THE WATERSHED COMPANY

SCIENCE & DESIGN

September 14, 2012

Christian Geitz
City of Kirkland Planning and Community Development
123 – 5th Avenue
Kirkland, WA 98125

Re: Wetland and Stream Delineation Report Review
Lohnes Property, 10239 Slater, Avenue NE

Dear Christian:

This letter presents the findings of an environmental review of a wetland and stream delineation report for the above mentioned property. Documents reviewed include an August 20, 2012 report prepared by J. S. Jones and Associates, Inc. (JS Jones report) with attached rating forms, determination forms and survey map. I made a site visit to verify reported conditions on September 13, 2012. Note this review covers only parcel J (parcel number 6639900055). Wetlands on adjacent parcels in common ownership were not evaluated under this review.

I agree with the delineated and staked boundaries of Wetland A. I also agree with the classification as Type 2 wetlands. Although JS Jones gave a score of 40 points to Wetland A, the actual score appears to be much lower. My preliminary score yielded 24 points, still within the range for Type 2 wetlands.

According to Mr. Lohnes, who showed me around the property, the original delineation and flagging was done in 2006 but was not submitted to the City for review. It appears that while the wetland was recently re-delineated and staked, the stream ordinary high water mark had not been reflagged. I was able to find two old stream flags. Unfortunately, either the original flag locations were incorrect or the stream bank had moved significantly since 2006. The photo below shows the difference in the flagged location compared to the existing stream bank.

Since the buffer of most of Parcel J is controlled by the wetland, only two reaches of the stream need to be flagged to determine the developable area of this parcel. The right bank of the mainstem of Forbes Creek should be flagged from the driveway culvert north to where it intersects the Wetland A buffer, a distance of approximately 100 feet. The left bank of the Forbes Creek tributary should also be flagged from the culvert under Slater Avenue west to wetland flag A-1.

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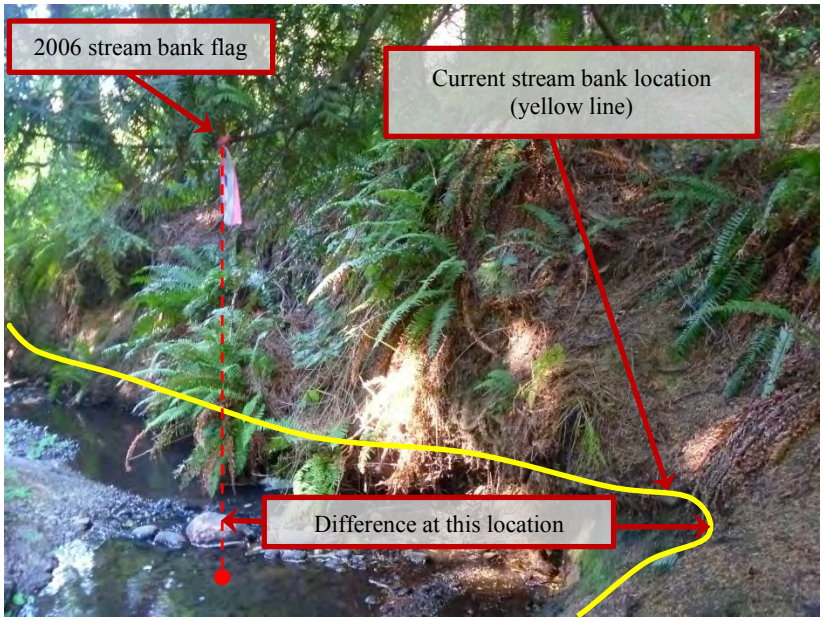

Photo 1: incorrectly placed stream flag

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

Sincerely,

Hugh Mortensen, PWS
Principal

From: Robert Delf
To: David Barnes
Subject: Case SUB13-01180
Date: Tuesday, September 03, 2013 8:50:48 AM

I hope this will make a difference in your decision to grant this permit.
I live across the street from this lovely pasture, it is one of the reasons I bought this place. Turning this into 7 houses is unthinkable.
Surely there are other locations this developer can use? Personally, I would like to see the City purchase this land for a park. It backs onto I405, so not the best place for houses, anyway.

Is there anything I can do to stop this ?

