

**Stacy Clauson**

**From:** Colleen Protzman [CProtzman@SeattleMortgage.com]  
**Sent:** Monday, August 21, 2006 9:20 PM  
**To:** Stacy Clauson  
**Subject:** 9222 112th Avenue NE File SPL06-00014

Dear Ms. Clauson;

I am writing due to our concern regarding the excavation that occurred Friday behind our home at 11205 NE 94<sup>th</sup> Street, Kirkland, WA 98033.

We have a retaining wall that was installed during the latter part of 1993 and early part of 1994. I think the permit number was BLD93-1040.

Casady Enterprises Inc. excavated to within a couple feet of the wall and today laid forms for a foundation. It appears they have also moved some "existing concrete ecology blocks" from a wall on the adjoining lot. Our Geotechnical report states "one end of the rubber tire retaining wall abuts an existing concrete ecology block wall which has been constructed along the eastern side of the toe of the site slope". "At the other end, to the west, the wall is set back into the soil bank being protected".

Upon physical inspection tonight, there was what appeared to be a survey rod lying on the ground so there is no way to tell where our property ends and theirs begins. I would like to know what setback they have to adhere to in this case and if they can move items that may affect our retaining wall.

The owner at the time of the installation was Mr. Reid West. We also have a copy of a survey obtained by the previous owner, Mr. Burke Bordner.

Please advise.

Lorenzo Ciancusi  
Colleen Protzman  
11205 NE 94<sup>th</sup> Street  
Kirkland, WA 98033  
425-803-0224 Home  
206-324-9701 Day phone

ATTACHMENT <u>7a</u>
<u>SPL06-00014</u>



Attn: Stacy Clauson

PLANNING DEPARTMENT  
AM 11:30 PM  
BY

11 September 2006

**COMMENTS ON THE PROPOSED CASADY SUBDIVISION  
(9216-9222 112<sup>TH</sup> Ave NE)**

SEP 11 2006  
RECEIVED

**Peter and Julie Lemme, 11233 NE 94<sup>th</sup> St., with a home on the lot adjacent to the entire eastern border of the proposed subdivision, offer the following comments to the proposal:**

**We object to this proposed subdivision and request the planning director reject the proposal to subdivide.**

We appreciate that the planning process has an opportunity for residents directly impacted by development, to comment on the development, before a decision has been made. While the planning office has cooperated fully in both publishing pertinent documentation on their website and by sharing other documents in a timely manner upon request, thus keeping us informed, we struggle with how these comments are used in the decision making. It seems all that is necessary for approval is compliance to regulation, which is presumably gathered objectively, but does not seem to consider any non-structural impact to the adjacent neighbors. It would be useful if the planning department provide some guidelines to the request for commentary, in particular to highlight areas that will be useful in the decision making. Notwithstanding this point, we offer the following perspective and analysis in the hope you will reject this request for sub-development.

As Kirkland residents for over 20 years, raising a family of three boys, we have enjoyed the high quality of life the Highland's neighborhood provides. We've also seen dramatic changes in our area from increased development –loss of trees, wildlife and ever-shrinking lot sizes – that threatens our quality of life. It appears that every potentially buildable foot of Kirkland is being developed favoring financial benefits over the impact to environment and neighborhood qualities that were so evident when we first moved here.

We have noted the loss of backyards in Kirkland in favor of sub-division. Kirkland is becoming a city of large homes with no back yards. That was not at all the case when we first moved into our home in 1985. Backyards serve useful purposes, particularly for families, giving space for outdoor leisure, gardening, space for domestic pets to roam, and affording privacy between neighbors. Homes without backyards aren't as attractive to families with children in particular, and seem to be oriented more towards affluent singles or couples without children. Proposed lot 3, while depriving both proposed lots 1 and 2 of what should rightfully be attractive backyards, also diminishes the value of the backyards to our existing home and those to the west.

ATTACHMENT 7-6  
SP06-00014

PETER & JULIE LEMME COMMENTS TO REJECT PROPOSAL TO SUBDIVIDE  
9216/9222 112<sup>TH</sup> AVE

There are a group of homes that border a draining down-slope predominantly to the east of the subject sub-development that were well established by 1986. Each home in this group contributes a back yard effectively comprising a collective green-belt, which exits through the low, southwest border into the area now characterized as class 3 wetland in proposed lot 3. This greenbelt provides a refuge for wildlife and a unique opportunity to enhance a native feature of our neighborhood. Each of the existing homes bordering this greenbelt have a dedicated entry from an established right of way on the border made up of 92<sup>nd</sup> St, 112 Ave, 94<sup>th</sup> St, and an alleyway effectively 114<sup>th</sup> Ave. **Proposed lot 3 represents the first intrusion, fully encapsulated into this precious, highly-valued, contiguous green space, becoming a particularly dominating, unattractive feature to us and to our neighbors to the west.**

The Casady short plat is a prime example of the rampant development that is now common practice in Kirkland. Where once stood two modest ramblers with attractive backyards, there will now be two 4,000-5,000 sq. ft. homes (to which we have no objection) plus a proposed 3<sup>rd</sup> home squeezed up snug to the back northeast corner (which we vehemently object to), a stones throw from our home and our neighbor's homes to the west.

The proposed sub-development cleverly assigns the lot lines to provide the appearance that each lot meets the minimum lot size and offers compliance to wetland setback and easements with adjacent lots. **These lot lines are effectively meaningless in the sense that neither proposed lots 2 or 3 can stand-alone without sharing common access and utility easements between themselves and lot 1.**

The access to the proposed subdivision is via a shared easement along the south property line. On the blue City of Kirkland notice of application sheet that we were mailed, the map is misleading by showing an easement running along the south property line all the way up to 114<sup>th</sup> Ave. That easement has never been developed and could not be developed. There isn't a 93<sup>rd</sup> St. listed on the original Burke and Farrar survey, undoubtedly because of the wetland and water flow through that area.

We believe that there was good sense used when the existing homes were placed into the Burke and Farrar platte. In particular, a conscious decision was made to make a number of deep lots that would comprise the aforementioned greenbelt, and to not subdivide as proposed, at a time when it would have been less scrutinized.

