

NO. 62167-0

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

PHOENIX DEVELOPMENT, INC., a Washington Corporation and
G&S SUNDQUIST THIRD FAMILY LIMITED PARTNERSHIP, a
Washington limited partnership,

Appellants,

v.

CITY OF WOODINVILLE, a Washington Municipal Corporation,
and CONCERNED NEIGHBORS OF WELLINGTON, a
Washington nonprofit corporation,

Respondents.

DECLARATION OF J. RICHARD ARAMBURU REGARDING
CONCERNED NEIGHBORS OF WELLINGTON'S
MOTION/REQUEST FOR DISQUALIFICATION OF
JUDGE SUSAN G. AGID

J. Richard Aramburu, WSBA 466
Aramburu & Eustis LLP
720 Third Avenue, Suite 2112
Seattle WA 98104
206/625-9515
Attorneys for Respondent
Concerned Neighbors of
Wellington

J. Richard Aramburu, attorney for the Respondent

Concerned Neighbors of Wellington, declares that the documents attached hereto as Attachments 1-10, as described in Respondent's motion/request for the disqualification of Judge Susan G. Agid and also described below, are publicly available documents. Attachments 1-3 and 5-9 were downloaded from the internet. Attachment 4 is a photocopy of the 2004 edition of Martindale-Hubbell Law Directory.

- | | |
|--------------|--|
| Attachment 1 | MBA (Master Builders Association),
memo dated August 21, 2008,
Nomination for members to serve on the
2009 Board of Directors |
| Attachment 2 | Web page from MBA site showing Bob
Johns as 2009 King County Builders
Council Chair |
| Attachment 3 | Web page from MBA site showing Bob
Johns as 2006 King County Builders
Council Chair |
| Attachment 4 | Copy of Martindale-Hubbell Law
Directory, 2004 edition, showing listing
for the firm of Johns Monroe Mitsunaga,
PLLC |
| Attachment 5 | Web page from the Sundquist homes
.com website showing Phoenix
Development to be one of the
"Sundquist Family of Companies" |
| Attachment 6 | Web page from the Sundquist homes
.com website showing Larry Sundquist
as the founder of Sundquist Homes Inc. |

- Attachment 7 Snohomish County official web page showing bio of Larry Sundquist naming him owner of Sundquist Homes, on the "Citizens Cabinet" for Snohomish County and as past president of the MBA.
- Attachment 8 Page from MBA website showing Sundquist Homes as contributor.
- Attachment 9 Letter of comment from MBA to Planning Commission of City of Woodinville dated October 3, 2007.
- Attachment 10 Page from MBA website showing BIAW to be a member of the MBA

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true to the best of my knowledge and belief.

DATED at Seattle, WA this 24th day of MARCH, 2009



J. Richard Aramburu, WSBA 466
Attorney for Respondent Concerned
Neighbors of Wellington



MBA of King and Snohomish Counties
335 116th Avenue SE
Bellevue, Washington 98004
t 425.451.7920 / 800.522.2209
f 425.646.5985 www.masterbuildersinfo.com

August 21, 2008

To: All MBA Members
From: Nominating & Bylaws Committee
Re: **Nominations for members to serve on the 2009 Board of Directors**

Pursuant to Articles 5 and 6 of the MBA Bylaws, any Builder, Remodeler, Associate or Affiliate member may nominate a member for an officer position or at-large directorship to serve on the Board of Directors. The nomination requires two members' signatures. All nominations shall be in writing and shall include nominee's name, position and names and signatures of the nominator and second. Nominations shall then be presented to the office of the Association no later than 12 noon on Thursday, September 4, 2008.

Members who have already been nominated by the MBA Bylaws & Nominating Committee to serve are as follows:

President-elect	John Day – <i>John Day Homes Inc.</i>
1 st VP-elect	Dave Main – <i>Main Street Builders Inc.</i>
2 nd VP-elect	Lynn Eshleman – <i>Pacific Ridge Homes</i>
Secretary-elect	Shelli Lucas-Kennedy – <i>American Insurance Associates</i>
Associates Council	Cathy Waidelich – <i>Market Street Realty Inc.</i>
MBA University Council	Duana Kolouskova – <i>Johns Monroe Mitsunaga PLLC</i>
King County Builders Council	Bob Johns – <i>Johns Monroe Mitsunaga PLLC</i>
Membership Council	Juli Bacon – <i>JB Consulting Systems</i>
Remodelors™ Council	Wayne Apostolik – <i>Northwest Homecrafters Inc</i>
Seattle Builders Council	Brittani Ard – <i>Ard Consulting LLC</i>
Snohomish County Council	Brian Holtzclaw – <i>The McNaughton Group LLC</i>
Sales & Marketing Council (Co Chairs)	Ellen Robertson – <i>The New Home Guide</i>
	Elene Stupy – <i>Harbor Homes Inc.</i>
Women's Council (Co-Chairs)	Wendy Albee – <i>Albee Interior Design LLC</i>
	Jaime Hsu – <i>Lakeville Homes Inc.</i>

MBA has five positions open for the at-large directorships. If you are interested in serving on the Board of Directors or would like to nominate a member to serve on the 2009 board, please follow the guidelines listed below. Nominations must be received at the MBA office via fax at (425) 278-0213 **no later than 12 noon Thursday, September 4, 2008.**

To nominate yourself or another member, please write the nominee's name, company and the position on the line below:

Nominee (Please print):	Company	Position
-------------------------	---------	----------

Please have two MBA members who agree to nominate the name above sign on the lines below:

Nominating MBA Member (Signature)

Seconding MBA Member (Signature)

Nominating MBA Member (Printed Name)

Seconding MBA Member (Printed Name)

Please fax your nomination ballot back to the MBA at (425) 278-0213 or call Lynda Hester at (425) 278-0215 with any questions you may have.

