



October 2, 2017

Christian Geitz  
City of Kirkland  
Planning and Community Development  
123 Fifth Avenue  
Kirkland, WA 98125

**Re: 7206 NE 129<sup>th</sup> Street – Wetland Study Review**  
The Watershed Company Ref. No.: 170622.10

Dear Christian:

This letter presents the findings of an environmental review of a wetland determination report completed by Wetland Resources, Inc. on behalf of Isola Homes. The study area is located 7206 NE 129<sup>th</sup> Street (Parcel number 4055700755). The following documents were reviewed for this study:

- July 10, 2017 *Determination Report for 7206 NE 129<sup>th</sup> Street in Kirkland, Washington*, prepared by Wetland Resources, Inc. (WRI)(WRI Report)
- March 21, 2017 *Geotechnical Engineering Study, Proposed Townhomes, 7206 Northeast 129<sup>th</sup> Street, Kirkland, Washington*. Geotech Consultants, Inc. (Geotech Report)
- May 22, 2017 *Tree Inventory and Vegetation zone Map, Isola Homes – 7206 NE 129<sup>th</sup> St. Kirkland, WA*. Prepared by Shoffner Consulting.

I visited the site on September 21, 2017 to review the site conditions and the absence of onsite wetland area as documented by WRI.

An assessment of climatic conditions for precipitation was determined using the WETS table methodology from the USDA NRCS document *Part 650 Engineering Field Handbook, National Engineering Handbook, Hydrology Tools for Wetland Identification and Analysis, Chapter 19* (September 2015). WETS Table calculations for applicable months are enclosed with this letter.

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**Wetland Determination Review Findings**

As documented by WRI, reference source Google Earth, the central east side of the subject property was cleared between 2002 and 2003. Soils throughout this area are compacted and found to be consistent with fill soils, as reported. According the Geotech Report, a fill soil layer one to two feet thick was encountered at tests pits TP-4 and TP-5 on the east side of the site. The Geotech Report documents perched groundwater in test pits one to three and a half feet below ground surface in February 28, 2017. Geotech test pits were not marked at the time of my site visit; locations were approximated from the Site Exploration Plan provided in the Geotech Report. The WRI Report documents no field observation of wetland hydrology in June 2017, a wetter than normal period. No wetland hydrology was observed during my September 2017 site visit, a drier than normal period.

Table 1. Weather conditions as determined by NRCS WETS Table.

Fieldwork by	Fieldwork date	NRCS WETS Table	
		Month	Condition
GeoTech Consultants, Inc.	Feb. 28, 2017	March	Normal
Wetland Resources, Inc.	June 21, 2017	June	Wetter than normal
The Watershed Co.	Sept. 21, 2017	September	Drier than normal

Present conditions in the former clearing is accurately described by WRI. I recorded one data point (DP-1) on the downslope south end of the clearing, among the red alder saplings with a creeping buttercup understory. The vegetation community is dominated by facultative species; upland and facultative upland species, such as Pacific madrone and beaked hazelnut are present in the vicinity. The compacted and gravelly soil exhibited Redox Dark Surface hydric soil indicator, but wetland hydrology indicators were not observed at the time of my September site visit. Wetland hydrology was also recorded as absent by WRI in June 2017, a wetter than normal period. The area is compacted and may perch water for short durations during storm events. Based on the lack of observed hydrology and a lack of recorded hydrology by WRI during a wetter than normal period, in my professional judgement this area does not meet wetland criteria.

The Tree Inventory and Vegetation Zone Map (Survey Map) shows the four sample points WRI recorded, and eight wetland flags connected to form a polygon. The eight flags are connected to show a polygon on the Survey Map; WRI sample point S3 is inside the polygon. I recorded DP-1 on the downslope side of this polygon. The WRI Report does not mention these wetland flags; the source of this information is unknown. As described above the area was cleared and compacted approximately 15 years ago and wetland conditions were not observed at the time of my fieldwork. The majority of the area is characterized by meadow grass is mixed with herbaceous weeds, including hairy

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cat's ear, and a few blackberry vines. An alder sapling stand is in the downslope, south end of the polygon. A small patch of soft rush is present around a cottonwood sapling. A bigleaf maple sapling and dense blanket of English ivy are also within the alder stand. Further downslope where water would be expected to drain, non-wetland vegetation, including Pacific madrone and osoberry, is prevalent.

### **Conclusion**

Presently, no wetlands are onsite. Soils in the clearing are compacted. The majority of the filled area is convex; however the downslope side of the clearing the land is slightly concave and may perch water in winter as the GeoTech Report described. Wetland conditions may have been different prior to clearing and grading, which took place approximately 15 years ago. Wetland flags are shown on the site survey that do not match the current WRI determination that no wetlands are present. Fill soil has the potential to displace groundwater. It is unclear if a former wetland was eliminated through prior clearing and grading activities. Since there is no report that has been found to accompany the survey data, we have no ability to judge the accuracy of the original work. Absent historic documentation a wetland existed onsite, wetland presence cannot be confirmed under present site conditions. I recommend the city accept the WRI wetland assessment concluding a lack of jurisdictional wetland features on the property.

