

2014-  
02307

Public Hearing  
Terrene at 132<sup>nd</sup> Ave. NE Plat

August 3, 2015

Subject:

Sewer easement on Conover Commons property

Submitted by:

Lydia Bagwell

President, Conover Commons Master Association

## Terrene Project

Terrene intends to take advantage of a sewer easement on Conover Commons property and remove an existing 6" sewer pipe and replace it with an 8" sewer pipe in order to build 22 homes on the adjacent property to the south.

We recognize there is an easement on our property. However, the easement language is boilerplate and does not address the uniqueness of the location. It is important to understand the property to appreciate the impact this project will have.

## Property Overview

Conover Commons is a green-built, air-space condominium community.

Phase 1 was built in 2004 and consists of 12 cottages (1,000 sq. ft.) with shared gardens and community rooms.

Phase 2 was built in 2006 and consists of 12 homes (1,570 – 2,400 sq. ft.) and one affordable housing unit with shared gardens and community rooms.

In both, split rail fencing marks the division between private property and community property.

The cottages and homes each have a Home Owners Association (HOA). The Master Association manages property shared by all, which is the private road that serves as our driveway and landscaping along the south side of the property.

We are bordered to the west and north by a protected greenbelt. The power corridor lies to the east. The property Terrene plans to build on lies to the south.

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### Note:

Conover Commons is the first cottage community built in the City of Redmond. The city has celebrated and promoted the community for its award-winning innovative design. In fact, Conover Commons is promoted on the city's website. <http://www.redmond.gov/Government/Housing/HousingChoices>

Design awards include:

- American Institute of Architects 2009 Housing Award, one of only 17 national winners
- Awarded two 2009 Grand Awards at the Pacific Coast Builders Conference Gold Nugget Awards
- Built Green, Master Builders Association of King and Snohomish Counties

The Cottage Company has been profiled in many national magazines and newspapers including Sunset Magazine, Wall Street Journal, Better Homes and Gardens, among others.