ATTACHMENT 1



OFFICIAL VOTING BALLOT

Election of 2009 Officers and Board of Directors

This ballot shall serve as the official ballot for the election of officers and directors. Your ballot must be received at the Master Builders Association Housing Center located at 335 116th Ave. SE, Bellevue, WA 98004 either by fax (425) 278-0213, U.S. mail or e-mail (lhester@mbaks.com) on or **before the close of business on Friday, September 19, 2008.**

Officers (Please cast only one vote in each Officer category)

President

John Day
John Day Homes ☐

First Vice President

David Main
Main Street Builders Inc. ☐

Second Vice President

Lynn Eshleman
Pacific Ridge Homes ☐

Secretary

Shelli Lucas-Kennedy
American Insurance Associates ☐

Council Directors (Please cast only one vote in each Council category)

Associates Council

1. Cathy Waidelich
Market Street Realty Inc. ☐

Seattle Builders Council

1. Brittani Ard
Ard Consulting LLC ☐

MBA University Council

1. Duana Kolouskova
Johns Monroe Mitsunaga PLLC ☐

Snohomish County Builders Council

1. Brian Holtzclaw
The McNaughton Group LLC ☐

King County Builders Council

1. Bob Johns
Johns Monroe Mitsunaga PLLC ☐

Sales & Marketing Council (Co-Chairs)

1. Ellen Robertson
The New Home Guide ☐
2. Elene Stupy
Harbor Homes Inc.

Membership Council

1. Juli Bacon
JB Consulting Systems ☐

Women's Council (Co-Chairs)

1. Wendy Albee
Albee Interior Design LLC ☐
2. Jaime Hsu
Lakeville Homes Inc.

Remodelers™ Council

1. Wayne Apostolik
Northwest Homecrafters Inc. ☐

At-Large Directors (Please cast up to 5 votes)

1. Tanna Barnecut
Maltby Container & Recycling ☐

7. Steve Kirk
U.S. Bank ☐

2. Paul Bogel
Indymac Federal Bank ☐

8. Grey Lundberg
Grey Lundberg, Inc. ☐

3. John Bratton
J.W. Bratton Design/Build LLC ☐

9. Jeff McCann
Jack McCann, Co. Inc ☐

4. Terry Fontaine
Teresa Fontaine Inc ☐

10. Sherry Schwab
HCS Construction Services ☐

5. Christopher Howard
Golf Savings Bank ☐

11. Terence L. Taylor
Bank of America Mortgage ☐

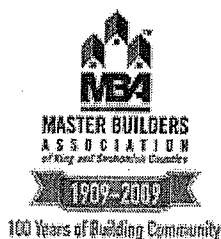
6. Kevin Kartak
AAA Kartak Glass & Closet Inc. ☐

12. Myra Williams
Baskets by Myra ☐

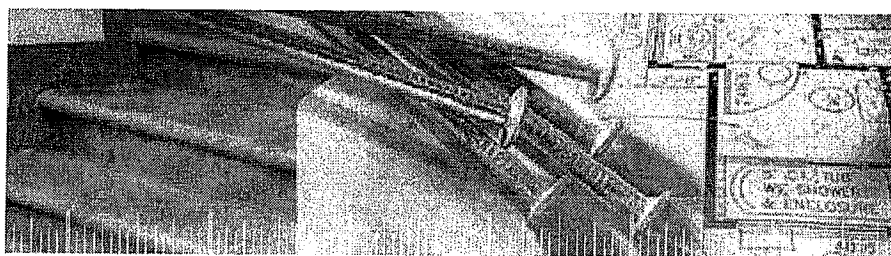
Fax to: 425-278-0213

Mail: 335 116th Ave SE, Bellevue, WA 98004

e-mail: lhester@mbaks.com



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King County Builders Council

Description:

This King County Council addresses regulatory issues occurring at the local level in King County and its municipalities. The council lobbies local governments on issues such as development standards, impact fees, permit processing and environmental regulations. All members are welcome to participate.

Meetings:

The council meets on the second Tuesday of the month at 10 a.m.

Staff Liaison:

David Hoffman, King County Manager
dhoffman@mbaks.com

2009 King County Builders Council Chair

Bob Johns, Johns Monroe Mitsunaga PLLC
johns@jmmlaw.com

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Master Builders Association of King and Snohomish Counties | 335 116th Ave. SE, Bellevue, WA 98004 USA
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email: mba@mbaks.com

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King County Builders Council

Description:

This King County Council addresses regulatory issues occurring at the local level in King County and its municipalities. The council lobbies local governments on issues such as development standards, impact fees, permit processing and environmental regulations. All members are welcome to participate.

Meetings:

The council meets on the second Tuesday of the month at 10 a.m.