Bob Delf
12216 ne 103rd lane
Kirkland, WA 98033
425-822-2162

From: Karen Walter <KWalter@muckleshoot.nsn.us>
Sent: Friday, September 13, 2013 11:22 AM
To: David Barnes
Subject: Lohnes Short Plat, SUB13-01180, Notice of Application

David,
Thanks for sending us the requested information. I have reviewed it and offer the following comments:

1. Forbes Creek is a salmonid-bearing water (the report is very vague on this topic and doesn't reflect all available information). The consultant should have reviewed the readily available WRIA 8 fish distribution maps available on King County's website (see http://www.govlink.org/watersheds/8/reports/fish-maps/default.aspx). In particular, please note that the table for cutthroat trout indicate that they were observed by Greg Johnston of the Watershed Company up and downstream of Slater Avenue.

   Also juvenile coho were observed up to the I-405 culvert on Forbes Creek from the coho map also available at the KC WRIA 8 website. WSDOT likely has additional information as they replaced the I-405 culvert as part of the Kirkland Nickel Phase I project and included a fishway which had some passage issues but my understanding is that it has been fixed. Mike Barber, with WSDOT, should be contacted for any available WSDOT fish data on Forbes Creek. If the I-405 culvert and fishway are passable, then we would expect coho to also be using Forbes Creek upstream of I-405.

2. There is no information regarding the Forbes Creek tributary and its fish-bearing status. It should be assessed using the WAC 222-16-031 and the WA Forest Practices Board Manual 13 for its potential to have fish habitat. Once this information is available, then it can be used to determine any potential impacts to this stream, including buffer reductions, particularly a permanent loss of future wood recruitment, which is key for instream salmon habitat.

3. It is not clear if how much of Forbes Creek buffer will be reduced as a result of this project. The Buffer Reduction proposal only generally describes impacts to the Wetland buffer without sufficient details. More information is needed to determine if there will be a net loss of stream buffer function from this project, which is important now that the I-405 fish passage issue appears to be resolved.

4. There is no discussion about where stormwater and how will be discharged. This is a potential impact to Forbes Creek, the Forbes Creek tributary and salmon within these streams that needs to be evaluated in context with any stream buffer reduction.

5. Clearly there is an opportunity to enhance the critical areas buffer on site; however, more information is needed to demonstrate that the resulting buffer reduction and enhancement does not result in a loss of riparian functions for the streams on and adjacent to the site.

We appreciate the opportunity to review this proposal. Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116

From: David Barnes [mailto:DBarnes@kirklandwa.gov]
Sent: Tuesday, August 27, 2013 11:15 AM
To: Karen Walter
Subject: RE: Lohnes Short Plat Notice of Application - SUB13-01180

Hi Karen,

Attached please find the site plan and the stream and wetland biologists report. Please note that the current use is an open pasture that was logged sometime in the 1930's. I have also provided an arborist report (attached) to properly assess and protect significant trees on site. I don't believe there is a need to do any tree removal.

Also, the Watershed Company (Kirkland's Consultant) is doing a peer review of the mitigation plan and has told me that they will provide me their proposed revisions to the plan in the next few weeks. I will give their letter to the applicant (Jerry Lohnes) so he can direct his biologist to revise the report and answer any questions that come from our consultant. What I am trying to say is that there may be a few more revisions to the mitigation plan before we get the final one. When I get the final report, that will be the one in the hearing examiners package.

Thank you,

David Barnes, CSBA, **LEED AP BD + C**
Planner
Planning & Community Development
City of Kirkland
425-587-3250
dbarnes@kirklandwa.gov

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Learn how at www.kirklandwa.gov/Kirkland2035 and www.ideasforum.Kirklandwa.gov

From: Karen Walter [mailto:KWalter@muckleshoot.nsn.us]
Sent: Tuesday, August 27, 2013 10:53 AM
To: David Barnes
Subject: FW: Lohnes Short Plat Notice of Application - SUB13-01180

David,
We received the Notice of Application for the Lohnes Short Plat referenced above. Per the NOA, the project also includes a Process IIA stream and wetland buffer modification request. We need additional information to fully evaluate this project for potential impacts to fisheries resources and would appreciate copies of the following:

Site plan
Critical Areas report or other information to describe streams and wetlands on site and project impacts;
Mitigation plans.

I checked the mybuildingpermits.com website as noted in the NOA but was unable to find any information about this project. We prefer electronic copies if available.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116

From: Angela Martin [mailto:aamartin@kirklandwa.gov]
Sent: Friday, August 23, 2013 9:25 AM
Subject: Lohnes Short Plat Notice of Application - SUB13-01180

Attached for your information is the Notice of Application regarding the **Lohnes Short Plat, File No. SUB13-01180**. If you have any questions regarding this information you may contact **Planner David Barnes** at dbarnes@kirklandwa.gov or 425-587-3250.