## The Easement on Paper

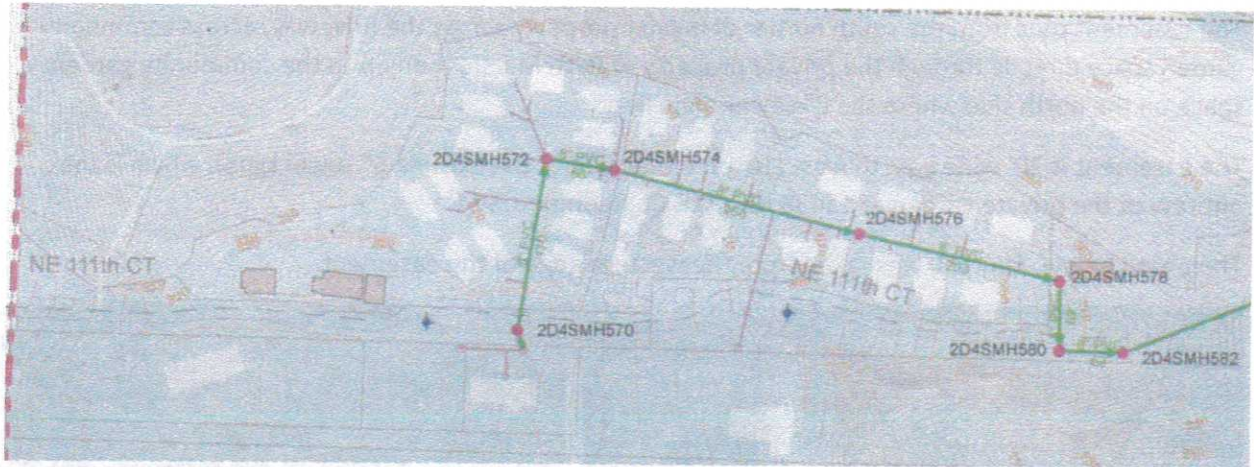


Figure 1. Wastewater system map, Grid number 2D4S

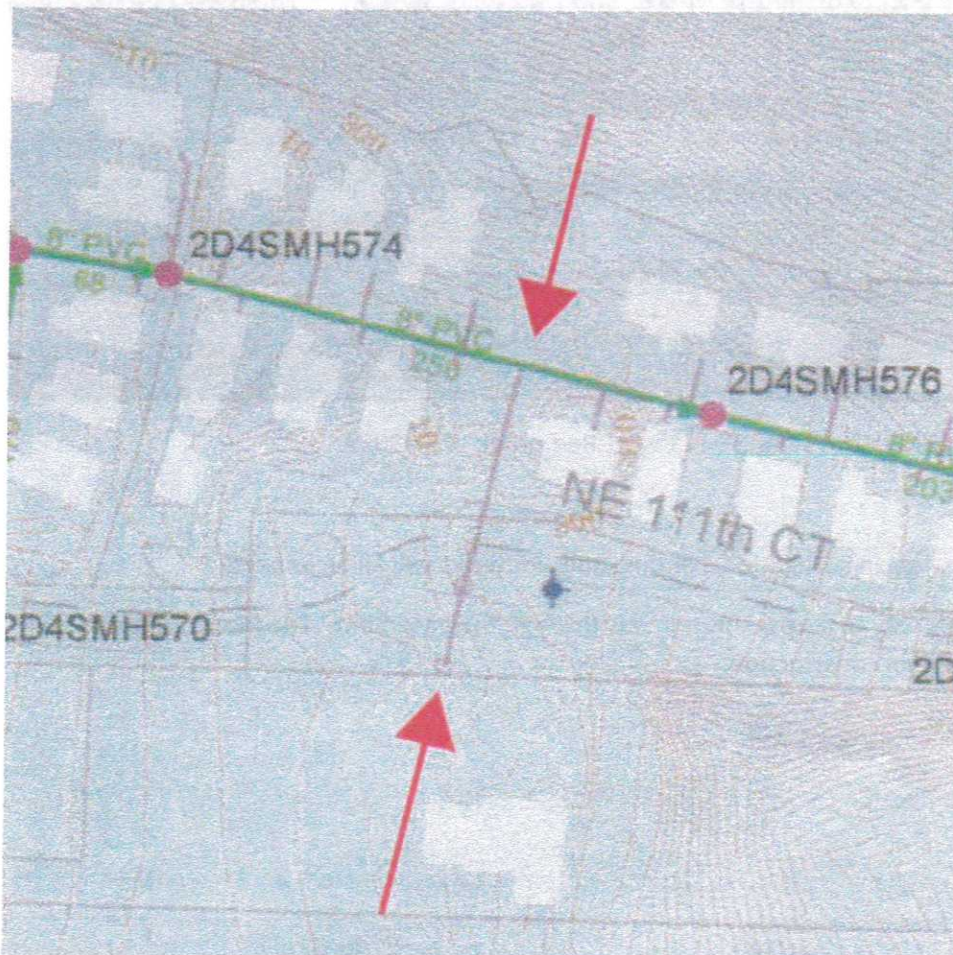


Figure 2. Wastewater system map, zoomed into the easement in question

## The Easement in Reality

The easement runs from the south border of master property across the driveway, across community garden space directly through the private property of Patti Marsh, then on to the community garden space on the north side where the 8" sewer main lies.

The easement is 20' wide east to west (10' on either side of the existing 6" sewer pipe), which is the entirety of the private garden at 13438 NE 111<sup>th</sup> Ct. Redmond, WA.

The photo below, figure 3, was taken from the western edge of the easement.



Figure 3. The home of Patti Marsh, 13438 NE 111<sup>th</sup> Ct., Redmond, WA 98052.

Landscaping, hardscaping, fencing, irrigation, lighting, and sidewalks will all be impacted.

More importantly, the only way to access this home is through the easement. The Marsh home will be completely inaccessible during construction.

The eastern edge of the easement is dangerously close to the house.