PETER & JULIE LEMME COMMENTS TO REJECT PROPOSAL TO SUBDIVIDE  
9216/9222 112<sup>TH</sup> AVE

The buildable set-back on the proposal along the western and northern borders of the sub-division is shown to be the minimum of 5 feet, with the balance of the required composite set-back on the opposing sides, which are of little consequence because they fall into either the wetland or the shared access easement. We are frustrated that the homes most impacted by this minimal set-back are the existing bordering homes, while the homes within the subdivision are more favorably placed between each other. **We feel that the set-back should be increased to minimize the proximity to the existing bordering homes.**

Practically, the existing lot 9222 112<sup>th</sup> Ave is being split to make room for two homes (proposed lots 2 and 3) and the not-buildable area in lot 9216 (due to wetland setback) is favorably assigned to lot 3 to meet the minimum lot size. We estimate that proposed lot 3 has less than 3,000 sq feet of buildable land out of an 11,000 sq foot lot. Further complicating the easement would be the need for the sub-divided lots to share maintenance of the property bordering 112<sup>th</sup> Ave.

One consideration over the effects of these backyard subdivisions is noted by the stability of ownership. The two homes directly north of our home were built in about 1990, and instead of building a single home with an access of reasonable grade, two homes were put in-place with a very steep access driveway and a shared, small turn-around area between their garages. We have watched the repeated challenges of maneuvering cars into this shared area. We also have noted the on-street parking that frequently results (challenging our street to provide free flowing two-way traffic). **We believe that there will be an increase of on-street parking along 112<sup>th</sup> Ave as a result of this subdivision, a primary access road in the Highlands neighborhood.**

We have noted that the ownership of the two homes in the small subdivision to our north is not very long-winded; they have each been sold several times in the resulting 15 years. Over the same 15 years, to the best of our knowledge, of the 12 border homes to the aforementioned collective green-belt, there has been less than five sales including the two homes in the proposed sub-development. There is a reason these border home owners don't move away; speaking for ourselves and our neighbors, it is due in large part to the privacy and sanctuary of the green-belt. This stability is threatened by the proposed sub-division.

PETER & JULIE LEMME COMMENTS TO REJECT PROPOSAL TO SUBDIVIDE  
9216/9222 112<sup>TH</sup> AVE

Because of the enormous size and precedent of the new replacement homes (9216 and 9222), the home in proposed lot 3 will probably be as big and as tall as possible, particularly for it to have any chance of a view over the two mansions in front of it. The long-standing orientation of our home favors views to the south and west, to take advantage of the green-belt and seasonal views towards Lake Washington, Seattle, and the Olympic Mountains. Had the proposed sub-division been in-place from the beginning, we would have built our home differently to try and minimize the effects of such close-proximity to a neighboring home. Now, we will have no choice but to stare out at the siding of the home placed on proposed lot 3 in our living room, kitchen, dining room, and our master bedroom, as well as our deck. In addition, the new, proposed home in lot 3 will loom over our backyard, destroying any sense of privacy. These are very troubling impacts to us, as esthetically, this is a large part of what we find attractive with our home today.

As the replacement homes to 9216 and 9222 attest, large homes with views have great market appeal and seem to offer the greatest market value. **A home placed in proposed lot 3 will have a negative, compound impact to the value of our home through the loss of favorable views to views of the side of a house coupled with the loss of privacy particularly from common spaces in our home and backyard.**

The **Highlands neighborhood plan** that was approved in December 2005 lists several goals that are not in agreement with approval of this subdivision:

- **Goal H-2.1: Undertake measures to protect stream buffers and the ecological functions of streams, lakes, wetlands and wildlife corridors and promote fish passage.**

*The wetland in this area provides a unique greenbelt in our neighborhood that should be enhanced, not developed up to its edges.*

- **Goal H.5 Protect wildlife throughout the neighborhood.**
- **Policy 5.1 Encourage creation of backyard sanctuaries for wildlife habitat in upland areas.**

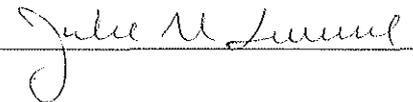
*A contiguous greenbelt with modest human proximity offers a natural sanctuary for wildlife, in particular birdlife.*

- **Goal H-9 Avoid development of unimproved right of way impacted by sensitive areas.**

*The previous driveway to 9216, which borders the class 3 wetland and greenbelt, now is expanded to serve the vehicular traffic for three homes.*

PETER & JULIE LEMME COMMENTS TO REJECT PROPOSAL TO SUBDIVIDE  
9216/9222 112<sup>TH</sup> AVE

A further frustration is the city policy on survey data. We reviewed the geotechnical report for this property, as we believe that the NE corner of said property is on fill. While there are considerations of the suitability of placing footings into fill, which we would note are subject to scrutiny, we are particularly concerned over any attempt to artificially raise the grade of proposed lot 3 to favorably increase the absolute maximum allowed height of any resultant structure. The report revealed "insignificant pockets of fill...unlikely to have significant impact on site development considerations." There was a retaining wall on the border between proposed lots 2 and 3 that has been removed (in the last month). The buildable part of proposed lot 3 is about 6-feet higher than the buildable part of the buildable part of lot 2 where the 9222 home is placed. Our neighbor to our west, who has lived there since the 70's, recalls that the buildable part of lot 3 is on fill, as his backyard (which abuts the property) was fill as well. Upon inquiry with the city the current policy is, in the absence of a survey (not testimony), they must go with the report from last year. When these old plots are considered for re-development, testimonial evidence should be considered. We would like to be sure that the base elevations for proposed lot 3 faithfully represent the true elevations of lot 3, not as they have been manipulated.

Julie Lemme  Date 11 September 2006

Peter Lemme  Date 11 September 2006



11 September 2006

**COMMENTS ON THE PROPOSED CASADY SUBDIVISION  
(9216-9222 112<sup>TH</sup> Ave NE)**

**Pat and Mary Ellinger, 11229 NE 94<sup>th</sup> St., with a home on the lot adjacent to the entire eastern border of the proposed subdivision, offer the following comments to the proposal:**

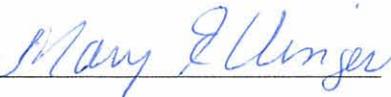
**We object to this proposed subdivision and request the planning director reject the proposal to subdivide.**

We have read the statement submitted by our neighbor to the west, Peter and Julie Lemme (11233 NE 94<sup>th</sup> St), and agree whole-heartedly on the statements made with the following exceptions and clarifications:

- We are the neighbor immediately to the west, mentioned in the Lemme's statement. We have raised two boys and a girl in our home.
- We moved into our home in 1976, prior to the Lemme home being built
- **The proximity of a home placed in proposed lot 3 has a greater negative impact to our backyard in terms of lost privacy.**
- **The proximity of a home in lot 3 removes the majority of our long-standing views into the greenbelt described in the Lemme's statement, which will have a negative impact on our property value and aesthetic appeal.**

Pat Ellinger 

Date 11 September 2006

Mary Ellinger 

Date 11 September 2006

ATTACHMENT <u>7-c</u>
<u>SP2006-00014</u>



**Stacy Clauson**

**From:** Stacy Clauson  
**Sent:** Tuesday, August 22, 2006 8:51 AM  
**To:** 'Colleen Protzman'  
**Subject:** RE: 9222 112th Avenue NE File SPL06-00014

Dear Mr. Ciancusi and Ms. Protzman:

The new residence under construction is shown on the construction plans to be setback 5 feet from your joint property line. Within the setback, several rockeries are planned, shown to be installed along the property line.

