



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: File No. MIS08-000002, Sensitive Areas Decision No. 1
From: David Barnes, Project Planner
Date: February 29, 2008
Subject: **Glenealy Court – Wetland Buffer Reduction**
11406 NE 112th Street

I. INTRODUCTION

A. APPLICATION

1. Applicant: Grant Moen of Concept Engineering as agent for Hamish Anderson, applicant
2. Site Location: 11406 NE 112th Street (See Attachment 1)
3. Request: Pursuant to KZC Section 90.60, the applicant is requesting approval of a wetland buffer reduction through enhancement for a Type 3 wetland buffer which is located on an adjacent property to the east. The proposal is to reduce a portion of the required wetland buffer from 50 feet to 33.33 feet (see Attachment 2). The total area of reduction is 825 square feet. The area of enhancement is 825 square feet. The applicant is requesting the wetland buffer reduction to allow for the construction of a dedicated right-of-way to serve 11 new single family lots.
4. Review Process: Administrative Decision by Planning Official

B. DECISION

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, I approve this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances.
2. As part of the application for a Building Permit, the applicant shall submit:
 - a. Final site plan, buffer mitigation plan, and monitoring and maintenance plans consistent with the plans included in Attachment 2.
 - b. Erosion control plans, which shall depict the location of a six-foot high construction phase fence along the upland boundary of the entire wetland buffer with silt screen fabric installed per City standard. The fencing shall be

installed prior to issuance of any permits. The fence shall remain upright in the approved location for the duration of development activities (see Conclusion II.C.5.b).

3. Prior to issuance of any permits, the applicant shall submit:
 - a. A financial security device to cover the cost of completing the buffer enhancement improvements. The security shall be consistent with the standards outlined in Zoning Code section 90.145 (see Conclusion II.C.3.b).
 - b. Signed and notarized covenant (see Attachment 7) that hold the City harmless against any future claims that may arise as a result of the development of the property (see Conclusion II.C.2.b).

4. Prior to final inspection of any permits, the applicant shall:
 - a. Complete installation of the buffer enhancement plan, subject to inspection by the City's wetland consultant at the applicant's expense (see Conclusion II.C.1.b).
 - b. Provide proof of a written contract with a qualified professional who will perform the monitoring program, together with a completed contract and fees to fund review of the monitoring and maintenance activities, (i.e. inspection of plant materials, annual monitoring reports or revegetation activities) by the City's wetland consultant. Alternatively, the applicant shall provide a copy of a completed contract and fees to fund completion of the monitoring program by the City's wetland consultant (see Conclusion II.C.1.b).
 - c. Provide proof of a written contract to cover maintenance activities outlined in the buffer report (see Conclusion II.C.1.b).
 - d. Dedicate a natural greenbelt protection easement encompassing the modified wetland buffer on the site (see Attachment 3). All surveys shall be located on KCAS or plat bearing system and tied to known monuments (see Conclusion II.C.4.b).
 - e. Install either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value between the upland boundary of the wetland buffer and the developed portion of the site (see Conclusion II.C.5.b).
 - f. Submit to the Planning Department a financial security device to cover all monitoring and maintenance activities that will need to be done including wetland consultant site visits, reports to the Planning Department, and any vegetation that needs to be replaced. The security shall be consistent with the standards outlined in Zoning Code section 90.145 (see Conclusion II.C.3.b).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Size: 75,562 square feet or 1.73 acres
- (2) Land Use: The subject property is currently developed with one single family residence and a paved easement road that connects the right-of-way at NE 112th Street.
- (3) Zoning: RS 8.5, Residential single family with a minimum lot size of 8,500 square feet.
- (4) Terrain: The property slopes gently about 4 feet from the northeast corner to the south over a distance of approximately 425 feet.
- (5) Vegetation: The vegetation on the site and within the wetland buffer consists of lawn and some deciduous and evergreen trees.
- (6) Sensitive Area: The property contains a portion of a Type 3 wetland buffer extending onto the property from the east.

b. Conclusions: Size, land use, zoning, terrain, vegetation are not constraining factors in consideration of this application. The site contains a buffer associated with a Type 3 wetland, which is a constraining factor. The applicant is requesting approval of a wetland buffer reduction through enhancement for the Type 3 wetland buffer. See Sections II.C.1 for more discussion.

2. Neighboring Development and Zoning:

- a. Facts: Properties located to the north, south, east and west are zoned RS 8.5 and contain single-family uses.
- b. Conclusion: Neighborhood development and zoning are not constraining factors in the review of this application.

B. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Facts:

- a. A Determination of Nonsignificance (DNS) was issued on February 13, 2008. The Environmental Determination is included as Attachment 4.
- b. An appeal to the SEPA determination was received on February 25, 2008 (see Attachment 5).
- c. Concurrency review was also required due to the number of residential units. It was approved by the City's Traffic Engineer.
- d. The wetland buffer reduction is exempt from SEPA requirements.

2. Conclusion: The required review process for concurrency has been completed. For this decision the applicant has meet all requirements. The final determination on the SEPA appeal shall be heard by the Hearing examiner on March 20, 2008.

C. APPROVAL CRITERIA

1. MODIFICATION OF A WETLAND BUFFER

a. Facts:

- (1) KZC 90.60.2 establishes that a Wetland Buffer Modification may only be granted when the proposed development is consistent with all of the following
 - (a) 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);
 - (b) It will not adversely affect water quality;
 - (c) It will not adversely affect fish, wildlife, or their habitat;
 - (d) It will not have an adverse effect on drainage and/or storm water detention capabilities;
 - (e) It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;
 - (f) It will not be materially detrimental to any other property or the City as a whole;
 - (g) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
 - (h) All exposed areas are stabilized with vegetation normally associated with native stream buffers, as appropriate; and
 - (i) There is no practicable or feasible alternative development proposal that results in less impact to the buffer.
- (2) The proposed wetland buffer mitigation plan (see Attachment 2) was reviewed by the Watershed Company and their letter dated October 31, 2007 provides assurance that the proposed enhancement plan is adequate (see Attachments 3).
- (3) The Watershed Company noted, in their October 31, 2007 letter, that the applicant's mitigation plan did not include a bond quantity.
- (4) Due to the proximity of the wetland buffer to the property line the width of the buffer does not exceed 50' at its widest point. The wetland buffer is approximately 170' in length.

- b. Conclusions: Pursuant to the attachments included with this report, including the proposed site plan, buffer mitigation plan, and monitoring and maintenance plans (see Attachment 2), the applicant's response to the above buffer modification criteria (see Attachment 6, pages 2-5) and the review letters from The Watershed Company's dated October 31, 2007 (see Attachment 3), the proposed development is consistent with the above criteria, subject to the following conditions:
- (1) The applicant should submit proof of a written contract with a qualified professional who will perform the monitoring program outlined in Attachment 2.
 - (2) The applicant should submit proof of a written contract with a qualified professional who will perform the maintenance program outlined in Attachment 2.
 - (3) The completion of the buffer mitigation plan and maintenance and monitoring work should be reviewed by the City's wetland consultant, and the cost of which should be borne by the applicant.
 - (4) The enhancement plan should be completed prior to the final inspection of any permits.

2. SENSITIVE AREAS COVENANT

- a. Fact: KZC 90.155 establishes that prior to issuance of a land surface modification permit or a building permit, whichever is issued first, the applicant shall enter into an agreement with the City that runs with the property, in a form acceptable to the City Attorney, indemnifying the City from any claims, actions, liability and damages to sensitive areas arising out of development activity on the subject property. The applicant shall record this agreement with the King County Department of Elections and Records.
- b. Conclusion: The applicant should sign and notarize a covenant (see Attachment 8) that holds the City harmless against any future claims that may arise as a result of the development of the property.

3. BONDS AND SECURITIES

- a. Fact: Zoning Code section 90.145 establishes the requirement for the applicant to submit a performance or maintenance bond to ensure compliance with any aspect of the Drainage Basin regulations contained in Chapter 90 of the Kirkland Zoning Code or any decision or determination made pursuant to the chapter.
- b. Conclusions:
- (1) In order to ensure that the wetland enhancement work is completed in compliance with the approved plans, prior to issuance of any permits for development activity on the site, the applicant should submit a financial security device to the Planning Department to cover the cost of completing the improvements. The security shall be consistent with the standards outlined in Zoning Code section 90.145.

- (2) In order to ensure continued compliance with the wetland buffer enhancement plan, prior to final inspection of any permits, the applicant should submit to the Planning Department a financial security device to cover all monitoring and maintenance activities that will need to be done including consultant site visits, reports to the Planning Department, and any vegetation that needs to be replaced. The security shall be consistent with the standards outlined in Zoning Code section 90.145.

4. NATURAL GREENBELT PROTECTION EASEMENT

- a. Fact: Zoning Code section 90.150 requires the applicant to grant a greenbelt protection easement to the City to protect sensitive areas and their buffers. Land survey information shall be provided by the applicant for this purpose.
- b. Conclusion: Prior to final inspection of any permits, the applicant should dedicate a natural greenbelt protection easement encompassing the wetland buffer on the site (see Attachment 9). The boundaries of the Natural Greenbelt Protection Easement should correspond with the wetland buffer and should be established by survey. All surveys shall be located on KCAS or plat bearing system and tied to known monuments.

5. WETLAND BUFFER FENCE OR BARRIER

a. Facts:

- (1) Zoning Code sections 90.50 require that prior to the start of development activities, the applicant install a six-foot high construction-phase chain link fence or equivalent fence, as approved by the Planning Official, along the upland boundary of the entire wetland or stream buffer with silt screen fabric installed per City standard.
- (2) Zoning Code sections 90.50 require the applicant to install either (1) a permanent three- to four-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent barrier, as approved by the Planning Official between the upland boundary of all wetland buffers and the developed portion of the site.

b. Conclusions:

- (1) Prior to development, the applicant should install a six-foot high construction phase fence along the upland boundary of the entire wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities.
- (2) Upon project completion, the applicant should install between the upland boundary of all wetland and stream buffers and the developed portion of the site, either (1) a permanent three- to four-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent barrier, as approved by the Planning Official between the upland boundary of all wetland buffers and the developed portion of the site.

III. APPEALS

Section 90.160 states that decisions made pursuant to Chapter 90 KZC may be appealed using the applicable appeal provisions of Chapter 145 KZC.

