

City of Bainbridge Island

FEB 16 2018

Re: Comments on PLN51027 VEG

We, the undersigned, oppose the Stahl – St. Louis vegetation management plan, PLN51027 VEG, 10509 Falk Road, for these reasons:

1. The Stahl - St. Louis .9 acre clearing and Milligan short plat (TA# 14250210572009) to north should be considered together. These developments will burden our easement with five (5) new homes.
2. If the City seeks to preserve and enhance the physical and aesthetic character while promoting land development practices, minimizing vegetation and soil disturbance - and preventing increased water runoff - it should review these developments together. And, these developments should comply with the nature and spirit of the proposed Critical Area Ordinance (CAO).
3. Stahl - St. Louis intent to clear .9/acre is certainly more than Ms. St. Louis letter to the neighborhood led it to believe:

we need to clear small under brush and small deciduous trees ... all ... small scale, and all well within the city ordinances....

(Note: Ms. St. Louis' letter is not attached for privacy purposes)

4. The City should table this application - for these and other reasons, herein - until Stahl - St. Louis address the burden it intends to impose upon our easement from any truck, any equipment and any worker who would perform clearing and construction work. This easement is our only means of access; vehicles parked or blocking would be a burden and likely cause disruptions in daily activities; It could also prevent emergency vehicle access. The Stahl - St. Louis proposal does not address nor guarantee the residences' "unabated access" from/to their homes.
5. Further, our neighbors immediately to the west - of the Stahl - St. Louis property - will experience increased runoff from their property accompanied by additional Falk Road NE traffic noise due to land clearing.
6. And, any such vegetation removal, is an overall concern of increased water runoff, since the western portion of their lot contains a significant "sloping drainage area" which increases the flow of water - from north to south - and historically is known to some neighbors as "Falk Creek." And, it will affect the westerly portion easement serving 10517 and 10521 Falk Road even more so as well as residents to the south.
7. It will also adversely impact the residents on Manitu Beach who already experience runoff issues that have been communicated to Stahl - St. Louis.
8. The easement (Kitsap County recording number 661307 and 661308 - both recorded contemporaneously) contains no granting language that could be construed to expand - or further burden - the easement for Stahl – St. Louis or Milligan benefit.
9. The Easement Road Maintenance Agreement (Kitsap County recording # 9111150075) enures for our mutual benefit. Neither the original easement nor the maintenance agreement contemplated Stahl - St. Louis' predecessor in interest placing additional burdens upon it.
10. This maintenance agreement currently imposes contractual - and cost obligations - upon its seven (7) households.



11. The undersigned also do not agree with comment 2. of the Peter Corelis, P.E. December 29, 2017 memorandum:

... and the portion of the access easement over the subject parcel shall be dedicated to the City.

This City comment is inconsistent with the legal rights and obligations outlined herein and should be construed as an "impermissible taking for the benefit of Stahl - St. Louis."

12. The neighborhood will lose the wildlife habitat our deer, coyote, song birds and barred owls use. And, who will advocate for them?

The City should also address these questions - concerns.

13. What exactly does the Stahl - St. Louis "[c]lear approximately 0.9 acres actually mean?" The proposal is ambiguous; it does not specifically address clearing. Stahl - St. Louis commenced "vegetation clearing" this past fall but did not describe - in their current application - the nature or extent of such clearing and whether it should have been permitted. The City should perform an on-site inspection and inquire of the applicants as to past work performed.

14. Is this brush clearing only of invasive plants?

15. Is this cutting down all the trees in the .9/acre?

16. If the City intent is to implement the critical area ordinance (CAO), why not wait until the CAO is in place? Why rush?

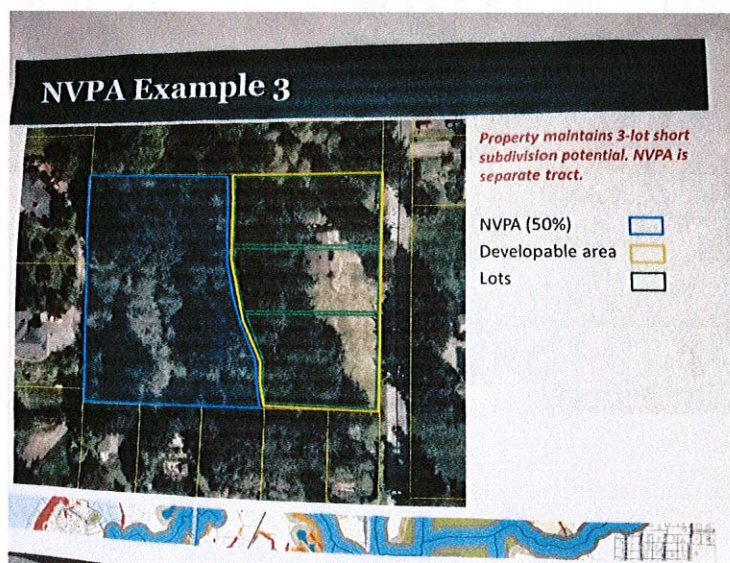
17. The vegetation management proposal is directly related to the Stahl - St. Louis short plat ( PLN51027 SPT); the short plat comment deadline is March 2nd. The City should extend the vegetation proposal to coincide with the March 2nd short plat deadline. The Stahl - St. Louis plan does answer these questions.