Within the RS 8.5 zone, a minimum five foot side yard setback is required. Within this required yard, rockeries and retaining walls are permitted to a height of 4 feet, unless otherwise approved through a modification.

The building plans are available at City Hall under File No. BLD06-00480 if you would like to review them. Please feel free to contact me if you have any questions. Thank you,

Stacy Clauson  
 Planner  
 City of Kirkland  
 Planning and Community Development  
 123 Fifth Avenue  
 Kirkland, WA 98033  
 425-587-3248  
 sclauson@ci.kirkland.wa.us

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**From:** Colleen Protzman [mailto:CProtzman@SeattleMortgage.com]  
**Sent:** Monday, August 21, 2006 9:20 PM  
**To:** Stacy Clauson  
**Subject:** 9222 112th Avenue NE File SPL06-00014

**Dear Ms. Clauson;**

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We have a retaining wall that was installed during the latter part of 1993 and early part of 1994. I think the permit number was BLD93-1040.

Casady Enterprises Inc. excavated to within a couple feet of the wall and today laid forms for a foundation. It appears they have also moved some "existing concrete ecology blocks" from a wall on the adjoining lot. Our Geotechnical report states "one end of the rubber tire retaining wall abuts an existing concrete ecology block wall which has been constructed along the eastern side of the toe of the site slope". "At the other end, to the west, the wall is set back into the soil bank being protected".

Upon physical inspection tonight, there was what appeared to be a survey rod lying on the ground so there is no way to tell where our property ends and theirs begins. I would like to know what setback they have to adhere to in this case and if they can move items that may affect our retaining wall.

ATTACHMENT <u>8</u>
<u>SPL06-00014</u>

10/13/2006

The owner at the time of the installation was Mr. Reid West. We also have a copy of a survey obtained by the previous owner, Mr. Burke Bordner.

Please advise.

Lorenzo Ciancusi  
Colleen Protzman  
11205 NE 94<sup>th</sup> Street  
Kirkland, WA 98033  
425-803-0224 Home  
206-324-9701 Day phone



# The Watershed Company

1 June 2005

Stacy Clauson  
City of Kirkland Planning Department  
123 Fifth Avenue  
Kirkland, WA 98033

Re: 9216 – 112<sup>th</sup> Ave NE wetland delineation report

Dear Stacy,

On May 2nd, 2005, I conducted a wetland delineation study at a property located at 9216 – 112<sup>th</sup> Avenue NE in the City of Kirkland. The purpose of the study was to delineate and flag the boundary of a wetland on the site. This letter summarizes the findings of this study and details applicable federal, state, and local wetland regulations. Attached to this letter is a sketch of the wetland boundary. Wetland Determination Data Forms are also included with this report.

## Methods

Wetlands on the subject property were identified using methodology from the *Washington State Wetlands Identification and Delineation Manual* (Washington Department of Ecology 1997) and the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987). Methodologies in both manuals are essentially identical. Wetland boundaries were determined on the basis of an examination of vegetation, soils, and hydrology. Areas meeting the criteria set forth in the manuals were determined to be wetland.

## Findings

### Wetland A

I delineated and flagged one wetland, Wetland A, on the property. The wetland is marked with pink- and black-striped flagging numbered consecutively. Wetland flags begin and end where the wetland continues off site, near the southeast property corner (see enclosed sketch). The wetland abuts the foundation of an existing garage.

On-site Wetland A is dominated by weedy vegetation, including creeping buttercup and velvet grass. Other species include soft rush, horsetail, morning glory (bindweed) and dandelion. Dominant plants in uplands on the site include lawn grasses, ornamental plants and other non-mowed grasses and common herbaceous weeds.

Offsite to the east, the wetland is dominated by salmonberry, ladyfern and blackberries. This is the extent of vegetation that could be viewed from the subject property.

Soils in Wetland A are very dark grayish-brown (10YR 3/2) sandy loam with many distinct mottles. Soils were saturated at the surface at the time of the site visit.

Upland soils on the site are brown (10YR 4/3) sandy, gravelly loam with few mottles. Upland soils were dry at the time of the field visit.

### **Local Regulations**

The Kirkland Zoning Code (KZC 90.30) establishes a rating system that categorizes wetlands into three classes. Each wetland class has a definition based on a range of ecologically based attributes such as size, value of the wetland as wildlife habitat, number of vegetation classes within the wetland, whether or not plants or animals using the wetland are rare, endangered, or threatened, and others. These attributes are measured using the City's Wetland Field Data Form (see attached completed form).

Wetland A would be classified under the City of Kirkland's system as a Type 3 wetland. The wetland is located in the Moss Bay basin, which is considered a secondary basin by the City. The City requires buffers of 25 feet for Type 3 wetlands in secondary basins, as well as a 10-foot buffer setback, in which minor improvements that would not adversely affect wildlife, habitat, or vegetation in the buffer or wetland may be permitted (KZC 90.45).

Some modification of Type 3 secondary-basin wetlands is permitted pursuant to requirements provided in the Code (KZC 90.55). Requests must be submitted with a report showing that:

- proposed modifications would not adversely affect water quality, wildlife, habitat, or drainage/water detention capabilities;
- modifications would not create an erosion hazard;
- modifications would not be detrimental to the City or to other property;
- effects would be mitigated for in accordance with KZC 90.55, Subsection 4;
- proposed actions would not employ fill material that would adversely affect water quality or habitat;
- native vegetation would be employed to stabilize exposed areas; and
- no practicable alternative development proposal that would result in less impact exists.