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

Sincerely,



Nell Lund, PWS  
Senior Ecologist

DP- 1

Project Site: <b>7206 NE 129th Street</b>		Sampling Date: <b>9/21/2017</b>
Applicant/Owner: <b>Isola Homes</b>		Sampling Point: <b>DP- 1</b>
Investigator: <b>Nell Lund</b>		City/County: <b>Kirkland / King</b>
Sect., Township, Range: <b>S 25 T 26N R 4E</b>		State: <b>WA</b>
Landform (hillslope, terrace, etc): <b>hillslope</b>	Slope (%): <b>&gt;5%</b>	Local relief (concave, convex, none): <b>slightly concave</b>
Subregion (LRR): <b>A</b>	Lat:	Long:
Soil Map Unit Name: <b>Alderwood gravelly sandy loam, 8-15% slopes</b>		NWI classification: <b>none</b>
Are climatic/hydrologic conditions on the site typical for this time of year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		(If no, explain in remarks.)
Are "Normal Circumstances" present on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<b>Drier than normal per NRCS WETS Table (attached)</b>
Are Vegetation <input type="checkbox"/> , Soil <input type="checkbox"/> , or Hydrology <input type="checkbox"/> significantly disturbed?		(If needed, explain any answers in Remarks.)
Are Vegetation <input type="checkbox"/> , Soil <input type="checkbox"/> , or Hydrology <input type="checkbox"/> naturally problematic?		

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Hydric Soils Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampling Point within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Wetland Hydrology Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Remarks: **Within or near noted cleared and filled area, dating back to 2003. Disturbance is more than 5 years old; therefore, new normal circumstances.**

**Area compacted**

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: 5m diam.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet	
1. <i>Thuja plicata</i>	10	Y	FAC	Number of Dominant Species that are OBL, FACW, or FAC:	3 (A)
2. <i>Arbutus menziesii</i>	40	Y	UPL*	Total Number of Dominant Species Across All Strata:	4 (B)
3.				Percent of Dominant Species that are OBL, FACW, or FAC:	100 (A/B)
4.	50	= Total Cover			
Sapling/Shrub Stratum (Plot size: 3m diam.)	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index Worksheet	
1. <i>Alnus rubra</i> (saplings)	40	Y	FAC	Total % Cover of	
2. <i>Lonicera involucrata</i>	20	Y	FAC	OBL species	x 1 =
3. <i>Corylus cornuta</i>	2	N	FACU	FACW species	x 2 =
4.				FAC species	x 3 =
5.				FACU species	x 4 =
	62	= Total Cover		UPL species	x 5 =
				Column totals	(A) (B)
Herb Stratum (Plot size: 1m diam.)	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index = B / A =	
1. <i>Ranunculus repens</i>	90	Y	FAC		
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
	90	= Total Cover			
Woody Vine Stratum (Plot size: )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators	
1.				<input checked="" type="checkbox"/> Dominance test is > 50%	
2.				<input type="checkbox"/> Prevalence test is ≤ 3.0 *	
				Morphological Adaptations * (provide supporting data in remarks or on a separate sheet)	
				<input type="checkbox"/> Wetland Non-Vascular Plants *	
				<input type="checkbox"/> Problematic Hydrophytic Vegetation * (explain)	
				* Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic	
				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
% Bare Ground in Herb Stratum:					

Remarks: \* Per the WMCV Regional Supplement: "In general, species that are not listed on the wetland plant list are assumed to be upland (UPL) species."; UPL on the WSDOT Plant List.

Note: Downslope of DP-1 plant community mixed, includes western red cedar, madrone, bigleaf maple, beaked hazelnut and osoberry. English ivy understory nearby.



WETS Table

USDA NRCS document Part 650 Engineering Field Handbook, National Engineering Handbook, Hydrology Tools for Wetland Identification and Analysis, Chapter 19 (September 2015)

**Directions: Fill in gray cells from online WETS table**

Station	Month of Site Visit	Year
SeaTac	March	2017

The prior period has been: **normal**

Month	Longterm rainfall records			Rainfall	Condition (dry, wet, normal)	Condition value	Month weight value	Product of condition and month weight
	3 years in 10 less than	Normal	3 years in 10 more than					
<i>1st Prior</i> <i>February</i>	2.54	3.91	4.70	8.85	<i>Wet</i>	3	3	9
<i>2nd Prior</i> <i>January</i>	3.88	5.33	6.28	4.22	<i>Normal</i>	2	2	4
<i>3rd Prior</i> <i>December</i>	3.94	5.61	6.66	3.87	<i>Dry</i>	1	1	1

Product sum	14
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Data Source: NOAA Regional Climate Center <<http://agacis.rcc-acis.org/>>, AgACIS, FIPS id: 53303

WETS Table

USDA NRCS document Part 650 Engineering Field Handbook, National Engineering Handbook, Hydrology Tools for Wetland Identification and Analysis, Chapter 19 (September 2015)

Directions: Fill in gray cells from online WETS table

Station	Month of Delineation	Year
Seattle Tacoma Intl AP	June	2017

The prior period has been: **wetter than normal**

Month	Longterm rainfall records			Rainfall	Condition (dry, wet, normal)	Condition value	Month weight value	Product of condition and month weight
	3 years in 10 less than	Normal	3 years in 10 more than					
<i>1st Prior</i> <i>May</i>	1.24	1.87	2.24	2.28	<i>Wet</i>	3	3	9
<i>2nd Prior</i> <i>April</i>	1.81	2.75	3.30	4.21	<i>Wet</i>	3	2	6
<i>3rd Prior</i> <i>March</i>	2.98	4.07	4.78	7.31	<i>Wet</i>	3	1	3