Staff Liaison:

Tim Attebery, King County Manager
tattebery@mbaks.com

2006 King County Builders Council Chair

Bob Johns, Johns Monroe Mitsunaga PLLC
johns@jmmlaw.com

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INSLEE, BEST, DOEZIE & RYDER, P.S., Bellevue—Continued

ern District of Washington and U.S. Court of Appeals, Ninth Circuit; 1983, U.S. Court of International Trade. *Education:* University of Washington (B.S., 1964; J.D., 1967). *PRACTICE AREAS:* Municipal; Water Rights; Civil Litigation (Federal and State). *Email:* mruark@insleebest.com

ROD P. KASEGUMA, born Seattle, Washington, December 26, 1949; admitted to bar, 1976, Washington. *Education:* Northwestern University (B.A., with distinction, 1972; J.D., 1975). Assistant City Attorney, City of Seattle, 1977-1985. *PRACTICE AREAS:* Municipal; Land Use and Environmental. *Email:* rkaseguma@insleebest.com

PETER A. DEMING, born Tacoma, Washington, October 19, 1959; admitted to bar, 1984, Washington; 1986, U.S. District Court, Western District of Washington. *Education:* Washington State University (B.A., summa cum laude, 1981); University of Washington (J.D., 1984). Phi Beta Kappa; Phi Eta Sigma. *PRACTICE AREAS:* Real Estate; Construction; Commercial Litigation. *Email:* pdeming@insleebest.com

JOHN F. SULLIVAN, born Seattle, Washington, August 28, 1959; admitted to bar, 1985, Washington and U.S. District Court, Western District of Washington; 1990, Alaska. *Education:* Carroll College (B.S., 1982); Gonzaga University (J.D., magna cum laude, 1985). *PRACTICE AREAS:* Health Care; Medicare/Medicaid Reimbursement; Civil Litigation. *Email:* jsullivan@insleebest.com

DAVID J. LAWYER, born Chicago, Illinois, March 28, 1961; admitted to bar, 1986, Washington and U.S. District Court, District of Washington; U.S. Circuit Court of Appeals, Ninth Circuit. *Education:* St. John's University (B.A., magna cum laude, 1982); University of Puget Sound (J.D., magna cum laude, 1986). *PRACTICE AREAS:* Real Estate; Litigation. *Email:* dlawyer@insleebest.com

ANDREW L. SYMONS, born Jacksonville, Illinois, May 12, 1949; admitted to bar, 1975, Iowa; 1977, Washington. *Education:* Illinois College (B.A., 1971); Drake University (J.D., 1975). *PRACTICE AREAS:* Commercial Litigation; Business Transactions; Real Property Transactions. *Email:* asymons@insleebest.com

ROSEMARY A. LARSON, born Richland, Washington, September 18, 1964; admitted to bar, 1988, Washington. *Education:* University of Washington (B.A., magna cum laude, 1985); Boalt Hall School of Law, University of California (J.D., 1988). Phi Beta Kappa. *PRACTICE AREAS:* Municipal; Land Use. *Email:* rlarsen@insleebest.com

JOHN W. MILLER, born Seattle, Washington, April 29, 1957; admitted to bar, 1982, Washington and U.S. District Court, Western District of Washington. *Education:* Seattle Pacific University; University of Washington (B.A., Business, cum laude, 1979; J.D., 1982). *PRACTICE AREAS:* Estate Planning and Probate; Real Estate; Business. *Email:* jmiller@insleebest.com

ERIC C. FRIMODT, born Pasco, Washington, June 10, 1963; admitted to bar, 1992; Washington and U.S. District Court, District of Washington. *Education:* University of Washington (B.A., 1986); Gonzaga University (J.D., magna cum laude, 1992). *PRACTICE AREAS:* Civil Litigation; Business; Municipal. *Email:* efrimodt@insleebest.com

DAN S. LOSSING, born Midland, Michigan, December 25, 1951; admitted to bar, 1977, Pennsylvania and U.S. District Court, Eastern District of Pennsylvania; 1983, Washington and U.S. District Court, Western District of Washington; 1986, Alaska. *Education:* University of Michigan (B.A., 1974); Villanova University (J.D., 1977). *PRACTICE AREAS:* Construction; Commercial Litigation. *Email:* dlossing@insleebest.com

ADAM G. SNYDER, born Baltimore, Maryland, April 1, 1968; admitted to bar, 1996, Washington; 1997, U.S. District Court, Western District of Washington. *Education:* Boston University (B.A., Economics, 1990); Seattle University (J.D., cum laude, 1995); Loyola University, Chicago (LL.M., 1996). *PRACTICE AREAS:* Health Law; General Litigation. *Email:* asnyder@insleebest.com

DAWN L. FINDLAY, born Las Vegas, Nevada, May 16, 1968; admitted to bar, 1993, Oregon and Washington. *Education:* University of Washington (B.A., 1990); Willamette University (J.D., cum laude, 1993). *PRACTICE AREAS:* Municipal; Land Use. *Email:* dfindlay@insleebest.com

KATHERINE F. WEBER, born Sioux City, Iowa, July 30, 1971; admitted to bar, 1996, Washington and U.S. District Court, Western District of Washington. *Education:* Washington State University (B.A., cum laude, 1992); Seattle University School of Law (J.D., cum laude, 1996). Phi Beta Kappa. *PRACTICE AREAS:* Employment; Business; General Litigation. *Email:* kweber@insleebest.com

ANNELIESE ELIZABETH JOHNSON, born Ellensburg, Washington, April 13, 1975; admitted to bar, 2000, Washington. *Education:* Pacific Lutheran University (B.A., summa cum laude, English Literature, 1997); University of Washington (J.D., 2000). *PRACTICE AREAS:* Estate Planning; Municipal Law; Civil Practice. *Email:* ajohnson@insleebest.com

LAURENCE A. YOUNG, born Seattle, Washington, January 17, 1947; admitted to bar, 1974, Washington and U.S. District Court, Western District of Washington; 1977, U.S. Court of Appeals, Ninth Circuit. *Education:* University of Washington (B.B.A., 1969); Duke University (J.D., 1973); Golden Gate University (M.S., Taxation, 1983). *PRACTICE AREAS:* Business; Real Estate; Estate Planning; Tax. *Email:* lyoun@insleebest.com

(This Listing Continued)