Thank you,

Angela Martin
City of Kirkland Planning Department
Office Specialist
425-587-3237
aamartin@kirklandwa.gov

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THE WATERSHED COMPANY

SCIENCE & DESIGN

August 28, 2013

David Barnes
City of Kirkland Planning and Community Development
123 – 5th Avenue
Kirkland, WA 98125

Re: Buffer Mitigation Report and Plan Review
Lohnes Property, Slater Avenue

Dear David:

This letter presents the findings of an environmental review of a stream buffer modification report and plans for the above mentioned property. A document entitled *Buffer Reduction Proposal* by MacWhinney Environmental Consulting was reviewed. This is a revision of the original May 2013 report, although the new document carries the original date. The proposal includes report text, photos and tables, an impacts plan, planting plan and cost estimate for bonding purposes.

Findings

The general layout of the proposed buffer modification meets the intent of KZC Chapter 90. However, there are several plan details that are needed to comply with the requirements to fully replace buffer function lost by the proposed narrower buffer.

Page five of the proposal states there will be no stormwater "released into the buffer area." This contradicts other project documents, which indicate the use of level spreader systems for dispersal of stormwater from the new development.

The proposal contains no explicitly stated goals/objectives, success criteria (performance standards), monitoring plans, maintenance plans or contingency plans, all of which are required by KZC 90.60.(2), 90.95(1) and 90.55(4). The proposal does not discuss whether an as-built plan will be submitted to the city to use as a baseline to document minor plan changes for use in subsequent monitoring efforts.

Typical success criteria for buffer enhancement plans are to achieve a dense native plant assemblage that reaches at least 80% cover in five years, limits invasive weed presence to less than 10% cover in each monitoring year, achieves 100% survival (through replanting) in the first year and achieves minimum plant species diversity goals in subsequent years. Also, if stormwater level spreaders are proposed, a performance standard for these facilities should be devised to ensure they are installed properly and do not result in point-discharge and associated erosion/channelization over the monitoring period.

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As proposed, the density of native plants is far too low to achieve the appropriate cover density and limit weed cover. Successfully implemented mitigation plans approved in Kirkland typically have triangular spacing of 6 feet on-center for shrubs and 9 feet on-center for trees. The formula for this density is to propose at least 523 trees and 1,220 shrubs per acre. However, there are a few areas of existing trees and native understory plants which will slightly lower the density-driven plant quantities.

The plant selection is appropriate but there is no information provided on plant sizes or condition. Most successful plans avoid bare-root plants, instead relying on 1-gallon shrubs and 2-gallon trees.

KZC 90.60 (2)a.(2) mentions the installation of habitat features such as downed woody debris or snags as appropriate enhancement measures. If there are on-site trees that could be salvaged during the construction of the short plat, the plan should stipulate an appropriate quantity should be used for habitat features within the buffer. If trees are not available as salvage, it is impractical and potentially damaging to other resources to import trees for habitat purposes.

There is no buffer fence or barrier proposed as required in KZC 90.50 and 90.95.

No irrigation is proposed to support the establishment of new plants. Irrigation in the first two summers is vital to plan success. Temporary above-ground PVC systems on automatic timers are standard in Kirkland mitigation areas.

The pasture areas are heavily grazed by horses and the soil is compacted. The plan should stipulate decompaction and amendment with compost. In areas of existing native vegetation, decompaction could damage roots and only compost topdressing should be proposed. Also, thick applications of woodchip mulch (arborist chips) are highly successful in facilitating the transition to native woody vegetation. Mulch also typically lowers overall project costs by reducing the need for replanting and weeding.

Recommendations

The following changes to the plan are recommended to meet the requirements of the Kirkland Zoning Code:

1) Include a revision date for all subsequent submittals of the buffer modification plan and/or other documentation.
2) Clarify whether and how stormwater will be dispersed from the development.
3) Provide a separate report section that outlines specific plan goals and measurable performance standards by which the project success may be judged over time.
4) Increase native plant density as discussed above, altering as needed where existing plants are present.
5) Provide the proposed plant sizes/conditions.