IV. LAPSE OF APPROVAL

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within four years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within six years after the final approval on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

V. APPENDICES

Attachments 1 through 8 are attached.

1. Vicinity Map
2. Buffer Enhancement Plan Drawings prepared by Concept Engineering
3. Letter from The Watershed Company, dated October 31, 2007
4. SEPA Determination
5. Appeal of SEPA Determination
6. Buffer Enhancement Plan Report
7. Save Harmless Agreement - Wetland
8. Natural Greenbelt Protection Easement

VI. PARTIES OF RECORD

Applicant: Grant Moen, Concept Engineering, 455 Rainier Blvd. North Issaquah, WA 98027
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

Glenealy Court

RS 7.2

TL 10E

RM 5.0 (1)

NE 116TH PL

111TH AVE NE

112TH AVE NE

112TH DR NE

114TH DR NE

114TH PL NE

NE 117TH ST

111TH PL NE

112TH PL NE

NE 116TH ST

114TH CT NE

113TH PL NE

115TH LN NE

11406 NE
112TH ST

P

T

11240 NE 112TH ST

Wet
land

RS 8.5

115TH PL NE

116TH PL NE

111TH AVE NE

NE 112TH ST

112TH AVE NE

NE 111TH PL

NE 111TH ST

TL 10D

115TH CT NE

113TH CT NE

116TH AVE NE

DR



NE 109TH LN

ATTACHMENT 1
M1508-00002 #1



October 31, 2007

David Barnes
City of Kirkland Planning Department
123 Fifth Avenue
Kirkland, WA 98033

Re: Review of the wetland and stream delineation report for the Glenealy Court 11-Lot Plat
City of Kirkland Permit No. PRE06-00069

Dear David:

Thank you for the opportunity to review the wetland and stream delineation report revisions cited above. This letter will serve as our environmental review of the response letter/wetland and stream report revisions written by Concept Engineering, Inc., dated July 25, 2007, as well the Mitigation Plan dated September 19, 2007.

Summary

The report revisions adequately demonstrate that the three watercourses (labeled R, S, and T) in the project vicinity are not streams. The subject watercourses were constructed to convey stormwater runoff from surrounding development and do not convey water from a naturally occurring stream.

Findings

In an initial environmental review letter (S. Tomassi, October 19, 2006), the following revisions were requested:

1. The report should be revised to include Wetland A's actual size and exemption from regulation.
2. The required building setback on Wetland WX should be added to the report.
3. The report needs to show that the channels do not "convey a naturally occurring stream that has been diverted into the artificial channel" (KZC 90.30.16) before the determination that they do not meet the definition of a stream is made. Sources used to make this determination should be cited.

A review of the report revisions and supporting documentation submitting by Concept Engineering revealed that the first two revision requests have been addressed. A site visit was conducted on 10/19/07 by Suzanne Tomassi and Aaron Bosworth of The Watershed Company to assess the accuracy of the third revision request. The visit was conducted during a rainy period when the ground was saturated, and each of the watercourses (R, S, and T) had water flowing through them.

ATTACHMENT 3
MIS08-00002 #1

Barnes, D.
October 31, 2007
Page 2 of 2

Following a review of existing conditions at the site, local topography, and the support documentation provided by Concept Engineering, we determined that the subject watercourses R, S, and T should not be regulated as streams. There is no evidence of any 100-year floodplain or other geomorphic feature indicating the presence of historic stream channels at the proposed project site. The stream channels are not used by salmonids. Although these channels do convey surface flows, it is evident that these aquatic features were constructed to channel stormwater runoff from surrounding properties where significant levels of development have occurred. The channels do not convey a naturally occurring stream and were not produced by surface water runoff, but were constructed to convey increasing volumes of surface water runoff produced as a result of development on surrounding properties.

The Kirkland Zoning Code allows type-3 wetland buffers to be reduced by up to 30 percent of the standard regulatory buffer of 50 feet. The September 19, 2007 Mitigation Plan by Concept Engineering, Inc., proposes a partial buffer reduction to this minimum in the southwest corner of Wetland WX. Any modification proposal must be consistent with the requirements of KZC 90.60.2b. The Mitigation Plan addresses most of these criteria adequately. One inaccuracy is noted twice, however. The analysis of buffer (west side) functions states that low species diversity in the buffer is responsible for low water quality and erosion protection functional values. In fact, species diversity does not affect these functions. Rather, they are closely related to species density and composition. This error is repeated in the following section, *Effects of the Proposed Modification on those Functions*. This does not substantially change the intent of the report.

A bond is required to ensure this work. No bond quantity was presented in the report.

Please call if you have any questions or if you need further assistance on this project.

Sincerely,



Aaron Bosworth
Fisheries Biologist



Suzanne Tomassi
Wetland and Wildlife Biologist



CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587-3225

www.ci.kirkland.wa.us

CITY OF KIRKLAND NOTICE OF SEPA DETERMINATION

The City of Kirkland has conducted an environmental review of the following project:

Permit No.: PSB07-00002

Proponent: Hamish Anderson

Address or Location of proposal: 11240 NE 112th Street

Description of project: Proposal to combine three parcels totaling 3.30 acres and subdivide into 11 single family lots in an RS 8.5 zone which is located in the South Juanita Neighborhood. Application has also been made to reduce a wetland buffer by one-third (from 50 feet to 33 feet) and enhance the reduced wetland buffer with native plants. Access is proposed with a new road that connects directly to NE 112th Street.

Notice is hereby given that on February 13, 2008 the City of Kirkland issued a Determination of Nonsignificance (DNS) in accordance with the State Environmental Policy Act (SEPA) and Chapter 197-11 of the Washington Administrative Code.

SEPA Comments: Comments must be submitted by **5 PM on February 27, 2008** to the City of Kirkland, Department of Planning and Community Development, 123 Fifth Avenue, Kirkland, WA 98033. Contact David Barnes for further information at (425) 587-3250.

Procedures to Appeal SEPA: You may contact David Barnes at (425) 587-3250 to ask about the procedures for SEPA appeals:

1. A written appeal must be filed with the Environmental Coordinator by **5 PM on February 27, 2008** at the above address.
2. The appeal must contain a brief and concise statement of the matter being appealed, the specific components or aspects that are being appealed, the appellant's basic rationale or contentions on appeal, and a statement demonstrating standing to appeal. The following have standing to appeal: a) the applicant; b) any agency with jurisdiction; c) any individual or other entity who is specifically and directly affected by the proposed action. The appeal may also contain whatever supplemental information the appellant wishes to include.
3. Pay the \$150.00 fee to file an appeal.

This project requires a public hearing by the Hearing Examiner. Many issues are most appropriately considered during the hearing process rather than through the SEPA process. However some issues, such as traffic, are usually considered only through SEPA and may only be contested or appealed by filing an appeal of the DNS. **There may be no other opportunity to appeal these issues.** Call David Barnes at (425) 587-3250 if you have questions about what issues are addressed in this DNS.

More information is available at www.kirklandpermits.net.

Publishing Date: February 19, 2008

Content of legal notice approved by: _____

(Project Planner)

ATTACHMENT	4
MIS08-00002	#1



February 13, 2008

Hamish Anderson
PO Box 340
Kirkland, WA 98083

Dear Mr. Anderson:

Subject: Environmental Determination, File SEP08-0002 for Glenealy Court, Case No. PSB07-00002

The City has completed its environmental review of your application and has issued a Determination of Non-Significance for the proposed project (attached). In accordance with local ordinance, the determination will be published in the Seattle Times on Tuesday, February 19, 2008.

Should you wish to appeal the SEPA and road concurrency determination, a written appeal must be submitted to the City by February 27, 2008. The appeal should include a concise statement of the matter being appealed, the specific components or aspects being appealed, the rationale for contention on appeal, and a statement of standing to appeal. The fee for appealing the Environmental Determination is \$150.00.

Should you have any questions regarding this letter, please contact me at (425)587-3250, and refer to File No. SEP08-00002.

Sincerely,

PLANNING AND COMMUNITY DEVELOPMENT

David Barnes
Planner

Attachment: Environmental Determination

Statement Of Appeal

RECEIVED
FEB 25 2008

AM _____ PM
PLANNING DEPARTMENT
BY _____

1. Tom Smith
2. 11414 N.E 112th ST
3. Kirkland, Wa 98033
4. February 18, 2008

5. City of Kirkland
6. Planning and Community Development Department
7. 123 Fifth Avenue
8. Kirkland, Wa 98033
9. Permit No:PSB07-00002

10. Dear David Barnes

11. The new roadway will reduce my driveway by 5'-7". My truck is 18'-5" feet long and the new driveway will be 14'-3" long. (No Parking at my house)

12. Storm drain storage tank under road way?

- a. What will that effect
- b. Why is it not spec out to support exciting houses on the road.
- c. Time delay (coming and going)

13. Can you build a road with my preceding stretcher setback at 14'-3" feet, and what will that do if i want to remodel my house.

14. Power and Water

- a. Changing power from above ground to below ground (who pays for that?)
- b. Moving the water meter (who pays for that?)

15. Sewer / Storm Drain

- a. Need a stub out for future Sewer / Storm drain connection to existing housing.

16. Please answer the above Questions in writing.

17. Thank you for your time and help Sincerely, Tom Smith

*1. Alex +
ise*

ATTACHMENT <u>5</u>
MISOB-00002 #1



CONCEPT ENGINEERING, INC.