Wetland buffers may be modified pursuant to KZC 90.60. Buffers may be reduced through enhancement or the applicant may choose buffer averaging. In either case, the buffer may not be reduced at any one point by more than 1/3<sup>rd</sup> of the standard buffer width. An improvement or land surface modification shall be approved in a wetland buffer only if:

- 1) It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc. 1998);
- 2) It will not adversely affect water quality;
- 3) It will not adversely affect fish, wildlife, or their habitat;
- 4) It will not have an adverse effect on drainage and/or storm water detention capabilities;

- 5) It will not lead to unstable earth conditions or create an erosion hazard;
- 6) It will not be materially detrimental to any other property or the City as a whole;
- 7) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
- 8) All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate; and
- 9) There is no practicable or feasible alternative development proposal that results in less impact to the buffer.

#### **State and Federal Regulations**

Wetlands and streams are also regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. Any filling of Waters of the U. S., including wetlands (except isolated wetlands) and streams, would likely require notification and permits from the Army Corps. Wetland A would not be considered isolated. Federally permitted actions that could affect endangered species (i.e. chinook salmon or bull trout) may also require a biological assessment study and consultation with U. S. Fish and Wildlife Service and/or National Marine Fisheries Service. Application for Army Corps permits may also require Washington Department of Ecology Individual 401 Water Quality Certification and Coastal Zone Management Consistency determination.

Neither the Army Corps nor the Department of Ecology regulates wetland buffers.

Please note that the findings of this letter and the delineated wetland boundary are subject to the verification and agreement of local, state and federal regulatory authorities.

If this wetland is surveyed, I will update this report to include a survey map provided by the applicant.

Please call if you have any questions or if I can provide additional information.

Sincerely,

Hugh Mortensen  
Ecologist/PWS

Enclosures

DATE	SCALE

PROJECT NUMBER: 040222.40  
 SHEET NUMBER: 1 of 1

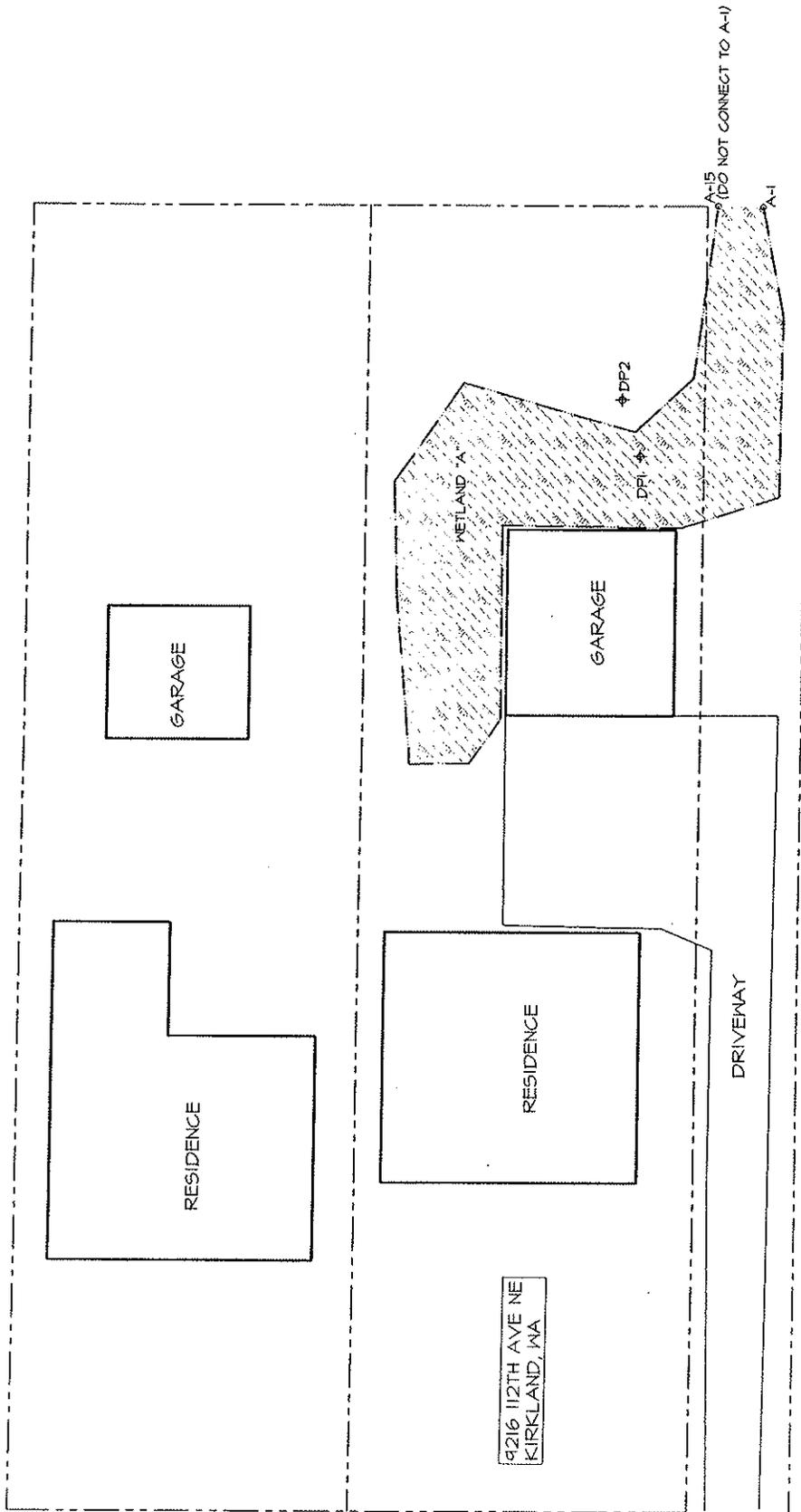


The Watershed Company  
 1410 N. 10th Street  
 Kirkland, WA 98033  
 425.822.5291 Fax: 425.827.3196  
 www.watershedco.com

STACY  
 CLAYSON  
 CONSULTING  
 ENTERPRISES  
 9316 112TH AVE  
 KIRKLAND, WA

WETLAND  
 DELINEATION

JOB NUMBER: 040222.40  
 SHEET NUMBER: 1 of 1



WETLAND DELINEATION - MAY 2, 2005

SCALE: NOT TO SCALE





# The Watershed Company

## WETLAND DETERMINATION DATA FORM

WETLAND?  YES  NO

Date: 5/2/05

Data point: 1 Wetland: A

Project Name: 9216 112<sup>th</sup> Ave NE Data point location: \_\_\_\_\_

Biologist(s): HM

Do normal environmental conditions exist? **YES**  **NO**

Has vegetation, soils &/or hydrology been significantly disturbed? **YES**  **NO**  > 5 yrs / ≤ 5 yrs