ANTHONY T. CASO, born Brooklyn, New York, March 31, 1974; admitted to bar, 2002, Washington. *Education:* Brown University (B.A., 1996); Seattle University School of Law (J.D., 2002). *PRACTICE AREAS:* Business Law; Real Estate; Land Use; Litigation; Health Law. *Email:* acaso@insleebest.com

OF COUNSEL

DWAYNE A. RICHARDS, born Burbank, California, March 17, 1941; admitted to bar, 1966, Washington; 1976, California. *Education:* University of Santa Clara (B.S.C., 1963); University of Santa Clara and University of Washington (J.D., 1965). *PRACTICE AREAS:* Medical Malpractice; Personal Injury; Wrongful Death. *Email:* drichards@insleebest.com

BRIAN G. ISAACSON

10800 NORTH EAST 8TH STREET, SUITE 304
BELLEVUE, WASHINGTON 98004

Telephone: 425-455-9707

Fax: 425-455-9708

URL: <http://www.lawyers.com/isaacsonlaw>

Email: briani@isaacsonlawfirm.com

URL: <http://www.isaacsonlawfirm.com>

Taxation, Business Transactions, Pension Plans, Financial Transactions, Asset Securitization.

BRIAN G. ISAACSON, born April 1, 1961; admitted to bar, 1996, Washington. U.S. Tax Court. *Education:* St. Martin's College (B.A., Accounting, 1988); Seattle University School of Law (J.D., 1993); University of Denver (LL.M., Taxation, 1994); University of Miami (LL.M., Real Estate Development and Finance, 1996).

JOHNS MONROE MITSUNAGA, PLLC

1500-114TH AVENUE SE, SUITE 102
BELLEVUE, WASHINGTON 98004

Telephone: 425-451-2812

Fax: 425-451-2818

Land Use, Construction, Real Estate, Municipal Litigation, Eminent Domain, Environmental and Commercial Litigation.

ROBERT D. JOHNS, born Seattle, Washington, August 7, 1949; admitted to bar, 1976, Washington and U.S. District Court, Western District of Washington; U.S. Court of Appeals, 9th Circuit; U.S. Court of Claims; U.S. Supreme Court. *Education:* Gonzaga University (B.A., magna cum laude, 1971); University of Washington (J.D., 1976). *Member:* Washington State Bar Association (Environmental and Land Use Section, Executive Committee, 1986-1990); Master Builders Association of Snohomish County (Executive Committee, 1997-). *PRACTICE AREAS:* Land Use Law; Construction Law. *Email:* rjohns@jmmmlaw.com

MICHAEL P. MONROE, born Seattle, Washington, November 15, 1951; admitted to bar, 1978, Washington; 1980, U.S. District Court, Western District of Washington. *Education:* Pomona College (B.A., 1975); University of Puget Sound (1978). Awarded Distinction for Philosophy Thesis. Awarded Distinction in the Assistant City Attorney, Seattle City Attorney's Office, Land Use Division, 1989. *Member:* King County and Washington State Bar Associations; International Right of Way Association; Washington State Association of Municipal Attorneys. *PRACTICE AREAS:* Land Use Law; Real Estate; Municipal Litigation; Eminent Domain; Environmental Law. *Email:* mmonroe@jmmmlaw.com

DARRELL S. MITSUNAGA, born Salt Lake City, Utah, March 9, 1958; admitted to bar, 1982, Washington and U.S. District Court, Western District of Washington; U.S. Federal Court of Claims. *Education:* University of Utah (B.S., magna cum laude, 1978); University of Washington (J.D., 1982). Law Clerk to Honorable Kent M. Iwano, Washington State Court of Appeals, Division I, 1982-1984. *Member:* King County and Washington State Bar Associations; Asian Bar Association of Washington. *PRACTICE AREAS:* Real Estate; Land Use; Construction Law; General Litigation. *Email:* mitsunaga@jmmmlaw.com

DUANA KOLOUSKOVA, born Bellevue, Washington, June 3, 1972; admitted to bar, 1997, Washington. *Education:* Western Washington University (B.A., 1994); Seattle University (J.D., cum laude, 1997). Moot Court, 1996-1997. Deputy Planning Attorney, Land Use Development, Snohomish County, 1997-2000. *Member:* King County and American Bar Associations. *REPORTED CASES:* West v. Snohomish County et al., 2000 WL 422593 (Wash.App., Div.I); Schultz v. Snohomish County, 101 Wn.App. 693, 5 P.3d 767 (2000); MacAngus Ranches et al. v. Snohomish County, Washington State CPSCMHB Case No. 99-3-0017 (2000). *PRACTICE AREAS:* Land Use; Environmental Law; Real Property. *Email:* dko@jmmmlaw.com

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PHOENIX DEVELOPMENT[®]

Phoenix Development Incorporated, as one of the Sundquist Family of Companies, has specialized in residential plat entitlement and development for over 25 years. Land development and the approval process have become increasingly complex at all levels of government, and the expertise of its well seasoned team has gained Phoenix an excellent reputation, the respect of elected officials and the professional staff in their jurisdictions, as well as land sellers and lenders alike. Each development site is evaluated in great detail with the resulting product produced with a high level of efficiency that only comes from an experienced team. Success generally has discipline behind it, and that is certainly true for Phoenix Development Incorporated.



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Sundquist Homes

Phoenix
Development

As a Northwest Homebuilder / Land Developer since 1974 The Sundquist Family of Companies have been creating communities and single family residences for over three generations. The company, founded by Clifford & Larry Sundquist was built on the premise that quality and craftsmanship could be offered to the widest niche in our marketplace - that of affordable housing.