18. And, finally...the City should realize this proposed development is part of a larger development. The Milligan parcel to the north of our easement already has short plat application for two (2) homes (PLN50803 SPT).

Five (5) new home within a matter of feet of each other? We do not support such a plan.

Stahl - St. Louis and Milligan should address these issues. For the Stahl-St. Louis lots, a good example was exhibited by the city Planning Department at the February 12th CAO hearing (see attachment) wherein drainage, vegetation, easement, and wildlife issues would be least impacted while providing the same amount of lots.

Respectfully submitted.





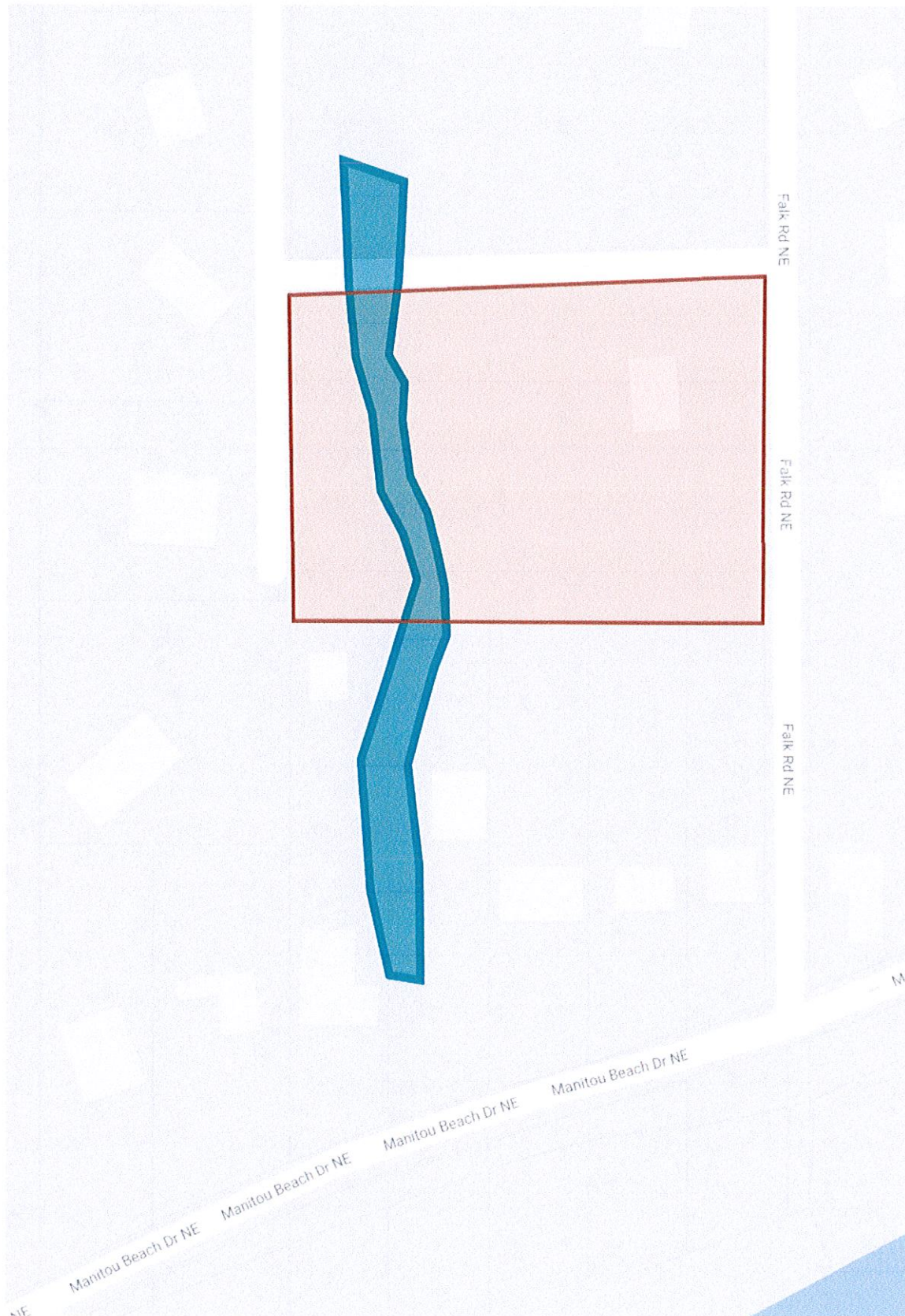






Facing south on easement  
Example of run off into creek on a  
light rainy day





Falk Creek water flow over Stahl-St. Louis easement

Name	Address	Signature
Wilma Annmarota	10525 Falk Rd NE Bainbridge Island, WA 98110	Wilma Annmarota
Tim Annmarota	10541 Falk BI 98110	Tim Annmarota
Cynthia Koch	10541 Falk Rd NE BI 98110	Cynthia Koch
James Kondak	10533 Falk Rd NE Bainbridge Island, WA 98110	James Kondak
Pete Wetzel	10521 Falk Rd NE Bainbridge Island, WA 98110	Pete Wetzel
Leanne Wetzel	10521 Falk Rd NE Bainbridge Island, WA 98110	Leanne Wetzel
PAMELA MOEN	10529 FALK RD NE BAINBRIDGE IS, WA 98110	Pamela Moen
JOE KIMZLEY	10537 Falk Rd Bain. Is., WA 98110	Joe Kimzley