TRANSMITTED BY E-MAIL

February 4, 2015

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RE: Modi Short Plat
19400 136th Ave. NE
Woodinville, WA

We submit the following comments on behalf of the signatories to this letter. We object to the proposed Modi Short Plat at 19400 136th Ave NE because it violates both Woodinville municipal code and King County stormwater requirements, resulting in irreparable degradation and harm to both Little Bear Creek and the on-site wetland. Consequently, there will be negative impacts upon a variety of species, including salmon species listed under the Endangered Species Act.

I. The Wetland On-site Should be Designated and Protected as a Class 1 Wetland

The proposed Modi *Stream and Wetland Assessment Report and Buffer Reduction Plan* dated May 2014 incorrectly classifies the existing wetland as Class 3, which violates Woodinville Municipal Code § 21.24.320. Under Woodinville Code, a wetland shall be categorized as Class 1 if it meets any of a number of criteria, including "wetlands proximal to and influenced by the main stem of Sammamish River or Little Bear Creek." The wetland on-site is immediately next to Little Bear Creek and furthermore is within Little Bear Creek's 100-year flood plain and is therefore most certainly influenced by Little Bear Creek. Following the rule of statutory construction that a court will apply the "plain meaning" of a term, this wetland is clearly so close to Little Bear Creek that is fits the definition of "proximal".[1] Due to its proximity, the wetland is clearly hydraulically continuous with Little Bear Creek and must be protected as a Class 1 wetland.

Class 1 wetlands must have a 150 foot buffer due to the sensitivity of this habitat. With enhanced mitigation, the City <u>may</u> allow a 50 foot reduction of buffer that is currently degraded WMC § 21.24.330.

[1] Proximal is defined as "situated close to". See http://www.merriam-webster.com/dictionary/proximal. We note that the biologist who classified the wetland as Class 3 appears to be using the anatomical definition of proximal, which means near the origin or point of attachment to the body. The project proponent's stream and wetlands assessment indicates that the wetland is not proximal because it is not in the center of Little Bear Creek – a physical impossibility.

This means that the minimum buffer for this wetland is 100 feet. Thus, the proposed Lots 1 and 2 are within the reduced buffer and a portion of Lot 3 as well, as shown on Attachment 1. It must be noted that the language to allow a 50 foot buffer reduction is permissive and that the City is under no obligation to grant a buffer reduction if other extenuating circumstances exist.

We believe that there is sufficient justification that the buffer should not be reduced below the 150-foot code requirement because wildlife using this area will be displaced during high flow events in Little Bear Creek. The buffer is required to provide high flow refuge for wildlife as well as to provide protection for the wetland. Without the 150-foot buffer, it is much more likely that wildlife will conflict with humans and their pets, resulting in the elimination of the wildlife. The fact that the entire wetland is within the 100-year flood plain is sufficient justification to deny a buffer reduction.

The proposed 25 foot buffer zone proposed for the wetland is therefore not in compliance with City Code and must be rectified before allowing the Short Plat to proceed.

II. The Proposed Dispersion Method Does not Comply with King County's Surface Water Design Manual

The 50 foot dispersion trench for stormwater runoff from impervious surfaces on the proposed short plat is inadequate. The current requirements for stormwater are governed by the 2009 Surface Water Design Manual (SWDM). The 2009 SWDM requires dispersion trenches to be placed at least 10 feet from any building. Yet, the submitted site plan, Sheet PP1 dated October 28, 2014 for the Modi Short Plat for this project indicates that the dispersion trenches are within the building setback line on Lot 3.

This error is critical because the flow path is already inadequate. Per the KCSWM2009, Appendix C.2.1.1 Minimum Requirements for Full Dispersion (1):

> "The **total area of impervious surface** being fully dispersed must be no more than 15% of the total area of *native vegetated surface* being preserved by a clearing limit per KCC 16.82 or by a recorded tract, easement, or covenant on the *site.*"

Per the note on Sheet PP1, all driveways and rooftops will drain to the one 50-foot dispersion trench shown in Lot 3. The Surface Area Calculations state that the total area of rooftops and concrete drives/walks is <u>9, 660 square feet</u>; yet the native vegetated flow path is only 50' wide by 132' long, equaling only 6,600 square feet as noted on Attachment 1. Using the 15% reduction factor referenced above, the maximum allowable impervious surface that may be drained to the proposed native vegetated surface is only <u>990 square feet</u> (15% x 6,600 sf).

