



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Anne Watanabe, Hearing Examiner

From: Judd Tuberg, Code Enforcement Officer

Date: February 14, 2012

Subject: Chris White, and Jan and David Weeks
Notice of Civil Violation
8808 128th Avenue NE, COM11-00076
ENF 11-057

This matter was set for hearing by a Notice of Civil Violation issued on December 21, 2011, attached, and continued from January 19, 2012, 9 AM to February 16, 2012, 9 AM, by Sue Tanner Hearing Examiner. Planning staff has been in contact with property occupant Chris White to resolve the current wetland buffer violation at the subject property and bring the violation into compliance.

The City expects that there will be an agreement for compliance of the unresolved wetland buffer violation at 8808 128th Avenue NE, Kirkland, WA submitted by Chris White no later than February 23, 2012. Based on this information we ask that this matter be continued until March 1, 2012. At that time if the wetland buffer restoration plan agreement has been submitted by Chris White to the Planning Dept. for required review and approved by the Director, we would request that the subject case jurisdiction be retained by the Hearing Examiner until the pending formal wetland buffer restoration plan is installed and implemented at the subject property by Chris White or his agent, subject to: (1) the required maintenance and monitoring period; (2) under the oversight of a qualified professional; and (3) final field inspection and approval by the Planning Dept.



Date: December 21, 2011 Property Owner Information Name: Jan A. Weeks and David O. Weeks Address: 5506 Merlyn Lane City, State, Zip: Cape Coral , Florida 33914	Case Number: ENF 11-057 Violation Information Site Address: 8808 128 th Avenue NE City, State, Zip: Kirkland, WA 98033 Parcel #: 388810-0105
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Code Provision(s) Violated:	Section 90.45, Kirkland Zoning Code, and the terms and conditions of the permit or approval for Lot 1, LEE SHORT PLAT, DPCD FILE NO. SS-98-71, pursuant to Section 1.12.020 (8), Kirkland Municipal Code and the recorded Wetland Buffer And Natural Greenbelt Protective Easement (WB&NGPE) for DPCD FILE NO. SS-98-71, applicable to the site address.
Description of Violation:	Conducting a land surface modification (LSM) or making an improvement in a Type 1 wetland or its buffer consisting of clearing or removing native ground cover, shrubs or other vegetation, grading, excavation and filling of materials and constructing an approx. 2,500 square foot cultivated garden comprised of new grass sod, dark composting mulch, non-native bright flowers, shrubs, and other plants, a sprinkler system, bird bath, round concrete planter, and lawn furniture, at 8808 128 th Avenue NE, Kirkland, WA in violation of Section 90.45, KZC, the conditions and terms of approval DPCD FILE NO. SS-98-71, and the WB&NGPE prohibiting shrub or brush cutting, or removal, clearing, construction or alteration activities in the wetland buffer .
Inspection Dates:	4-5-11 4-7-11 and 4-8-11.
Date(s) of Violation:	December 21, 2011 (the date of issuance of the Notice of Civil Violation) and each day, or portion thereof, that the violation continues until the violation is certified as corrected by the assigned Code Enforcement Officer.
Person(s) Responsible For:	Jan. A Weeks, and David O. Weeks, property owners, and Chris White, resident at site.
Request for Voluntary Compliance:	Yes. Sent to Jan. A. Weeks, and Chris White on May 25, 2011,
Corrective Action and Compliance Date:	By JANUARY 6, 2012, 5:00PM, submit a letter to the Kirkland Planning Dept. agreeing to promptly hire a qualified professional to prepare and administer: (A) a complete wetland buffer restoration plan subject to review and prior written approval by the City or its wetland consultant, and further agreeing to promptly and permanently remove the approx. 2,500 square foot cultivated garden, grass sod, and all non-native plant species and to replace with approved native plant species, and to permanently remove all other components of the unauthorized improvement listed in the "Description Of Violation", above-referenced, at the site address, and (B) replace and maintain the missing portion of the split rail fence at the NGPE south boundary/ Type I Wetland 50 foot buffer edge.
Hearing Date:	January 19, 2012, 9:00AM.

HEARING NOTICE: On January 19, 2012, at 9:00AM the Kirkland Hearing Examiner shall hold a hearing in City Council Chambers, 123 5th Avenue, Kirkland, WA, 98033, 2nd floor, Kirkland City Hall relating to the above issued Notice of Civil Violation. If the required corrective action is completed AND written approval is obtained from the issuing party at least 48 hours prior to the hearing, the hearing shall be cancelled and no monetary penalty assessed. If you choose NOT to complete the required corrective action by that time, the hearing shall continue as scheduled.

HEARING EXAMINER HEARING: At the hearing, staff may request the Examiner to issue an order assessing the monetary penalties in the amounts described below. All costs and expenses of abatement incurred by the City pursuant to KMC 1.12.060(D) and monetary penalties in the amount per day for each violation as specified in KMC 1.12.040(E) may be assessed against the person responsible for the civil violation as listed above.

- First violation\$100.00
- Second violation\$200.00
- Third violation\$300.00
- Additional violation in excess of three\$500.00

Payment of a monetary penalty pursuant to Chapter KMC 1.12.040 does not relieve the person to whom the Notice of Civil Violation was issued of the continued duty to correct the violation.

ISSUED BY: Judd Tuberg, Code Enforcement Officer
 Phone: (425)587-3290 - Email: jtuberg@kirklandwa.gov

METHOD OF SERVICE:

- Hand Delivered
- Postal Mail
- Posted at Subject Property Site

