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CITY OF REDMOND

MAR 27 2018

DEVELOPMENT
SERVICES CENTER

CX

General Information

Appellant 1.

Name. Marcelo Albernaz

Address. 3214 175th Ct NE, Redmond, WA - 98052

Phone. 425 283 7759

Appellant 2.

★ Name. Monica Catunda

Address. 3214 175th Ct NE, Redmond, WA - 98052

Phone. 425 283 7759

MONCAT@live.com

Appellant 3.

Name. Rebecca Cooper

Address. 6031 50th Ave NE, Seattle, WA - 98115

Phone. 617 999 7783

rbcoo@hotmail.com

Appellant 4.

Name. Allan Cooper

Address. 3607 172nd Ave NE, Bellevue, WA - 98008

Phone. 425 830 0830

Name of project that is being appealed. Idylwood park tree removal.

File number of project that is being appealed.

Date of decision on project that is being appealed. Sunday March 25, 2018

Expiration date of appeal period. Sunday April 8, 2018

Relationship to the project?

Party of record.

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal (See page 1 above). Below, please provide a statement describing your standing to appeal, and reference all applicable City Code citations.

We have standing to file this appeal because we are regular park-goers who will be directly and personally harmed if the city's plan is carried out. Furthermore, we submitted a public comment to the city on March 25 2018.

1. Please state the facts demonstrating how you are adversely affected by the decision.

Marcelo Albernaz:

3214 175th Ct NE, Redmond, WA - 98052

One of the main reasons for having chosen the Ardmore, Bellevue and then Viewpoint, Redmond neighborhoods to live with my family was Idylwood Park. Its natural setting populated

by unique wildlife — especially the resident Bald Eagles — is amazing. Having this treasure to enjoy as part of my daily life year-round can hardly be described in words. To me the most expressive aspect of this unique Park are the native Black Cottonwood trees by the shoreline, many over 100 years old, currently threatened by the city's plan. I cannot imagine Idylwood Park without these trees and am already having a hard time accepting the damage already done around the meadow/wetland area on the south side of the Park. The resident Bald Eagles, which are directly impacted by the devastation of their habitat, will certainly move away if the remaining large trees are destroyed. These Eagles are a great attraction to visitors and residents alike. I see people from all over the world mesmerized by the regular presence of the Eagles at the Park. I am also seriously concerned with shoreline preservation. I have been shocked to see how unconcerned the City or Redmond/Administration has been by not properly analyzing the impact this action will have on the environment (short and long-term). The trees are not nearly as hazardous to the Park, Environment, and Patrons as what an irresponsible Administration can be to the Public patrimony. This careless mass destruction of landmark, shoreline and significant trees is a clear indication of that. I will continue to go to the park regularly, and if carried out, the removal of these trees will cause me harm.

Monica Catunda:

[3214 175th Ct NE, Redmond, WA - 98052](#)

When I moved to the area in 2003, I immediately fell in love with Idylwood Park. I came here after living in Europe for several years. Contrary to Parks I used to go to in Europe, where most Parks are maintained as manicured, humanly-designed landscapes with immaculate garden displays, Idylwood Park appealed to me and to my family for its wild character, right at the heart of our neighborhood. The native trees and plants and animals prevailing in its setting are something I fell in love on my first day at the Park. When we first saw the Bald Eagles and realized that they have adopted the Idylwood trees by the shoreline (native, tall and mature Cottonwood trees) as part of their habitat, it was an incredible experience. Nesting on the backside of the Park, hunting for their babies by the shoreline— all in the same Park space! Every morning before going to work I walk my dog. We walk through Idylwood Park in rain and shine, and it's an inspiring daily routine that I feel really blessed for. I plan to continue walking my dog every day in Idylwood, and if the trees are not there when I walk there I will be seriously harmed because I will no longer be able to experience the joy of the daily experience of wild-ness. Learning that the City of Redmond doesn't show the same level of appreciation for this exquisite piece of Nature we have in our neighborhood is very frustrating. This administration wants to promote the Park not for its wilderness value but rather as a way to increase revenue for the City. An overflow parking lot destroyed a great deal of a large previously wooded lot across the street. Recent proposals for 'park improvement' projects include a project for an enormous restroom and a water activity building as well as the elimination of a significant amount of green area to increase the on-site parking lot to 80-90 and additional barbecues. These projects are aimed at bringing more people to an already overcrowded and smoky park in the Summer. Still, none of these poorly planned propositions hold a candle to the large-scale, indiscriminate destruction of trees and native habitat, which has been undertaken with nearly no explanation to the users of the park. This indiscriminate and disproportionate response to two limb failure incidents that occurred last summer shows the low

value that this Administration puts on this unique setting that Idylwood represents to our City. The material impact and how it has been executed not only shows the disrespect of the City towards the Park and the Environment, but also towards the voice of the Community.