Geographically we have concentrated our building and development activities to North King and South Snohomish counties in an effort to cultivate a high standard of excellence right here in our own neighborhood. Since 1974 The Sundquist Family of Companies have developed over 100 formal subdivisions and over 25 multifamily communities as well as constructing over 1,000 single family residences.

As a company we know that the strongest contributor to a successful business is its relationships. That is why we have dedicated ourselves to offering not only superior housing but also providing our customers and business associates with an exceptional level of integrity and commitment. In the spirit of enhancing the North Puget Sound area as a whole we have been an active participant with the Snohomish County Council and in the Master Builders Association of Snohomish County for over 25 years.



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County Executive Aaron Reardon

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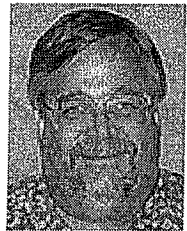
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Citizens Cabinet Larry Sundquist



LARRY SUNDQUIST is the owner of Sundquist Homes, Inc., a home builder and land developer in Lynnwood. Over the last 20 years, Sundquist Homes has built more than 1,000 housing units in South Snohomish County and has developed over 60 formal plats. Sundquist is a past president of the Master Builders Association, and spent four years as Legislative Chairman for the Building Industry Association of Washington where he worked with the Northwest Utilities in passing legislation making the model conservation standards to the Washington State Energy Code. Currently he is active in the Association of Washington Business and a number of other community and church organizations.

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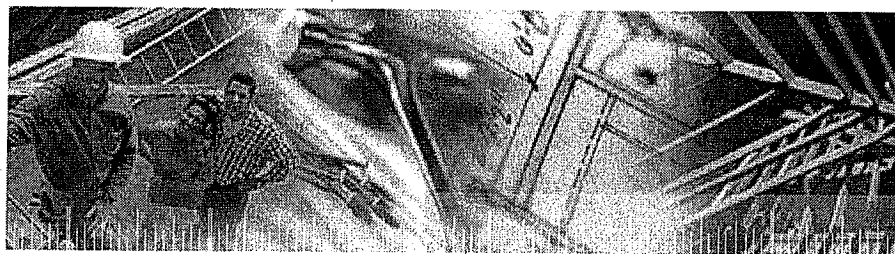
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A special thanks to all our 'Just 10%' contributors

The following companies donated a portion of their Return on Industrial Insurance (ROI) program refund to the Master Builders Association of King and Snohomish Counties to further its efforts to create an economy and environment that are conducive and beneficial to the housing industry.

1st Choice Custom Design Construction Inc
 3 D Roof Systems LLC
 A A Party Rentals
 A Roofing Inc
 AAA Kartak Glass and Closet Corp
 Adams Construction Services Inc
 Advanced Steel Structures
 Al Hanson's Quality Concrete Inc
 Alexander's Stone Art Inc
 Allen Roofing
 Alltex Stucco Inc
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 Associated Roofing Inc
 B & H Drywall Inc
 B & J Plumbing Inc
 B & J Roofing Inc
 Banner Structures Inc
 Barclay Dean Inc
 Barclays North Inc
 Baywood Cabinet Inc
 BCC Paymaster LLC
 Beckes Homes Inc
 Bellevue Westridge Ltd
 Belmark Land and Homes LLC
 Bender Chaffey Corp
 Big Sky Construction Inc
 Bob Talbott Contractor
 Bodine Construction Inc

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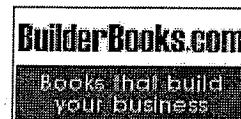
Master Builders Career Connection

Industry Issues

Political Action Center

Economic Insights

Resources



Booth Construction Inc
Braicks Construction Inc
Brandywine Nursery Inc
Brookside Nursery
Builder for Life Inc
Builders E F Inc
Bulldog Demolition & General Contracting Inc
Bulwark Construction
Burnstead Construction Co
C & P Paint LLC
C F Redden Construction LLC
C P Granger Inc
Cajun Excavating Inc
Cambridge Homes Inc
Camwest Development Inc
Capstone Homes Inc
Careys Rockeries & Grading LLC
Cascade Cabinets
Cascade Fence Company Inc
Cascade Utilities Inc
Central Park East Lp
Chaffey Payroll LLC
Champion Metal of Washington Inc
Chermak Construction Inc
Cloutier Construction Co
Comfort Mechanical Inc
Concept Builders Inc
Conor/Roberts Homes Inc
Constructive Energy Inc
Contempra Homes Inc
Corbett Concrete Pumping
Craig Smith Construction Inc
Crest Northwest Construction Inc
Crisco Roofing Co Inc
Critchlow Homes Inc
Crossroads Appliance
Crown Fire Protection Inc
Crystalite Inc
Currie Construction Inc
Curtis Gelotte Architects PS
Custom Design Heating Inc
D D Rite Co LLC
D R Drywall Inc
D Wolf Construction Inc
Dally Properties LLC
Damark Corporation dba Eclipse Engineering
Dana Waterproofing Inc
Darco Inc
Dave Hanson Custom Homes Inc
Davidsen Excavating & Trucking Inc
Davidson-Macri Sweeping Inc
Dawson Pile Driving Inc
Designers Marble Inc
Develco Construction Inc
Dick Miller & Son Painting Inc
Distinctive Glass Inc
Division Seven Waterproofing Inc
Double K Plumbing Inc