455 Rainier Boulevard North
Issaquah, Washington 98027
(425) 392-8055 Fax: (425) 392-0108

September 19, 2007

City of Kirkland Planning and Community Development Department
David Barnes, Planner
123 Fifth Avenue
Kirkland, WA 98033

RE: Wetland Buffer Mitigation Plan for the Glenealy Court 11-Lot Plat; Located at 11240 and 11406 NE 112th Street, Kirkland, WA 98033; Tax Parcel Numbers 322605-9083, 322605-9101 and 322605-9083; CEI Job No. 26054

Dear Mr. Barnes:

We prepared this letter to provide reasoning and justification for the Wetland Buffer Mitigation Plan in the above-noted project. This buffer mitigation plan has been designed to comply with the conditions set forth in Kirkland Zoning Code (KZC). Wetland buffer reduction through enhancement is proposed for this project in accordance with KZC 90.60. The buffer of a type 3 wetland will be reduced with this proposal. The total proposed buffer reduction area is 825 square feet (sf). An equal area of buffer will be enhanced to mitigate for this reduction. Also the 50' wetland buffer is not reduced by more than 16.67 feet (one-third of its width) at any point per KZC 90.45. Attached are background studies that provide related information to this Wetland Buffer Modification Plan:

- (7/11/2006) Wetland Delineation Report for the Hamish Anderson / Jay Secord Site.
- (8/16/2006) Supplemental Wetland Investigation on David and Lori Scurlock Properties Letter.
- (10/19/2006) Hamish Anderson Property – Environmental Review (From The Watershed Company).
- (7/25/2007) Wetland / Stream Response Letter for the Proposed Glenealy Court 11-Lot Plat letter and attached exhibits.

In accordance with KZC Section 90.60b, "*modification requests for averaging or reduction / enhancement of Type 3 wetland buffers shall be considered by the Planning Official. An improvement or land surface modification shall be approved in a wetland buffer only if:*"

ATTACHMENT 6
MIS 08-00002 #1

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);

The subject wetland, Wetland WX, is located in the Forbes Creek Drainage Basin, which is considered a primary basin in the City of Kirkland. Wetland WX, a Type 3 Wetland, is considered a fairly low value urban wetland. Page 5 of the Adolfson Associates report states, "for Type 3 wetlands, we recommend that no more than 50% of the portion located on a site in a Primary Basin, and all of the area located on a site in a Secondary Basin may be proposed for (buffer) modification." Only the buffer's southwest corner is proposed for modification. Of that buffer, it is only reduced by a maximum of 33%. The buffer in entirety around the wetland being reduced and enhanced is only 10 - 15% of its perimeter. Out of approximately 35,000sf of buffer, approx. 8,000sf onsite, only 825sf of buffer is reduced in this plan. In addition, the wetland itself will not be modified as part of this proposal. In summary, the proposed plan is consistent with Adolfson's and Watershed's reports.

2) It will not adversely affect water quality;

The project's proposed use is residential, so toxins will not be present to affect the wetland's water quality. Stormwater runoff from the onsite impervious surfaces will be collected and conveyed to a combined detention / water quality vault before leaving the site. None of this water will enter the wetland or wetland buffer. Surface water entering the site from the north will be collected in an interceptor trench and dispersed just upslope of the wetland buffer. This water currently enters the wetland / wetland buffer via a ditch that will be filled in the proposed condition. In summary, no new stormwater will enter the wetland / wetland buffer, and therefore water quality is not adversely affected.

3) It will not adversely affect fish, wildlife, or their habitat;

The wetland does not contain fish or fish habitat. The wetland is an urban wetland that flows to the southwest through many culverts before reaching Forbes Creek. Some wildlife and wildlife habitat is present in the wetland and wetland buffer. But none of the wetland or wetland buffer contains high quality wildlife habitat. There is higher quality habitat to the north due to increased canopy coverage, increased distance from homes, and less glare / lighting. The proposed wetland buffer reduction area, west of the wetland, has very low quality wildlife and wildlife habitat, due to the degraded nature of this area. Approximately one half of the buffer reduction area is currently occupied by an existing home. The buffer reduction area outside of the house footprint is lawn and landscaping. Also the buffer area to be enhanced is currently covered in lawn, landscaping, and a portion of the existing house. Removing the existing house, and enhancing the degraded buffer area with plantings and a downed log will not adversely affect fish, wildlife or their habitat. Instead, the mitigation plan will actually increase the overall habitat quality of the wetland buffer.

4) It will not have an adverse effect on drainage and /or stormwater detention capabilities;

The project will comply with current City of Kirkland storm drainage guidelines. The 825sf of wetland buffer reduction will have negligible effects on downstream drainage and / or stormwater detention facilities.

5) *It will not lead to unstable earth conditions or create an erosion hazard;*

Since this portion of the site is essentially flat and contains soils with moderately high infiltration potential, the erosion potential in this area is low. However, while the existing house is being demolished, and onsite soils are exposed, there is a potential for erosion. As a result, a Temporary Erosion and Sedimentation Control (TESC) has been designed to minimize erosion and control sediment so that an erosion hazard is not created. For more information about the TESC plan please see the civil engineering plans by Concept Engineering Inc.

6) *It will not be materially detrimental to any property or the City as a whole;*

The wetland buffer reduction is not materially detrimental to the property or to the City. The wetland buffer impacts comprise a very small area. In addition, the applicant is proposing wetland buffer enhancement to compensate for wetland impacts.

7) *Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;*

The only fill that is proposed in the wetland buffer addition and subtraction areas is vegetated compost, mulch, small amounts of fertilizer, and wood chips. These materials will be purchased from a local nursery and will not contain materials detrimental to water quality, fish, wildlife or their habitat. The purpose of these materials is to increase the life expectancy of the proposed plants, and to reduce the potential for erosion or invasive plant growth.

8) *All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate; and*

This criteria is clearly met, as a detailed wetland enhancement plan comprised solely of native vegetation is proposed to stabilize the wetland buffer enhancement area.

9) *There is not practicable or feasible alternative development proposal that results in less impact to the buffer.*

This buffer modification is necessary for two reasons. The first is that the proposed road needs to be in this location in order to provide access to the proposed lots. Without this road the project is not feasible. Secondly, buffer disturbance must take place in order to remove the house that currently protrudes into the wetland buffer. Currently 635sf of the existing house and driveway are located within the buffer. The 825sf buffer reduction area, and 825sf buffer enhancement area includes all of the impervious surface area within the buffer to be removed. After removing the house, driveway, and landscaping from the

wetland buffer, reducing the buffer width, and enhancing a portion of the remaining buffer, the overall quality of the wetland buffer in this area is improved.

In addition to the 9 criteria above, KZC also requires; *“a report shall assess the habitat, water quality, stormwater detention, groundwater recharge, shoreline protection and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions.”*

Buffer (West Side) Functions:

- **Habitat:** The buffer's southwest side has very low habitat functions. The buffer has low species diversity, lacks canopy coverage and generally lacks native shrubs and trees. Currently a house, a portion of a driveway, and landscaping are located in the buffer. Also, much of the western wetland buffer is covered by Himalayan blackberry, which is a non-native invasive plant species. This area is rarely flooded or inundated. Special habitat features such as large downed woody debris or standing snags are generally absent. The buffer is heavily disturbed in this area.
- **Water quality:** The buffer's southwest side does little to improve water quality. The low species diversity, and presence of impervious surface in this area provides very little opportunity for filtering pollutants.
- **Stormwater detention:** Since there are almost no surface depressions in the southwest portion of the wetland buffer, and since there is impervious surface in this area, the area provides almost no stormwater detention benefits.
- **Groundwater recharge:** Again, due to the lack of surface depressions in the southwest portion of the wetland buffer, and since there is impervious surface in this area, the area provides very little opportunity for groundwater recharge. To our knowledge, there are not wells below the site.
- **Shoreline protection:** This function is not applicable to this wetland.
- **Erosion protection:** The buffer's vegetation provides some erosion protection. Since there is low species diversity in the southwest portion of the wetland buffer it does not provide a high level of erosion protection. However, the erosion potential in this area is low primarily due to the flat topography.

Effects Of The Proposed Modification On Those Functions:

- **Habitat:** As a result of this wetland buffer mitigation plan, the habitat functions of the entire sensitive area will slightly increase due to the proposed trees and shrubs and downed log. Plus, this area will be protected by a split rail fence and sensitive area signs so that it will not be cleared, graded or disturbed in the future.

- Water quality: Water quality functions should be slightly improved due to an increase in species diversity.
- Stormwater detention: The wetland mitigation will not affect stormwater detention functions of the buffer. The buffer area will be reduced by an area approximately equal to the area of impervious surface currently within the 50-foot buffer.
- Groundwater recharge: The wetland mitigation will not affect groundwater recharge of the buffer. The buffer area will be reduced by an area approximately equal to the area of impervious surface currently within the 50-foot buffer.
- Shoreline protection: This function is not applicable.
- Erosion protection: A TESC Plan will be implemented to minimize erosion and control sediment. In the long-term conditions, increased species diversity, especially trees and shrubs, should improve erosion protection.

To conclude, we believe this wetland buffer mitigation plan is a feasible option that establishes wetland protection, provides wetland buffer enhancement, and allows the necessary road infrastructure to be done within the existing wetland buffer. We are confident the reduced buffer will function at a higher level than the existing standard buffer. We ask that this mitigation plan be approved. Should you have questions or concerns, please call me at (425) 392-8055. Thank you for your kind attention.

Sincerely,
CONCEPT ENGINEERING, INC.



Grant Moen
 Certified Wetland Specialist

Encl.: (2 copies) Wetland Buffer Mitigation Plan (W1.0) and Wetland Buffer Mitigation Notes and Details (W2.0),
 (2 copies) Wetland Delineation Report for the Hamish Anderson / Jay Secord Site,
 (2 copies) Supplemental Wetland Investigation on David and Lori Scurlock Properties Letter,
 (2 copies) Hamish Anderson Property – Environmental Review (From The Watershed Company),
 (2 copies) Wetland / Stream Response Letter for the Proposed Glenealy Court 11-Lot Plat letter and attached exhibits.

Cc: Hamish Anderson; Hamish Anderson Custom Homes, PO Box 340, Kirkland, WA 98083
 Mark Rigos; CEI

GEM:gem



SAVE HARMLESS AGREEMENT - WETLAND

The undersigned, being all of the owners of the hereinafter described real property, hereby agree to indemnify, defend, and save harmless the City of Kirkland, its officers and employees from any claim, real or imaginary, filed against the City of Kirkland, its officers, or employees, alleging damage or injury caused by fault on the part of the undersigned, their employees or agents, and/or the City of Kirkland, its officers, or employees and arising out of maintenance, flooding, damming or enlargement of the wetland existing on the hereinafter described real property; provided, however, this agreement shall not include damage resulting from the sole fault of the City of Kirkland, its officers, or employees. Fault as herein used shall have the same meaning as set forth in RCW 4.22.01. This Agreement shall also include all reasonable cost and expense, including attorney's fees, incurred by the City of Kirkland in investigation and/or defense of any such claim.