Therefore the proposed project exceeds the allowable dispersion area by <u>8,670 square feet</u> (9,660 sf – 990 sf) and full dispersion is not possible given the current design.

In addition, the 2009 SWDM does not represent the best available science for stormwater management. Ecology issued updated stormwater guidance in 2012, and King County will be required to update its SWDM by 2016. Ecology's 2012 Stormwater Management Manual for Western Washington, Amended in December 2014 (SWMMWW) requires the use of its *Western Washington Hydraulic Model* (WWHM2012) which provides best available science methods for the design and application of infiltration and dispersion trenches.

Thus, the City should require the proponent to correct the stormwater dispersion methods and incorporate the proper path length for dispersion based on Ecology's SWMMWW and most current edition of the WWHM.

III. The Proposed Project Must be Evaluated for Impacts to Salmon

The City must consider protection of salmon within Little Bear Creek when analyzing the proposed short plat. Under WMC 21.24.440, "All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat." Special consideration should be given to this project due to the presence of Little Bear Creek, which the City has recognized for its importance to salmon.

In fact, the City purchased and protected the 18 acres at Rotary Park specifically for this reason. According to the plaque at the Park, the City decided that "acquisition and environmental stewardship of Rotary Community Park was one of the most practical ways to help protect Chinook salmon in Little Bear Creek." In addition, "because these areas [stream, wetland and buffer] are so important to Little Bear Creek, the city formally identifies them as 'Critical Areas'." *Id.* Note that Rotary Park is just to the north of the proposed project across NE 195th Street. Clearly the city is aware of and concerned about maintaining this waterbody for the vitality of local salmon. As such, it is essential that the current proposed project be carefully evaluated to avoid any harm to salmon habitat and the nearby Critical Area.

IV. Conclusion

The proposed short plat violates Woodinville Municipal Code wetlands categorization requirements. Because the wetland on the site is a Class 1 wetland, Lots 1 and 2 are within the required buffer and must be revised. Furthermore, the proposed runoff dispersion method is inadequate because the dispersion path is inadequate and other measures have not been included.

Thank you for your consideration of these comments.

Sincerely,

William Lider, PE, CESCL
Lider Engineering, PLLC
Board member, Sno-King Watershed Council

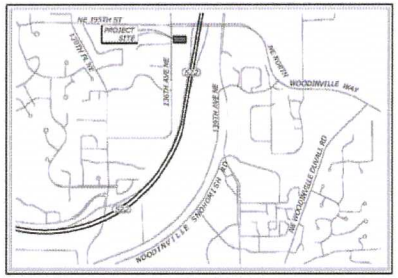
Attachment 1: Modi Short Plat Annotated

A PORTION OF SECTION 3, TOWNSHIP 26 N., RANGE 5 E,. W.M.