*Stratum: T=tree, S=shrub, H=herb, V=vine*      **VEGETATION**

Dominant Species	Stratum	WIS	Dominant Species	Stratum	WIS
<i>Ranunculus repens</i>	H	FACW			
<i>Holcus lanatus</i>	H	FAC			

Percent of dominant species that are FAC, FACW or OBL: 100%

Vegetation criteria met? **YES**  **NO**

Notes: \_\_\_\_\_

### SOILS

Depth	Horizon	Matrix Color	Mottles	Texture	Hydric Indicators:
10"	B	10YR 4/2	many	Sandy loam	<input checked="" type="checkbox"/> Gleyed/Low Chroma
					<input type="checkbox"/> Sulfidic odor
					<input type="checkbox"/> Histosol
					<input type="checkbox"/> Other (list in notes)

Soil Criteria Met? **YES**  **NO**

Notes: \_\_\_\_\_

### HYDROLOGY

Surface saturation? <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/>	Primary Indicators: (1 required)	Secondary Indicators: (≥2 required)
Depth of/to saturation _____	<input type="checkbox"/> Observation of inundation	<input type="checkbox"/> Oxidized root channels
Depth of inundation _____	<input type="checkbox"/> Observation of soil saturation	<input type="checkbox"/> Water-stained leaves
Depth to free water in pit _____	<input type="checkbox"/> Water marks	<input type="checkbox"/> Local soil survey data
Flow? <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/>	<input type="checkbox"/> Drift lines or drainage patterns	<input type="checkbox"/> FAC-neutral test
Channel? _____ Sheet? _____	<input type="checkbox"/> Sediment deposits	

Hydrologic Criteria Met? **YES**  **NO**

Notes: \_\_\_\_\_

### WILDLIFE OBSERVATIONS AND GENERAL NOTES



# The Watershed Company

## WETLAND DETERMINATION DATA FORM

WETLAND? YES  NO

Date: 5/2/05

Project Name: 9216 - 112<sup>th</sup> Ave NE Data point: 2 Wetland: A  
Biologist(s): HM Data point location: SE of wetland boundary

Do normal environmental conditions exist? YES NO  
Has vegetation, soils &/or hydrology been significantly disturbed? YES NO > 5 yrs / ≤ 5 yrs

Stratum: T=tree, S=shrub, H=herb, V=vine			VEGETATION		
Dominant Species	Stratum	WIS	Dominant Species	Stratum	WIS
<i>Holcus lanatus</i>	H	FAC			

Percent of dominant species that are FAC, FACW or OBL: 100%

Vegetation criteria met? YES NO  
Notes: Plants meet criteria, but are very weedy with a wide ecological tolerance.

### SOILS

Depth	Horizon	Matrix Color	Mottles	Texture	Hydric Indicators:
10"	B	10YR 4/3	few	Sandy, gravelly loam	<input type="checkbox"/> Gleyed/Low Chroma
					<input type="checkbox"/> Sulfidic odor
					<input type="checkbox"/> Histosol
					<input type="checkbox"/> Other (list in notes)

Soil Criteria Met? YES NO  
Notes: \_\_\_\_\_

### HYDROLOGY

Surface saturation? YES NO	Primary Indicators: (1 required)	Secondary Indicators: (≥2 required)
Depth of/to saturation <u>Not found</u>	<input type="checkbox"/> Observation of inundation	<input type="checkbox"/> Oxidized root channels
Depth of inundation _____	<input type="checkbox"/> Observation of soil saturation	<input type="checkbox"/> Water-stained leaves
Depth to free water in pit _____	<input type="checkbox"/> Water marks	<input type="checkbox"/> Local soil survey data
Flow? YES NO	<input type="checkbox"/> Drift lines or drainage patterns	<input type="checkbox"/> FAC-neutral test
Channel? <input type="checkbox"/> Sheet? <input type="checkbox"/>	<input type="checkbox"/> Sediment deposits	

Hydrologic Criteria Met? YES NO  
Notes: Soil is dry.

### WILDLIFE OBSERVATIONS AND GENERAL NOTES

\_\_\_\_\_

**WETLAND FIELD DATA FORM – Casdy Enterprises property  
located at 9216 – 112<sup>th</sup> Avenue NE Kirkland, WA 98033.**

**Rating done on 5/2/05 by The Watershed Company.**



**WETLAND FIELD DATA FORM**

BEGIN BY CHECKING ANY OF THE FOLLOWING (a. – e.) THAT APPLY:

- a. The wetland is contiguous to Lake Washington;
- b. The wetland contains at least 1/4 acre of organic soils, such as peat bogs or mucky soils;
- c. The wetland is equal to or greater than 10 acres in size and having three or more wetland classes, as defined by the U.S. Fish & Wildlife Service (Cowardin et al., 1979), one of which is open water;
- d. The wetland has significant habitat value to state or federally listed threatened or endangered wildlife species; or
- e. The wetland contains state or federally listed threatened or endangered plant species.

IF ANY OF THE CRITERIA LISTED ABOVE ARE MET, THEN THE WETLAND IS CONSIDERED TO BE TYPE 1. IF THAT IS THE CASE, PLEASE CONTINUE TO COMPLETE THE ENTIRE FORM, BUT DO NOT ASSIGN POINTS.

IF THE WETLAND DOES NOT MEET THE CRITERIA LISTED ABOVE FOR TYPE 1, COMPLETE THE ENTIRE FORM, USING THE ASSIGNED POINTS TO DETERMINE IF IT IS A TYPE 2 OR TYPE 3 WETLAND.

Type 2 wetlands typically have at least two wetland vegetation classes, are at least partially surrounded by buffers of native vegetation, connected by surface water flow (perennial or intermittent) to other wetlands or streams, and contain or are associated with forested habitat.