This Agreement shall be binding upon the heirs, successors, and assigns of the parties hereto and shall run with the land.

The real property subject to this Agreement is situated in Kirkland, King County, Washington, and described as follows:

DATED at Kirkland, Washington, this ____ day of _____, _____.

ATTACHMENT <u>7</u>
MISOB-00002 #1

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)

) SS.

County of King)

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 individual(s) described herein and who executed the Save Harmless Agreement - Wetland and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

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: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Partnerships 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 general partners of _____, the partnership that executed the Save Harmless Agreement - Wetland and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

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: _____

(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 _____, the corporation that executed the Save Harmless Agreement - Wetland 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: _____

The foregoing Agreement is accepted by the City of Kirkland this _____ day of _____, _____

CITY OF KIRKLAND

BY: _____

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 ("Easement Area"): Insert legal description or SEE EXHIBIT A in form field below

No tree trimming, tree topping, tree cutting, tree removal, shrub or brush-cutting or removal of native vegetation, application of pesticides, herbicides, or fertilizers; 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 replacement trees and other vegetation as required in applicable sections of the Kirkland Zoning Code. The Department also may require that the damaged or fallen vegetation be removed.

It is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants in a manner that will not harm critical areas or their buffers and in accordance with Kirkland Zoning Code requirements for trees and other vegetation within critical areas and critical area buffers.

The City shall have a license to enter the Easement Area (and the property if necessary for access to the Easement Area) for the purpose of monitoring compliance with the terms of this easement.

Development outside of this Natural Greenbelt Protective Easement may be limited by codified standards, permit conditions, or movement of the critical area.

ATTACHMENT 8
MIS08-00002 #1

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.

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: Insert legal description or SEE EXHIBIT B in form field below

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 _____, _____.

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

(Individuals Only)

STATE OF WASHINGTON)

) SS.

County of King)

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 individual(s) described herein and who executed the Natural Greenbelt Protective Easement and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

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: _____

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

(Partnerships 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 _____ general partners of

_____, the partnership that executed the Natural Greenbelt Protective Easement and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

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: _____

(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 _____, 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: _____

CURTIS AND VIVIAN HOM
11438 NE 112th St.
Kirkland, WA 98033
425-889-9198
C_hom@msn.com (Curtis)
vclhom@hotmail.com (Vivian)

*Copy to City of
Kirkland as
public comment
re. Glenealy Court
Permit #
PSB07-00002*

October 2, 2007

Mr. Mark Rigos, P.E.
Project Manager
Concept Engineering, Inc.
455 Rainier Boulevard North
Issaquah, WA 98027

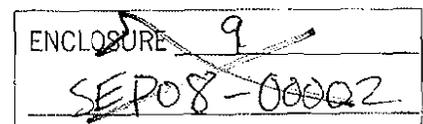
Re: Glenealy Court Development in Kirkland, CEI Job #26054; Kirkland Permit Application #PSB07-00002

Dear Mr. Rigos,

Thank you for your introduction letter earlier this year regarding the proposed Glenealy Court development. We welcome this new project to the neighborhood, and appreciate your courtesy in keep us informed.

We own two properties (11438 NE 112th Street and 11430 NE 112th Street) that are adjacent to one of the parcels to be developed (currently 11406 NE 112th St., Tax parcel #322605-9083). We would like to raise the issue of storm water relating to the drainage ditch running through our property and the proposed development towards 112th Street NE.

There were some blockage/flooding problems on our properties and other neighboring parcels in the past during heavy rainy season. Such problems abated after the drainage channel was cleaned out and/or dredged. We would like to be assured that your design and construction plan properly addresses the storm water drainage issues relating to not only the new development but also the neighboring parcels to prevent future runoff problems. In addition, we would like to see procedures or covenants to take place which will keep the storm drainage channel clear and flowing during the construction and after the new development is complete.



We are also mailing a copy of this letter to the City of Kirkland as a written public comment regarding the Glenealy Court Development. Please feel free to contact either of us if necessary. Our contact information is above.

Very truly yours,



Curtis and Vivian Horn

cc: Mr. David Barnes of Kirkland Planning and Community Development Dept.

Jane and Cyril Hylton
11250 NE 112th St
(also 11248 NE 112th St)
Kirkland, WA. 98033
(425) 822-3096

October 19th, 2007

City of Kirkland
123 5th Ave
Kirkland, WA 98033

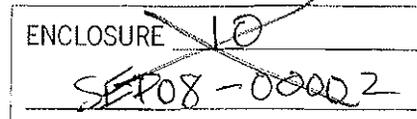
To Whom It May Concern:

Comments on the Glenealy Development Project (11240 NE 112th St)

We are the owners of the property being surrounded by the new proposed development. This development will greatly impact three sides of our property as well as affect access to our home. We've tried to only list tangible items in our concerns, but of course, there will be a large impact on the intangibles as well -- such as atmosphere changes from rural to higher density, impacts to our privacy, etc.

These are the concerns we have:

- We do not want our driveway to become part of a loop road.
- The proposal indicates that our driveway will be temporarily barricaded, that a portion will be paved and a portion left gravel in front of our house. We are concerned that access to our home is planned to be through this new neighborhood and our driveway (property) will be cut off in the middle. We are also concerned about the use of the word "temporary" for the barricading -- how long does that mean?.
- The proposal suggests giving the property (15 feet -- previously owned by the Scurlocks) on the west side of the driveway to the city. What would that mean as far as driveway and drainage ditch maintenance? Will the city enter into an agreement for road maintenance with us? This includes things like pot hole repairs, gravel purchase and spreading, snow removal, fallen trees, keeping the ditches clear, etc.
- What are the future chances of the City taking our side of the driveway under eminent domain laws?



- Storm water runoff is already at/over capacity -- we want to be sure that this is addressed in the plan, some of the area floods in heavy rain.

During heavy rains:

- Our front yard ponds
- Our neighbor's basement floods
- The drainage ditch at the south end on the west side of the property overflows
- The drainage ditch at the south end on the east side of the property fills.
- The neighbors on both sides of the driveway at the south end have flooding problems

Who will be responsible for maintaining the ditch that currently is used for storm water runoff if the new project is planning to utilize it for storm water runoff?

- The set backs on the north side of our property needs to be verified for compliance with requirements.
- We are concerned that there will be street lights shining into our home, but as far as we could tell, the plans didn't indicate if there would be any, or where they may be positioned.

Possible solutions:

- The barricade could be placed on the north side of our driveway, at our north property line and access provided to the two lots in question via access that extends into the planned front yards of the new homes.
- Alternatively, access to the two new homes (directly across the driveway from our house) could be from the north sides of the lots if the houses were positioned to make that possible. (Such as a pie shaped configuration as was originally planned for the project.)
- Deed the 15 feet of the west side of the driveway to the adjacent properties or to us.

Sincerely,

Jane and Cyril Hylton



CONCEPT ENGINEERING, INC.

455 Rainier Boulevard North
Issaquah, Washington 98027
(425) 392-8055 Fax: (425) 392-0108

November 19, 2007

RECEIVED
NOV 19 2007

AM PM
PLANNING DEPARTMENT
BY _____

Cyril and Jane Hylton
11250 NE 112th Street
Kirkland, WA 98033

RE: Easement Termination and Conversion Request for West 15 Feet of Hylton Property Relating to the Proposed 11-Lot Glenealy Court Subdivision (GC); GC Located at 11240 and 11406 NE 112th Street, Kirkland, WA 98033; GC Tax Parcel Numbers 322605-9083 (Northeast), 322605-9103 (Northwest) and 322605-9101 (Southwest); City of Kirkland File Numbers PRE06-00069 and PSB07-00002; CEI Job No. 26054.

Dear Mr. and Mrs. Hylton:

We continue to move forward toward obtaining GC approval from the City of Kirkland and beginning construction. Construction is tentatively planned for Summer 2008. We are now at the stage in the project when we would like your input, specifically for 2 access related issues on your property. As you are aware, GC is contiguous to your 0.63-acre residential property addressed 11250 (tax parcel number 322605-9121). It has been several months since you (Jane) and I have spoke. Earlier this year while onsite, on 2 or 3 occasions, we discussed the survey, road improvements, possible location of future road, location of existing trees near your north property line, etc. Since that time, we have completed preliminary engineering design plans and submitted them to the Kirkland for a cursory review prior to preliminary short plat approval. Recently, David Barnes from Kirkland Planning Department informed me that you wrote a letter with several concerns. 2 of the concerns are addressed as follows:

The first concern involves the required road barricade. Several weeks ago, I met with Rob Jammernan of Kirkland Public Works Department and David Barnes regarding access considerations to your property as a result of GC. As a condition of our project, Kirkland is requiring a barricade to be placed just inside GC's south property line to prevent future GC homeowners from driving on your gravel road to the south. Kirkland staff wants homeowners to access their homes from the new paved road to the southeast. It is my understanding that you still want vehicular access to the gravel road directly south of your property. In my 11/9/2007-letter addressed to Rob and David, I provided 2 possible driveway configurations so that you could continue to use the gravel road. Please keep in mind you will also be able to use the new paved road for access. I believe Rob or David will contact you in the near future regarding this item.

The second concern involves a 30-foot wide easement; the east 15-foot portion of the easement is the west 15 feet of your property. The primary purpose of this letter is to request a change to the easement. We believe there are 2 options regarding the future easement status. We seek your approval to terminate the existing easement on your property and convert it into dedicated City of Kirkland right-of-way OR convert it into a public use easement.

Existing Conditions of Easement:

The existing 30-foot wide easement from D. Scurlock's property to the north to NE 112th Street to the south is intertwined with the legal descriptions of both D. Scurlock's property (tax parcel number

322605-9103) north of your property and L. Scurlock's property (tax parcel number 322605-9101) west of your property. The entire easement dimensions are 30 feet wide by 503.98 feet long. Along the east side of L. Scurlock's property, the easement's length is 126.00 feet. 15 feet of the 30-foot wide easement is on your property. The portion of the easement area that this letter focuses on is the east 15 feet of easement on your property. This portion of the easement area is 15 feet by 126 feet = 1,890 square feet or 0.043 acres.