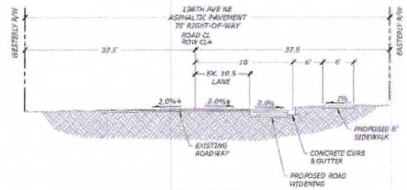
MODI SHORT PLAT

CITY OF WOODINVILLE, WA

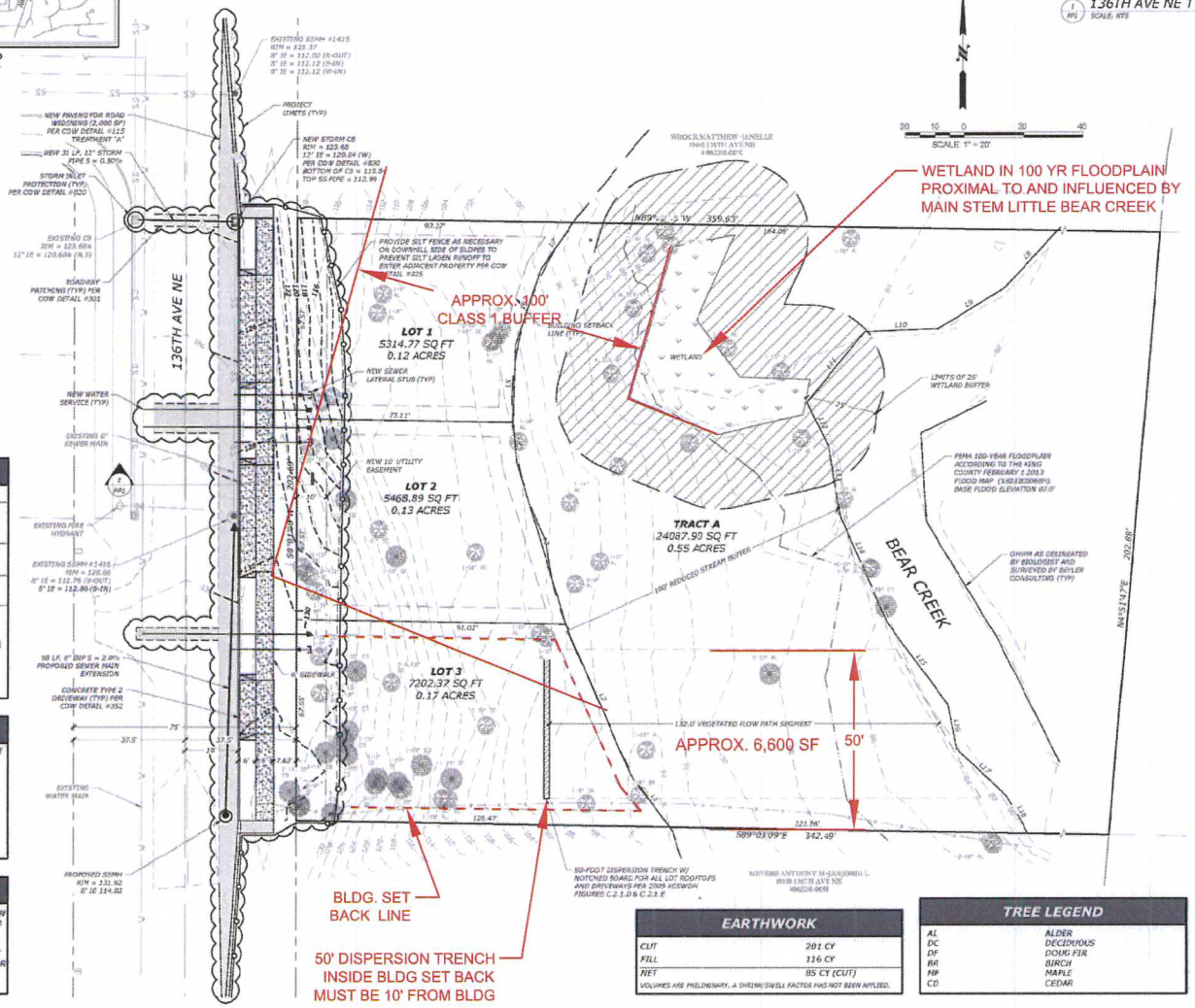
PARCEL #0622100060



VICINITY MAP
N.T.S



136TH AVE NE TYPICAL SECTION
SCALE: NTS



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S36° 58' 08"E	21.85
L2	S23° 46' 09"E	55.38
L3	S16° 54' 53"E	57.02
L4	S05° 31' 21"E	13.39
L5	S01° 53' 56"W	26.21
L6	S18° 28' 37"W	26.85
L7	S35° 01' 19"W	18.99
L8	N42° 33' 42"E	26.09
L9	N58° 35' 12"E	26.54
L10	N87° 31' 32"E	25.00
L11	N39° 07' 25"E	30.54
L12	N25° 50' 04"W	17.28
L13	N09° 23' 23"W	23.13
L14	N23° 58' 09"W	39.05
L15	N36° 55' 31"W	34.23
L16	N11° 13' 51"W	15.09
L17	N47° 03' 49"W	23.32
L18	N29° 52' 03"W	14.31

SURFACE AREA CALCULATIONS

OFFSITE IMPROVEMENTS	
ROADWAY IMPROVEMENTS	2,037 SF (PGIS)
CONC DRIVE CONNECTIONS	561 SF (PGIS)
SIDEWALK	568 SF
TOTAL	3,166 SF (0.073 AC)
ONSITE IMPROVEMENTS	
* CONC DRIVE/WALK	2,166 SF (PGIS)
** HOUSE ROOFTOPS	7,300 SF
TOTAL	9,466 SF (0.222 AC)
TOTAL IMPERVIOUS	12,626 SF (0.294 AC)
TOTAL PGIS	4,756 SF (0.109 AC)

* 20'x36 HAS BEEN ASSUMED FOR DRIVEWAYS
** 1,300 SF HAS BEEN ASSUMED FOR HOUSE ROOFTOPS FOR EACH LOT

UTILITY NOTE

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES THAT HAPPEN DUE TO THE CONTRACTOR'S FAILURE TO LOCATE EXACTLY AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. BEYLER CONSULTING ASSUMES NO LIABILITY FOR THE LOCATION OF UNDERGROUND UTILITIES.

