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**BEFORE THE HEARING EXAMINER
FOR CITY OF REDMOND**

In the Matter of the Appeal of
Monica Catunda, et al
of the March 2, 2018 Clear and Grade Permit CGP-
2018-01368 Allowing the removal of 30 Cottonwood
trees from Idylwood Beach Park in Redmond

NO. LAND-2018-00317
CITY'S MOTION TO DISMISS
APPEAL

I. RELIEF REQUESTED

The City hereby respectfully moves the Hearing Examiner for an order dismissing the appeal filed herein. The appeal is untimely under Redmond Zoning Code (RZC) 21.76.060.I.2.c. because it was filed more than fourteen days after the City of Redmond Parks Department was issued a clearing and grading permit to remove thirty cottonwood trees from Idylwood Beach Park.

II. STATEMENT OF FACTS

Idylwood Beach Park is located on the west side of Lake Sammamish at 3605 West Lake Sammamish Parkway in the City of Redmond. The Park is approximately 19 acres in size and is classified as a Community Park under the City of Redmond's 2017-2030 Parks, Arts, Recreation, Culture and Conservation (PARCC) Plan. PARCC Plan, Chapter 4 at p. 11. The PARCC Plan describes Community Parks as providing

diverse active recreation opportunities with some passive recreation uses. Community parks generally range in size from 20 acres to 40 acres and support a more regional draw than neighborhood parks.

1 Community parks typically include a variety of active amenities that
2 use more than half the park for amenities such as sport fields, courts,
3 and facilities, playgrounds, picnic shelters, beach facilities,
4 equestrian facilities, educational programs, and community gardens.
5 The remainder of the park may also contain natural habitat and trails.
6 Support facilities typically include parking, restrooms and lighting.

7 PARCC Plan, Chapter 4 at p. 3. In keeping with its classification, Idylwood Beach Park features
8 a swimming beach, a bathhouse, restrooms, a canoe launch, picnic tables and picnic shelters, play
9 areas, natural areas, and places to barbeque. PARCC Plan, Chapter 4 at p. 15. Idylwood Beach
10 Park is the third-most heavily used park in Redmond's Park System, averaging 679 visits per day
11 throughout the year, with higher use occurring during the peak summer months. PARCC Plan,
12 Chapter 4 at p. 27.

13 During the summer of 2017, two separate large limb failures occurred on cottonwood trees
14 located in highly trafficked areas of Idylwood Beach Park. *Declaration of David Tuchek ("Tuchek
15 Declaration)* at ¶ 3, p. 1-2. One of the limb failures resulted in significant injuries to a park patron,
16 and the other limb failure resulted in damage to a hedge and picnic table on an adjacent private
17 property, the Fairweather Condominiums. *Id.* After these failures occurred, the City Parks
18 Department had a certified arborist on its staff conduct a visual tree risk assessment. *Tuchek
19 Declaration* at ¶ 4, p. 2. The arborist identified thirty cottonwood trees in high use areas of the
20 Park that were at risk to drop large limbs during the summer months and that were therefore
21 considered hazardous to park patrons. *Id.*

22 On February 23, 2018, the City Parks Department applied for a clearing and grading permit
23 from the City Public Works Department to remove the thirty hazardous cottonwood trees. *Tuchek
24 Declaration* at ¶ 6, page 2, and Exhibit B. The application was signed by David Tuchek, the Park
25 Operations Manager. *Id.* The permit application stated that stumps would be treated and left in
26 place, but that the wood and chips would be removed from the site to facilitate replanting and
restoration. *Id.* A plan for tree replacement and restoration that provided for the replanting of 26-

1 40 mixed native conifer trees, 35-50 mixed native deciduous trees, 55-75 mixed native shrubs, and
2 100 mixed native groundcovers was submitted with the application. *Id.*

3 On March 1, 2018, Mr. Tucheck consulted Principal Planner Catherine Beam regarding
4 whether SEPA review was required for the clearing and grading permit. *Tucheck Declaration at ¶*
5 *7, p. 2-3; Declaration of Catherine Beam at ¶ 2, p. 1.* Ms. Beam confirmed that the tree removal
6 was categorically exempt from SEPA review under WAC 197-11-800(24) and requested that Mr.
7 Tucheck submit an environmental checklist so that Ms. Beam could document her decision for the
8 file. *Id.* Mr. Tucheck subsequently submitted the checklist and Ms. Beam documented her decision
9 on March 8, 2018. *Id.*

10 Given that the permit was SEPA exempt, however, the permit was approved and issued by
11 the City Public Works Department on March 2, 2018. *Tucheck Declaration at ¶ 8, p. 3, and Exhibit*
12 *C.* No appeal of the clearing and grading permit was filed with the City Clerk's office as of the
13 appeal deadline, March 16, 2018, and the City initiated the tree removal process on March 19,
14 2018. *Tucheck Declaration at ¶ 9, p. 3.* On March 27, 2018, after the City had removed 14 of the
15 30 trees, the City received the instant appeal. *Tucheck Declaration at ¶ 10, p. 3.* Since March 27,
16 the City has not performed any tree or vegetation removal and has waited for the Hearing
17 Examiner's decision. *Id.* The summer months are fast approaching, however, and the City needs
18 to move forward to improve the safety of Idylwood Beach Park before park usage increases.

19 **III. ISSUES**

20 (1) Was the City required to obtain any permits for the tree removal other than the
21 clearing and grading permit? [NO].

22 (2) Was the appeal filed by the appellants in this matter timely? [NO].

23 (3) Given the untimeliness of the appeal, should the Hearing Examiner reach the other
24 issues raised by the appellants? [NO].

25 **IV. ARGUMENT**

1 **A. THE ONLY PERMIT THE CITY WAS REQUIRED TO OBTAIN FOR THE TREE**
2 **REMOVAL WAS A CLEARING AND GRADING PERMIT.**

3 **1. Because the City Parks Department sought to remove thirty trees at Idylwood**
4 **Beach Park, a clearing and grading permit was required, and a tree removal permit was not.**

5 The appellants have argued that the City Parks Department was required to obtain a tree
6 removal permit for the removal of the cottonwood trees in addition to the clearing and grading
7 permit the Parks Department received. This is incorrect. Under the Redmond Municipal Code
8 (RMC) and the Redmond Zoning Code (RZC), the type of permit that a landowner is required to
9 obtain for tree removal depends upon the number and size of the trees involved. When a landowner
10 seeks to remove eleven or more significant trees, a clearing and grading permit is required. RMC
11 15.24.050.3 (clearing and grading permit required for “[r]emoval of 11 or more trees that are six
12 inches in diameter or larger”); RZC 21.72.020.D (“[r]emoval of 11 or more significant trees
13 requires clearing and grading approval in accordance with RMC 15.24, *Clearing, Grading and*
14 *Stormwater Management*”). When a landowner seeks to remove ten or fewer significant trees, a
15 tree removal permit is required. RZC 15.24.050.3 (“[t]he removal of ten or fewer trees is regulated
16 in Redmond Zoning Code Chapter 21.72”). The two permits are mutually exclusive; if the
17 landowner is required to get a clearing and grading permit, no tree removal permit is required and
18 if a landowner is required to get a tree removal permit, no clearing and grading permit is required.