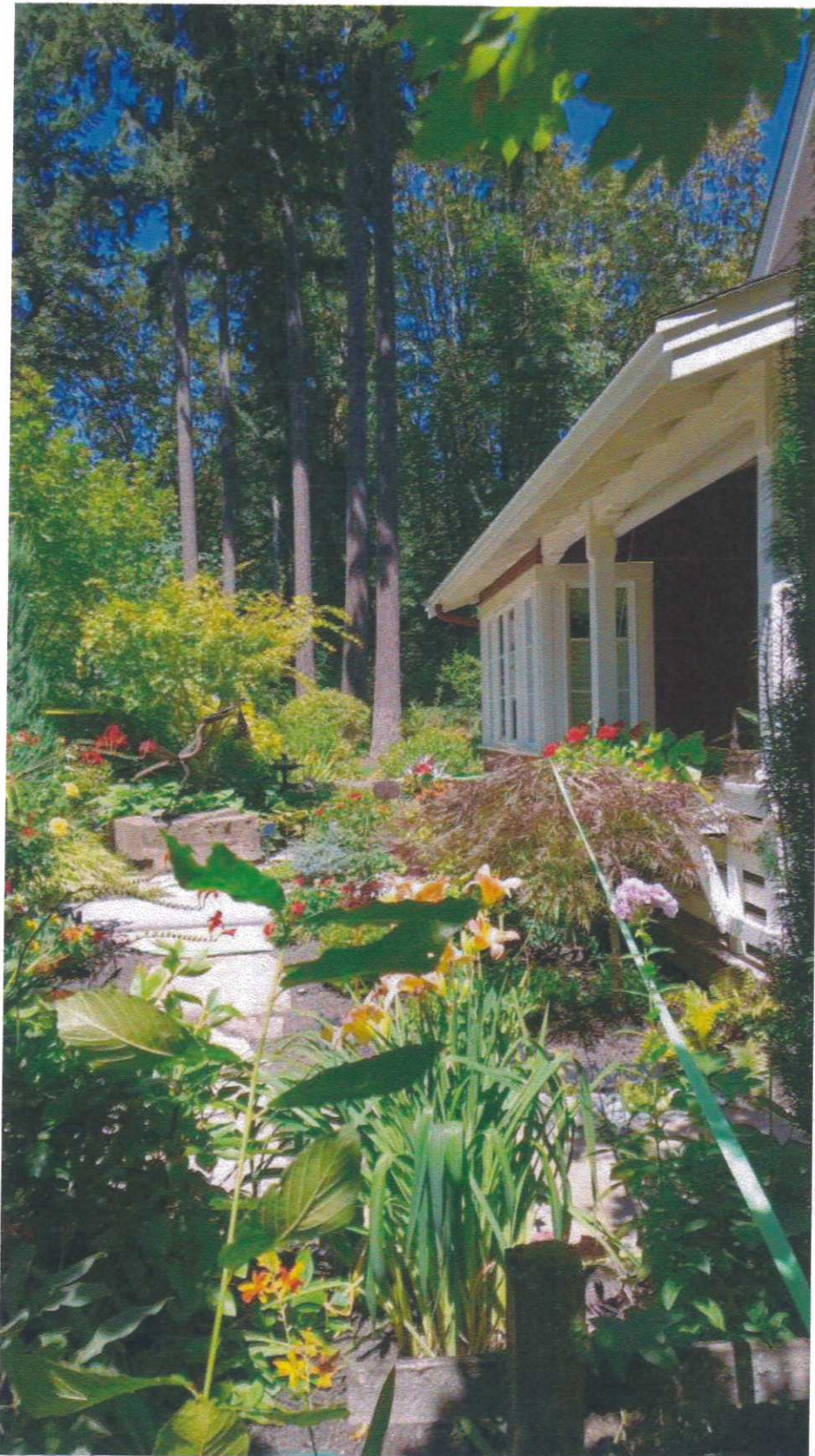


Figure 4. Surveyor's tape marks approximate edge of the easement on the east.

## Impact Zones

The diagram below illustrates how the easement runs through the homes shared property, private property, and master property. Photos of each zone follow.