**1. Total wetland area**

Estimate wetland area and score from choices	Acres	Point Value	<u>Points</u>
	>20.00	= 6	
	10-19.99	= 5	
	5-9.99	= 4	
	1-4.99	= 3	
	0.1-0.99	= 2	<b>2</b>
	<0.1	= 1	

(2 points)

2. Wetland classes: Determine the number of wetland classes that qualify, and score according to the table.

	# of Classes	Points
<b>Open Water:</b> if the area of open water is >1/3 acre or >10% of the total wetland area	1	= 1
<b>Aquatic Beds:</b> if the area of aquatic beds is >10% of the open water area or >1/2 acre	2	= 3
<b>Emergent:</b> if the area of emergent class is >1/2 acre or >10% of the total wetland area (present)	3	= 5
<b>Scrub-Shrub:</b> if the area of scrub-shrub class is >1/2 acre or >10% of the total wetland area (present)	4	= 7
<b>Forested:</b> if the area of forested class is >1/2 acre or >10% of the total wetland area	5	= 10

(3 points)

3. Plant species diversity.

For all wetland classes which qualified in 2 above, count the number of different plant species and score according to the table below. You do not have to name them.

e.g., if a wetland has an aquatic bed class with 3 species, and emergent class with 4 species and a scrub-shrub class with 2 species, you would circle 2, 2, and 1 in the second column (below).

Class	# of Species	Point Value	Class	# of Species	Point Value
Aquatic Bed	1-2	= 1	Scrub-Shrub	1-2	= 1
	3	= 2		3-4	= 2
	>3	= 3		>4	= 3
Emergent	1-2	= 1	Forested	1-2	= 1
	3-4	= 2		3-4	= 2
	>4	= 3		>4	= 3

(6 points)

4. Structural diversity.

If the wetland has a forested class, add 1 point for each of the following attributes present:

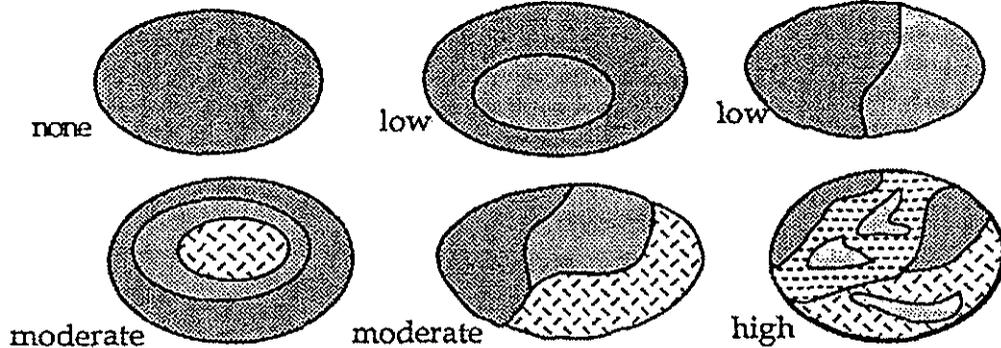
Trees >50' tall	= 1
Trees 20' to 49' tall	= 1
shrubs	= 1
Herbaceous ground cover	= 1

(0 points – no forested class)

**5. Interspersion between wetland classes.**

Decide from the diagrams below whether interspection between wetland classes is high, moderate, low or none

- 3 = High
- 2 = Moderate
- 1 = Low
- 0 = None



(1 point)

**6. Habitat features**

Add points associated with each habitat feature listed:

- Is there evidence of current use by beavers? = 3
- Is a heron rookery located within 300' ? = 2
- Are raptor nest(s) located within 300' ? = 1
- Are there at least 2 standing dead trees (snags) per acre? = 1
- Are there any other perches (wires, poles, or posts)? = 1
- Are there at least 3 downed logs per acre? = 1

(2 points)

**7. Connection to streams**

Is the wetland connected at any time of the year via surface water? (score one answer only)

Is the wetland connected at any time of the year via surface water?

- To a perennial stream or a seasonal stream *with* fish = 5
- To a seasonal stream *without* fish = 3
- Is not connected to any stream = 0

(3 points connects via a culvert)

**8. Buffers**

Step 1: Estimate (to the nearest 5%) the percentage of each buffer or land-use type (below) that adjoins the wetland boundary. Then multiply these percentages by the factor(s) below and enter result in the column to the right.

	% of Buffer	Step 1	Width Factor	Step 2
Roads, buildings or parking lots	10%	X 0 = 0		=
Lawn, grazed pasture, vineyards or annual crops	30%	X 1 = 30	1	= 30
Ungrazed grassland or orchards	%	X 2 =		=
Open water or native grasslands	%	X 3 =		=
Forest or shrub	70%	X 4 = 280	1	= 280
			Add buffer total	
			310	

Step 2: Multiply result(s) of step 1:

By 1 if buffer width is 25-50'

By 2 if buffer width is 50-100'

By 3 if buffer width is >100'

Enter results and add subscores

Step 3: Score points according to the following table:

Buffer Total

900-1200 = 4

600-899 = 3

300-599 = 2

100-299 = 1

(2 points)

**9. Connection to other habitat areas:**

Is there a riparian corridor to other wetlands within 0.25 of a mile, or a corridor >100' wide with good forest or shrub cover to any other habitat area? = 5

Is there a narrow corridor <100' wide with good cover or a wide corridor >100' wide with low cover to any other habitat area? = 3

Is there a narrow corridor <100' wide with low cover or a significant habitat area within 0.25 mile but no corridor? = 1

Is the wetland and buffer completely isolated by development and/or cultivated agricultural land? = 0

(0 points).

**10. Scoring**

Add the scores to get a total: 19

Question: Is the total greater than or equal to 22 points?

Answer:

Yes = Type 2

**No = Type 3**

RECEIVED  
OCT 12 2006

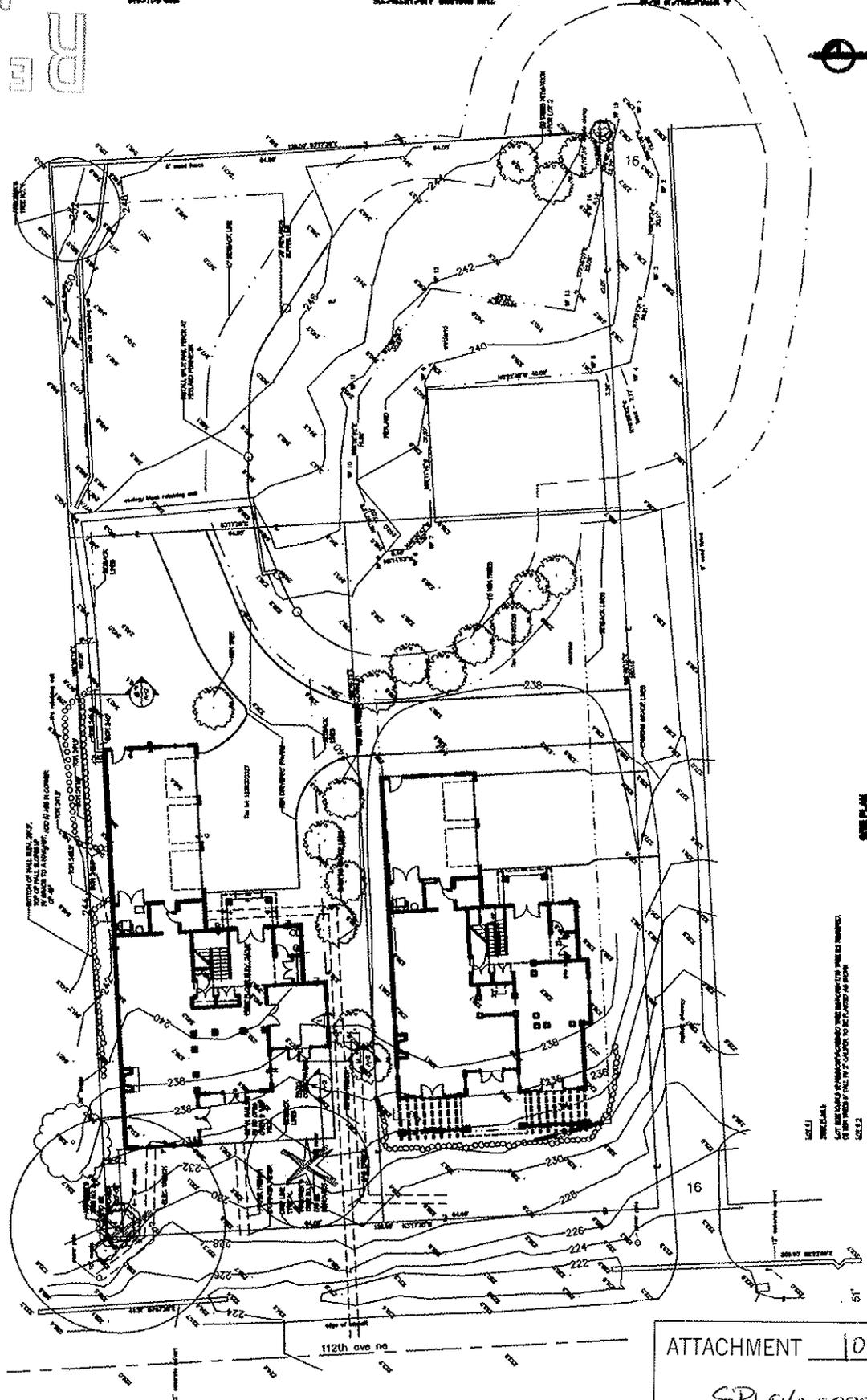
REVISIONS  
BY DATE DESCRIPTION  
A. MERRILL CITY ENGINEERING

THE LITTLE ARCHITECTS  
2500 8th Street  
Barnstable, MA 02715  
401-251-8840

A RESIDENCE FOR  
CANDY ENTERTAINERS  
4222 112th Avenue NE  
Kingland, MA

SITE PLAN

A-1

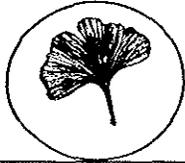


SITE PLAN

- LEVELS
- TRAILWAYS
- LOT BOUNDARIES AND ADJACENT LOT BOUNDARIES ARE SHOWN BY DASHED LINES TO BE TYPED IN BLUE
- LEVELS
- TRAILWAYS
- LOT BOUNDARIES AND ADJACENT LOT BOUNDARIES ARE SHOWN BY DASHED LINES TO BE TYPED IN BLUE
- LEVELS
- TRAILWAYS
- LOT BOUNDARIES AND ADJACENT LOT BOUNDARIES ARE SHOWN BY DASHED LINES TO BE TYPED IN BLUE

ATTACHMENT 10  
 SPlab-00014





Greenforest Incorporated



Consulting Arborist

RECEIVED

JUN 16 2006

PLANNING DEPARTMENT

BY \_\_\_\_\_

3/28/2006

Ben Casady  
Casady Enterprises, Inc.  
907 Kirkland Avenue, Ste B2  
Kirkland, WA 98033

RE: Tree Inspection at <sup>9226</sup>9216-112th Avenue NE

Dear Mr. Casady:

You contacted me and contracted my services as a consulting arborist. My assignment is to inspect and evaluate the trees at the above referenced property, and to provide a report that satisfies City of Kirkland requirements for site development.

I met with you on site today and reviewed nine trees that are the subject of this report. Three of the nine trees stand on your parcel and six on the adjacent lot to the north. These six adjacent trees are included because their driplines extend across the property boundary.

#### TREE INSPECTION

I fastened an aluminum tag to each tree indicating tree number, DBH (stem diameter 4.5 feet from ground) and tree name or abbreviation.

I visually inspected each tree from the ground and rated both health and structure. (See table below.) No invasive procedures were performed on any trees.

I recorded visible defects and notes pertinent to each tree. I determined limits of disturbance and tree viability as required by City of Kirkland. For the trees on the adjacent parcel, the limits of disturbance are assumed to be the property line unless indicated otherwise by the City. A

determination of viability was made for one adjacent tree because of the amount of wood decay in the trunk. (Tree #2).

The following table lists the nine subject trees. They are identified by:

**Tree number**

**Species** (common name)

**DBH** (stem diameter in inches measured 4.5 feet from the ground)

**Dripline** radius measured in feet (as defined by City code)

**Structure and health** rating ( '1' indicates no visible problems or defects, '2' indicates minor visible problems or defects that may require attention if the tree is retained, and '3' indicates significant visible problems or defects and tree maintenance or removal is recommended)

**Viability** (as defined by City code)

**Visible defects** obvious structural defects or diseases at time of inspection.

**Notes** other observations, including TPZ (Tree Protection Zone, or limits of disturbance.)

Tree No.	Species	DBH	Dripline	Structure	Health	Viability	Visible Defects	Notes
1	Western red-cedar	18	14	1	1	Yes; can stand alone.	None visible	TPZ = dripline.
2	Bigleaf maple	38	30	3	1	No	Decay visible at base of crown, and at top of trunk at branch attachment.	This tree is previously topped. Significant decay visible in open wounds. TPZ=property line.
3	Douglas-fir	18	12	1	1	Yes; can stand alone	None visible	TPZ=property line.
4	Douglas-fir	30	18	1	1	Yes; as a grove tree.	None visible	TPZ=property line.
5	Hemlock	8	10	1	1	Yes; as a grove tree.	None visible	TPZ=property line.



