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Letter from YarrowBay to Clarify Condition #2

June 25, 2014

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COMMUNITY DEVELOP.
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Andrew Williamson
Economic Development Director
City of Black Diamond
PO Box 599
Black Diamond, WA 98010

RE: Clarification of Preliminary Plat 2C Buffer Averaging Approval Condition #2

Dear Mr. Williamson:

As you know, in a letter dated May 14, 2014, BD Village Partners, LP ("YarrowBay") submitted a request that the City of Black Diamond ("City") approve a wetland buffer width averaging plan that YarrowBay had proposed for The Villages MPD Phase 2 Preliminary Plat C site ("Preliminary Plat 2C"). YarrowBay's plan proposed to provide 26,222 square feet of additional buffer in exchange for being allowed to utilize 2,117 square feet of area that is currently designated as buffer, or a net increase of 24,105 square feet of buffer area.

Mayor Gordon approved the proposed plan in a letter to YarrowBay on June 5, 2014. Mayor Gordon's approval letter contained three conditions that the City's wetland consultant, Perteet Inc., ("Perteet") recommended, including Condition #2, which states that "[c]learing and grading activities are prohibited in the averaged buffer, inclusive of addition areas." YarrowBay was concerned that the wording of Condition #2 would both limit the work that could be done within the 2,117 square feet of current buffer area that YarrowBay proposed to be able to utilize in the development area and prevent YarrowBay from completing certain work (installation of stormwater flow dispersal trenches and soft surface trail) that is proposed in the buffer area. YarrowBay raised these concerns with City staff at the June 10, 2014 MDRT meeting. At the June 17, 2014 MDRT meeting, staff provided YarrowBay with a letter from Jason Walker at Perteet in response to YarrowBay's questions.

Mr. Walker's response stated:

Finding 4d2: The limits of clearing were not demarcated on the plans [and] we need to be certain that areas designated for buffer averaging (inclusive of the standard buffer and the added buffer areas) would be protected from clearing activities. There would need to be some limited work in the buffers for the stormwater infiltration systems and trails; however, mass removal of vegetation outside of these limited areas should not be necessary or allowed.

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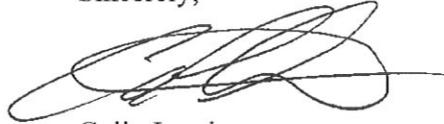
Given the language contained in Condition #2 and the follow-up e-mail, YarrowBay wants to clarify that the condition will be interpreted in accordance with the following language:

Clearing and grading activities are prohibited in the buffer area, as modified by the buffer width averaging plan approved on June 5, 2014, except for work that is necessary to provide certain features, such as stormwater infiltration systems and soft surface trails, which are proposed in buffer areas on the plan set submitted to the City on June 10, 2014.

YarrowBay further suggests that the City include the language in the above paragraph as a development condition in the City's Staff Report on Preliminary Plat 2C.

Please let us know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colin Lund', with a long horizontal flourish extending to the right.

Colin Lund
Chief Entitlement Officer
YarrowBay