The project's PLS (Professionally Licensed Surveyor), Don Kern, indicates the 30-foot wide easement is described as a private access and public utilities easement. Apparently, the access portion of the easement benefits the 2 existing Scurlock properties. Whereas, the utilities portion of the easement is for public utilities. The existing conditions of the 15-foot partial easement strip are as follows; 1. The north 2/3 of the partial easement is covered by the gravel road used to access your home to the east, D. Scurlock's (former) home to the north, and L. Scurlock's (former) vacant parcel to the west. 2. The south 1/3 of the partial easement is only partly covered by gravel road as the road does not parallel the easement, but instead slightly angles southwest, while the easement is due north to south. The remaining coverage of the partial easement is your frontyard landscaping. 3. Several utilities exist in the partial easement, such as a water service pipe, water meter, underground power and telephone and overhead wiring (assumed to be phone). 4. The gravel road may be infrequently used by the mailman or as a turnaround.

Proposed Conditions:

As I have indicated to you during our conversations, our proposal includes a new road slightly inside the west edge of your property. Our preliminary civil engineering plans, specifically Sheet C-4.0 (attached, North Grading and Storm Drainage Plan), show the proposed road in relation to the existing 30-foot wide easement. Curb and gutter are proposed on the east side of the road, closest to you home. Curb and gutter, at their closest point, are approx. 34 feet west of the face of your garage. In the east 15-foot portion of the easement, utilities such as a new sanitary sewer main, new water main, new storm drainage conveyance system and / or underground dry utilities (gas, telephone, telephone, tv, phone, etc.) will be installed. Of course, not all of these utilities will be installed in the 15-foot wide strip, but several could be, dependent upon final utility alignments dictated by Kirkland. As it relates to you, Kirkland wants this 15-foot strip to be used as a public turnaround for emergency vehicles such as fire trucks and Medic 1 ambulances. The turnaround is needed, because the required barricade will prevent vehicles from continuing on to NE 112th Street.

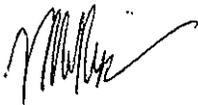
One of Kirkland's future conditions of approval for the GC project is for the west 15 feet of the 30-foot wide easement be dedicated to City right-of-way from D. Scurlock's property to the north to NE 112th Street to the south. We are willing to dedicate this 15-foot wide by 503.98-foot long strip. We ask you to also dedicate or grant a public use easement on the east 15-foot portion of the easement. The dimensions are 15 feet wide by 126 feet long. We believe if you either dedicate right-of-way to Kirkland or grant Kirkland a public use easement, you will gain the following direct and indirect benefits:

1. A new upgraded and City-maintained paved road along your frontage will be constructed at no cost to you.
2. A wider road with 2 parking shoulders will be provided. Additional parking will benefit you and your guests. The existing gravel road is narrow and parking is limited.
3. A 4-foot wide sidewalk on the west side of the road will be provided. Currently, there are no sidewalks. Sidewalks provide safe walking conditions, which is especially important for kids.

4. The new paved road's east edge is, on average, approx. 9 feet west of the existing gravel road edge. Landscaping in the dedication area or public use easement area will be installed at no cost to you. The perception of your frontyard will be 9 more feet of landscaping compared to existing conditions.
5. You will receive a new concrete driveway approach up to the east dedication edge or east public use easement edge at no cost to you. In addition, if you wish, your driveway can be paved up to the face of your garage so it will appear your home is tied directly into the project.
6. The new road will be properly sloped to collect and convey stormwater runoff into catch basins in the gutter line to prevent stormwater from entering your property. In the existing conditions, stormwater sheet flows onto your driveway and frontyard from upstream areas.
7. When future snow blocks the road or becomes a nuisance, you will not have to pay to have the snow cleared or be forced to shovel it off yourself. The new road will be snow plowed and maintained by the City.
8. At no cost to you, the new road will be lighted for your benefit, convenience and to discourage potential burglars.
9. If the strip is dedicated, then your property taxes will be slightly reduced as your property area would slightly shrink on "paper".
10. The new paved road will "line up" with the existing gravel road to the south. The benefit is that once development occurs south of your property, the road will be straight rather than having an unnecessary sharp taper or curve.

Within the next week or so, I kindly ask you to consider this request. If you wish, I would be happy to meet with you and / or your legal council to discuss this in more detail. Or, we could meet at Kirkland City Hall and ask Rob Jammerman and / or David Barnes to attend. A conference room at City Hall could be made available. Once you have reviewed this request, please call me at (425) 392-8055 or email me at markr@concepteng.com. I look forward to hearing from you. Thanks.

Sincerely,
CONCEPT ENGINEERING, INC.

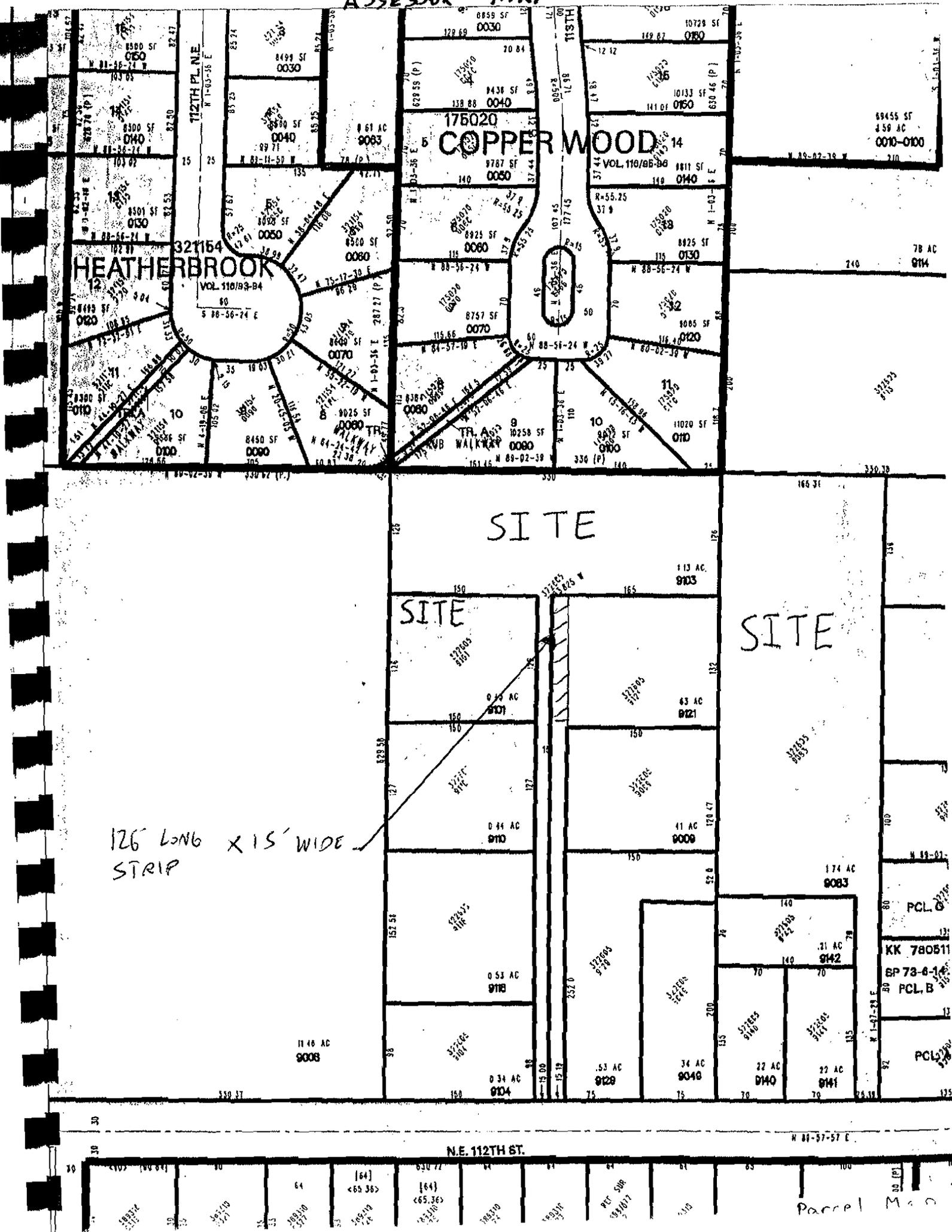


Mark Rigos, P.E.
Group Manager

Encl.: Assessor Map (8.5" x 11")
Updated 11/13/2007-Topographic Mapping (7 Sheets)
Preliminary 7/24/2007-Civil Engineering Plans, Sheet C-4.0 *AND SECTION C-C*
Cc: Hamish Anderson; Hamish Anderson Custom Homes, PO Box 340, Kirkland, WA 98033
Rob Jammerman, Kirkland Public Works Department, 123 5th Avenue, Kirkland, WA 98033
David Barnes, Kirkland Planning Department, 123 5th Avenue, Kirkland, WA 98033
Grant Moen, EIT and Don Kern, PLS; CBI

MJR:mjr

ASSESSOR MAP



Parcel Map

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ONCRETE).