Product sum	18
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Data Source: NOAA Regional Climate Center <<http://agacis.rcc-acis.org/>>, AgACIS, FIPS id: 53033

WETS Table

USDA NRCS document Part 650 Engineering Field Handbook, National Engineering Handbook,  
 Hydrology Tools for Wetland Identification and Analysis, Chapter 19 (September 2015)

**Directions: Fill in gray cells from online WETS table**

Station	Month of Delineation	Year
Seattle Tacoma Intl AP	September	2017

The prior period has been: **drier than normal**

Month	Longterm rainfall records			Rainfall	Condition (dry, wet, normal)	Condition value	Month weight value	Product of condition and month weight
	3 years in 10 less than	Normal	3 years in 10 more than					
<i>1st Prior</i> <i>August</i>	0.32	1.04	1.21	0.02	<i>Dry</i>	1	3	3
<i>2nd Prior</i> <i>July</i>	0.33	0.69	0.82	0.00	<i>Dry</i>	1	2	2
<i>3rd Prior</i> <i>June</i>	0.92	1.48	1.79	1.52	<i>Normal</i>	2	1	2

Product sum	7
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Data Source: NOAA Regional Climate Center <<http://agacis.rcc-acis.org/>>, AgACIS, FIPS id: 53033



**PROTECTED NATURAL AREAS**



**BLUELINE**

SCALE: AS NOTED  
 PROJECT MANAGER: GYFF E. TAMBLE, PE  
 PROJECT ENGINEER: ROBERT DAWN  
 DESIGNER: NADIA KRUMHOVA  
 ISSUE DATE: 12/6/2017

NO.	DATE	BY	REVISION
1	12/6/17	MM	ISSUED FOR PERMITS

**TREE RETENTION PLAN**  
**7206 NE 129TH ST**  
**PRELIMINARY SHORT PLAT**  
**PARCEL #4055700755**  
 CITY OF KIRKLAND WASHINGTON



12/6/17  
 JOB NUMBER: **17-096**  
 SHEET NAME: **TR-01**  
 SHT **5** OF **6**

**TREE RETENTION CALCULATIONS:**

REQUIRED MIN. DENSITY =  $\frac{30 \text{ CREDITS}}{\text{ACRES}}$  30 CR x 2.04 AC = 61.2 CREDITS  
 PROPOSED DENSITY\* = 260  
 \*PROPOSED TREE DENSITY AT LSM STAGE

**LEGEND**

- ✕ ✕ EXISTING TREE TO BE REMOVED
- ✕ ⊗ EXISTING NON Viable TREE TO BE REMOVED
- ✕ ⊙ EXISTING TREE TO BE SAVED

**NOTE**  
 INDIVIDUAL TREE RETENTION CALCULATION PER LOT WILL BE PROVIDED AT BUILDING PERMIT STAGE.

**UNDERGROUND UTILITY NOTE**  
 UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES. TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL, THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON1.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

12/6/17 10:46:20 AM 2017 - 12/6/17 - 10:46:20 AM - 10:46:20 AM  
 C:\Projects\17008\17008\Drawings\Short Plat\17008-01.dwg





## HOLMES POINT OVERLAY ZONE PROTECTED NATURAL AREA EASEMENT

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\_\_\_\_\_, owner of the hereinafter described real property ("Grantor"), hereby grants to the City of Kirkland, a municipal corporation ("Grantee") a Holmes Point Overlay Zone Protected Natural Area easement ("PNA Easement") over and across the following described real property:

\_\_\_\_\_

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 PNA Easement without prior written approval from the City of Kirkland. Application for such written approval is 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 the PNA Area by removing non-native, invasive, and noxious plants in a manner that will not harm the PNA and in accordance with Kirkland Zoning Code Chapter 70 requirements for trees and other vegetation within the PNA.

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

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 PNA 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:

\_\_\_\_\_

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 Public Ingress and Egress 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 Public Ingress and Egress 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: \_\_\_\_\_











## PRESERVED GROVE EASEMENT

Parcel Number: \_\_\_\_\_

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

Grantee: The City of Kirkland, a municipal corporation.

The undersigned grantors covenant to the City of Kirkland that they are all of the fee owners of the real property described in Exhibit A and hereby grant and convey a preserved grove easement over and across the portion of said real property as described in Exhibit B.

All trees and any associated vegetation within the area of the preserved grove easement shall remain and be maintained by the grantor, and the grantor's successors and assigns, in perpetuity in accordance with the plan approved by the City of Kirkland under permit number \_\_\_\_\_. The limits of the preserved grove easement as set forth in Exhibit B identify the location of the trees that must remain. No development activity, such as, but not limited to, construction of structures, buildings, or sheds are allowed that would impact the trees or associated vegetation within this easement without prior written approval by the City. A report by a qualified professional that assesses the impacts to the trees and vegetation within the easement must be submitted to the City of Kirkland for review and approval prior to any development activity on the property. Any person conducting or authorizing development activity or tree removal in violation of this paragraph or the terms of any written approval issued pursuant hereto, shall be subject to the enforcement provisions of Chapter 1.12, of the Kirkland Municipal Code. In such event, the Kirkland Planning and Building Department may also require within the immediate vicinity of any damaged or fallen vegetation, restoration of the affected area by planting shrubs of comparable size and/or trees of three inches or more in diameter measured one foot above grade. The Department also may require that the damaged or fallen vegetation be removed.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, including costs, expenses and attorney's fees incurred in the investigation and defense of said claims, 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 maintenance of said preserved grove easement over said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, excepting therefrom only such claims as may arise solely out of the gross negligence of the City of Kirkland, its officers, agents, or employees.

