmental Impact Statement is clearly invalid today because of the *cumulative effect of discrepancies and variances it was based upon in the first place.* As you know, it is dated from 02-23-2004. I have confirmed with the WA State Dept of Ecology as well as 3 environmental law

firms, that to rely on environmental data and assumptions from over 17 years ago is atypical, especially in Washington State, and further in King County. Below are specific examples which make the EIS from 17 years ago invalid today, and confirm that the project cannot proceed as a result.

b. The FEIS indicates that S21 parcel, which is immediately adjacent to the subject parcel, was intended for another use. Since these are adjacent parcels where the original plans of one morphed into a completely different project than expected, another EIS is required on S20. The FEIS based all studies on S21 being built out to specifically a Park & Ride, Church/School, Multi Family, single family. What we ended up with is Hospital that is trying to grow larger and busier. A hospital was not planned for and therefore the Environmental Impact is unknown on the adjacent lot. We need to determine the environmental impacts of a hospital vs the original intended use of that parcel, because it is directly adjacent to the subject site. There is currently a sign for 'commercial acreage' on the same parcel, however I don't see that addressed or planned for in the 17 year old FEIS.
c. The FEIS requires subsequent plat approvals are reviewed for consistency with development standards, including changes or discrepancies to the rural character of the surrounding area. A 4 story apartment complex, next to a large hospital, visible from the main road, is not congruent with the original plans for Snoqualmie.
d. A noise impact study, of the completed project, on Eagle Point residents is required. Most of the Ridge is graced with a sound buffer. Eagle Point currently has a stand of trees immediately next to I-90. Several hundred feet away are the only other trees, on S20. When I moved in around 2013 I could not hear the freeway. After the hospital was built, I can now hear I-90. Once this project is completed there will be even more freeway noise invading Eagle Point. There will also be new human noise of several hundred people, emanating to Eagle Point residents. Tall buildings, tall retaining walls, more units, all equate to increased noise, and thus an impact to our quality of life.
e. The I-90 Hwy 18 interchange is unknown. Will acres of land be paved over for the project? This was not addressed in the FEIS and the parcel in question is in very close proximity to this major interchange project.
f. The FEIS states that hydrologic modeling allows for a maximum density of 16du/a on parcel S20 and S21
g. FEIS reads additional SEPA environmental analysis and a separate mixed use final plan approval process would be required before a high school could be constructed on the school property in the SRII north site area. Is this Timber Ridge Elementary? Was this statement complied with? No.
h. FEIS reads in addition, the ROA would produce and distribute a monthly newsletter that would also contain environmental education materials as well as hold occasional presentations and educational seminars. This statement has not been complied with.
i. FEIS references build out of SRII as being completed by 2010. How can we rely on a document from 17 years ago that is so blatantly incorrect in its assumptions? The only logical answer is that a person that is not an 'Expert' is making such a decision.

D. Inappropriate Public Notice

Refer to Page 14 Line 1 which reads as:"District was provided notice pursuant to SMC 14.30.060.C.3 through posting of the S-20 Site…"

The site was not properly posted, as clearly evidenced by the pictures submitted by myself during the hearing. The pictures show that as late as 6-27-17 (timestamped digitally) the signage onsite had misleading and incorrect data. Only after I pointed this out to Mayor Larson via Social Media, did the city install a sign 2 days later with corrected information. Further note how the original sign was off to the side of view, vs the new one in the center.


PUBLIC
NOTICE