6) Include proposed requirements of a monitoring plan for the five-year period required by KZC Chapter 90. The first component of the monitoring plan is the preparation of an as-built report to document the successful installation of the plan and any minor departures in plant layout, density, species, etc. Note the code requirement that the site be monitored twice per year with an annual report submitted in the late summer or early fall. Typically, twice-yearly monitoring consists of an early spring maintenance visit and memo; the performance data-collection visit is conducted in the summer months.
7) Include a maintenance plan to instruct landscaping crews on plant replacement, routine weeding, invasive weed control, mulch replacement, irrigation adjustments, etc.
8) Include a contingency plan to cover potential establishment problems and suggested remedies.
9) Propose the use of salvaged woody debris material, if available.
10) Propose how the plan will satisfy the requirement of a buffer fence or other suitable barrier. Note that fences and barrier must be between the development and the reduced buffer, not inside the reduced buffer.
11) Include a requirement for a temporary irrigation system.
12) Include a requirement to decompact and amend the topsoil to produce a suitable planting medium.
13) Include a requirement to use either large mulch rings or a blanked woodchip mulch application. Regardless, fresh mulch should be at least four inches thick and should be replenished as necessary throughout the monitoring period.
14) Revise the cost estimate to include the changes discussed above, especially the plant numbers, irrigation, monitoring frequency, fence/barrier, irrigation system soil amendment and mulch.

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

Sincerely,

Hugh Mortensen

Hugh Mortensen, PWS
Principal

THE WATERSHED COMPANY

SCIENCE & DESIGN

September 27, 2013

David Barnes
City of Kirkland Planning and Community Development
123 – 5th Avenue
Kirkland, WA 98125

Re: Revised Buffer Mitigation Report and Plan Review
Lohnes Property, Slater Avenue

Dear David:

The revised information from Macwhinney Environmental Consulting was reviewed including the following documents:

1) September 12, 2013 Buffer Reduction Proposal
2) September 12, 2013 Buffer Planting Plan
3) September 25, 2013 Monitoring and Maintenance Plan

All of the requested changes detailed in my August 28, 2013 review letter have now been adequately addressed. Provided this plan is successfully implemented, monitored and maintained, the project will meet the code requirements of the Kirkland Zoning Code, Chapter 90.

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

Sincerely,

Hugh Mortensen

Hugh Mortensen, PWS
Principal

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Greenforest Incorporated

Consulting Arborist

8/13/2013

Kim Lohnes
10239 Slave Ave NE
Kirkland WA 98033

RE: Arborist Report and Tree Inventory

Dear Ms. Lohnes:

You contacted me and contracted my services as a consulting arborist. In preparation for development of your Kirkland property, the City requires an arborist report. I received from you a copy of the short plat prepared by Jim Hart & Associates. Via email correspondence, and telephone conversation, I understand that ten trees on the short plat are annotated in red by City planner David Barnes. He also provided a marked sheet of instructions as guidelines for this report. My assignment is to inspect the ten significant trees, and prepare a report to satisfy the indicated requirements. Additionally, in conversation with Mr. Barnes, I provide specific instructions for working within the driplines of the 10 subject trees.

I visited the site today, met with you, and inspected the subject trees.

TREE INSPECTION

I inspected the health and structure of each tree from the ground, and rated their current condition. A tree's structure is distinct from its health. This inspection identifies what is visible with both. Structure is the way the tree is put together or constructed, and identifying obvious defects can be helpful in determining if a tree is predisposed to failure. Health addresses disease and insect infestation. No invasive procedures are performed on any trees. The results of this inspection are based on what is visible at the time of the inspection.

4547 South Lucile Street, Seattle, WA 98118 Tel. 206-723-0656

The subject trees are native species: 1 cottonwood and 9 conifers. Two of the trees have been cut near grade in past and only the stumps remain. One tree is a dead standing snag nestled within the canopy of an adjacent tree.

Seven of the 10 trees are alive and healthy. One tree, a cedar, has a large open wound on its trunk. This has no affect on its health, and will only affect its ability to stay standing if the surrounding trees are removed. It is my opinion that this tree can remain as an amenity as long as it is retained within its current grove configuration.

The table below provides the following information for each tree:

Tree number as indicated on the attached plan. (I did not tag the subject trees because the horses that pasture around them appeared very curious to taste them.)

Tree Species Common name.

DBH Stem diameter in inches measured 4.5 feet from the ground.

Dripline Canopy extension as radius measured in feet.

Condition rating ('1' indicates no visible health-related problems or structural 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 removal is recommended.)

Status Recommendation for Removal or Retention.

Visible defects Obvious structural defects or diseases visible at time of inspection, which includes:

Dead – tree is dead.
Decay – process of wood degradation by micro-organisms resulting in weak and defective structure.
Grove trees – tree should be retained only as a grove tree, not stand-alone.
Wound/decay base of trunk - Open wound with visible decay in trunk.

Limits of Disturbance The minimum distance from the trunk in feet for any soil disturbance.