E & D Excavating Inc
 E A Wicklund & Sons Constr Inc
 E S M Consulting Engineers LLC
 Eastlake Utilities & Excavating Inc
 Eide Construction Inc of Bellevue
 Energy Specialists Inc
 Equipment Sales Company Inc
 Equitable Masonry Restoration Co Inc
 Eric's Electric
 Euro General Contractors Inc
 Evergreen Sign Co
 F Lee Stenson Inc
 Ferguson Property Management
 Finishing Touch PNW Inc
 Five Star Mechanical
 Foundation Construction Co
 Four Suns Inc
 Fox Plumbing & Heating
 Foxpointe Apartments
 G S Builders & Developers Inc
 G T E Trucking & Excavating Inc
 Gaffney Construction Inc
 Galeed Inc
 George Mikulich Constr Inc
 Gleason Construction
 Gordon Construction
 Gordon Trepus Painting Inc
 Granger Construction Inc
 Granville Homes Inc
 Greacen Construction Inc
 Griffin Remodeling Inc
 Ground Effects Landscaping Inc
 Group Four Inc
 Harbor Properties Inc
 Harbour Homes Inc
 Hardscapes NW
 Harmsen & Associates Inc
 Headland Construction Inc
 Heiser Building Corp
 Henry's Trucking & Excavating Inc
 High-Rise Cabinets Inc
 Himalaya Homes
 Hoflin Homes LLC
 Hooper Construction LLC
 Horizon Building Inc
 Howland Homes LLC
 Huber's Plumbing Co
 Hughes Building Co Inc
 Huntington Park Builders
 Innovative Vacuum Services Inc
 Integrisource Inc.
 Interior Drywall Systems Inc
 Interior Services Inc
 Island Masonry Co Inc
 J B Asphalt
 J J Plumbing LLC
 J M Bogan Remodeling Inc
 J M C Cabinets & Interiors Inc

J/M Asphalt Co Inc
James Company
Janes Gypsum Floors Inc
Jessop Enterprises Inc
John Day Homes Inc
Johnson Bros Construction
J-S Contracting Inc
K B A Inc
K L P Inc
Kent Drywall Inc
Kinimaka Tile Contractors
Kirkland Builders Group LLC
Kirkwood Company Inc
KrisCo Aquatech Pools & Spas
Kuchan Enterprises Inc
LaFond Framing Inc
Lakeville Construction Inc
Larry Morrison Const Inc
Legend Homes Inc
Lewis Architecture + Interior Design
Longitude 122 LLC
Lynnwood Septic Tank Co Inc/Torset Excavating
M A E Landscaping Inc
MacPherson Construction & Design LLC
MacPherson's Inc R E Better Homes & Gardens
Maintco Inc
Maltby Trucking & Excavating Inc
Mark T Brooks Construction Inc
Martha Rose Construction Inc
Marysville Drywall Inc
Marysville Plumbing Inc
McDonough & Sons Inc
McKinney Electric Inc
Mechanical Resource Services
Michael Homchick Stoneworks Inc
Mickelo Construction LLC
Mietzner Homes Inc
Modern Sewer Corp
Moe Homes Inc
Morgan Sound Inc
Moriarty & Matzen General Contractors
Murphy Building Company Inc
Nelson Construction Inc
Nelson Heating
New Horizons
Nielsen Bros & Sons Inc
North Crest Development Corp
Northward Construction
Northwest Homecrafters Inc
Northwood Limited Partnership
NW Siding & Prefinishing Inc
Odegard Gockel Homes LLC
One Way Plumbing Inc
Orca Electric LLP
P B C (Preferred Building Contractors)
P W C Construction
Pacific Coast Door & Moulding
Pacific Garages Inc

Pacific Landscape Inc
 Pacific Northwest ConstruXion Inc
 Pacific Piling & Underpinning
 Pacific Village Enterprises LLC
 Park Avenue Construction Inc
 Parker Reed Enterprises Inc
 Paulsen Construction Inc
 Perkins Excavating Inc
 Pete's Home Renewal Systems Inc
 Pharr Company
 Plut Construction Co Inc
 Polygon Northwest Company
 Popa's Roofing Co Inc
 Potter Construction
 Powell Homes
 Precision Builders Inc
 Precision Drywall Inc
 Precision Prehung Door
 Procraft Industries
 Professional Glass
 Provident Electric Inc
 Quality Fence Builders Inc
 R & G Electric Inc
 R A Setting Constr Co Inc
 R C Drywall Inc
 R J Lampers Construction Co Inc
 R K K Construction Inc
 R M K Construction Inc
 R Martin Electric
 R Miller Construction Co Inc
 R R Enterprises Inc
 R/S Construction & Excavation Inc
 Ramo Construction
 Real Property Develop Co LLC
 Redhawk Construction Inc
 Regal Constr Co
 Reliable Construction Co Inc
 Rick Burnstead Construction
 Rick Haight Construction
 Riddle Construction & Design
 Riley & Sons Inc
 Riverside Interiors Inc
 Robert Egge Construction Inc
 Robinett Development Co LLC
 Rob's Electric Inc
 Rongve Group Inc
 Ron's Bulldozing Inc
 Rosemount LLC
 S S H I LLC
 S W G Construction Inc
 Schademan & Associates Inc
 Schoener's Interiors LLC
 Seamark Properties Inc
 Sea-Port Dozing & Development Inc
 Seattle Cabinet & Millwork Inc
 Seattle Paint & Drywall Inc
 Seattle Pottery Supply Inc
 Select Homes Inc