Rebecca Cooper:

6031 50th Ave NE, Seattle, WA -- 98115

The city of Redmond is planning to remove all cottonwood trees in Idylwood park in areas accessible to park-goers in the erroneous belief they present a hazard. I will be adversely affected if this action is carried out. I grew up near Idylwood park and have visited these trees since I was a child. To lose them would be akin to losing an old friend. Though I am often out of state for work, I return to the park regularly every year. Idylwood is one of my favorite places to go for a walk because when you are in it, it is possible to still feel the wildness of a natural place. Lake Sammamish and Lake Washington are large lakes, but there are very few places left along their shores where one can imagine how things once must have looked. Removing these trees would change the character of the park and diminish the wildness which is one of its most distinguished features.

I always look for the resident bald eagles when I come to Idylwood. They have a nest on the west side of the park but I never see them there. Rather, I look for them in the tall cottonwood trees at the edge of the lake, especially on the north corner of the park, though they can sometimes be seen in other trees along the lake margin, which at Idylwood are almost all cottonwood trees. The eagles fish from these trees, and these trees, especially the tallest ones, provide an ideal place for these magnificent birds to hunt from, in a corner of the world where each year they have fewer and fewer such. Black cottonwood trees are native to the Puget Sound region, and lake margins and riparian areas their natural habitat. Bald eagles have been depending on cottonwood trees since much before we came here. However, if we remove the majority of the black cottonwood trees at Idylwood park, which the eagles depend on as hunting platforms, I imagine that the eagles will spend less time at our park, or perhaps leave it entirely. If that were to happen, my enjoyment when I visit the park will be diminished.

If these trees are all removed, my park will degrade over time. Without the cottonwoods' roots fortifying the beach, the shoreline will be subject to erosion and depletion, making the beach at the park a less stable, safe, and beautiful place to be. Without the cottonwood's shade protecting the creek, the creek will be too warm for the insects and small animals I enjoy watching from the bridge. Without the cottonwoods' roots buttressing the banks, the creek will lose nooks and crannies for the animals to hide in, and the water that exits at the mouth of the creek, between the two beaches, will be siltier and more contaminated, especially after storms. This will make the water look dirty and unpleasant, and turn swimming at the beach into an unpleasant and possibly foul activity. I have been visiting this park for 20 years and plan to continue visiting it. But the removal of these trees will diminish my enjoyment of the park when I am there.

Allan Cooper

3607 172nd Ave NE Bellevue WA 98008

We live a few blocks from Idylwood park. We walk to the park almost every day. We visit the area labeled "beach grove" on the city's map especially often. It is one of the few remaining naturally shaded little areas easily accessible to us. Whenever our friends and children come we walk there with them, and we plan to continue to do that as long as we are able to walk. It's a beautiful area, a beautiful lakeside micro-environment, and it would be a shame if this little patch of natural shoreline were lost forever. We'd like to do whatever we can to preserve these trees for our children, our guests, and all the visitors from surrounding communities who bring their children and families to see and enjoy this little area through the summers and all year round.

2. Please provide a concise statement identifying each alleged error of fact, law, or procedure, and how the decision has failed to meet the applicable decision criteria.

The removal of trees from Idylwood at this time is illegal four times over.

a. The city has not obtained the required tree removal permits necessary to remove these 31 trees. To remove these trees, the city is required to fill out a tree removal permit request, which includes as part of the application a 3 page tree health assessment form for each tree RZC 21.72.020.A. What the city has completed is one half page spreadsheet for the entire collection of trees they plan to remove. Furthermore, at least 4 of the trees are landmark trees RZC 21.78. To cut these requires not only a tree removal permit but furthermore the submission to the department of Planning and Community Development of written findings and evidence showing that an exception applies and the landmark tree cannot be preserved. RZC 21.72.060.A.2, RZC 21.72.090. To the best of our knowledge, no such findings and evidence have been submitted to the Department.

b. The city has not supplied the statement of substantial facts and evidence required to cut trees within critical areas and buffers. Trees, even hazardous ones, that are located in critical areas and their buffers shall not be removed unless an exception applies. RZC 21.72.60.A.3. No such exception has been obtained. However, we believe all of the 30 cottonwood trees are in critical areas and buffers. According to the city's online zoning map, the 200 feet of Idylwood Park closest to Lake Sammamish lie within a "frequently flooded area", which qualifies it as a critical area. We believe all 30 cottonwood trees slated for removal lie within 200 feet of the lake. Hence none of these trees can legally be cut until a pre-application conference has been completed, a critical areas report has been prepared, a landscape plan has been developed, and facts, evidence, maps, and plans have been provided to the Department of Planning and Community Development to enable the Department to assess the health of the trees.

c. The city is reducing the canopy and failing to retain significant trees within the shoreline jurisdiction.