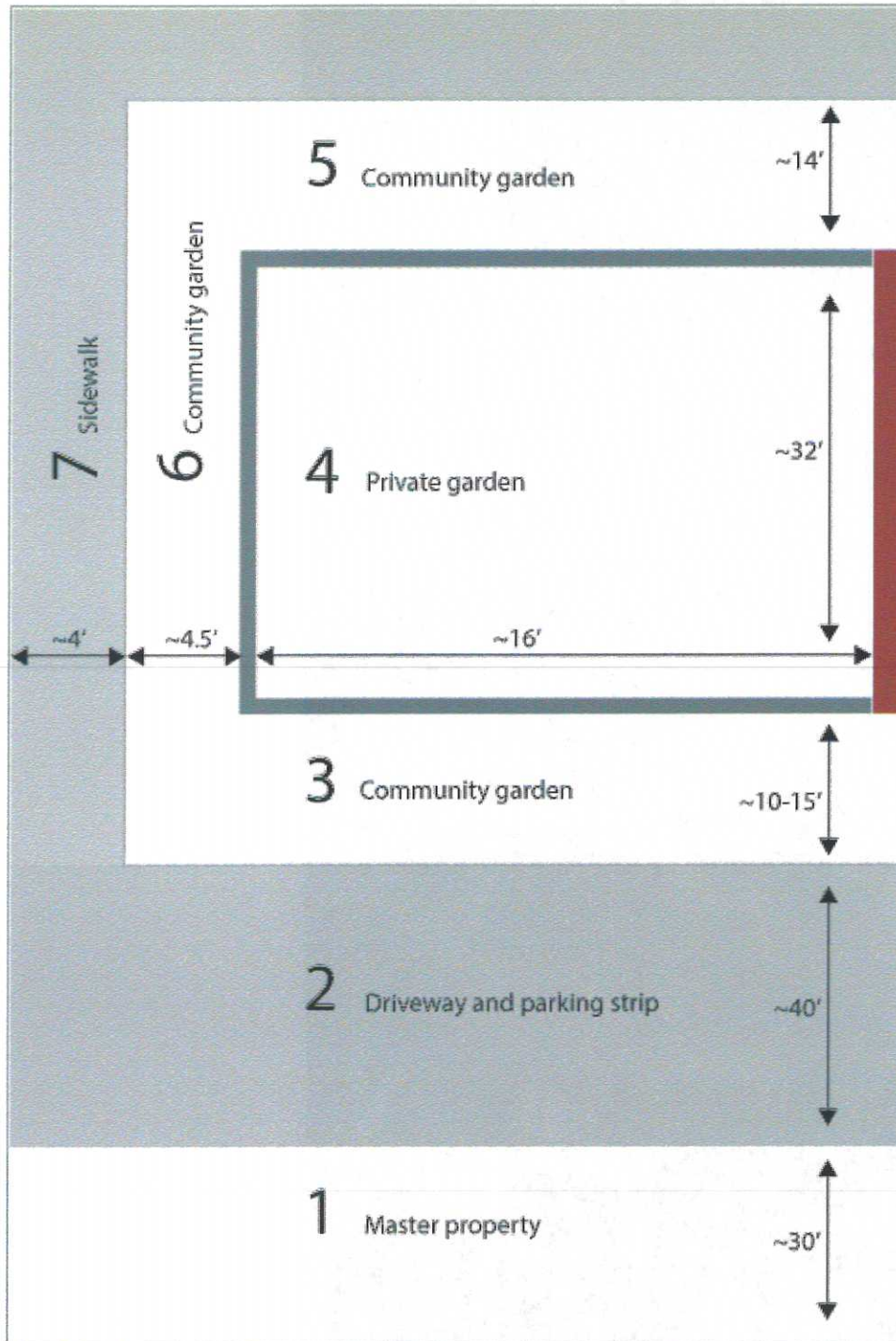


Figure 5. Zone diagram (relative, not to scale)

## Zone 1 Master Property



Figure 6. Driveway facing south towards master property.

The red arrow marks the terminal end of the 6" sewer stub.

This area is supplemental parking for residents and guests of the Conover Commons Homes (Phase 2 of the development).

Plants include but are not limited to:

1. Large leaf maple
2. Fir
3. Cedar
4. Pine
5. Hazelnut
6. Witchhazel
7. Laurel
8. Mahonia
9. Rhododendron
10. Huckleberry
11. Epimedium
12. Sword ferns

We have not attempted to place a value on this garden as we feel the old growth makes it priceless.

## Zone 2 Driveway

### Accessibility

In addition to the Marsh home, there are six more homes that will be impacted during construction, especially if trenching is used to replace the sewer pipe.

Seven co-located garages are situated down the driveway east of the easement. They would be inaccessible during construction. The additional parking spaces typically available to the residents of the homes would also be inaccessible. The walk to the nearest parking area that might be available is up a steep hill—assuming the sidewalk is not blocked where Terrene intends to install a manhole cover.

These homes are occupied by three families that have young children and three are with senior citizens, including one cancer patient and a stroke victim. What is Terrene’s plan for these residents during construction? Are they to simply accept this as an inconvenience?



Figure 7. Driveway facing east.

Current condition of the asphalt is excellent. If trenched to install a new sewer pipe, there would be a patched seam across the driveway.

Drains run down the north side of drive and will be at risk of damage during construction.



## Zone 3 Community Gardens

All community garden areas include landscaping, irrigation, and drains.

Tape lines in the photo below show the approximate width of the easement.



Figure 8. South side common garden.

Landscaping includes but is not limited to:

1. Yew
2. Vine Maples
3. Rhododendrons
4. Azalea
5. Hardy Geranium
6. Crocosmia
7. Lilies
8. Nandina
9. Iris
10. Heuchera

Note regarding all lists: There are several plants of each species listed.