Sieh Inc dba United Plumbing
Sign-Tech Electric LLC
Singleton Construction Inc
Site Welding Services
Snider Drywall Inc
Sno-King Enterprises Inc dba Sno-King Drywall
Sound Builders Inc
Sound View Plumbing Inc
South County Plumbing Inc
Specialized Homes LLC
Squak Mountain Materials Inc
Stark Construction Inc
Statewide Inc
Steckler Construction Inc
Steinvall-Weber Construction Services Inc
Sterling Elevator LLC
Sterling Realty Organization Co
Steve Burnstead Construction
Steven D Cramer & Assoc Inc dba Cramer
Stoneway Roofing Supply Inc
Strode Constr Co
Sullivan Millwork & Construction
Summit Drywall Inc
Summit Logistics Inc
Sun Vista LLC
Sundance Landscaping Inc
Sundquist Homes LLC
Sunset Glass Co Inc
Super T Services Inc
Superior Custom Cabinets Inc
T J's Concrete Constr
T Scollard Drywall
T W Ness Construction LLC
T-Bar Construction Inc
Terra Associates Inc
The Bennett Companies LLC
The Bowen Company Inc
The Gordon Company Inc
The McNaughton Group LLC
The Paint Rangers
Thomco Construction Inc
Tim Talbott Construction Inc
Togstad Drywall Inc
Toth Construction Inc
Town & Country Fence Inc
TranCon Inc
Trepus Corporation
Triad Development Inc
Triple D Construction Inc
Truck Performance NW Inc
Tycon Inc/J L N Lakeland LLC
United Subcontracting LLP
Valley Cash & Carry
Valley Furniture & Interiors Inc
Van Overbeke Construction Inc
Van Well Masonry Inc
Vernon Johnson Constr (VJC)
Voiss Construction Inc

Vornbrock & Sons Construction Inc
Washington Alarm Inc
Web-West Painting
Weitzel Construction Inc
Wells Farm & Nursery
Western Property Management
Willkens Constr Inc
Wilson Tile & Marble Inc
Windsor Construction Company
Woodmasters Construction LLC
WynGale Homes Inc
Zion Construction Inc

Master Builders Association of King and Snohomish Counties | 335 116th Ave. SE, Bellevue, WA 98004 USA
Phone: (425) 451-7920 | Fax: (425) 646-5985 | Toll Free: (800) 522-2209
email: mba@mbaks.com

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October 3, 2007

The Honorable Les Rubstello, Chair
Planning Commission
City of Woodinville
17301 133rd Avenue NE
Woodinville, WA 98072

Dear Chairman Rubstello,

On behalf of the 4,400 member companies of the Master Builders Association of King and Snohomish Counties ("MBA"), I am writing to encourage you and the other members of the Woodinville Planning Commission to recommend the City Council rezone the Residential-1 (R-1) area to a density of Residential-4 (R-4), or four units per acre.

We applaud the work of the Planning Commission, Citizen Advisory Panel and city staff related to this critical issue. In our examination of the Staff Report, MBA is concerned that a decision to avoid increasing the residential zoning from R-1 to R-4 may be based purely on a desire to "preserve Woodinville's Northwest Woodland Character," rather than scientific and legal evidence¹. We believe this could severely obstruct the city of Woodinville's ability to maintain a reliable quantity of buildable land beyond the current 2020 threshold. As King County's population grows by over one million new individuals between now and 2020², Woodinville, similar to other jurisdictions throughout the county, must accommodate this growth.

As was stated in the staff report, R-1 to R-4 has been recognized as Low Density by Woodinville's Comprehensive Plan for years.³ Similarly, city staff has acknowledged the Central Puget Sound Growth Management Hearings Board 1996 comment that, "...the City's provision for an R-1 designation did not comply with what the Board considered

¹ City of Woodinville, *Sustainable Development Study*, Exhibit 3a, p. 2 (September 19, 2007)

² Puget Sound Regional Council, *Vision 2020* Ch. 5.1, p. 2 (May, 2006)

³ City of Woodinville Planning Commission Staff Report, *Public Hearing: Sustainable Development Study Zoning Map and Code Amendments*, p. 1 (September, 2007)

and (sic) appropriate urban density,” and that the Hearings Board, “utilized a “⁴line” standard that considered only R-4 or greater as appropriate urban density.”⁵

EXHIBIT 39
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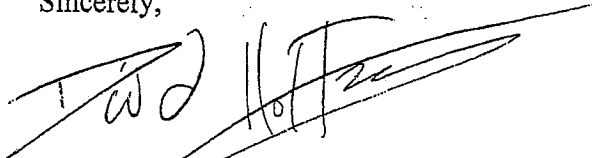
MBA agrees that the GMA itself is silent on what numeric value represents “urban density.” We also agree “...case decisions by Growth Hearings Boards established a minimum figure of four units per acre as meeting the threshold of urban density.”⁶

According to the staff report, city services including fire and life safety and police, as well as Leota Junior High, and Willington Elementary, would not be affected negatively by increased zoning. Woodinville Water District currently plans to accommodate “...densities in the study area at R-4 levels, and there is no insufficient capacity in supply at those service levels. As new construction appears, developers pay for new facilities and service extensions.”⁶

With regard to environmental concerns raised by this proposal, we point out the comment letter submitted by Futurewise advocating for an even more aggressive seven units per acre zoning increase. In it’s letter, Futurewise discusses a U.S. Environmental Protection Agency (EPA) study that reveals the truth that low density, one unit per acre zoning actually does little to protect the environment due to the sprawl, green house gas emissions and considerably higher impacts on the watershed such density’s create.

I appreciate the opportunity to comment. Should you have further questions or concerns, please contact King County Manager David Hoffman with questions at (425) 460-8224 or dhoffman@mbaks.com. Please include this letter and the enclosed documents in the record of the comprehensive plan update.