IT CONCRETE

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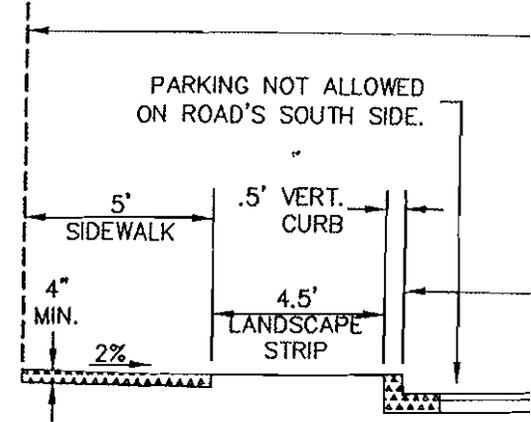
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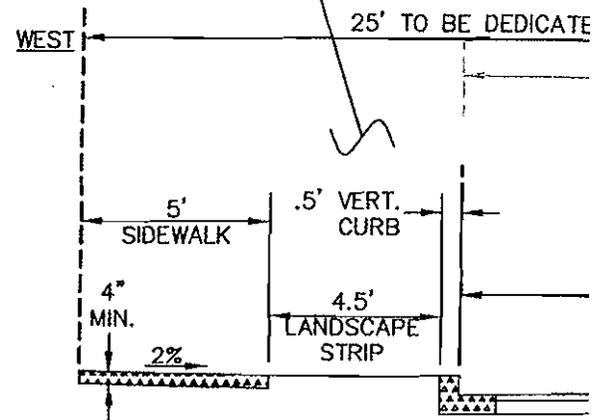
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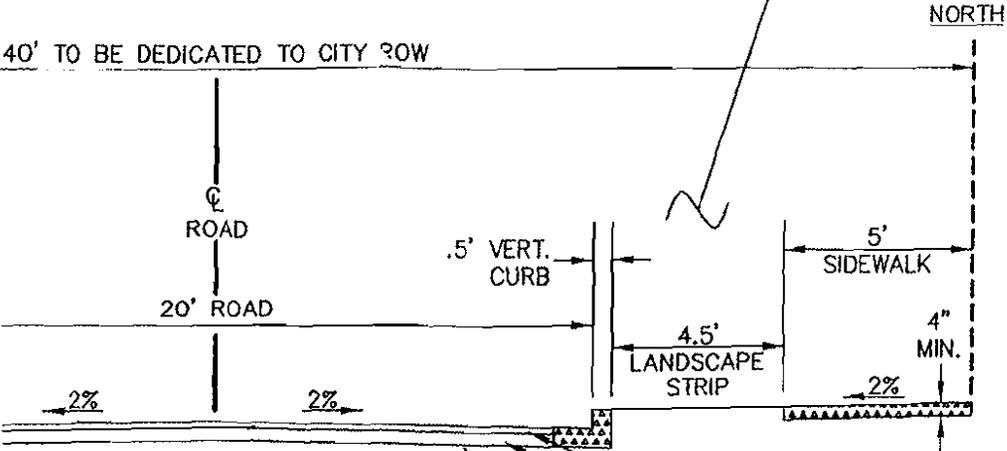
ONSITE ROAD

PLANT STREET TREES ±30' ON CENTER PER
PER CITY OF KIRKLAND DETAIL R-36. TREES
SHALL BE PLANTED TO AVOID UTILITIES AND
DRIVEWAY ENTERING SIGHT DISTANCE OBSTRUCTIONS.
TREES SHALL BE ACER RUBRUM (RED MAPLE)
AND BE 6-7' TALL WHEN PLANTED.



ONSITE ROAD

PLANT STREET TREES ±30' ON CENTER PER CITY OF KIRKLAND DETAIL R-36. TREES SHALL BE PLANTED TO AVOID UTILITIES AND DRIVEWAY ENTERING SIGHT DISTANCE OBSTRUCTIONS. TREES SHALL BE ACER RUBRUM (RED MAPLE) AND BE 6-7' TALL WHEN PLANTED.

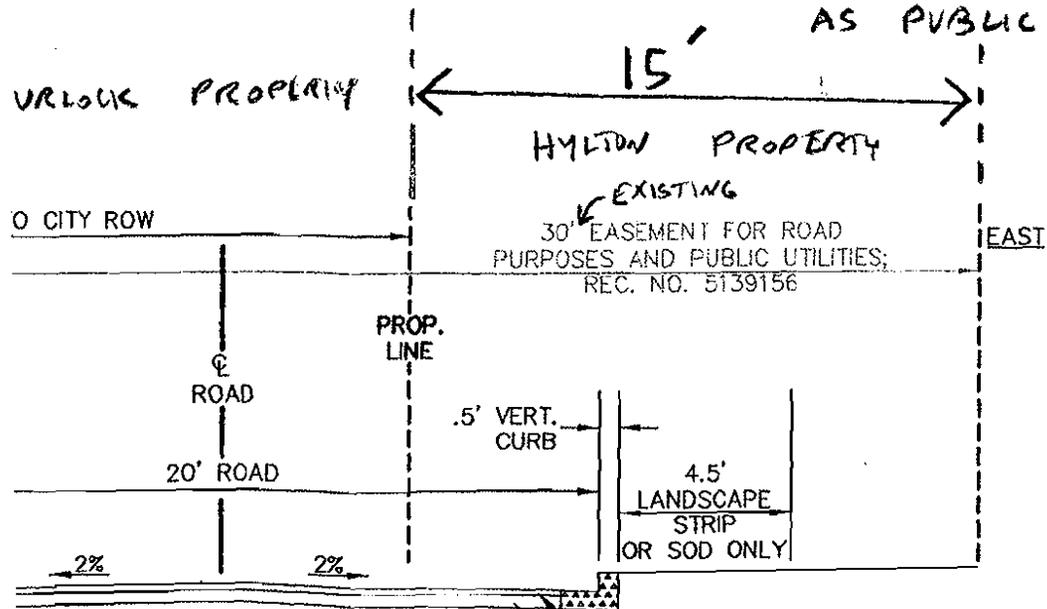


SECTION B-B AT 5+00

HORIZONTAL 1"=5'
VERTICAL 1"=5'

- 2" CLASS "B" OVERLAY
- 4" COMPACTED ATB
- 4" OF 1 1/4" MINUS MINIMUM (TO BE INSPECTED BY CITY) OR EXISTING WITH APPROVAL.

★ 15' STRIP PREFERRED TO BE DEDICATED OR GRANTED AS PUBLIC USE EASEMENT.



SECTION C-C AT 2+08

HORIZONTAL 1"=5'
VERTICAL 1"=5'

- 2" CLASS "B" OVERLAY
- 4" COMPACTED ATB
- 4" OF 1 1/4" MINUS MINIMUM (TO BE INSPECTED BY CITY) OR EXISTING WITH APPROVAL.

Reyes Canales, III
11226 110th Ave. NE
Kirkland, WA 98033
October 22, 2007

David Barnes
Planner
City of Kirkland Planning Department

RE: PSB07-00002

Dear Mr Barnes:

I object to parts of the above referenced application. Specifically, I object to the reduction of the wetland buffer and the proposed new road to which would connect directly to NE 112th Street.

The wetland buffer is necessary to maintain the goals set for the by the state in protecting wetlands. Hamish Anderson has show a blatant disregard for both the environment and adhering to environmental limitations imposed by the city. In the development of the property at the NE corner of NE 112th Street and 110th Ave. NE, Hamish began clearing trees from the property before a the permit was received. As a result, they were issued a stop work order. Work continued despite the stop work order. The approved plans called for Hamish to provide protective measures to trees not scheduled for removal. After the remove of the approved trees and inspection but before the required protective measures were taken, Hamish removed addition trees. The removal of additional trees on the NE lot of the two new houses weakened the remaining tree. As a result, the remaining tree fell during last winter's wind storm damaging and adjacent house. The owner of this home has a financial interest in Hamish and told a resident of the damaged house, "I guess I shouldn't have cut down those extra trees". The reduction of the of the wetland buffer will further encourage Hamish to disregard any environmental impacts to the area.

I also object to the addition of a new road. Hamish has shown blatant disregard for safety and traffic issues in the past. In the afore mentioned development, Hamish proposed moving a portion of 112th Ave NE and narrowing the street along their development to allow a greater buffer between the building and the street without regard to the school buses that use the street (as it is very close to A.G. Bell Elementary) as a turnaround. We now have a situation where parents are parking further down the street since parking is not allowed next to the new development. This creates an increased danger to pedestrians walking to and from school. The mismatch in paved areas (the road has a sudden 8' shift to the east when traveling north) creates another safety problem as well as a problem for larger vehicles such as those used for garbage collection. The notice Hamish posted during the planning process was also insufficient. The notice was only for proposed water and waste water relocation and street drainage modifications, not the

ENCLOSURE ~~11~~
~~SEP08-00002~~

David Barnes
October 22, 2007
Page 2

street "improvements". When speaking with public works about the street modifications, we were told the reduction in the street width was an effort to reduce the amount of street surface to be maintained by the city. If this is the case, then the addition street surface proposed in this application will have a detrimental effect to the city's already overburdened street maintenance budget and should not be approved. The proposed street will also increase the impervious cover in close to a wetland which will affect the runoff which eventually reaches Forbes Creek.

The subdivision of the property will most likely require the removal of a significant amount of trees in the area however this is not stated in the documentation. On the premise that this will reduce the number of older trees in the area close to a wetland, I object to the subdivision of the property.

My neighbors and I are tired of seeing the developers ruin environmentally sensitive areas and adversely affecting our neighborhood for the sake of making millions. We will attend any hearings and monitor the progress of this application. If the plan to modify the buffer zone and/or add the street are approved, we are prepared to file for an injunction until the matter can be resolved by the courts.

Sincerely,

Reyes Canales, III



CONCEPT ENGINEERING, INC.

455 Rainier Boulevard North
Issaquah, Washington 98027
(425) 392-8055 Fax: (425) 392-0108

February 21, 2008

Reyes Canales, III
11226 110th Avenue NE
Kirkland, WA 98033

RE: Response Letter to your 10/22/2007-Concern Letter for the Proposed Glenealy Court 11-Lot Plat; Located at 11240 and 11406 NE 112th Street, Kirkland, WA 98033; City of Kirkland File Numbers PRE06-00069 and PSB07-00002; CEI Job Number 26054.

Dear Mr. Canales:

On behalf of Hamish Anderson, I have written this letter to respond to your 10/22/2007-concern letter regarding the Glenealy Court 11-lot plat (GC). I apologize for not responding sooner, however I just read your letter for the first time yesterday (2/20/2008) as I just received it yesterday from Kirkland's Planning & Community Development Department. I am involved as GC's project manager and licensed civil engineer. Your letter also comments on a different project by Mr. Anderson, but I have no knowledge of that project, so I am unable to respond. However, I can respond to your concerns regarding GC. My responses are as follows:

1. *Reduced Wetland Buffer:* A small disturbed wetland is located just east of GC's northeast corner. When a critical area is present on an adjacent property, Kirkland Land Use Code stipulates that a critical area buffer be recognized on the subject property. In this case, since the wetland's west boundary straddles GC's east property line, the wetland buffer extends approx. 50 feet into GC's property. We have proposed to reduce the buffer from 50 feet to 33.33 feet to accommodate a new public road. Please understand that only 825 square feet (0.019 acres) of wetland buffer area is being reduced. 625 square feet of the reduction area contains an existing home and concrete driveway, both to be removed. The remaining 200 square feet of wetland buffer area is covered by lawn and landscaping. Early on, we recognized this buffer is not pristine wetland buffer. Our proposed wetland buffer reduction will remove the home and driveway, and enhance the wetland buffer area with native vegetation described below. No impacts are proposed to the actual wetland. Again, the buffer reduction is necessary for road and utility infrastructure, not simply for a larger home footprint.