19 In this case, the City of Redmond Parks Department applied to remove thirty cottonwood
20 trees at Idylwood Beach Park. Each of these trees exceeds six inches in diameter at breast height
21 (dbh) and is therefore a significant tree under RMC 15.24.050.3 and the definition of significant
22 tree in RZC 21.78. Because more than ten significant trees are involved, the Parks Department
23 correctly applied for and received a clearing and grading permit under RMC 15.24.050.3 and RZC
24 21.72.020.D. Because the Parks Department did not seek to remove ten or fewer trees, no tree
25 removal permit was required. *Id.* The appellants’ assertion that a tree removal permit was required
26 is inconsistent with the RMC and RZC.

1 **2. The City Parks Department was not required to obtain a Shoreline**
2 **Conditional Use Permit or a Shoreline Substantial Development Permit.**

3 The appellants wrongly assert that the City Parks Department was required to obtain a
4 shoreline conditional use permit for the proposed tree removal. In support of this argument, the
5 appellants rely on RZC 21.68.200.C.2, which provides that

6 development [within the Shoreline Jurisdiction] shall be allowed
7 only as authorized in a Shoreline Substantial Development Permit,
8 Shoreline Conditional Use Permit, or Shoreline Variance Permit
 unless specifically exempted from obtaining such a permit under
 RZC Section 21.68.200.C.3, *Exemptions*.

9 The appellants' reliance on this section is misplaced, however, because tree removal does not
10 constitute "development" as the term is used in the State Shoreline Management Act (SMA) and
11 the City's Shoreline Master Program (SMP).

12 It is true that the definition of "development" in RZC 21.78 includes the "removal of
13 vegetation." But while RZC 21.78 defines the term "development" for much of the City's land
14 use regulations, it specifically does not do so for the City's Shoreline Master Program. According
15 to RZC 21.68.030.A.2.d, the only RZC definitions that apply to the Shoreline Master Program are
16 "[t]hose specific to shorelines and so noted with an 'SMP' following their definition."¹ The
17 definition of development in RZC 21.78 is not noted with an SMP following the definition and so
18 the definition has no application to the SMP.² Instead, what applies to the SMP is the definition
19 of development contained in the SMA and its implementing regulations, specifically RCW
20 90.58.030(3)(a) and WAC 173-27-030(6):

21 ¹ RZC 21.68.030.A.2.d contains a codification error, incorrectly referring to "RZC 21.50.010, *Definitions*," rather than
22 RZC 21.78, *Definitions*. In City of Redmond Ordinance No. 2486, which adopted the City's last Shoreline Master
23 Program Update in 2009, what is now codified as RZC 21.68.030.A.2.d was set forth as Redmond Community
24 Development Guide (RCDG) 20D.150.30-010.2.d. Ordinance 2486, Exhibit 2 at p. 4. RCDG 20D.150.30-010.2.d
25 referred, in turn, to the shoreline definitions set forth in RCDG 20A, which is now recodified as RZC 21.78. Ordinance
26 2486, Exhibit 3. Apparently, when the RCDG was updated to the RZC in 2011, the incorrect reference to RZC
21.50.010 was mistakenly inserted into RZC 21.68.030.A.2.d. RZC 21.50.010 relates to *Transition Overlay Areas*
and contains no definitions.

² For examples of definitions that are noted with an "SMP," see the definitions of "adaptive management,"
"aquaculture," "channel migration zone," "dredging," etc.

1 “Development” means a use consisting of the construction or
2 exterior alteration of structures; dredging; drilling; dumping; filling;
3 removal of any sand, gravel, or minerals; bulkheading; driving of
4 piling; placing of obstructions; or any project of a permanent or
temporary nature which interferes with the normal public use of the
surface of the waters overlying lands subject to this chapter at any
state of water level.

5 Conspicuously absent from this definition is any mention of tree or vegetation removal. Tree
6 removal is therefore not “development” under the SMA and SMP and no shoreline permit or
7 exemption is required for tree removal under RZC 21.68.200.C.2. The appellants’ argument to
8 the contrary is not supported by the code.

9 The appellants also argue that a shoreline conditional use permit is required for tree
10 removal under RZC Table 21.68.050 because tree removal is not listed in the Table as a permitted
11 use. This is also incorrect. While the RZC does not define the term “use” for purposes of the
12 SMP, the meaning of the term is obvious from the scope of the land uses listed in the table. RZC
13 Table 21.68.050 establishes broad categories of land uses, including agriculture, utilities,
14 transportation, manufacturing, commercial, residential, etc., and then lists specific land uses within
15 the broader categories such as equestrian and livestock facilities, stormwater conveyance facilities,
16 roads and bridges, light industrial uses, offices, and single-family residences, etc. The common
17 thread applicable to all the listed uses is that they relate to the permanent *use* or *occupation* of the
18 property that is made by the owner and not to the methods of construction or other means by which
19 the property is prepared for that use. Tree removal is no more a separate land “use” under the
20 Table than is grading, building, or paving; tree removal is simply an activity that is engaged in to
21 facilitate the permanent use that the property owner intends to make of the land.

22 Under RZC Table 21.68.050, Idylwood Beach Park is a “water-oriented recreational
23 development, e.g., interpretive center, park” and thus a permitted use under the “Recreational”
24 category in the Table. Tree removal is an activity that is incidental to the permitted park use and
25 that is being engaged in to improve safety and facilitate the permitted use. Because Idylwood
26

1 Beach Park is a permitted use, the appellants' argument that tree removal connected with the Park
2 use requires a shoreline conditional use permit is not supported by the code.

3 **B. THE APPEAL IS AN UNTIMELY CHALLENGE TO THE CLEARING AND**
4 **GRADING PERMIT AND MUST BE DISMISSED.**

5 The appellants' March 27, 2018 appeal in this matter is untimely. A clearing and grading
6 permit is a Type I decision under RZC Table 21.76.050B. Any person desiring to appeal a Type I
7 decision is required to file a written appeal of the same with the City Clerk no later than 5:00 p.m.
8 on the fourteenth day following the date of the decision. RZC 21.76.060.I.2.c. In this case, the
9 clearing and grading permit for the Idylwood Beach Park tree removal was issued to the City Parks
10 Department on March 2, 2018. Issuance of the permit on March 2, 2018 established March 16,
11 2018 as the deadline for appeal under RZC 21.76.060.I.2.c. The appellants did not file the instant
12 appeal until March 27, 2018, thirteen days after the appeal deadline. The appeal is thus untimely
13 and must be dismissed.