Figure 9. Southwest side of community garden

This area contains inlaid sidewalk tiles, a Trex bench, and an irrigation system.

Zone 4 Private Garden



Figure 10. North side of Patti Marsh's private garden



Figure 11. Approximate east edge of easement



Figure 12. Sidewalk detail



Figure 13. South side of Patti Marsh's private garden, tape marking easement edge



Figure 14. Detail, Marsh private garden southwest side

Several plants in this garden come from the Marsh family home and have significant sentimental value. They cannot simply be replaced.



Figure 15. North community garden

The red arrow is approximately where a manhole cover will be installed in the lawn.

The lawn is used by children to play.

The current condition of the sidewalk is excellent, as is the irrigation system.

Plantings in this zone include but are not limited to:

1. Viburnum
2. Blueberries
3. Crocosmia
4. Azalea
5. Japanese Forest Grass
6. Heuchera
7. Ferns
8. Clethra



Figure 16. Community garden landscaping

The red arrow is approximately the western edge of the easement.

Signage maps house locations.

Plantings in this zone include but are not limited to:

1. Vine Maples
2. Rhododendron
3. Crocosmia
4. Azalea
5. Japanese Forest Grass
6. Heuchera
7. Ferns
8. Nandina
9. Hardy Geranium

## Replacement cost

The cost to reconstruct/replace our gardens, irrigation and drainage, and fence is estimated to be nearly \$40,000 for the community gardens, and nearly \$57,000 for the Marsh garden. This does not include cost related to the master property. Detailed estimates follow.

## Degrading Impact

If Terrene is allowed to replace the sewer pipe as planned, the impact to Conover Commons will be **significant and 100% negative**. At risk are:

- Home structure, particularly #13438, the home of Patti Marsh
- Well established gardens, both privately-owned and community-owned
- Irrigation systems, both privately-owned and community-owned
- Fencing made from reclaimed Alaskan Yellow Cedar
- Sidewalks
- Driveway
- And, overall property value

The easement and the Terrene project will have to be disclosed to potential buyers. This can have a negative impact on the sale price of the home which in turn can drive down the value of surrounding homes.

## Conclusion

Terrene wants to use the Conover Commons easement because it will be the least expensive option for their development, but it comes at the expense of the residents of Conover Commons. One resident in particular, Ms. Patti Marsh, will bear the brunt of Terrene's actions.

If Terrene is allowed to move forward with their plans to replace the Conover Commons sewer, we ask the following:

1. Terrene be required to first try the least invasive method, for example boring, before trenching Conover Commons property.
2. The Marsh and community gardens be carefully removed, preserved, and then reconstructed under the supervision of a landscaper of Conover Commons choosing.
3. Terrene be required to carry a financially sufficient bond allocation for a minimum of 10 years. This allocation will cover any structural damage to homes or community property as a result of Terrene's construction.
  - a. We ask for a period of 10 years because damage that results from shifting ground may not be immediately evident.
  - b. Homes adjacent to the easement should be inspected prior to construction to establish baseline condition.
4. Terrene be required to have adequate bond or insurance to cover injury to residents or guests, or damage to their vehicles during construction. Conover Commons should not be liable.





# Cedarmist Gardens, Inc.

Laurie McCrory  
14339 113th Ave NE  
Kirkland, WA 98034

206-914-3653

## Estimate

Date	Estimate #
8/1/2015	273

Terrene Developement

Terms	Project
50% Down	Surrounding Marsh Garden

Quantity	Description	Amount
160	Construction labor hours: Create mulch pile storage nearby project. Wrap & relocate existing plants for temporary storage.	7,200.00T
30	Yards Fertile Mulch for storage & mulching afterward	2,850.00T
4	remove large vine maples with a Tree Shovel Truck	2,400.00T
	Landscape construction: Reconstruct garden similar to before with existing & new plants.	5,000.00T
100	Landscape construction: rebuild Approx. 100' of split rail fence as before + one gate.	2,000.00T
1	Landscape construction: replace bench at the corner of the walk	500.00T
	Reconstruct community irrigation system & reconnect to existing on all 3 sides adjacent to the Marsh Garden	8,000.00T
	Plant Material retail allowance for replacements if needed	6,000.00T
	Drainage reconstruction on north side	2,500.00T

**Subtotal** \$36,450.00

**Sales Tax (9.5%)** \$3,462.75

**Total** \$39,912.75

This estimate is for budgeting purposes only. We will make every effort to stay within the estimate. The client will be notified of changes.