In exchange for buffer reduction, mitigation in the form of wetland buffer enhancement is proposed at a 1:1 ratio. In this case, enhancement includes removing non-native invasive Himalayan blackberry and replacing with native trees and shrubs. 33 trees and shrubs are proposed in the 825-square foot enhancement area, comprising 6 tree and shrub species. Enhancement plantings will be monitored and maintained for 3 - 5 years. Specific survival rates shall be met or new trees or shrubs are required to be planted. Several months ago, a wetland buffer modification permit application was submitted to Kirkland and their stream and wetland consultant for their review and approval. A 'Wetland Buffer Mitigation Plan' (Sheet W1.0) and 'WBMP Notes and Details' (Sheet W2.0) dated 9/19/2007 were designed for the wetland mitigation. They were submitted to Kirkland with the preliminary plat application.

The wetland buffer will be protected by the following mechanisms. First, temporary silt fence will be erected at the wetland buffer boundary to prevent construction equipment from clearing or grading in the buffer. Second, permanent split-rail fence will be installed at the buffer boundary to discourage people from entering the buffer. However, the split-rail fence does allow urban wildlife such as raccoons, rabbits, deer, etc. to migrate into and out of the buffer. Third, although the buffer is located in proposed Lot 5, a native growth protection easement of the entire buffer at 50 feet wide by 143 feet long (on average), approx. 7,150 square feet, will be recorded

against Lot 5 on the final plat map. The native growth easement will legally require the buffer be kept in a natural condition.

2. *New Road:* Currently, the GC site is comprised of 3 tax parcels containing 2 homes. The 2 homes to be demolished are accessed by long gravel and paved driveways. To access the proposed 11 homes, the driveways will be removed and a new road will be installed for improved safety and public welfare. Safety features include street lighting, curbs, sidewalks, and fire hydrants. Under the road will be "wet" utilities such as water, sanitary sewer, and storm drainage pipes. Under the new sidewalk and planter strip will be "dry" utilities such as cable, telephone, gas conduits, etc.

You are correct that this project results in increased impervious surface area. Kirkland requires this project to meet the 1998 King County Surface Water Design Manual's 'Full Drainage Review'. A large underground detention / wet vault has been designed to limit stormwater flows leaving the site to mimic forested conditions. The vault also includes a settling cell and baffle to promote water quality treatment. We are making great efforts, consistent with Kirkland Land Use Code, not to disrupt the downstream system including Forbes Creek and surrounding wetlands.

3. *Tree Retention:* You are correct that this project results in the clearing of many trees. A local arborist was hired to evaluate the health and safety of the trees. An arborist report accompanied the preliminary plat application to Kirkland. Using a tiered tree credit system, Kirkland Land Use Code regulates the preservation / removal of trees for a plat. In this case, we calculated that the required tree preservation credits is 72 credits. We have proposed 117 tree preservation credits. Many trees on the site's perimeter will be preserved. Unless deemed hazardous to public welfare by an arborist, virtually all trees within the 50-foot wetland buffer will be preserved. For the trees to be preserved, tree roots will be protected by chainlink fence near the root zones. In conclusion, Kirkland's tree preservation requirement is met. At Kirkland's Planning & Community Development Department is a detailed 'Tree Preservation Plan ' (Sheet C-3.1) dated 7/24/2007 that was also submitted to Kirkland.

Before you consider spending significant time and money on pursuing an injunction, I would be more than happy to discuss this project with you. My office phone number is (425) 392-8055 and email is markr@concepteng.com. Or, you could contact Kirkland City Hall employees David Barnes (project planner) at (425) 587-3250 or Rob Jammerman (engineering review manager) at (425) 587-3845 to discuss the project.

Sincerely,
CONCEPT ENGINEERING, INC.



Mark Rigos, P.E.
Group Manager
Certified Wetland Biologist

MJR:mjr

Encl.: 10/22/2007-Letter from Reyes Canales, III
Highlighted Assessors Map

Cc: David Barnes, Planner; Kirkland Planning & Community Development Dept., 123 5th Avenue, Kirkland, WA 98033
Rob Jammerman, Engineering Review Manager; Kirkland Public Works Dept., 123 5th Avenue, Kirkland, WA 98033
Hamish Anderson; Hamish Anderson Custom Homes, PO Box 340, Kirkland, WA 98083
Grant Moen; CEI

ASSESSORS MAP



Dear David Barnes

Date 10/19/2007

I'm the owner of 11414 N.E 112th St Kirkland, Wa 98033

File Number (PSB07-00002)

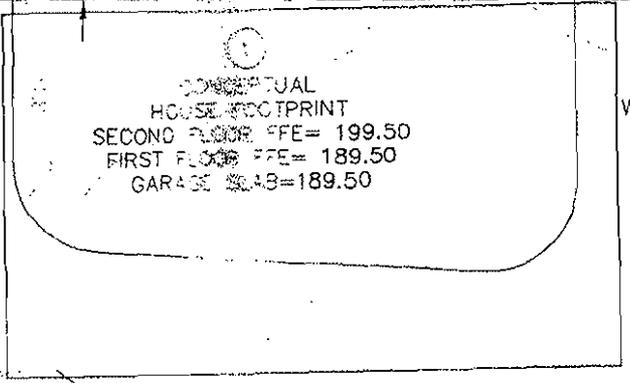
- (1) The New road that is going in front of my house By Hamish Anderson.
That will make my existing driveway about 14 feet long.
My truck is 18.5 feet long, making it impossible for me to park at home.
- (2) Clear cutting the up lot's will increase more water too my lot.
Can you put a storm drain stubout from the road to my lot for Run off?
- (3) Setbacks North Side of house is 2.5 feet and 14.7 Feet in front of house.
What will that do if I want to remodel my house ?