14 **C. GIVEN THE UNTIMELINESS OF THE APPEAL, THE CLEARING AND**
15 **GRADING PERMIT ISSUED TO THE CITY PARKS DEPARTMENT IS**
16 **CONCLUSIVELY VALID AND APPELLANTS' OTHER ISSUES ARE NOT**
17 **PROPERLY BEFORE THE HEARING EXAMINER.**

18 Public policy strongly favors the finality of land use decisions. *Skamania County v.*
19 *Columbia River Gorge Comm'n.*, 144 Wn.2d 30, 49, 26 P.3d 241 (2001); *Deschenes v. King*
20 *County*, 83 Wn.2d 714, 717, 521 P.2d 1181 (1974). Where a land use decision is not timely
21 appealed, the decision is conclusively valid and immune from further attack, even where the
22 decision was issued in error, which this decision was not. *Habitat Watch v. Skagit County*, 155
23 Wn.2d 397, 406-07, 120 P.3d 56 (2005); *Chelan County v. Nykreim*, 146 Wn.2d 904, 926, 52 P.3d
24 1 (2002); *Wenatchee Sportsmen Ass'n v. Chelan County*, 141 Wn.2d 169, 180-82, 4 P.3d 123
25 (2000); *Hanna v. Margitan*, 193 Wn. App. 596, 611, 373 P.3d 300 (2016); *Brotherton v. Jefferson*
26 *County*, 160 Wn. App. 647, 248 P.3d 597 (2011). Because the clearing and grading permit issued
to the City Parks Department was not appealed in a timely manner, the clearing and grading permit

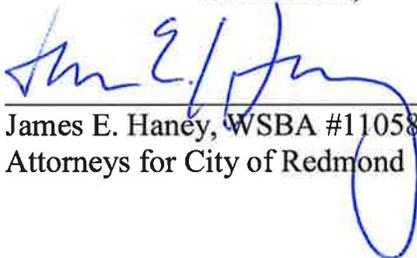
1 is valid and no longer subject to challenge. The appellants' remaining issues concerning the tree
2 removal, e.g., issues relating to eagles and issues relating to critical areas, are mere collateral
3 attacks on the conclusively valid clearing and grading permit and may not be considered by the
4 Hearing Examiner.

5 **V. CONCLUSION**

6 For all the reasons set forth above, the Hearing Examiner should dismiss the appeal of the
7 appellants in its entirety. Under RMC 15.24.050.3 and RZC 21.72.020.D, the only permit the City
8 Parks Department was required to obtain to remove thirty trees at Idylwood Beach Park was a
9 clearing and grading permit. The Parks Department was issued such a permit on March 2, 2018
10 and that permit was not timely appealed. This appeal, which was filed on March 27, 2018 is an
11 untimely challenge to the clearing and grading permit and must be dismissed. The City therefore
12 respectfully requests that the Hearing Examiner enter an order of dismissal and allow tree removal
13 to proceed.

14 DATED this 14th day of May, 2018.

15 OGDEN MURPHY WALLACE, PLLC

16
17 By 

18 James E. Haney, WSBA #11058
19 Attorneys for City of Redmond
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1 **DECLARATION OF SERVICE**

2 I, Charolette Mace, an employee of Ogden Murphy Wallace, PLLC, certify that on the date
3 below, I emailed this document, and mailed the original and one copy to:

4 Cheryl D. Xanthos
5 Clerk to the Hearing Examiner
6 City of Redmond, Hearing Examiner's Office
7 15670 NE 85th Street
8 Redmond, WA 98052
9 Email: cdxanthos@redmond.gov

10 and emailed this document only to:

11 Alexander Sidles
12 BRICKLIN & NEWMAN LLP
13 1424 Fourth Ave., Suite 500
14 Seattle, WA 98101-2258
15 Email: sidles@bnd-law.com

16 I declare under penalty of perjury under the laws of the State of Washington that the
17 foregoing is true and correct.

18 Executed at Seattle, Washington this 14th day of May, 2018.

19 
20 _____
21 Charolette Mace
22 *Legal Assistant*

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**BEFORE THE HEARING EXAMINER
FOR CITY OF REDMOND**

In the Matter of the Appeal of
Monica Catunda, et al
of the March 2, 2018 Clear and Grade Permit CGD-
2018-01368 Allowing the removal of 30 Cottonwood
trees from Idylwood Beach Park in Redmond

NO. LAND-2018-00317
DECLARATION OF DAVID TUCHEK

I, DAVID TUCHEK, make the following statement based on personal knowledge:

1. I am the Park Operations Manager for the City of Redmond. In that capacity, I am responsible for overseeing the day-to-day operations of the City’s parks. I am also responsible for overseeing park maintenance.

2. Idylwood Beach Park is a Community Park of the City of Redmond. The Park is approximately 19 acres in size and is located at 3605 West Lake Sammamish Parkway. The Park features a swimming beach, a bathhouse, restrooms, a canoe launch, picnic tables and picnic shelters, play areas, natural areas, and places to barbeque. The Park is one of the City’s most heavily used and usage significantly increases during the summer months.

3. Idylwood Park contains a number of large cottonwood trees. In 2017, there were two separate incidents of large limb failures on cottonwood trees located in the Park. In the first incident, a large limb fell from one of the cottonwood trees and struck a park patron in the head, causing serious injuries. In the second incident, a large limb fell from one of the cottonwood trees

1 onto an adjoining private property, crushing a hedge and a picnic table at the Fairweather
2 Condominiums adjacent to the Park. A photograph showing the damage caused by the falling limb
3 is attached to this Declaration as Exhibit A.

4 4. After these two incidents, the City Parks Department became concerned about the
5 safety of the trees. Many of the cottonwood trees are in the most heavily trafficked areas of the
6 Park, including near the swimming beach. The Parks Department has a certified arborist on staff
7 and we decided to have a visual risk assessment of the cottonwood trees performed. Based on this
8 visual risk assessment, the City's certified arborist identified thirty cottonwood trees that were at
9 risk to suffer sudden limb failure in the future and that were therefore considered hazardous.

10 5. Three of the hazardous cottonwood trees are located in the northeast corner of
11 Idylwood Beach Park, eight of the hazardous cottonwood trees are located near the lower bridge
12 in the Park, and 19 of the hazardous cottonwood trees are located in a grove near the swimming
13 beach.

14 6. On February 23, 2018, I submitted a clearing and grading permit application to the
15 City's Development Services Division. My understanding is that a clearing a grading permit was
16 required because the Parks Department plans to remove more than ten trees at Idylwood Park. If
17 the Parks Department had planned to remove ten or fewer trees, I understand that a tree removal
18 permit would have been required. A true and correct copy of the clearing and grading application
19 materials I submitted on behalf of the Parks Department is attached as Exhibit B to this
20 Declaration. The visual risk assessment that was performed was submitted as part of the
21 application. A replanting plan was also part of the application.