Call if you have any questions or would like to get on the schedule.

Signature \_\_\_\_\_



# Cedarmist Gardens, Inc.

Laurie McCrory  
14339 113th Ave NE  
Kirkland, WA 98034

206-914-3653

## Estimate

Date	Estimate #
7/24/2015	272

Terrene Developement

Terms	Project
50% Down	Marsh Garden replacement

Quantity	Description	Amount
160	Labor hours: Remove and wrap all plant material on the west side of The Patty Marsh Garden. Create a holding yard on premises or nearby.	12,000.00T
25	Yards Fertile Mulch for holding area	2,375.00T
	Landscape construction: Remove sandstone pavers (3'x4') and relocate large 4 man sitting rock.	2,800.00T
250	Landscape construction: reconstruct garden close to existing, reset pavers, rock and plant material.	18,750.00T
	Reset 4 man rock on gravel base (Minimum half day with man & machine)	1,000.00T
4	Yards 5/8" crushed rock	500.00T
	Re-install irrigation (Depending on back flow assembly)	8,000.00T
5	Yards of Soil	625.00T
	Plant Material retail allowance to replace plant material if needed	6,000.00T

*Care will be taken during relocation of shrubs and trees, however they will not be guaranteed. Thank*

This estimate is for budgeting purposes only. We will make every effort to stay within the estimate. The client will be notified of changes.

Call if you have any questions or would like to get on the schedule.

Signature \_\_\_\_\_

**Subtotal** \$52,050.00

**Sales Tax (9.5%)** \$4,944.75

**Total** \$56,994.75



# Garden Elements List - Marsh Residence

Name	Common Name	Size	Qty	Cost	
<b>Garden Trees:</b>					
Blue boulevard Cypress	Blue boulevard Cypress	8-10'	2.0	\$300.00	600.00
Taxus baccata	Irish Yew	7-8'	3.0	\$275.00	825.00
Oxydendron arboreum	Sour Wood Tree	10'	1.0	\$500.00	500.00
Acer palmatum dissectum	Lace Leaf Maple	4'x3'	1.0	\$300.00	300.00
Acer palmatum 'SangoKaku'	Coralbark Maple	12'x12'	1.0	\$600.00	600.00
<b>Shrubs &amp; ground cover</b>					
Rhododendron	Rhodo varieties	4x5'	2.0	\$350.00	700.00
Rhododendron Dwarf varieties	Blue diamond, Ramapo, misc.	5 gallon	3.0	\$45.00	135.00
Daphne odora	Fragrant variegated Daphne	24x36"	1.0	\$55.00	55.00
Polystyichum polyblepharum	Tassel Fern	5 gallon	5.0	\$50.00	250.00
Hebe	Blue Hebe dwarf	2 gallon	1.0	\$15.00	15.00
Azalea varieties	Azalea	24"x24"	6.0	\$65.00	390.00
Pieris Variety	Pieris Variety	5'x4'	1.0	\$75.00	75.00
Hydrangea variety	Hydrangea variety	6'x6'	1.0	\$175.00	175.00
Rose Varieties	Rose Varieties	3'x3'	2.0	\$75.00	150.00
<b>Perennials</b>					
Japanese Forest Grass	Japanese Forest grass	5	2.0	\$30.00	60.00
Rosa 'Korpancom'	Rosa 'Korp. 'Electric Blanket''	#2gal	1.0	\$30.00	30.00
Geranium	Wild geraneum	#1 gal	5.0	\$6.00	30.00
Hemerocallis	Day lilies	5gal	2.0	\$6.00	12.00
Paeonia 'Bowl Of Beauty' Pk/Wt	Bowl Of Beauty Peony	7 gal	4.0	\$75.00	300.00
Perennials varieties	Perennials varieties	3 gal	10.0	\$12.00	120.00
Hosta	Hosta	7gallon	4.0	\$55.00	220.00
<b>Ground Cover</b>					
Sedum Spath. Varieties	Stonecrop varieties	#1	30.0	\$4.00	120.00
<b>Stone &amp; Rock</b>					
Arizona Flagstone		3'x4'	13.0		750.00
Large sitting rock (4man size)					450.00
<b>Total value before labor/ installation</b>				<b>(no soil, gravel or ammendments included)</b>	
				<b>6,862.00</b>	