Tree No.	Species	DBH	Dripline	Structure	Health	Viable	Visible Defects	Notes
6	Western red-cedar	10	8	1	1	Yes; as a grove tree.	None visible	TPZ=property line.
7	Hemlock	18	14	1	1	Yes; can stand alone	None visible	TPZ=property line.
8	<b>Bigleaf maple</b>	<b>18</b>	<b>25</b>	<b>3</b>	<b>1</b>	<b>No</b>	<b>Deadwood in canopy</b>	<b>This tree is previously topped, and a stump sprout. It has four trunks, all ivy covered. Canopy is very asymmetric.</b>  <b>TPZ= existing driveway on south, street shoulder on west, dripline on east and north.</b>
9	<b>Corkscrew willow</b>	<b>9</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>Yes; can stand alone</b>	<b>None visible</b>	TPZ= dripline.

**Boldface indicates tree on site.** Remaining trees are on the adjacent lot to the north.

Assumptions & Limiting Conditions

- 1) A field examination of the site was made 3/28/2006. My observations and conclusions are as of that date.
- 2) Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/arborist can neither guarantee nor be responsible for the accuracy of information provided by others.
- 3) Unless stated other wise: 1) information contained in this report covers only those trees that were examined and reflects the condition of those trees at the time of inspection; and 2) the inspection is limited to visual examination of the subject trees without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied that problems or deficiencies of the subject tree may not arise in the future.
- 4) All trees possess the risk of failure. Trees can fail at any time, with or without obvious defects, and with or without applied stress. A complete evaluation of the potential for this (a) tree to fail requires excavation and examination of the base of the subject tree. Permission of the current property owner must be obtained before this work can be undertaken and the hazard

Ben Casady - Casady Enterprises, Inc.  
RE: Tree Inspection at 9216 -112th Avenue NE  
3/28/2006  
Page 4 of 4

evaluation completed.

- 5) The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made.
- 6) Loss or alteration of any part of this report invalidates the entire report.
- 7) This report and any values/opinions expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

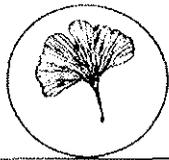
Sincerely,  
GreenForest, Inc.

**Favero**  
**Greenforest**

Digitally signed by Favero  
Greenforest  
DN: cn=Favero Greenforest, c=US  
Reason: I am the author of this  
document  
Date: 2006.03.28 14:09:01 -08'00'

By Favero Greenforest, M. S.  
ASCA Registered Consulting Arborist #379  
ISA Certified Arborist # PN -0143





# Greenforest Incorporated

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7/25/2006

Ben and Connie Casady  
Casady Enterprises, Inc.  
907 Kirkland Avenue, Ste B2  
Kirkland, WA 98033

RE: Inspection of Tree No. 1 at 9222 -112th Avenue NE, Kirkland, WA

Dear Mr. and Ms. Casady:

You contacted me and requested my services as a consulting arborist. The City of Kirkland has requested additional opinion regarding the effects of proposed site disturbance and construction on an existing Western red-cedar tree. The subject tree was inspected prior to site development and is identified as Tree No. 1 on the construction plans.

I reviewed plans while on site today, which include trenching for the installation of a new sewer line eight feet south of the subject tree, and the installation of a retaining wall three feet east of the base of the tree. The footing for the retaining wall will require at a minimum excavation 18-24 inches below current grade, and backfill of at least two feet of soil on the east side of the new wall. This retaining wall will extend from the front of the house now being built on the south, to the property boundary to the north, affecting half of the tree's root system.

It is my opinion that this tree will not survive the proposed disturbance.

Sincerely,  
GreenForest, Inc.

**Favero**  
**Greenforest**

Digitally signed by Favero  
Greenforest  
DN: cn=Favero Greenforest, c=US  
Reason: I am the author of this  
document  
Date: 2006.07.25 16:16:44 -07'00'

By Favero Greenforest, M. S.  
ASCA Registered Consulting Arborist #379  
ISA Certified Arborist # PN-0143





# NATURAL GREENBELT PROTECTIVE EASEMENT

**Parcel Data File:** \_\_\_\_\_

**Grantor:** \_\_\_\_\_, owner of the hereinafter described real property, hereby grants to

**Grantee:** The City of Kirkland, a municipal corporation.

A natural greenbelt protective easement over and across the following described real property to-wit:

See Exhibit A.

No tree trimming, tree topping, tree cutting, or tree removal, nor shrub or brush-cutting or removal, (((nor application of pesticides, herbicides, or fertilizers))) nor construction, clearing, or alteration activities shall occur within the easement area without prior written approval from the City of Kirkland. Application for such written approval to be made to the Kirkland Department of Planning and Community Development who may require inspection of the premises before issuance of the written approval and following completion of the activities. Any person conducting or authorizing such activity in violation of this paragraph or the terms of any written approval issued pursuant hereto, shall be subject to the enforcement provisions of Chapter 170, Ordinance 3719, the Kirkland Zoning Code. In such event, the Kirkland Department of Planning and Community Development may also require within the immediate vicinity of any damaged or fallen vegetation, restoration of the affected area by planting shrubs of comparable size and/or trees of three inches or more in diameter measured one foot above grade. The Department also may require that the damaged or fallen vegetation be removed.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the existence of said Natural Greenbelt Protective Easement over said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, including all costs and expenses, and recover attorney's fees as may be incurred by the City of Kirkland in defense thereof; excepting therefrom only such claims as may arise solely out of the negligence of the City of Kirkland, its officers, agents, or employees.

ATTACHMENT 11  
SP106-00014

This easement is given to satisfy a condition of the development permit approved by the City of Kirkland under Kirkland File/Permit No. \_\_\_\_\_, for construction of \_\_\_\_\_ upon the following described real property:

See Exhibit B

This easement shall be binding upon the parties hereto, their successors and assigns, and shall run with the land.

DATED at Kirkland, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.





**(Corporations Only)**

OWNER(S) OF REAL PROPERTY

\_\_\_\_\_  
(Name of Corporation)

\_\_\_\_\_  
By President

\_\_\_\_\_  
By Secretary

**(Corporations Only)**

STATE OF WASHINGTON)

County of King ) SS.  
)

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, \_\_\_\_\_ personally appeared \_\_\_\_\_ and \_\_\_\_\_

\_\_\_\_\_ to me, known to be the President and Secretary, respectively, of \_\_\_\_\_, the \_\_\_\_\_

corporation that executed the Natural Greenbelt Protective Easement and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
Print Notary's Name

Notary Public in and for the State of Washington, Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