22 7. On March 1, 2018, I had a conversation with Catherine Beam, Principal Planner
23 with the City. Cathy is known for her environmental expertise and I consulted her regarding
24 whether SEPA was required for the tree removal. Cathy told me that the tree removal was
25 categorically exempt from SEPA review. She suggested that I submit a SEPA checklist so that
26

1 she could document her decision. I submitted a checklist on March 8, 2018 and Cathy issued
2 written documentation of the exemption on the same day.

3 8. On March 2, 2018, the clearing and grading permit was issued. A true and correct
4 copy of the permit is attached as Exhibit D to this Declaration.

5 9. No appeal of the clearing and grading permit was filed by the deadline on March
6 16, 2018. On March 19, the Parks Department initiated the tree removal process. Members of the
7 public have subsequently spoken at City Council meetings and have urged the Council not to allow
8 the trees to be removed.

9 10. On March 27, 2018, I was advised that an appeal had been filed. As of March 27,
10 the City had removed 14 of the 30 cottonwood trees authorized under the permit. However, as
11 soon as we became aware of the appeal, the work was stopped and the City has not taken any
12 action to remove additional trees while the appeal has been pending. The City needs to complete
13 tree removal soon if the work is to be completed before the summer months when the Park will be
14 heavily used. Because the appeal was not timely filed, I would request that the Hearing Examiner
15 dismiss the appeal and allow the work to go forward.

16 I declare under penalty of perjury under the laws of the State of Washington and the United
17 States of America that the foregoing is true and correct to the best of my knowledge.

18 EXECUTED at Redmond, Washington this 11 day of May, 2018.

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David Tuckek

1 **DECLARATION OF SERVICE**

2 I, Charolette Mace, an employee of Ogden Murphy Wallace, PLLC, certify that on the date
3 below, I emailed this document, and mailed the original and one copy to:

4 Cheryl D. Xanthos
5 Clerk to the Hearing Examiner
6 City of Redmond, Hearing Examiner's Office
7 15670 NE 85th Street
8 Redmond, WA 98052
9 Email: cdxanthos@redmond.gov

10 and emailed this document only to:

11 Alexander Sidles
12 BRICKLIN & NEWMAN LLP
13 1424 Fourth Ave., Suite 500
14 Seattle, WA 98101-2258
15 Email: sidles@bnd-law.com

16 I declare under penalty of perjury under the laws of the State of Washington that the
17 foregoing is true and correct.

18 Executed at Seattle, Washington this 14th day of April, 2018.

19 
20 _____
21 Charolette Mace
22 Legal Assistant

EXHIBIT A



EXHIBIT B



Clear & Grade Application Clearing, Grading, and Stormwater Management

Office Use Only: CIV PLAN -2018-00194

Application Date: _____ Plan: _____ Permit: CGP-2018-01362

ACCEPTED BY: JR Street Cleaning Deposit \$1,000 Rcpt. No. N/A Date N/A

GENERAL INFORMATION

Name of Development: Idylwood Park

Name of Applicant: David Tuchek; City of Redmond; Park Operations

Phone: 425-556-2318 Email: dtuchek@redmond.gov

Address: 18120 NE 76th Street; PO Box 97010; MOC PK

City: Redmond State: WA Zip Code: 98073-9710

Description of Proposed Action:
Removal of 30 cottonwood trees within high-use, public areas. Stumps to be treated and left in place. All wood and chips to be removed from site to facilitate restoration planting.

FOLLOWING INFORMATION REQUIRED (IF APPLICABLE)

Location of Subject Property: 3650 West Lake Sammamish Parkway NE

Legal Description (attach additional pages if required):
See attached

Property Contiguous to Hazardous Liquid Pipelines Must Provide Ticket Number From "One Call Center".
NA

AUTHORIZATION TO FILE SIGNATURE OF ALL PERSONS WITH AN INTEREST IN THE PROPERTY

Name: <u>David Tuchek</u>	Name: _____
Signature: _____	Signature: _____
Tax Lot and STR/Lot Subdivision: _____	Tax Lot and STR/Lot Subdivision: _____
City: <u>Redmond</u> State: <u>WA</u>	City: _____ State: _____
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Consultant	<input type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Consultant
<input type="checkbox"/> Option Purchaser* <input type="checkbox"/> Option Expiration Date	<input type="checkbox"/> Option Purchaser* <input type="checkbox"/> Option Expiration Date
*Owners Signature also required	*Owners Signature also required

CERTIFICATION

I hereby certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge and that I am to file this application and act on the behalf of the signatories of the above authorization.

Print Name: Dave Tuchek Date: 2/21/18

Signature: Dave Tuchek

The following information should be submitted prior to submittal so that staff can establish plan review fees:

Land Area Cleared/Disturbed (sq. ft.) _____ (s.f.)

Amount of Material Moved (cubic yds.) _____ (c.y.)

Amount of New Impervious Surface (sq. ft.) _____ (s.f.)

Amount of Replaced Impervious Surface (sq. ft.) _____ (s.f.)

Amount of New Pollution Generating Surface (sq. ft.) _____ (s.f.)



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Assessor information for parcel number 3134600005



Taxpayer name	REDMOND CITY OF	Parcel number	3134600005
Mailing address	PO BOX 97010 M/S 3NFN REDMOND WA 98073	Tax Account number	313460000505
		Levy code	2020
		Jurisdiction	REDMOND
		Present use	Park, Public (Zoo/Arbor)
		Appraised value	\$7,823,500
Address(es) at this parcel	3650 WEST LAKE SAMMAMISH PKWY NE 98052		