This easement shall be binding upon the parties hereto, their successors and assigns, and shall run with the land. This Easement shall, at the expense of the undersigned grantors, be recorded by the City of Kirkland with the King County Department of Elections and Records.

Exhibit A - Legal Description of Grantor's Property:

Exhibit B - Easement Description:

DATED 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 Preserved Grove 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 Preserved Grove 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: \_\_\_\_\_







April 27, 2018

Mr. Christian Geitz, Planner  
Land Use Management Division  
Planning and Building Department  
123 - 5th Avenue  
Kirkland WA 98033

SUBJECT: Appeal of Preliminary Subdivision Proposal SUB17-00450

Dear Mr. Geitz:

We live at 12912 – 74<sup>th</sup> Avenue NE in Kirkland. Our property abuts Lot 8 of the proposed subdivision. We hereby appeal the subdivision on the following basis.

**Lack of Review Time** – Though it was dated April 13, 2018, we received the director’s decision package on Tuesday April 24. This left us only 3 days to review the materials. This is unreasonable. We therefore respectfully request you allow us one additional week to provide the city with clarifying information to support this initial appeal letter.

**Decision Package Was Incomplete** – Our package included outdated maps of the Tree Retention Plan. We were informed of this today – April 27, 2018. Also, our package did NOT include Appendix 9 or 11.

**Tree Retention Plan is Based on Incomplete Site Data** – The city is requiring the retention of Grove 2 (on Lots 7 and 8) to meet Holmes Point Overlay requirements. This will shift the building site on Lot 8 far to the north, leaving the lot with effectively no rear yard, and severely impacting our privacy and access to light. Meanwhile, we **believe the city failed to identify several significantly sized Red Alder trees and other vegetation located near the north end of Lot 8.** This vegetation could be used to satisfy Holmes Point Overlay requirements while providing ecological buffer for our lot and the lot north Lots 7 and 8. We believe the city’s arborist/tree consultant erred in their site assessment in not identifying these trees. Here’s our point: if these trees along the north property boundary were properly identified in the site survey we believe Grove 2 could be reduced in size, thus shifting the Lot 7 and 8 building site further south. This would reduce the development’s impact on neighboring homeowners.

### **Background**

On September 6, 2017 we sent a comment letter on the preliminary subdivision proposed for the property located at 7206 NE 129<sup>th</sup> Street, Kirkland, WA 98034. We also met with Mr. Geitz at city hall to discuss the proposal, and he encouraged us to provide comments, saying the city had some latitude to impose reasonable conditions on the project. After reviewing the package of materials for the proposed subdivision (including the city’s conditions of approval), it appears **the city ignored all our comments and suggestions.** We are greatly disappointed by what we see in the approval documents. Here’s why:

Although the city seems to be overly concerned about saving native trees, and implementing the Holmes Point Overlay, you ignored our suggestion to save several Pacific Madrona trees along NE 129<sup>th</sup> Street (tree #114, #123, #124, and #126). These trees have “high retention value” according to your Tree Inventory and Vegetation Composition Report. Perhaps your removal recommendation for these trees along NE 129<sup>th</sup> Street is because they are not part of Grove 2. Still, they are significant and unique trees, and would add to the ecological and landscape value of the proposed subdivision. Please reconsider retaining these trees.

RECEIVED  
APR 1 2018

Your dogmatic implementation of the Holmes Point Overlay results in the retention of Grove 2 at the expense of the trees along NE 129<sup>th</sup>. In addition, retaining the proposed Grove 2 will push the building site on Lot 8 far to the north, giving this lot a small rear yard. For us, this means a huge new house right over our back fence, which will destroy our privacy. We wrote in September 2017 asking you to identify and preserve three significantly sized Red Alder trees as well as several smaller trees located near the north end of Lot 8. These trees are still not on your Tree Retention Plan. Why not? Retention of these trees might allow the Lot 8 building site to be moved slightly to the south, allowing for a larger rear yard. By the way, the city's proposed conditions would provide for significantly more native vegetation retention than the 25% required by the Holmes Point Overlay. So why does Grove 2 need to be so large?

Before you give Isola final approval of their proposed subdivision please consider our concerns. We believe the city should be equally interested in serving its tax-paying residents as it is in preserving trees.