TREE INVENTORY

Tree No.	Species	DBH	DL	Condition	Status	Notes	LOD
1	Black cottonwood	20"	20'	1	Retain	No obvious defects.	7.5'
2	Western red-cedar	30	16	1	Retain	No obvious defects.	15
3	Western red-cedar	42	22	1	Retain	No obvious defects.	21
4	Western red-cedar	40	19	1	Retain	Very small open wound at base of trunk; decay present.	20
5	Western red-cedar	38	25	1	Retain	Large wound with decay on NE side of trunk. Keep only as grove tree.	19
6	Western red-cedar	33	18	1	Retain	No obvious defects.	16.5
7	Western red-cedar	26	0	3	N/A	Tree cut, only stump remains.	13
8	Western red-cedar	28	0	3	N/A	Tree cut, only stump remains.	14
9	Douglas-fir	22	0	3	Retain	Tree is a dead snag (40'). Okay to keep as wildlife habitat.	11
10	Western red-cedar	28	19	1	Retain	Very small open wound at base of trunk.	14

LIMITS OF DISTURBANCE (LOD)

LOD are calculated using rootplate and tree size (DBH) [1,2,3], current tree condition, and the anticipated percentage of disturbance around the perimeter of the tree. For this project, there will be disturbance, clearing or grading on only one side of the subject trees, and for most trees, less than 50%.

The LOD specified in the above table are the minimum distance for any soil disturbance, and are measured in feet from the center of the tree. These distances are within the driplines of the retained trees. Tree protective fencing shall be installed at the driplines for each tree (see below), and the only disturbance within the dripline, and up to the LOD, is identified in this report with special instructions. Any other proposed disturbance shall be addressed in a separate scope and report.

[1] Coder, Kim D. 2005. *Tree Biomechanics Series*. University of Georgia School of Forest Resources.
[2] Smiley, E. Thomas, Ph. D. *Assessing the Failure Potential of Tree Roots, Shade Tree Technical Report*. Bartlett Tree Research Laboratories.
[3] Fite, Kelby and E. Thomas Smiley. 2009. *Managing Trees During construction; Part Two*. Arborist News. ISA.

SPECIAL INSTRUCTIONS

The current proposed plan shows vertical water dispersal trenches within the driplines of or near the retained trees. These trenches may or may not be installed, and their current location on the plan is for illustrative purposes only. In the event they are installed, these instructions will apply:

- No more than one trench shall be installed within a tree's dripline.
- No excavation will occur within the LOD established in the above table without additional instructions.
- The width of the trench shall not exceed 2.5 feet.
- There is no maximum depth for the trench.
- All trenches shall radiate in a straight line out and away from the center of the tree.
- The wheels or tracks of the equipment used to excavate the trench shall enter a tree's dripline in a straight line toward the trunk, at and straddling the location of the trench and for no other purposes other than to excavate for the trench.

If it becomes clear that the canopy of the retained trees is in conflict with the proposed houses, pruning specifications shall be prepared by a qualified arborist, and shall be in accordance with ANSI A-300 Part 1, *Pruning Standards*, and shall follow *Best Management Practices* published by ISA.

All standing trees are viable for retention and no tree removal is recommended. Because no tree shall be removed, there will be no impact to surrounding trees on this property or on adjacent parcels.

TREE PROTECTION MEASURES AROUND RETAINED TREES

City of Kirkland requires protective fencing around all retained trees. Fencing shall be installed prior to any site clearing, grading or demolition, and shall include at minimum, four (4) foot temporary chainlink fence shall be installed at the driplines. Protective fence shall completely encircle the retained trees or groups of trees, or the clearing limits along the stream buffer. Install fence posts using pier block only. Fencing signage as detailed (see attached) must be posted every fifteen (15) feet along the fencing. Any modifications to the fencing material and location must be approved by a City planner. (See attached sketch.)

The area within the protective fencing shall be off limits to any materials storage or foot traffic. No stockpiling of materials, vehicular or pedestrian traffic, material storage or use of equipment or machinery shall be allowed within the protective fencing. Fencing shall not be moved or removed, except for sidewalk construction, unless approved by a City planner. Any work, activity or soil disturbance within the protection fencing, or critical root zone, shall be reviewed, approved and monitored by the project arborist.

Sincerely,

GreenForest, Inc.

By Favero Greenforest, M. S.

ISA Certified Arborist # PN -0143A
ASCA Registered Consulting Arborist® #379
PNW-ISA Certified Tree Risk Assessor #579

Attachments

1. Assumptions and Limiting Conditions
2. Site Sketch of Subject Trees
3. Tree Protective Fencing Detail

Attachment No. 1 - Assumptions & Limiting Conditions

1) A field examination of the site was made 8/13/2013. 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.