Legal description

HARRISONS ACREAGE TRS REPLAT 1-2 PORTION TR 3 PLAT OF HARRISON'S ACREAGE TRACTS DAF: BEG MOST SLY CORNER SD TR 3 TH N 2-22-12 E ALG MOST ELY LN SD TR 3 TO MEANDER LINE OF LAKE SAMMAMISH TH N 56-09-42 W ALG SD MEANDER LN 238.16 FT TH CONTG ALG SD MEANDER LN N 9-09-42 W 200 FT TO TPOB TH CONTG ALG SD MEANDER LN N 9-09-42 W 117.68 FT TO N LN SD TR 3 TH N 87-18-18 W ALG SD N LN 594.94 FT TO ELY LN ROBERT COTTERILL RD TH S 44-03-00 E ALG SD RD 541.14 FT TH NELY 335 FT M/L TO TPOB TGW 2ND CLASS SHORELANDS ADJ LESS PORTION THOF DAF: BEG AT NW CORNER SD TR 3 TH SELY ALG ROBERT COTTERILL RD 11 FT TH NELY TO PT ON N LN SD TRACT 3 18 FT E FROM SD NW CORNER TH W ALG SD N LN 18 FT TO BEG; TGW PORTION SD TR 3 DAF: BEG AT PT ON SWLY LN SD TR 3 DIST 288 FT WLY MEAS ALG SD SWLY LN FROM MOST SLY CORNER SD TR 3 TH NELY TO GOVT MEANDER LN OF LAKE SAMMAMISH AT PT N 56-09-42 W ALG SD MEANDER LN 238.16 FT FROM E LN SD TR 3 TH CONTG ALG SD MEANDER LN N 9-09-42 W 200 FT TH SWLY TO PT ON S LN SD TR 3 225.56 FT NWLY AS MEAS ALG SD S LN FROM PT OF BEG TH SELY ALG SD S LN TO PT OF BEG LESS PORTION IF ANY LYING WITHIN ROBERT COTTERILL RD AS NOW ESTABLISHED TGW VACATED PORTION OF ROBERT COTTERILL RD AS VACATED AUGUST 22, 1927 BY ORDER RECORDED IN VOL 28 PG 205 KING CO COMMISSIONER'S RECORDS ADJ TGW 2ND CLASS SHORELANDS ADJ; TGW TRACT A REPLAT OF TRACTS 1&2 HARRISONS'S ACREAGE TRACTS & PORTION TR B SD REPLAT DAF: BEG AT PT 257.88 FT SELY FROM NW CORNER SD TR B TH S 44-03 E ALG NELY MGN ROBERT COTTERILL RD 248.33 FT TO SW CORNER SD TR B TH S 87-18-18 E ALG S LN SD TR 765.52 FT TO GOVT MEANDER LN OF LAKE SAMMAMISH TH N 9-09-42 W ALG SD MEANDER LN 173.79 FT TH N 87-18-18 W PLL WITH S LN SD TR B 910.68 FT TO PT OF BEG LESS PORTION THOF LYING N OF S 30 FT THOF & W OF LN BEG ON S LN SD TR N 87-18-18 W 621.74 FT FROM SE CORNER THOF TH N 2-41-42 E 170.17 FT M/L TO N LN OF ABOVE DESC PARCEL TGW 2ND CLASS SHORELANDS ADJ; TGW TRACT O SD REPLAT LESS PORTION DAF: BEG ON N LN SD TR O S 87-18-18 E 518.45 FT FROM NW CORNER THOF TH S 85-20-18 E 198.83 FT M/L TO SHORELINE LAKE SAMMAMISH TH NWLY ALG SD SHORELINE 7 FT M/L TO N LN SD TR O TH N 87-18-18 W ALG SD N LN 195 FT M/L TO BEG TGW 2ND CLASS SHORELANDS ADJ; TGW PORTION TRACT B SD REPLAT DAF: BEG AT NW CORNER SD TRACT B TH E ALG N LN THOF 1061.39 FT TO GOVT MEANDER LN OF LAKE SAMMAMISH TH SLY ALG SD MEANDER LN 180.56 FT TH W PLL WITH N LN SD TRACT 910.68 FT TO WLY LN THOF TH NWLY ALG SD WLY LN 257.88 FT TO BEG TGW 2ND CLASS SHORELANDS ADJ; TGW PORTION TRACT 3 SD PLAT OF HARRISON'S ACREAGE TRACTS DAF: BEG AT NW CORNER SD TRACT WCH IS ALSO THE ELY LN OF ROBERT COTTERILL RD TH SLY ALG SD ELY LN 11 FT TH NELY TO A PT ON NLY LN SD TRACT 18 FT FROM NW CORNER THOF TH WLY ALG SD NLY LN TO BEG

King County GIS Center
King Street Center
201 S. Jackson St.
Suite 706
Seattle, WA 98104
giscenter@kingcounty.gov

+ 47.59909 N
- 122.33136 W

+ 47° 35' 56.72"
- 122° 19' 52.90"

Sales/Quit Claims/Transfers

Sale date	Sale price	Buyer	Seller	Excise tax number	Recording number	Instrument type	Sale reason
06-23-1994	\$0	REDMOND CITY OF	KING COUNTY	1406969	199412051020	Warranty Deed	Other

Parcel description

Property name	IDYLWOOD PARK	Plat name	HARRISONS ACREAGE TRS REPLAT 1-2	Water system	WATER DISTRICT
Property type	C - COMMERCIAL	Plat block		Sewer system	PUBLIC
Present use	Park, Public (Zoo/Arbor)	Plat lot	A-B-O & Q-S-T- NE-24-25-5 R	Access	PUBLIC
Lot area	649,378 sq. ft. (14.91 acres)			Street surface	PAVED

Commercial building description			
Building	1 of 1	Building description	BATH HOUSE
Year built	1976	Predominant use	EQUIPMENT SHED (472)
Stories	1	Gross sq. ft.	960
Building quality	AVERAGE	Net sq. ft.	960
Construction class	MASONRY	Heating system	NO HEAT
Building shape	Rect or Slight Irreg	Sprinklers	N
		Elevators	

Taxable value history				
Tax year	Tax status	Taxable value reason	Appraised value	Taxable value
2009	EXEMPT	EXEMPT	\$7,792,500 (land) + \$31,000 (improvements) \$7,823,500 (total)	\$0 (land) + \$0 (improvements) \$0 (total)
2008	EXEMPT	EXEMPT	\$7,792,500 (land) + \$28,100 (improvements) \$7,820,600 (total)	\$0 (land) + \$0 (improvements) \$0 (total)
2007	EXEMPT	EXEMPT	\$6,493,700 (land) + \$1,000 (improvements) \$6,494,700 (total)	\$0 (land) + \$0 (improvements) \$0 (total)

- Related resources**
- King County Assessor: [Submit a request to correct information in this report](#)
 - King County Assessor: [eReal Property Report](#) (PDF format requires Acrobat)
 - King County Assessor: [Quarter Section Map](#) (PDF format requires Acrobat)
 - King County GIS: [Property information FAQ](#)
 - King County GIS: [Districts and Development Conditions Report](#) (a detailed report about the location of this property)
 - King County DDES: [Permit Applications Report](#) (for unincorporated areas only)
 - King County Treasury Operations: [Property Tax Information for this property](#)
 - King County Recorders Office: [Excise Tax Affidavits Report](#)
 - King County Recorders Office: [Scanned Images of plats.](#)
 - King County Recorders Office: [Scanned images of surveys and other map documents.](#)
 - [Open iMAP to this property](#) (requires a high speed internet connection)
 - [Open Parcel Viewer to this property](#) (any connection speed, but less features than iMAP)

Search:

Address or parcel number: Go

search by condo name

example address: 8621 428TH AVE SE | example parcel number: 0942000860

This report was generated on 1/14/2009 10:14:27 AM



TO: Sabrina Gassaway, Planner

FROM: David Tuchek, Park Operations Manager D.T. 2/21/18

RE: Idylwood Park – Tree Removal and Replanting Efforts

The Clear and Grade Permit has been submitted as required for the removal of 30 Cottonwood trees from Idylwood Park at 3650 West Lake Sammamish Parkway. This memo provides our plans for tree replacement and restoration of the three areas within the park affected by these removals. A map is attached for your information.