TOPOGRAPHIC NOTE

THE EXISTING CULTURAL AND TOPOGRAPHICAL DATA SHOWN ON THESE DRAWINGS HAS BEEN PREPARED, IN PART, BASED UPON INFORMATION FURNISHED BY OTHERS. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, BEYLER CONSULTING CANNOT ENSURE ACCURACY AND THUS IS NOT RESPONSIBLE FOR THE ACCURACY OF THAT INFORMATION OR FOR ANY ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THESE DRAWINGS AS A RESULT.

EARTHWORK

CUT	201 CY
FILL	116 CY
NET	85 CY (CUT)

VOLUMES ARE PRELIMINARY. A SHRINK/SWELL FACTOR HAS NOT BEEN APPLIED.

TREE LEGEND

AL	ALDER
DC	DECIDUOUS
DF	DOUG FIR
BR	BIRCH
MP	MAPLE
CD	CEDAR

SITE DATA

PARCEL NUMBER:	0622100060
SITE ADDRESS:	19409 136TH AVE NE WOODINVILLE, WA 98072
SITE AREA:	71,101 SF (1.63 ACRES) (SURVEYED)
SUBMERGED AREA:	7,617 SF
NET LOT AREA:	63,484 SF (1.45 ACRES)
CRITICAL AREA:	53,084 SF (75% OF SITE)
BUILDABLE AREA:	18,017 SF
ZONING:	R6, (RESIDENTIAL 6)
MAX LOTS:	1.02x6=6.12
SETBACKS:	
FRONT:	10' (20' GARAGE)
BACK:	5'
INTERIOR:	5'

DENSITY CALCULATIONS:

PER WMC 21.12.030
MINIMUM DENSITY: 7 LOTS (75% OF MAX)

PER WMC 21.12.060
CRITICAL AREA & BUFFER: 75%
% MINIMUM DENSITY: 0.4
MIN LOTS: 3 LOTS

PER WMC 21.24.085
BUILDABLE AREA + 50% CRITICAL AREA: 1.02 ACRES
MAX NUMBER OF LOTS: 6 DU/AC(1.02 ACRES)=6 LOTS

MINIMUM LOT SIZE:	5,000 SF
MINIMUM FRONTAGE:	50 FT
MAX IMPERVIOUS:	70%

SURVEY DATUM

BASIS OF BEARINGS

RECORD OF SURVEY 20070516900019. THE MONUMENTED CENTERLINE OF NE 195TH STREET FROM THE WEST QUARTER CORNER OF SECTION 3 TO THE WSDOT MONUMENT WEST OF THE CENTERLINE OF S.R. 522 IS SOUTH 88°58'19" EAST.

VERTICAL DATUM

WSDOT VERTICAL CONTROL - NAVD88
MONUMENT ID #221: WSDOT BRASS DISK SET INTO A DRILL HOLE FLUSH WITH BRIDGE DECK OF 195TH ST NE OVERCROSSING.

ELEVATION = 113.389'

LEGAL DESCRIPTION

LOT(S) 5, BLOCK 2, BEARCREEK ADDITION TO DAY CITY, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE(S) 82, LYING WESTERLY OF STATE HIGHWAY 15, AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NO. 4836639. SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

DESCRIPTION ABOVE PER STATUTORY WARRANTY DEED UNDER RECORDING NUMBER 20130619001363.

PROJECT INFO

OWNER/CLIENT:
PRAKISH MODI
14317 NE 186TH PLACE
WOODINVILLE, WA 98072

ENGINEER / SURVEYOR:
BEYLER CONSULTING
7602 BRIDGEPORT WAY #3D
LAKEWOOD, WA 98499
TEL: 253-301-4157

NO.	DESCRIPTION	INIT	DATE

CONTACT
phone: 253-301-4157
fax: 253-336-3950
beylerconsulting.com

OFFICE
7602 Bridgeport Way # 3D
Lakewood, WA 98499

BEYLER CONSULTING
Plan. Design. Manage
CIVIL ENGINEERING | LAND SURVEYING | LAND PLANNING
PROJECT MANAGEMENT | PROMPT SERVICING | TEAMWORK

SITE PLAN

MODI SHORT PLAT

CITY OF WOODINVILLE, WASHINGTON

DRAWN BY: BM | CHECKED BY: LCB | SCALE: HORZ: 1"=20' VERT: NA | DATE: OCTOBER 28, 2014

PRELIMINARY

JOB NUMBER
13-177

SHEET 1 OF 1
PP1