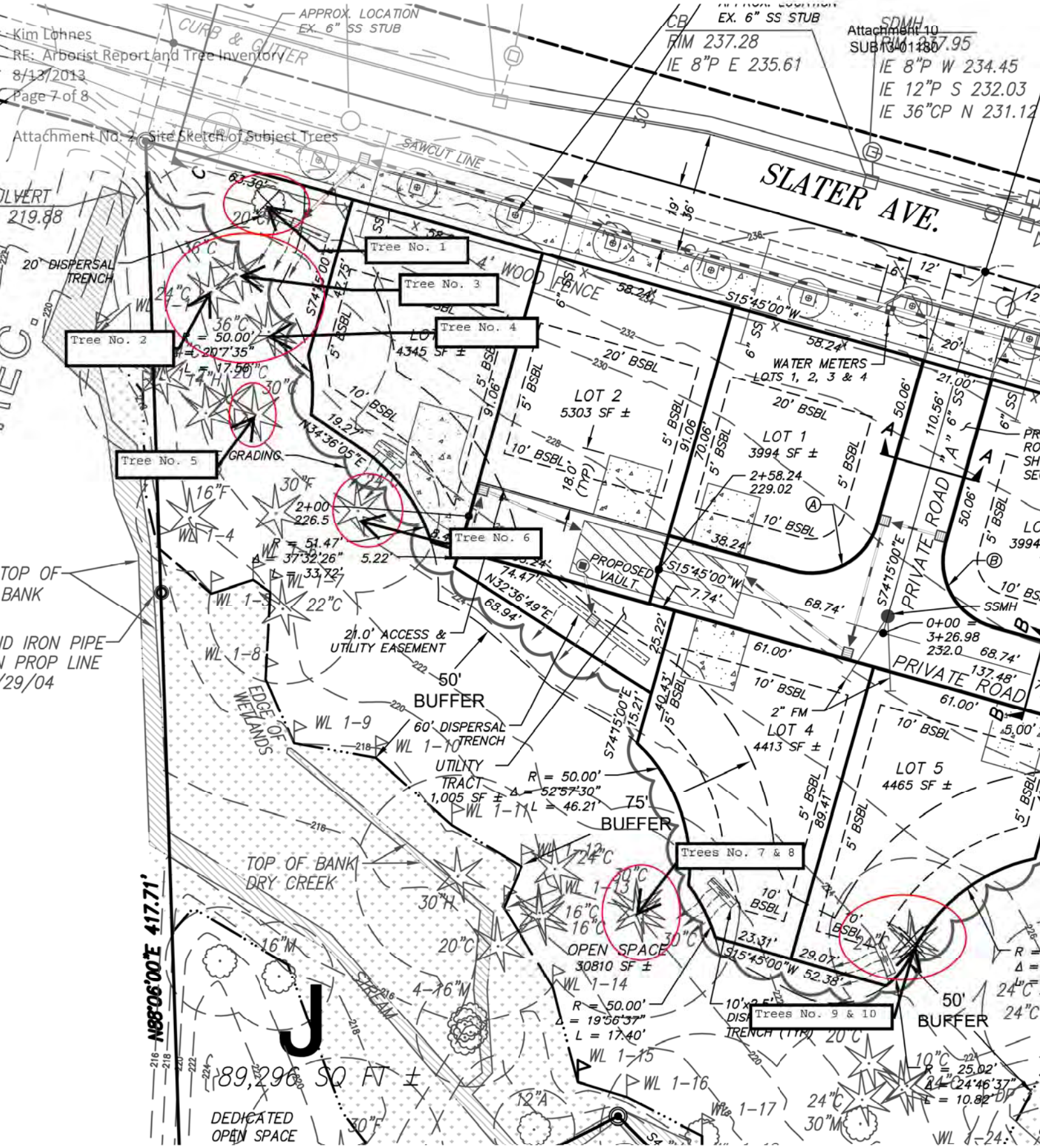
5) Construction activities can significantly affect the condition of retained trees. All retained trees should be inspected after construction is completed, and then inspected regularly as part of routine maintenance.

6) 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.