- Northeast Corner (open planting site)
 - Add 6-10 mixed native conifer trees
 - Add 10-15 mixed deciduous trees
 - Add 25-30 mixed native shrubs
 - Add 50 mixed native groundcovers
- Lower Bridge (forested planting site)
 - Add 10-15 mixed native conifer trees
- Beach Grove (forested and open planting sites)
 - Add 10-15 mixed native conifer trees
 - Add 15-20 mixed deciduous trees
 - Add 30-40 mixed native shrubs
 - Add 50 mixed native groundcovers

We anticipate using larger, landscape-sized plant materials in open planting sites and smaller, restoration-sized plant materials in the forested areas that are already heavily vegetated. Lists of desirable plant species is attached. Exact plantings will depend on availability.

Your prompt approval is appreciated.

Idylwood Tree Replacement & Restoration

Native Conifer Trees

- Western Hemlock (*Tsuga heterophylla*)
- Douglas Fir (*Pseudotsuga mezesii*)
- Grand Fir (*Abies grandis*)
- Sitka Spruce (*Picea sitchensis*)
- Western White Pine (*Pinus monticola*)

Deciduous Trees

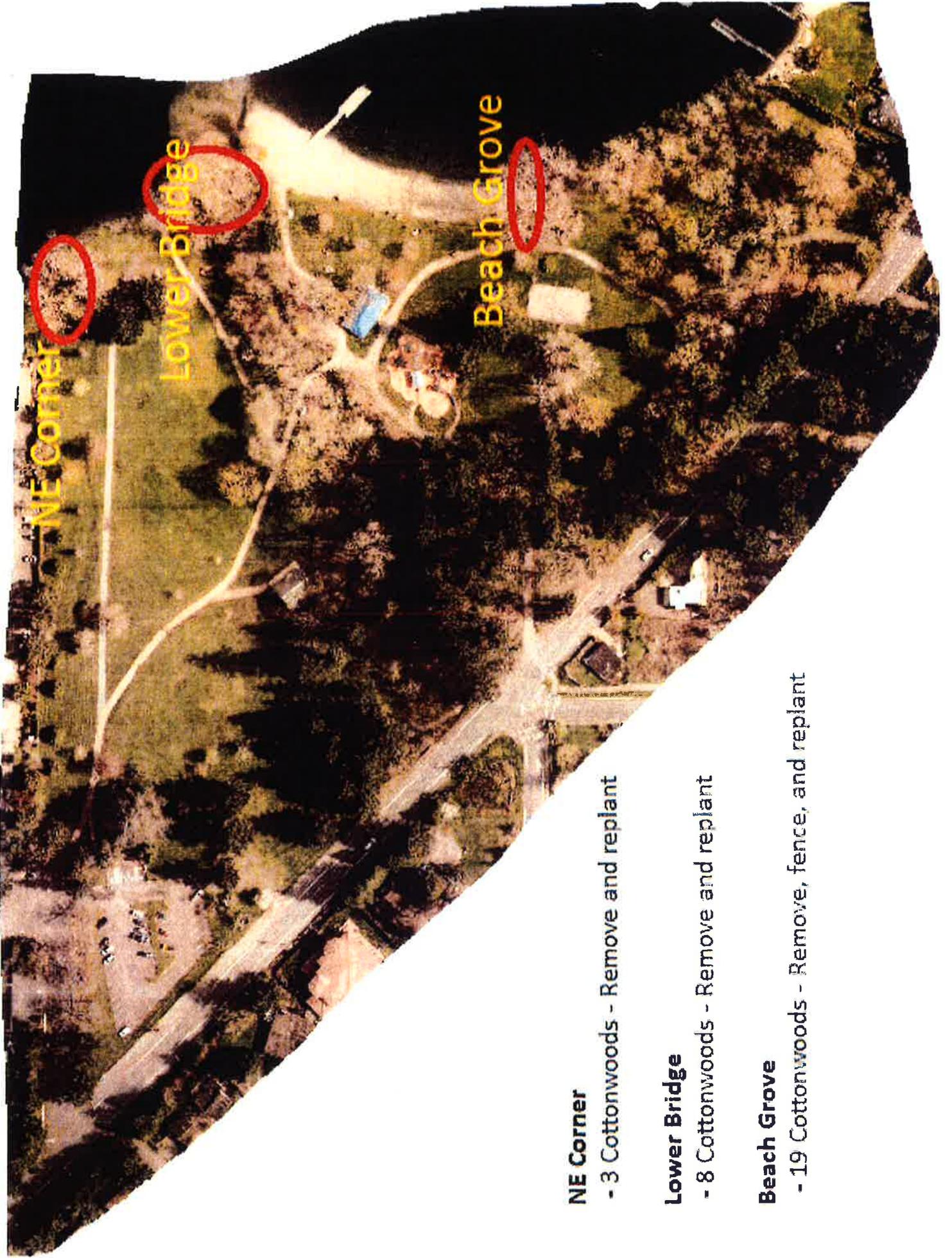
- Garry Oak (*Quercus garryana*)
- Western Flowering Dogwood (*Cornus nuttallii*)
- Service Berry (*Amelanchier alnifolia*)
- Hooker's Willow (*Salix hookeriana*)
- Cascara (*Rhamnus purshiana*)
- Beaked Hazelnut (*Corylus cornuta*)
- Red Elderberry (*Sambucus racemose*)

Native Shrubs

- Indian Plum (*Oemleria cerasiformis*)
- Pacific Ninebark (*Physocarpus capitatus*)
- Snowberry (*Symphoricarpos albus*)
- Nootka Rose (*Rosa nutkana*)
- Mock Orange (*Philadelphus lewisii*)
- Red Huckleberry (*Vaccinium parvifolium*)

Native Groundcovers

- Sword Fern (*Polystichum munitum*)
- Dull Oregon Grape (*Mahonia nervosa*)
- Inside-Out Flower (*Vancouveria hexandra*)
- Pacific Bleeding Heart (*Dicentra Formosa*)



NE Corner

Lower Bridge

Beach Grove

NE Corner

- 3 Cottonwoods - Remove and replant

Lower Bridge

- 8 Cottonwoods - Remove and replant

Beach Grove

- 19 Cottonwoods - Remove, fence, and replant

Jeff Dendy

From: Cathy Beam
Sent: Tuesday, February 27, 2018 3:01 PM
To: Jeff Dendy
Cc: Steve Fischer
Subject: RE: Idylwood Park Tree Cutting Clear & Grade Permit - CIVPLAN-2018-00194

Hi Jeff,

A shoreline permit will not be necessary because tree cutting does not meet the definition of Development under Chapter 173-27-030(6) WAC (Shoreline Rules).