Sincerely,

*Stephen Kiehl*

*Christine Kiehl*

Stephen and Christine Kiehl  
12921 – 74<sup>th</sup> Avenue NE  
Kirkland, WA 98034  
1-425-823-4693  
[cskiehl@comcast.net](mailto:cskiehl@comcast.net)

cc: Eric Shields, Planning and Building Director



May 3, 2018

Mr. Christian Geitz, Planner  
Land Use Management Division  
Planning and Building Department  
123 - 5th Avenue  
Kirkland WA 98033

SUBJECT: Clarifying Information for Appeal of Preliminary Subdivision Proposal SUB17-00450

Dear Mr. Geitz:

We live at 12921– 74<sup>th</sup> Avenue NE in Kirkland. Our property abuts Lot 8 of the proposed subdivision. Last week we filed an appeal of the subdivision. The following information is provided to clarify our appeal letter dated April 27, 2018. Clarifying information is *italicized*.

**Clarifying Information Submitted on May 3, 2018**

- *Our earlier comment letter requested several Madrona trees along NE 129<sup>th</sup> Street be retained. City staff has recently told us that these trees (#113, 114, 121, 124, and 126) will ALL be retained as conditions of approval. Yet the **latest Tree Retention Plans still show trees #124 and 126 are to be removed.** How can the public understand the extent of tree removal if the official maps are not accurate?*
- ***The city's conditions of approval - page 7, section B.1.h. – "Compliance with Holmes Point Overlay" have not been met.** These conditions state "...To the maximum extent possible, the PNA must consist of existing viable trees and native vegetation..." In addition, section B.1.e. states "...the City's...Arborist has evaluated all existing trees and understory vegetation on the site." We believe this is incorrect, as **the red alder trees located in the north end of proposed Lot 8 were not inventoried during the site analysis.** Therefore, this condition of approval cannot be met until these trees are identified and assessed. We believe these three red alder trees are over 6" in diameter at 4-1/2 feet above the ground, making them "significant." We also believe these alders are young, healthy, and vigorous, making them good candidates for inclusion in Grove 1a.*
- ***In addition to the Red Alder trees located on Lot 8, we believe trees #100 and #101 on Lot 7 should be retained and included within Grove 1a.** This would provide a buffer for properties to the north and east. This would also allow the entire development to meet Holmes Point Overlay requirements while slightly reducing the size of Grove 2 (removing tree # 106). Your arborist report (Attachment 4) says trees #100 and 101 are "in good condition, health, young, and vigorous." Yet the staff report (Attachment 3) concludes tree #100 is "NV = not viable." Why the discrepancy? Again, we believe trees #100 and 101 have good retention value and should be included within Grove 1a as a condition of approval.*

**Text of appeal letter submitted April 27, 2018**

**Lack of Review Time** – Though it was dated April 13, 2018, we received the director's decision package on Tuesday April 24. This left us only 3 days to review the materials. This is unreasonable. We therefore respectfully request you allow us one additional week to provide the city with clarifying information to support this initial appeal letter.

**Decision Package Was Incomplete** – Our package included outdated maps of the Tree Retention Plan. We were informed of this today – April 27, 2018. Also, our package did NOT include Appendix 9 or 11.

**Tree Retention Plan is Based on Incomplete Site Data** – The city is requiring the retention of Grove 2 (on Lots 6, 7, and 8) to meet Holmes Point Overlay requirements. This will shift the building site on Lot 8 far to the north, leaving the lot with effectively no rear yard, and severely impacting our privacy and access to light. Meanwhile, we **believe the city failed to identify several significantly sized Red Alder trees and other vegetation located near the north end of Lot 8.** This vegetation could be used to satisfy Holmes Point Overlay requirements while providing ecological buffer for our lot and other properties north proposed Lots 7 and 8. We believe the city's arborist/tree consultant erred in their site assessment in not identifying these trees. Here's our point: if these trees along the north property boundary were properly identified in the site survey we believe Grove 2 could be reduced in size (e.g., removing tree #106), thus shifting the 8 building site further south. This would reduce the development's impact on neighboring homeowners.

### **Background**

On September 6, 2017 we sent a comment letter on the preliminary subdivision proposed for the property located at 7206 NE 129<sup>th</sup> Street, Kirkland, WA 98034. We also met with Mr. Geitz at city hall to discuss the proposal, and he encouraged us to provide comments, saying the city had some latitude to impose reasonable conditions on the project. After reviewing the package of materials for the proposed subdivision (including the city's conditions of approval), it appears **the city ignored all our comments and suggestions.** We are greatly disappointed by what we see in the approval documents. Here's why:

Although the city seems to be overly concerned about saving native trees, and implementing the Holmes Point Overlay, you ignored our suggestion to save several Pacific Madrona trees along NE 129<sup>th</sup> Street (tree #114, #123, #124, and #126). These trees have "high retention value" according to your Tree Inventory and Vegetation Composition Report. Perhaps your removal recommendation for these trees along NE 129<sup>th</sup> Street is because they are not part of Grove 2. Still, they are significant and unique trees, and would add to the ecological and landscape value of the proposed subdivision. Please reconsider retaining these trees.

Your dogmatic implementation of the Holmes Point Overlay results in the retention of Grove 2 at the expense of the trees along NE 129<sup>th</sup>. In addition, retaining the proposed Grove 2 will push the building site on Lot 8 far to the north, giving this lot a small rear yard. For us, this means a huge new house right over our back fence, which will destroy our privacy. We wrote in September 2017 asking you to identify and preserve three significantly sized Red Alder trees as well as several smaller trees located near the north end of Lot 8. These trees are still not on your Tree Retention Plan. Why not? Retention of these trees might allow the Lot 8 building site to be moved slightly to the south, allowing for a larger rear yard. By the way, the city's proposed conditions would provide for significantly more native vegetation retention than the 25% required by the Holmes Point Overlay. So why does Grove 2 need to be so large?