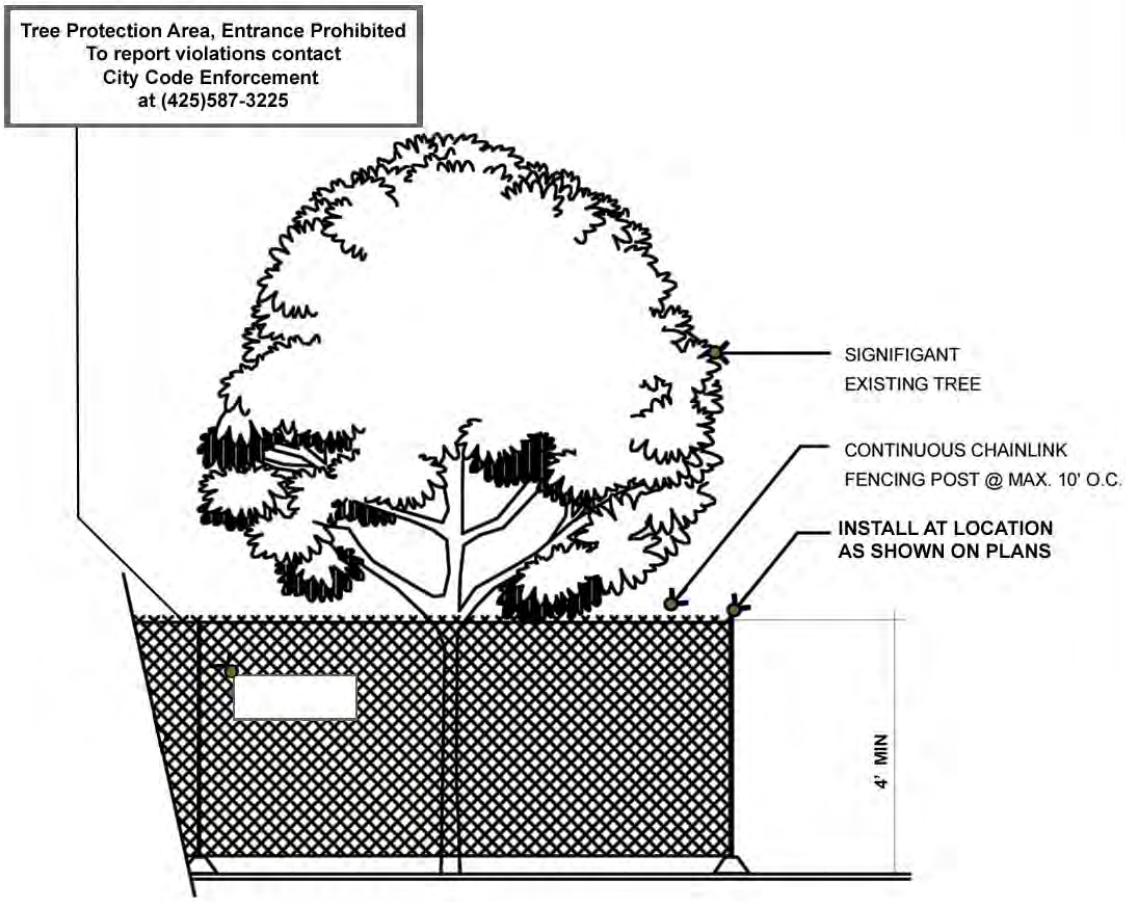
7) This report and any values/opinions expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

8) Ownership and use of consultant's documents, work product and deliverables shall pass to the Client only when ALL fees have been paid.

Attachment No. 2 - Site Sketch of Subject Trees



FENCING SIGN DETAIL



1. MINIMUM FOUR (4) FOOT HIGH TEMPORARY CHAINLINK FENCE SHALL BE PLACED AT THE CRITICAL ROOT ZONE OR DESIGNATED LIMIT OF DISTURBANCE OF THE TREE TO BE SAVED. FENCE SHALL COMPLETELY ENCIRCLE TREE (S). INSTALL FENCE POSTS USING PIER BLOCK ONLY. AVOID POST OR STAKES INTO MAJOR ROOTS. MODIFICATIONS TO FENCING MATERIAL AND LOCATION MUST BE APPROVED BY PLANNING OFFICIAL.

2. TREATMENT OF ROOTS EXPOSED DURING CONSTRUCTION: FOR ROOTS OVER ONE (1) INCH DIAMETER DAMAGED DURING CONSTRUCTION, MAKE A CLEAN STRAIGHT CUT TO REMOVE DAMAGED PORTION OF ROOT. ALL EXPOSED ROOTS SHALL BE TEMPORARILY COVERED WITH DAMP BURLAP TO PREVENT DRYING, AND COVERED WITH SOIL AS SOON AS POSSIBLE.

3. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMIT OF THE FENCING. FENCING SHALL NOT BE MOVED OR REMOVED UNLESS APPROVED BY THE CITY PLANNING OFFICIAL. WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY UNDER THE SUPERVISION OF THE ON-SITE ARBORIST AND WITH PRIOR APPROVAL BY THE CITY PLANNING OFFICIAL.

4. FENCING SIGNAGE AS DETAILED ABOVE MUST BE POSTED EVERY FIFTEEN (15) FEET ALONG THE FENCE.

CITY OF KIRKLAND WASHINGTON

TREE PROTECTION FENCING DETAIL

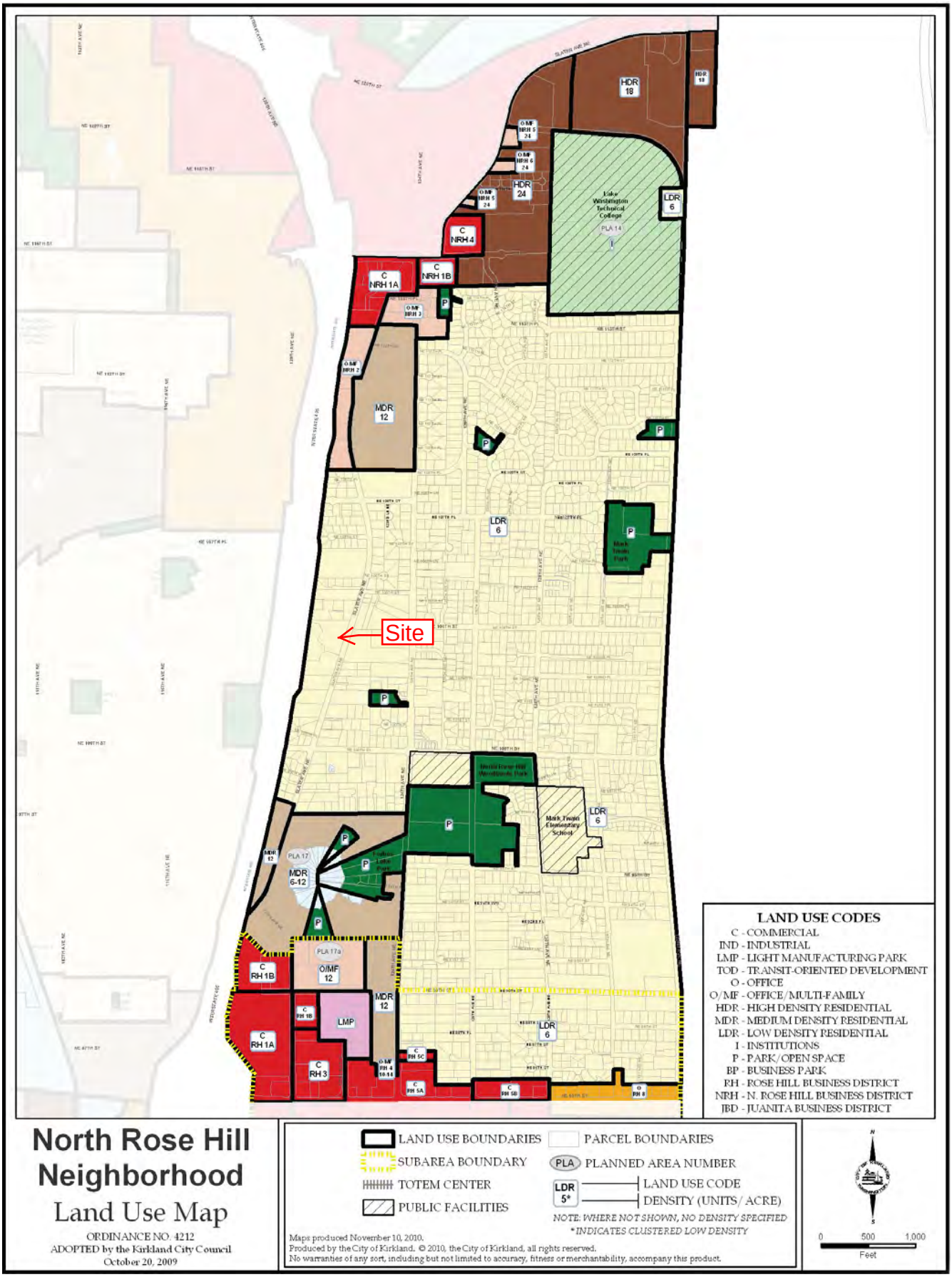


Figure NRH-4: North Rose Hill Land Use