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RE: Continued development of Tinas Coma Plat

AUG 8 2002

Burlington Hill Property Investors
Attn: Dan Madlung
669-A Sunset Drive
Sedro-Woolley WA 98284

PUBLIC WORKS
ENGINEERING

Dear Dan:

There are several issues that need to be resolved prior to continued issuance of permits for development in the Tinas Coma Plat. The first is the final closeout of the Dump. Skagit County Health Department is expected to complete their review in the next few days, but they have not identified any major problems to date.

The second serious problem with the continued development of the Tinas Coma Subdivision is apparent slide activity on the two primary access roads. This is not in the city's budget or capital improvement plan. Burlington Hill Property Investors was responsible for the employment of geotechnical consultants and licensed engineers who prepared the design and inspected the work in the field. It is likely that the roadway problems stem from the original design and construction of the logging roads, while the property was still in Skagit County. The City had no idea at that time that the temporary logging roads would later become the public streets in the subdivision, and was forced to rely exclusively on the reports of your engineers and consultants for verification of the design and construction of the roadbeds. The fact that there were relatively dry years right after construction and that the roads were turned over to the City does not abrogate your responsibility and liability. The City of Burlington is NOT proposing to pay for your design and construction errors and deficiencies.

In order to protect you, your property owners, and the City, we have initiated and will coordinate a completely independent study of the road failures. Burlington Hill Properties will be responsible to pay for the study. Issuance of additional permits for home construction is not possible until there is a clear commitment by Burlington Hill Properties to pay for the studies and the remedy for the landslide hazards on the north and south access roads. The grade of the two roads that are cracked and show evidence of movement is nearly 15%, which is barely acceptable for vehicular access. Access to the existing homes in the event of an emergency or the normal

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performance of city services may become impossible if the problems are not corrected before the next rainy season.

The third problem is providing adequate easements for gravity drainage for both roofs and footings. This issue is exacerbated by the installation of retaining walls that have the potential for disastrous collapse from either inadequate drainage or landslides. At this time, there are several retaining walls constructed without permits so there is no drainage or engineering information. One was required to be removed from public right-of-way to reopen the ditch that it covered up, and another property owner has applied for but not received a permit. While many easements were recorded with the Plat, it is now clear that there is a serious lack of adequate easements to provide for roof and/or footing drains from many lots. It is our understanding that you are working to gain additional easements and install drainage to serve at least some of the vulnerable lots. Every lot is required to have an acceptable drainage solution prior to building permit issuance.

The fourth problem is that the site development process currently used is not addressing all the possible physical issues as it relates to each building site. At present the process has been to excavate the building footprint and employ a Geotechnical Engineering firm to review soil conditions and pass that information to a Structural Engineer. This process only looks at the building footprint for bearing conditions and foundation design. It has not to our knowledge, considered significant changes to the existing drainage and runoff from the site, or the impacts of retaining walls on the building site and how it will impact adjacent sites. Another concern with the current process is that, as the applicant excavates the building site to review the soil conditions they are not installing the erosion control i.e. silt fences. This in itself creates potential runoff and erosion to adjacent lots. Because of the lack of attention to these unique and difficult site development issues, the City will require the completion of additional studies to comply with the geologically hazardous area requirements of the Critical Areas Ordinance. This also includes the requirement for preparation of a site assessment report and all plans under the stamp and seal of a licensed Architect or Structural Engineer in consultation with a qualified professional as defined in the code. A copy of the Geologically Hazardous provisions of the Critical Areas Code is attached to this letter for your information.

Yet a fifth concern is the need to follow through on the Agreement to Participate in the upgrade of the sanitary sewer system as outlined in the attached copy of the agreement. Burlington Hill Properties has not yet paid the \$61,000.00 for the work completed by the City last year to increase the system capacity. This is an environmental impact of the project that was specifically identified in the Environmental Impact Statement prepared for the area, and on the Findings for the preliminary subdivision, and it is due to be paid since the work is complete.

A new public information bulletin is being prepared for the use of the property owners on the procedure they need to follow. Construction parking in no parking zones will be prohibited in that bulletin, because the street is not wide enough to accommodate them and there is a high potential for accidents.

The City is seriously concerned about your liability as well as the City's and the future safety of the property owners, residents and the general public with respect to the use of the public streets located in the Tinas Coma Plat. We would like to meet with you at your earliest convenience to put together a comprehensive plan of action to resolve these problems.

If you have any questions, please give us a call.

Sincerely,

Roger Tjeerdsma

Roger A. Tjeerdsma
Mayor