Before you give Isola final approval of their proposed subdivision please consider our concerns. We believe the city should be equally interested in serving its tax-paying residents as it is in preserving trees.

Sincerely,



Stephen and Christine Kiehl  
12921 – 74<sup>th</sup> Avenue NE  
Kirkland, WA 98034  
1-425-823-4693  
[cskiehl@comcast.net](mailto:cskiehl@comcast.net)

cc: Eric Shields, Planning and Building Director

## Karin Bayes

---

**From:** Karin Bayes  
**Sent:** Friday, April 13, 2018 3:31 PM  
**Cc:** Christian Geitz  
**Subject:** Notice of Decision: Isola 129th Short Plat - SUB17-00450  
**Attachments:** Isola 129th Short Plat Staff Report - SUB17-00450.pdf; Isola 129th Short Plat Notice of Decision Letter - SUB17-00450.pdf

**Bcc:** 'jtrpalmer3@gmail.com'; 'rocke@4speeds.net'; 'cskiehl@comcast.net'; 'jaegerman1@comcast.net'; 'alastair@championandassociates.com'; 'whitmec@gmail.com'; 'goodwin.hp@gmail.com'; 'b.mcdermott13@gmail.com'; 'jwagner@thebluelinegroup.com'

Attached for your information is the Notice of Decision Letter and Staff Report regarding the **Isola 129<sup>th</sup> Short Plat, File No. SUB17-00450**. Due to file size, the Staff Report with Attachments has been sent via USPS.

If you have any questions concerning this information, please contact planner, **Christian Geitz at 425-587-3246 or [cgeitz@kirklandwa.gov](mailto:cgeitz@kirklandwa.gov)**.

*Karin Bayes*  
*Office Specialist*  
*Planning & Building Department*  
*City of Kirkland*  
*425.587.3236*



April 13, 2018

Jessica Wagner  
The Blueline Group  
25 Central Way, Suite 400  
Kirkland, WA 98033

Dear Ms. Wagner:

**Subject: Isola 129<sup>th</sup> Short Plat, - Case No. SUB17-00450**

The Planning Director, on April 9, 2018, entered his decision on your Process I Short Plat Permit application at 7206 NE 129<sup>th</sup> Street. His decision is for approval with conditions.

Enclosed is a copy of the Planning Director's decision. The Notice of Approval for this action will be released after the appeal period has lapsed (after April 27, 2018). No activity based on his decision may commence until after that date. In addition, if your project required public notice signs, they must remain in place until you receive written notice from the Planning Department that the signs can be removed.

If you have any questions, please contact me at 425.587.3246. More information is available at [www.mybuildingpermit.com](http://www.mybuildingpermit.com).

Sincerely,

PLANNING AND BUILDING DEPARTMENT

A handwritten signature in blue ink, appearing to read "C. Geitz", is written over the typed name.

Christian Geitz  
Planner

Enclosures: Planning Director Decision

cc: File No. SUB17-00450  
Parties of Record (with copy of report/decision)



# CITY OF KIRKLAND URBAN FORESTRY CHECKLIST

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587.3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

Permit Number: SUB17-00450

Address: 7206 NE 129<sup>th</sup> St.

Revisions Required: Yes  No  (KZC 95.30)

Requested revisions should be returned/reviewed by UF: Yes  No

There are 134 significant trees on the site, 23 are viable and 98 trees are proposed for retention.

Significant Trees:	High Retention Value	Moderate Retention Value	Low Retention Value (V) – viable (NV) – not viable
1 (ROW)	X – G1(c)		
2(ROW)	X – G1(c)		
3(ROW)			NV
4(ROW)			NV
5	X – G1(c)		
6	X – G1(c)		
7(ROW)	X – G1(c)		
8(ROW)			NV
9	X – G1(c)		
10(ROW)	X – G1(c)		
11(ROW)			NV
12(ROW)	X – G1(c)		
13	X – G1(c)		
14	X – G1(c)		
15	X		
16		X	
17	X – G1(a)		
18	X – G1(a)		
19	X – G1(a)		
20	X – G1(a)		
21	X – G1(a)		
22	X – G1(a)		
23	X – G1(a)		
24	X – G1(a)		
25	X – G1(a)		
26	X – G1(a)		
27	X – G1(a)		
28	X – G1(a)		
29	X – G1(a)		
30	X – G1(a)		
31	X – G1(a)		

32	X - G1(a)		
33	X - G1(a)		
34			NV
35	X - G1(a)		
36	X - G1(a)		
37			NV
38	X - G1(b)		
39	X - G1(b)		
40			NV
41	X - G1(b)		
42	X - G1(b)		
43			NV
44	X - G1(b)		
45	X - G1(b)		
46	X - G1(a)		
47			NV
48	X - G1(a)		
49	X - G1(a)		
50	X - G1(a)		
51	X - G1(a)		
52	X - G1(a)		
53	X - G1(a)		
54	X - G1(a)		
55	X - G1(a)		
56	X - G1(a)		
57			NV
58			NV
59	X		
60	X - G1(b)		
61	X - G1(b)		
62	X - G1(b)		
63	X - G1(b)		
64			NV
65			NV
66			NV
67	X - G1(b)		
68	X - G1(a)		
69	X - G1(a)		
70	X - G1(a)		
71	X - G1(a)		
72	X - G1(a)		
73	X - G1(a)		
74	X - G1(a)		
75			NV
76	X - G1(b)		
77	X - G1(b)		
78	X - G1(b)		