Tom Smith
Phone 425-208-1557

RECEIVED
OCT 23 2007
AM PM
PLANNING DEPARTMENT
BY _____

ENCLOSURE ~~12~~
~~SEP 08-00002~~

5' BSBL



SSCO
 8" DI WATER LINE
 1" WATER METER

55LF 8" DI

FIRE HYDRANT

7' DI

My House

Drive way

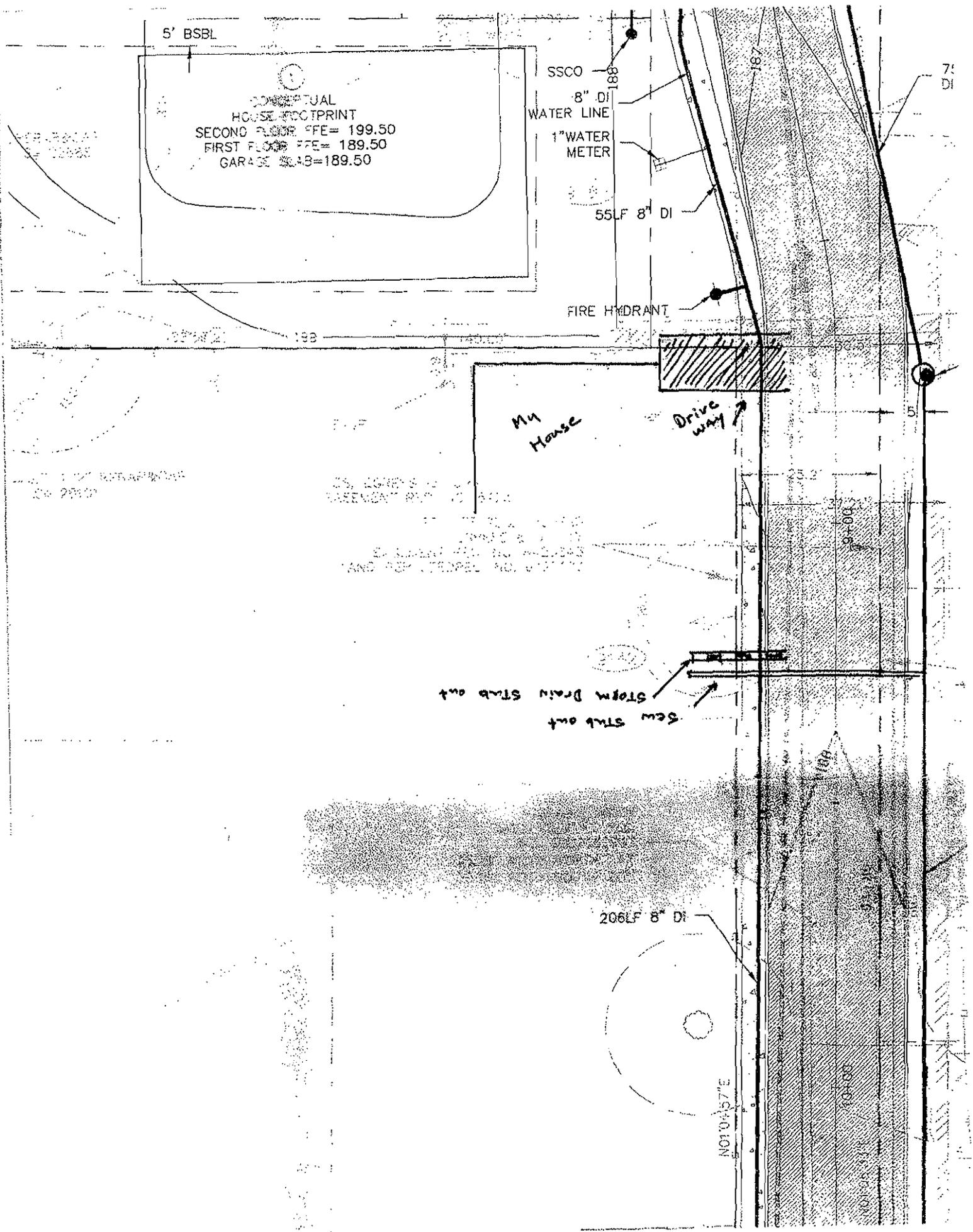
Sew stub out
 Storm Drain Stub out

206LF 8" DI

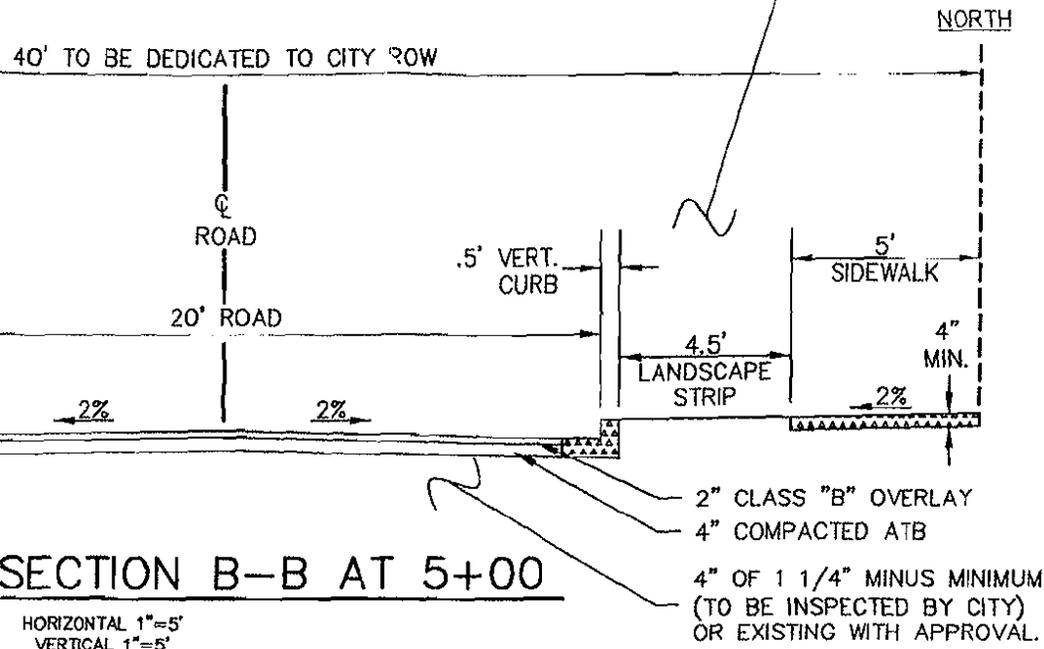
NO10457'E

10450

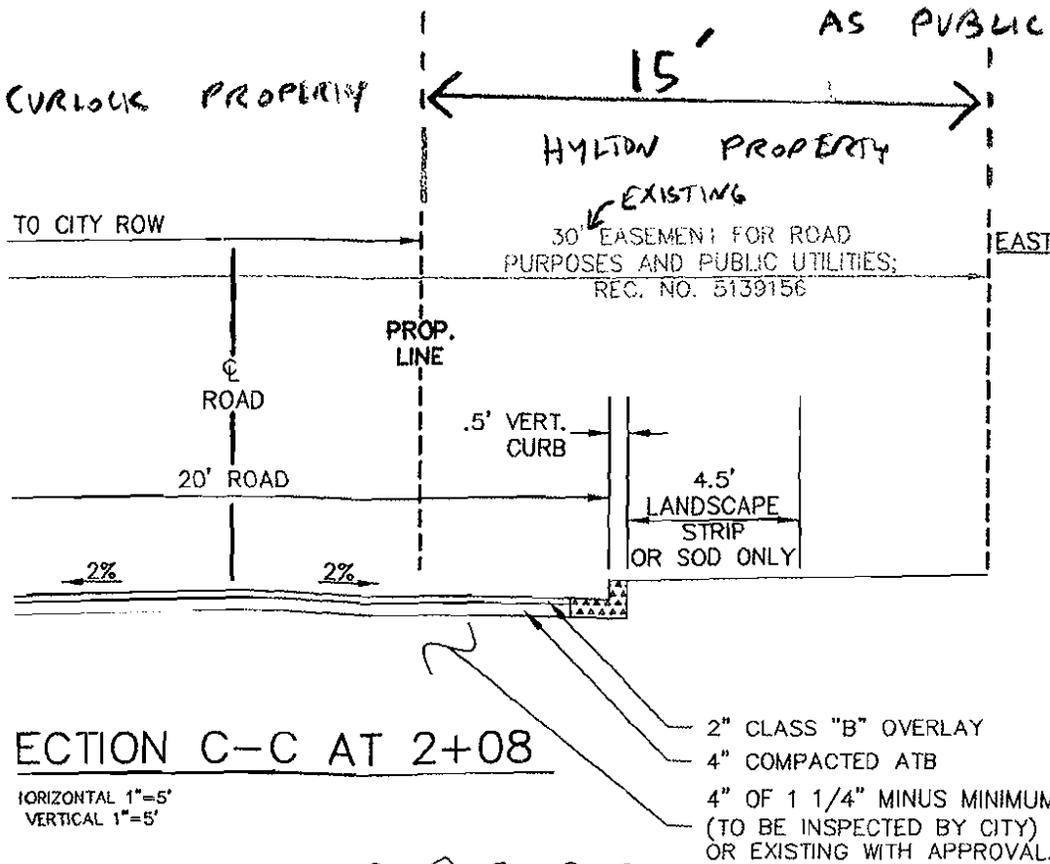
NO10457'E



PLANT STREET TREES ±30' ON CENTER PER CITY OF KIRKLAND DETAIL R-36. TREES SHALL BE PLANTED TO AVOID UTILITIES AND DRIVEWAY ENTERING SIGHT DISTANCE OBSTRUCTIONS. TREES SHALL BE ACER RUBRUM (RED MAPLE) AND BE 6-7' TALL WHEN PLANTED.



★ 15' STRIP PREFERRED TO BE DEDICATED OR GRANTED AS PUBLIC USE EASEMENT.





CONCEPT ENGINEERING, INC.

455 Rainier Boulevard North
Issaquah, Washington 98027
(425) 392-8055 Fax: (425) 392-0108

February 25, 2008

Tom Smith
11414 NE 112th Street
Kirkland, WA 98033

RE: Response Letter to your 10/19/2007-Questions for the Proposed Glenealy Court 11-Lot Plat; Located at 11240 and 11406 NE 112th Street, Kirkland, WA 98033; City of Kirkland File No.'s PRE06-00069 and PSB07-00002; CEI Job No. 26054.

Dear Mr. Smith:

On behalf of Hamish Anderson, I have written this letter to respond to your 10/19/2007- questions regarding the Glenealy Court 11-lot plat (GC). I apologize for not responding sooner, however I just received your letter on 2/20/2008 from Kirkland Planning & Community Development Department. I am involved as the project manager and licensed civil engineer. Your letter asks several questions regarding GC. My answers to your questions are as follows:

1. We believe your 14-foot measurement is incorrect. Per our 6/4/2007-topographical survey, the east face of your home is between 21 - 23 feet west of your common property line / GC west property line. Your home contains an eave. The eave is between 18 - 19 feet west of the common property line. Your home's east face is not quite parallel to your east property line. Within the eave footprint is a small chimney "bump-out" of approx. 2.5 feet. The chimney is approx. 20.5 feet from the proposed sidewalk. Except for minor construction at the common property line to transition the new sidewalk along your existing driveway, clearing or grading is not proposed on your property. Our intent is to match your existing driveway with a new sidewalk. Along your east frontage, the GC property will be dedicated to the City of Kirkland as public right-of-way (ROW) for a new road.
2. Although many trees are proposed for removal on GC's 3.30-acre site, the clearing will not increase stormwater flows onto your property. Stormwater from proposed impervious surfaces such as the homes, driveways, and road will be properly collected, conveyed, detained, treated, and released without entering your property.

Your attached letter (page 1) requests a storm drainage stub-out be provided for your property. As you are probably aware, at this time, a drainage stub-out has not been provided to your property. GC's detention / wet vault was not sized for stormwater generated from your 0.21-acre property. If drainage from your home, etc. were to be routed through the GC vault, then the required detention and water quality volumes would increase. As a result, additional excavation, extra concrete, more steel rebar, etc. would be needed, therefore increasing the vault's cost. Therefore, if you would still like to send your property's drainage into GC's stormwater system and financially participate in the vault construction, I would be happy to meet with you about the costs and benefits.

Your attached map (page 2) implies that you would like a sanitary sewer stub-out be provided for your property. As you may be aware, our project includes the installation of sewer main along your property frontage. However, one of our project's major construction costs is the offsite sewer extension. This includes traffic control, street excavation, sewer manhole placement, sewer pipe installation, backfill, and street overlays. In exchange for providing many properties the ability to connect into public sewer, we will be creating a Latecomer Agreement so that we are partly reimbursed for the expensive sewer installation. Kirkland and I will likely complete the Latecomer Agreement in approx. 3-4 months. I will contact you when I have more information.

3. Per our survey, your measurements are not 100% accurate. The distance between the east side of your home and the common property line exceeds 20 feet, which is the required distance by Kirkland Land Use Code. Kirkland regulates building setbacks for a potential remodel. Distances from your home to your property lines will not change as a result of this project. For more information on setbacks, I recommend you schedule a Pre-Application Meeting at Kirkland City Hall.

If you have additional questions, please contact me at my office phone number (425) 392-8055 or email markr@concepteng.com. Or, you could contact Kirkland City Hall employees David Barnes (project planner) at (425) 587-3250 or Rob Jammerman (engineering review manager) at (425) 587-3845 to discuss the project.

Sincerely,
CONCEPT ENGINEERING, INC.



Mark Rigos, P.E.
Group Manager

MJR:mjr

Encl.: 10/19/2007-Letter and Map from Tom Smith
Highlighted Assessors Map

Cc: David Barnes, Planner; Kirkland Planning & Community Development Dept., 123 5th Avenue, Kirkland, WA 98033
Rob Jammerman, Engineering Review Manager; Kirkland Public Works Dept., 123 5th Avenue, Kirkland, WA 98033
Hamish Anderson, Owner / Applicant; Hamish Anderson Custom Homes, PO Box 340, Kirkland, WA 98083
Grant Moen; CEI

ASSESSORS MAP

GLENEALY COURT

322605

BEVERLY PL

ROSE PARK NO 4

KIRKSHIRE

389310
KIRKLAND - JUANITA
ACRE TRACTS

TALL FIRS