Cathy Beam, AICP

Principal Planner | Planning and Community Development
☎: 425.556.2429 | ✉: cbeam@redmond.gov | Redmond.gov
MS: 2SPL | 15670 NE 85th St | Redmond, WA 98052



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From: Jeff Dendy
Sent: Monday, February 26, 2018 1:07 PM
To: Cathy Beam <CBEAM@REDMOND.GOV>
Cc: Steve Fischer <SFISCHER@REDMOND.GOV>
Subject: FW: Idylwood Park Tree Cutting Clear & Grade Permit - CIVPLAN-2018-00194

Cathy:

The City of Redmond Parks Department (Teresa) has asked me to review and approve a Clear & Grade Permit to cut some hazardous trees at Idylwood Park. Attached are the listing of trees to be cut and a plan showing location. The location is near the Lake. Will a Shorelines Permit be needed also?

Steven:

Parks do not have a formal arborist report, but did document the result of an inspection in the attached spreadsheet. I expect Development Services will not require an arborist report, or ask that a Planner be assigned to this C & G application as a reviewer. Let me know if you think otherwise.

Development Engineering will not assign an inspector to this tree cutting permit. We are confident that City of Redmond Parks will cut the right trees.

Jeff Dendy
-2890

From: Teresa Kluver
Sent: Monday, February 26, 2018 11:44 AM
To: Jeff Dendy <JDENDY@REDMOND.GOV>
Cc: Christopher Tolonen <CTOLONEN@REDMOND.GOV>; David Tuchek <DTUCHEK@REDMOND.GOV>
Subject: RE: Idylwood Park Tree Cutting Clear & Grade Permit - CIVPLAN-2018-00194

Jeff,

Attached are requested documents.

Erosion and sedimentation control will be achieved through:

- Leaving all stumps and roots intact. All work will be above the soil line. The tree stumps will be treated to prevent regrowth, but no disturbance to the root zones is expected.
- Extensive replanting efforts will follow the tree removals. This will:
 - Stabilize existing soils
 - Protect and encourage regrowth of desirable plant species
 - Provide greater plant diversity contributing to healthier ecosystem

Let us know if you need any additional information.



Teresa Kluver
Park Operations Supervisor | City of Redmond
☎: 425.556.2355 | ✉: tkluver@redmond.gov | Redmond.gov
MS: MOC PK | PO Box 97010 | Redmond, WA 98073-9710



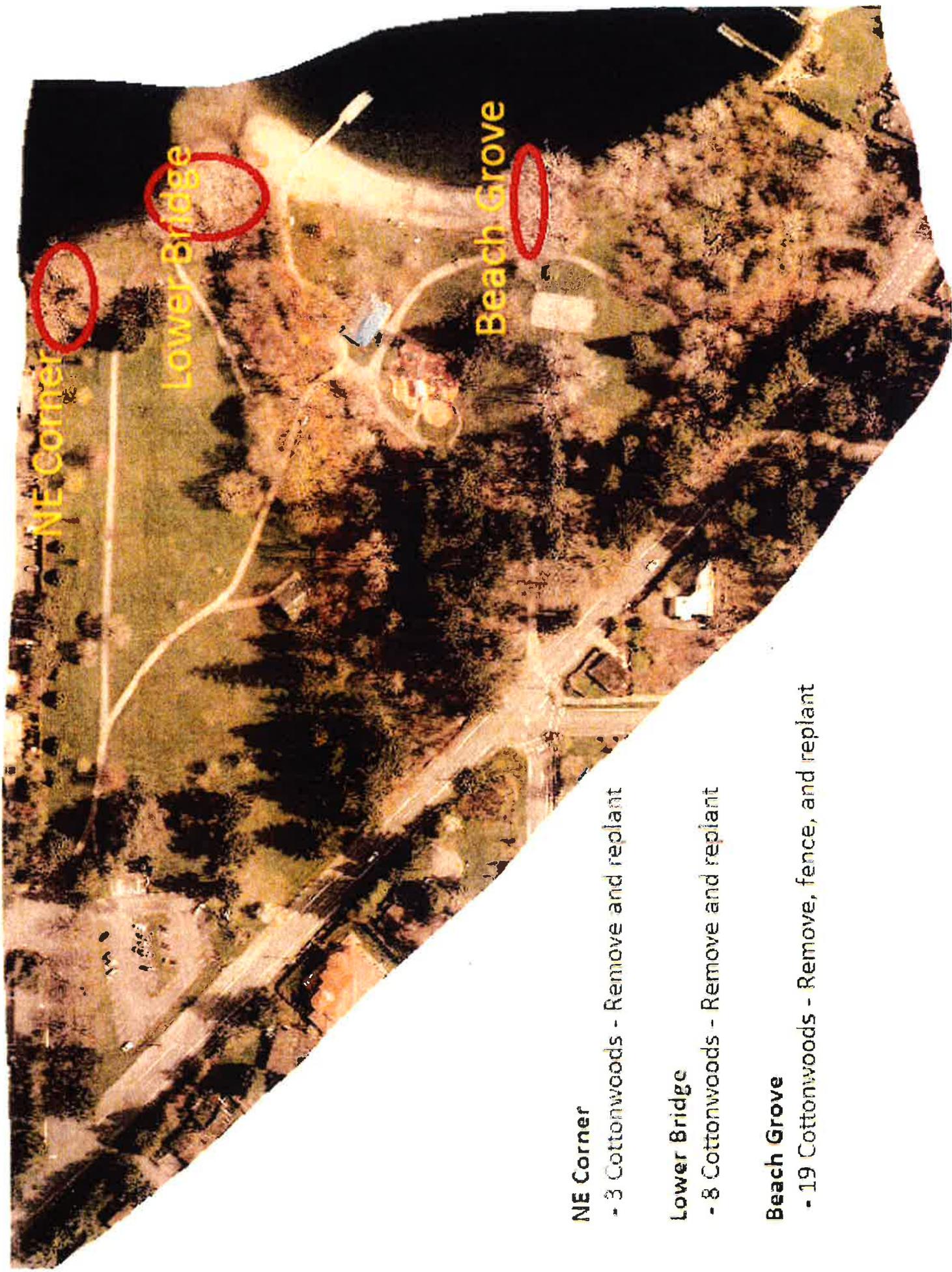
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From: David Tuchek
Sent: Monday, February 26, 2018 11:22 AM
To: Jeff Dendy <JDENDY@REDMOND.GOV>
Cc: Teresa Kluver <TKLUVER@REDMOND.GOV>; Christopher Tolonen <CTOLONEN@REDMOND.GOV>
Subject: RE: Idylwood Park Tree Cutting Clear & Grade Permit

Hello Jeff,

We will provide you the additional requested information.