79	X - G1(b)		
80	X - G1(b)		
81	X - G1(b)		
82	X - G1(b)		
83	X - G1(b)		
84	X - G1(b)		
85	X - G1(b)		
86		X	
87		X	
88	X - G1(a)		
89	X - G1(a)		
90	X - G1(a)		
91	X - G1(a)		
92	X - G1(a)		
93	X - G1(a)		
94	X - G1(a)		
95			NV
96	X - G1(a)		
97	X - G1(a)		
98	X - G1(a)		
99			NV
100			NV
101		X	
102			NV
103			NV
104		X	
105	X - G2		
106	X - G2		
107	X - G2		
108	X - G2		
109	X - G2		
110	X - G2		
111	X - G2		
112	X - G2		
113	X - G2		
114	X - G2		
115	X - G2		
116	X - G2		
117	X - G2		
118	X - G2		
119	X - G2		
120	X - G2		
121	X - G2		
122	X - G2		
123			NV
124	X		
125	X		

126	X		
127	X		
128		X	
129	X		
130			NV
131			NV
132			NV
133	X		
134	X		

Subject Property:

Existing on-site grove: Yes  No

Conflicts between trees and utilities: Yes  No  See explanation below

Adjacent Property:

Right-of-way or parks trees impacted: Yes  No  Tree #1, 2, 3, 4, 7, 8, 10, 11 and 12 are all in the ROW and proposed for removal.

Trees on adjoining property impacted: Yes  No  There are two large Douglas fir trees on with canopies that overhang the NE corner of the property. The base of these trees are on parcel number 4055700753. The applicant should include these on the tree retention plan with appropriate LODs.

Observations

I made a site visit on 8/4/2017 to make general observations of the onsite trees in order to gauge areas worthy of retention as Protected Natural Areas (PNAs). The majority of the trees on the subject property are located within two large forested areas, one that runs most of the north side of the property and a smaller forested area in the SE corner. These areas are comprised of a mixed native conifer-deciduous forest with an abundance of native understory vegetation, intermixed with non-native, invasive species such as English ivy, holly and yellow archangel. The remainder of the property is landscaped with ornamental vegetation and turf (Figure 1).

The applicant has proposed locating all PNAs along the north property line. Based on my observations and the trees already established on the property, I would recommend the PNAs are established in the locations shown in Figure 2. The retention value of each tree was based on this configuration. High retention value trees are those located within required yards or in the proposed PNAs.

The arborist report is fairly accurate although I disagree with the arborist about the viability of the following trees due to their condition or noxious weed status. These are also highlighted in green in the tree table included in this report. They are: 3, 4, 8, 11, 37, 43, 47, 64, 65, 75, 95, 99, 100, 102, 103, 123 and 130.

The applicant has proposed removing the following trees for utility improvements both onsite and in the ROW: 1, 2, 5, 6, 7, 9, 10, 12, 13, 14, 107, 110, 111, 112, 114, 124, 125, 126, 127, 129, 131, 132, 133 and 134. Except for the non-viable trees, I've classified all of these as high retention value for the SUB permit, however their retention status may change with the LSM permit. Many of these trees are in the proposed PNAs in the SE corner of the property and frontage improvements along this section of road will require the removal of several large Pacific madrones (*Arbutus menziesii*) that are in good condition (Figure 3). Even meandering the sidewalk 5ft along the PNAs will impact the roots of these

madrones because of their proximity to the property line. This species is relatively intolerant of construction impacts and are not expected to survive this level of disturbance. Unless frontage improvements are eliminated in this section of ROW then all but one Pacific madrone in the PNAs will likely need to be removed.



