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Reply to: Seattle Office

June 13, 2011

Phil Olbrechts  
Olbrechts & Associates, PLLC  
18833 74<sup>th</sup> Street NE  
Granite Falls, WA 98252-9011

Re: Development Agreement Hearings

Dear Mr. Olbrechts:

We received notice today that the hearings for the proposed development agreements are scheduled to begin on July 11, 2011. We have three concerns regarding the proposed hearing date. We ask that you immediately address this matter and reschedule the hearing as indicated below.

First, our understanding was that you indicated that the hearing would not be set for at least 30 days following release of the Final Draft Development Agreements and the staff reports analyzing those agreements. To our knowledge, the staff reports have not yet been released. While the Final Draft Development Agreements are now posted on the City's website, there is no sign of the staff reports. Until those staff reports are issued, it is premature to schedule a hearing.

Second, now that the draft agreements and their attachments are available, it is evident that a mere 30 days is not sufficient to allow the public to prepare for these hearings. A quick count indicates that the agreements and exhibits total approximately 1,300 pages. It would be a gross miscarriage of justice to force citizens (most of whom have lives outside watch-dogging the City) to review this massive amount of information, determine the need for expert review, obtain expert review, and develop their lay and expert testimony in the next 30 days.

I recall at the pre-hearing conference you indicated that the minimum time would be 30 days and you anticipated that the actual time would be more than that given the need to coordinate schedules and the availability of the meeting room. But City staff, consistent with its desire to ram these agreements through as soon as possible with no regard to the ability of citizens to meaningfully participate in the process, has scheduled the hearings to begin 31 days after the 1,300 page documents became available. We ask you to intervene immediately to right this terrible injustice. There is no way the City is going to be able to claim that the citizens were "fully informed" this time around if City staff continues to ram through the process in this manner.

Third, while we have only just scratched the surface of the new drafts, it is apparent that gaps still exist. For instance, it appears that the sites for the off-site schools still have not been determined. Likewise, uncertainty persists regarding location of the artificial lake to be constructed off-site for storm drainage purposes. Mitigation fees are proposed for addressing the developments' impact on the city's fire department, but the city has not yet adopted a fire mitigation fee ordinance, so there is no way to assess the adequacy of this mitigation measure. There may be other examples, too, once we have an opportunity to review the documents in detail. Until the agreements are truly complete, scheduling the hearing is premature.

In the past, you have indicated a strong desire to manage the hearing process in a fair manner. We trust that you will perceive the gross unfairness of the incredibly brief amount of time provided by staff for citizen review and modify the hearing schedule accordingly. The City and Yarrow Bay have been working on these documents for over a year. Given their length and complexity and given the importance of these issues to the community for generations to come, a minimum of 60 days (and preferably 90 days) should be provided.

Thank you for your attention to this matter.

Very truly yours,

BRICKLIN & NEWMAN, LLP



David A. Bricklin

DAB:psc

cc: Mike Kenyon/Bob Sterbank  
Nancy Bainbridge Rogers  
Client