Within the 35 feet closest to Lake Sammamish (the waterfront building setback), significant trees shall be retained unless the tree is dead, diseased, dying, or hazardous. RZA 21.68.020.A.1.a. Because there has been inadequate evidence that the cottonwoods are hazardous, the City may not cut the cottonwoods within 35 feet of the lakeshore. The City's plan must be put on hold until these findings can be made.

d. The city has not obtained a shoreline conditional use permit.

Development activities (which, as noted, includes vegetation removal) within the shoreline jurisdiction are subject to the shoreline permitting program. RZC 21.68.050. The City's plan to remove the cottonwoods along the shoreline requires a shoreline conditional use permit. To the best of our knowledge, the City has not obtained a shoreline conditional use permit.

"Normal maintenance" is exempt from the shoreline permitting requirement. RZC 21.68.200.C.3. The removal of the cottonwoods is likely not "normal maintenance," because normal maintenance requires no substantial adverse effects to the shoreline. WAC 173-27-040(2)(b). Removal of the cottonwoods would impair both bald eagle perching and the function of salmon streams, and these substantial adverse effects mean the tree removal constitutes development, not maintenance. However, even if the removal of the cottonwoods can be construed as maintenance rather than development, maintenance still requires the issuance of a letter of exemption. Table 21.68.200. To the best of our knowledge, no such letter has been issued. Because, to the best of our knowledge, neither a shoreline conditional use permit nor a letter of exemption has been issued, it is unlawful to cut the cottonwoods.

The presence of any one of these four issues means the removal of these cottonwood trees at this time is illegal. The presence of all four makes it even more imperative that our appeal be considered.

3. Please state the specific relief requested.

We are requesting the following relief. First, we request to stay the cutting of the trees until more research can be conducted. After that, we request that all necessary permits and other documentation be submitted before any further action is taken to physically remove any trees from the park. Lastly, we request that any tree that is not determined to be hazardous not be cut.

4. Please provide any other information reasonably necessary to make a decision on the appeal. Now we provide further information that may be needed to make a decision on the appeal. Most importantly, we will require both time and permission for one or two independent arborists we will hire to conduct a survey of the trees in question. We will require a reasonable amount of time in which to arrange for an arborist (or two) to make an on-site visit to assess the trees in question. Because Idylwood park is owned by the city of Redmond, we will also require permission from the city for an arborist (or two) to enter the park and conduct the survey. We may also request similar allowances (time to book, permission to evaluate) for other experts, such as ecologists, biologists, risk managers, who may be needed to establish the validity of claims.



Development Services Center Permit & Inspection Record

15670 NE 85th St, Redmond, WA 98052 • (425) 556-2473

Permit Number: CGP-2018-01362

IVR Pin#: 157138

Inspection Request Web/Phone: [land.redmond.gov/\(425\) 556-2435](http://land.redmond.gov/(425)556-2435)

Permit Type: Clear & Grade

Issued: Mar 2, 2018

Work Class: None

Expires*: Aug 29, 2018

Project Name: City of Redmond Idylwood Park

Valuation: \$ 0.00

Site Address: 3650 W LK SAMMAMISH PKWY

Parcel Number: 3134600005

Desc of Work: Remove 30 cottonwood trees

Owner: David Tuchek

425-556-2318

The following inspections may be required and have not yet been inspected. Inspection requests must be made by midnight to be scheduled for inspection on the next business day. To contact your inspector go to Today's Inspections at land.redmond.gov after 7 am. For all other inspection Questions please call 425-444-2425.

Number and Type	Code	Status	Id	Date	Comments
549 ROW Field Pre-Construction					
956 ROW Site Visit					
923 ROW Job Completion					
550 ROW Job Start					
548 CIV Field Pre-Construction					
542 CIV Clearing Limits & Temporary Erosion C					
555 CIV Site Visit					
922 CIV Construction Approval					