*Figure 1 – Subject property looking NE.*

MEYED €  
STRUCTION €

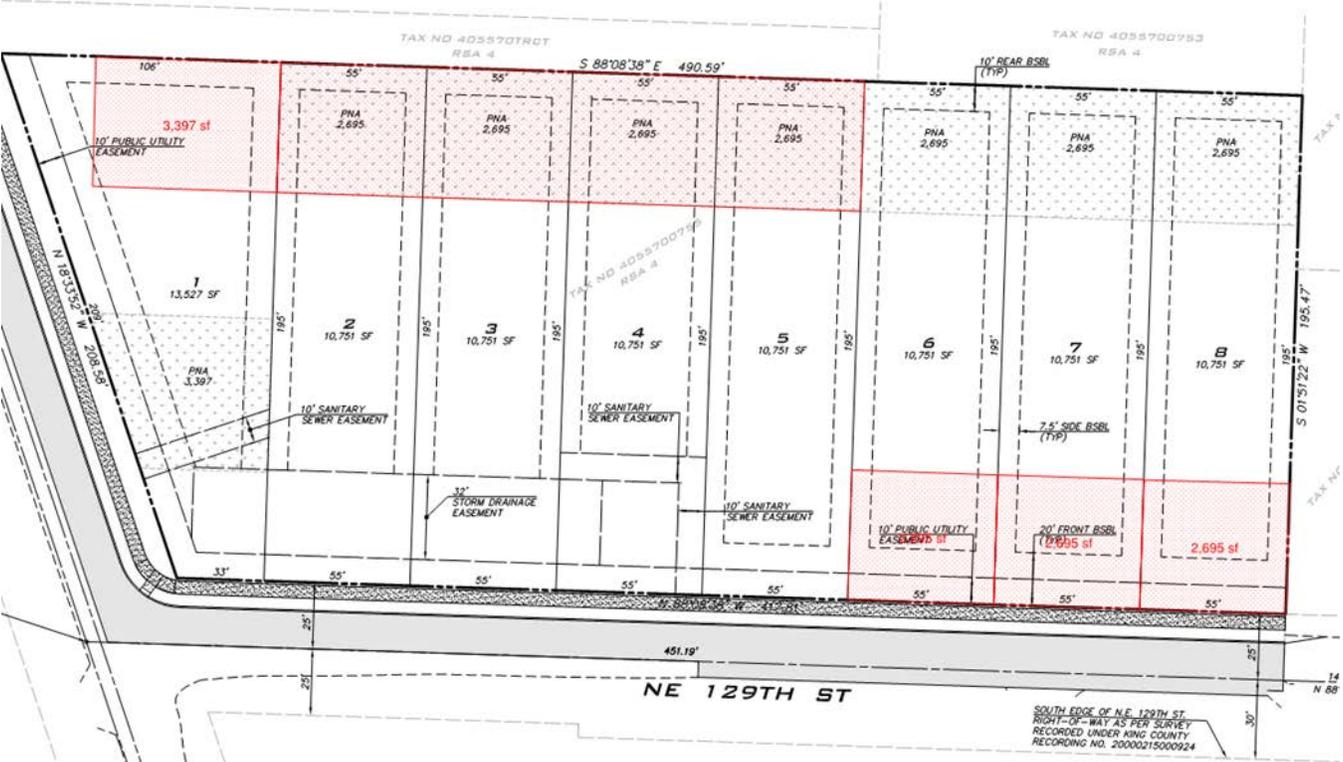


Figure 2 – Proposed PNAs in red.

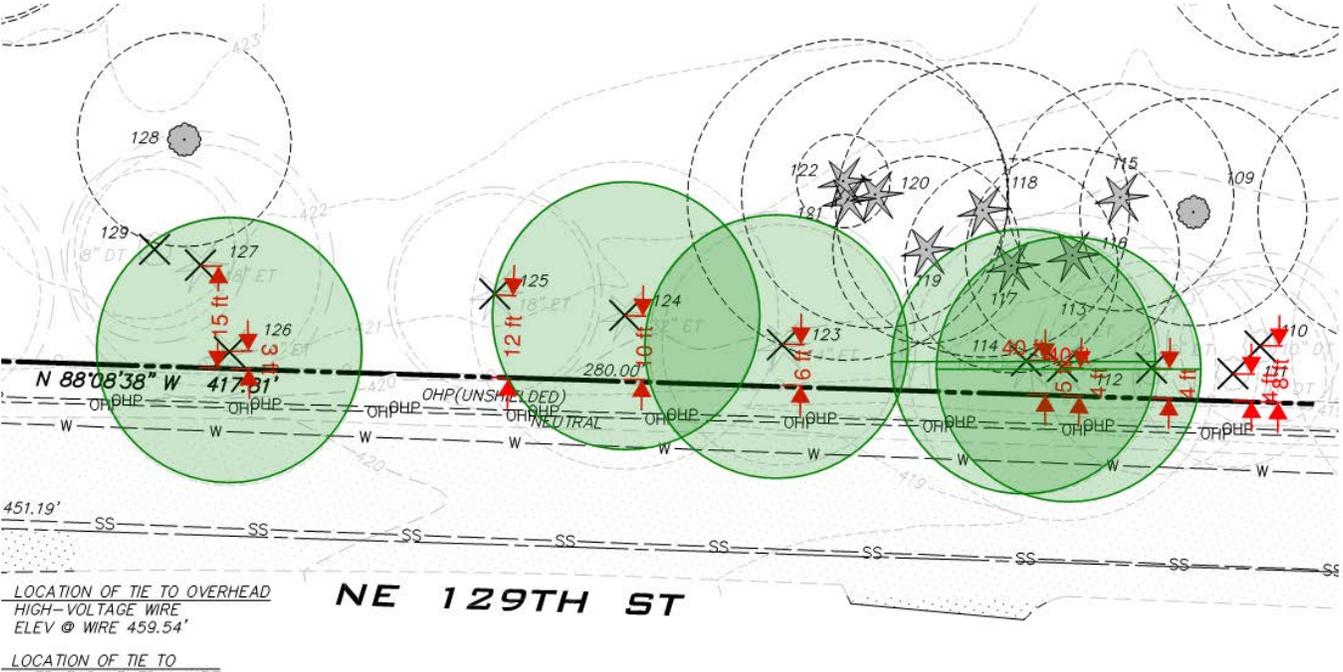


Figure 3 – Pacific madrones proposed to be removed in SE corner of the subject property. Green circles show LODs for these trees.