Thanks for assisting us with this project.



NE Corner

- 3 Cottonwoods - Remove and replant

Lower Bridge

- 8 Cottonwoods - Remove and replant

Beach Grove

- 19 Cottonwoods - Remove, fence, and replant

Idylwood Park Tree Risk Management
2017

Tree #	Species	DBH	Location	Defects	Target Factors	Risk Rating	Recommended Treatment
1	Populus trichocarpa	48"	northeast corner	summer sudden limb drop	tree over private property	high	remove
2	Populus trichocarpa	58"	northeast corner	summer sudden limb drop	tree over private property	high	remove
3	Populus trichocarpa	58"	northeast corner	summer sudden limb drop	passive use area	high	remove
4	Populus trichocarpa	39"	lower bridge grove	summer sudden limb drop	foot and picnic traffic	high	remove
5	Populus trichocarpa	28"	lower bridge grove	summer sudden limb drop	foot and picnic traffic	high	remove
6,7,8,9,10	Populus trichocarpa	various	lower bridge grove	summer sudden limb drop	foot traffic	moderate	remove
11	Populus trichocarpa	29"	lower bridge grove	summer sudden limb drop	bridge directly below tree	mod-high	remove
12	Populus trichocarpa	28"	beach grove	sudden limb drop, included bark, codom with tree #13	beach, pathway targets	high	remove
13	Populus trichocarpa	32"	beach grove	codom with tree #12	beach, pathway targets	high	remove
14-27	Populus trichocarpa	various	beach grove	summer sudden limb drop	edge of beach target	mod-high	remove
28	Populus trichocarpa	7"	beach grove	bent over and top heavy	at lake edge	mod, high as tree matures	remove
29	Populus trichocarpa	10"	beach grove	bent over and top heavy	at lake edge	mod, high as tree matures	remove
30	Populus trichocarpa	35"	beach grove	summer sudden limb drop	foot traffic and passive use area	moderate	remove

EXHIBIT C



City of Redmond Development Services Center

15670 NE 85th St, Redmond, WA 98073 • (425) 556-2473

Permit & Inspection Record

Permit Number: CGP-2018-01362

Permit Type: Clear & Grade
Work Class: None
Project Name: City of Redmond Idylwood Park
Site Address: 3650 W LK SAMMAMISH PKWY
Lot Number:
Description of Work: Remove 30 cottonwood trees

Issued: Mar 2, 2018
Expires: Aug 29, 2018
Valuation: \$0.00
Parcel Number: 3134600005

Permit Contact

Inspections:

The following inspections may be required for your permit. Please notify the City of an inspection request by midnight the day prior to date inspection is needed. This may be done by phoning the City's Inspection Request Line at 1-866-457-5289 or online (with pre-registration) at <https://www.land.redmond.gov>

Using the IVR PIN # printed below, the following inspection numbers are required to be used when calling in for an inspection.
IVR PIN #: 157138

- 542 CIV Clearing Limits & Temporary Erosion Control
- 922 CIV Construction Approval
- 548 CIV Field Pre-Construction
- 555 CIV Site Visit
- 549 ROW Field Pre-Construction
- 923 ROW Job Completion
- 550 ROW Job Start
- 956 ROW Site Visit

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BEFORE THE HEARING EXAMINER
FOR THE CITY OF REDMOND

In the Matter of the Appeal of
Monica Catunda, et al
of the March 2, 2018 Clear and Grade Permit CGD-
2018-01368 Allowing the removal of 30 Cottonwood
trees from Idylwood Beach Park in Redmond

NO. LAND-2018-00317
DECLARATION OF CATHERINE
BEAM

I, CATHERINE BEAM, make the following statement based on personal knowledge:

1. I am a Principal Planner for the City of Redmond. In that capacity, I have been involved in making numerous environmental threshold determinations and other environmental decisions on behalf of the City.

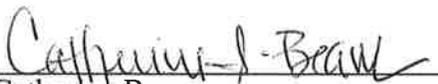
2. On March 1, 2018, I had a conversation with David Tuchek, Parks Operations Manager for the City, regarding the clearing and grading permit that is at issue in this appeal. David asked me whether SEPA was required for the contemplated tree removal. I determined that that the tree removal was categorically exempt from SEPA review under WAC 197-11-800(24) and confirmed my determination by discussing it with the Department of Ecology. Although there is no requirement in SEPA or in the RZC for a written exemption determination, I suggested to Dave Tuchek that he submit a SEPA checklist so that I could document my decision. I received a checklist on March 8, 2018 and I issued written documentation of the exemption on the same day.

A copy of the document I issued is attached to this Declaration as Exhibit A.

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I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct to the best of my knowledge.

EXECUTED at Redmond, Washington this ____ day of May, 2018.


Catherine Beam

1 **DECLARATION OF SERVICE**

2 I, Charolette Mace, an employee of Ogden Murphy Wallace, PLLC, certify that on the date
3 below, I emailed this document, and mailed the original and one copy to:

4 Cheryl D. Xanthos
5 Clerk to the Hearing Examiner
6 City of Redmond, Hearing Examiner's Office
7 15670 NE 85th Street
8 Redmond, WA 98052
9 Email: cdxanthos@redmond.gov

10 and emailed this document only to:

11 Alexander Sidles
12 BRICKLIN & NEWMAN LLP
13 1424 Fourth Ave., Suite 500
14 Seattle, WA 98101-2258
15 Email: sidles@bnd-law.com

16 I declare under penalty of perjury under the laws of the State of Washington that the
17 foregoing is true and correct.

18 Executed at Seattle, Washington this 14th day of May, 2018.

19 

20 _____
21 Charolette Mace
22 *Legal Assistant*

EXHIBIT A



STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF SEPA EXEMPTION

For more information about this project visit www.redmond.gov/landuseapps

3/8/18

PROJECT NAME: Idylwood Park Tree Removal

SEPA FILE NUMBER: SEPA-2018-00252

PROJECT DESCRIPTION:

Idylwood Park Hazardous Tree Removal - Removal of thirty hazardous cottonwood trees within the Park.

PROJECT LOCATION: East side of park

SITE ADDRESS: 3650 W LK SAMMAMISH PKWY
REDMOND, WA 98052

APPLICANT: David Tuchek

LEAD AGENCY: City of Redmond

THE LEAD AGENCY FOR THIS PROPOSAL HAS DETERMINED THAT THE PROPOSAL IS CATEGORICALLY EXEMPT FROM THRESHOLD DETERMINATION AND EIS REQUIREMENTS PURSUANT TO WAC 197-11-800(24)(h)