Sincerely,



David Hoffman
King County Manager
Master Builders Association of King and Snohomish Counties

⁴ Id. at p. 2

⁵ Id. at p. 4

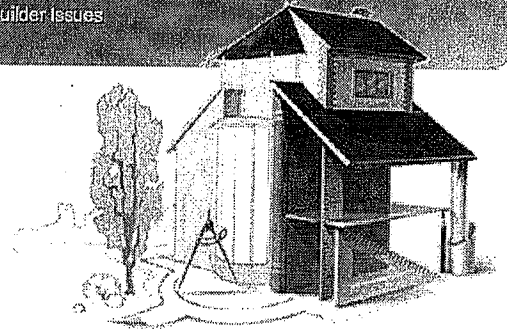
⁶ Id. at p. 7


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Most local associations are also active in philanthropic community-based events, providing an avenue through which the industry can demonstrate its commitment to building not just houses, but communities.

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MBA of Pierce County

Mike Crowley,
Executive Vice President
P.O. Box 1913
1120 Pacific Avenue #301
Tacoma, WA 98402
253/272-2112 • 253/383-1047 (f)
info@mbapierce.com
www.mbapierce.com

Olympia Master Builders

Laura Kimbrough,
Executive Officer
1211 State Avenue NE
Olympia, WA 98506
360/754-0912 • 360/754-7448 (f)
omb@olywa.net
www.omb.org

North Central HBA

Marc Straub,
Executive Officer
P.O. Box 2065
323 N. Miller Street
Wenatchee, WA 98807
509/665-8195 • 509/665-6669 (f)
marcstraub@nchba.cc
www.nchba.cc

Central Washington HBA

Carly Faul,
Executive Officer
3301 W. Nob Hill Blvd.
Yakima, WA 98902
509/454-4006 • 509/454-4008 (f)
cfaul@cwhba.org
www.cwhba.org

Building Industry Association of Clark County

David Roewe,
Executive Officer
103 E. 29th Street
Vancouver, WA 98663
360/694-0933 • 360/694-1606 (f)
droewe@biaofclarkcounty.org
www.biaofclarkcounty.org

Jefferson County HBA

Sandy Hershelman,
Executive Officer
P.O. Box 1399
219 A Patison
Port Hadlock, WA 98339
360/379-8784 • 360/379-8785 (f)
jchba@olympus.net

www.jeffcohomebuilders.com

HBA of Kitsap County
 Art Castle,
 Executive Vice President
 5251 Auto Center Way
 Bremerton, WA 98312
 360/479-5778 • 360/479-0313 (f)
acastle@kitsaphba.com
www.kitsaphba.com

Lower Columbia Contractors Association
 Jeanette Scibelli,
 Executive Officer
 P.O. Box 2306
 729 Vandercook Way #280
 Longview, WA 98632
 360/425-8820 • 360/425-6609 (f)
lcca@lcca.net
www.lcca.net

North Peninsula BA
 FaLeana Wech,
 Executive Officer
 P.O. Box 748
 3430 East Highway 101 #29
 Port Angeles, WA 98362
 360/452-8160 • 360/452-8197 (f)
npba@olypen.com
www.npba.info

MBA of King and Snohomish Counties
 Samuel Anderson,
 Executive Officer
 2155 112th Avenue NE #100
 Bellevue, WA 98004
 425/451-7920 • 425/646-5985 (f)
mba@mba-ks.com
www.mba-ks.com

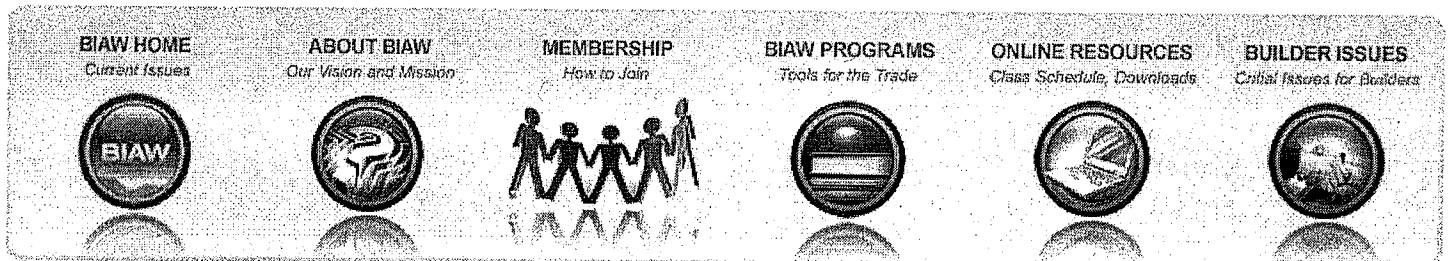
San Juan Builders Assn.
 John Evans,
 Executive Officer
 P.O. Box 1561
 Eastsound, WA 98245
 360/376-8112 • 360/376-8112 (f)

Skagit-Island Counties Builders Association
 Wayne Crider,
 Executive Officer
 15571 Peterson Road
 Burlington, WA 98233
 360/757-6916 • 360/757-0604 (f)
info@sicba.org
www.sicba.org

Spokane HBA
 Joel White,
 Executive Officer
 5813 E. 4th Avenue #201
 Spokane, WA 99206
 509/532-4990 • 509/532-4980 (f)
jwhite@shba.com
www.shba.com

HBA of Tri-Cities
 Jeff Losey,
 Executive Officer
 10001 W Clearwater Avenue
 Kennewick, WA 99336
 509/735-2745 • 509/735-8470 (f)
jeff@hbatc.com
www.hbatc.com

BIA of Whatcom County
 Bill Quehrn,
 Executive Officer
 1650 Baker Creek Place
 Bellingham, WA 98226
 360/671-4247 • 360/647-8756 (f)
biawc@biawc.com
www.biawc.com



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