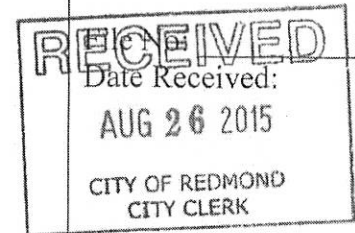


**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

**ATTACHMENT 5**  
(Staff Use Only)



**This appeal application form is for appeals of Technical Committee and Hearing Examiner decisions only.**

**Do not use this form if you are appealing a decision on a:**

- Shoreline Permit
- Shoreline Variance
- Shoreline Conditional Use Permit
- Hearing Examiner decision on a SEPA appeal
- City Council approval or denial

**Appeal Applications may be delivered to the Office of the City Clerk-Finance/Hearing Examiner by email, mail, personal delivery or by fax before 5:00 P.M on the last day of the appeal period.**

**City of Redmond Office of the City Clerk-Finance/Hearing Examiner Contact Information:**

**Mailing Address:**  
Office of the City Clerk/  
Hearing Examiner  
P.O. Box 97010, 3NFN  
Redmond, WA 98073

**Physical Address:**  
City Hall, 3<sup>rd</sup> Floor  
15670 NE 85<sup>th</sup> Street  
Redmond, WA 98052

**Phone:** 425-556-2191  
**Fax:** 425-556-2198  
**Email:** [cdxanthos@redmond.gov](mailto:cdxanthos@redmond.gov)  
**Web:** <http://www.redmond.gov>

Appeals of City Council decisions may be appealed to Superior Court by filing a land use petition which meets the requirements set forth in RCW Chapter 36.70C. The petition must be filed and served upon all necessary parties as set forth in State law and within the 21-day time period as set forth in RCW Section 36.70C.040. Requirements for fully exhausting City administrative appeal opportunities must be fulfilled.

**Section A. General Information**

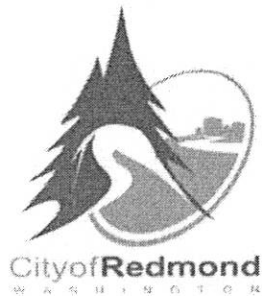
Name of Appellant: SEE ATTACHED LIST OF 18 APPELLANTS

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) \_\_\_\_\_

What is your relationship to the project? ALL 18 ARE INTERESTED CITIZENS &  
☐ Interested Citizen ☐ Project Applicant ☐ Government Agency NEARBY NEIGHBORS



**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

**ATTACHMENT 5**

(Staff Use Only)

File No: \_\_\_\_\_  
Date Received: \_\_\_\_\_

Name of project that is being appealed: NOURI 3-LOT SHORT PLAT  
File number of project that is being appealed: LAND - 2014-01980  
Date of decision on project you are appealing: 8/12/15  
Expiration date of appeal period: APPEAL DEADLINE 5PM 8/26/15

Please choose the applicable appeal:

- ☒ Appeal to the Hearing Examiner of a Technical Committee Decision  
☐ Appeal to City Council of a Hearing Examiner decision on an appeal  
☐ Appeal to City Council of a Hearing Examiner decision on an application

Pursuant to the Redmond Zoning Code, only certain individuals have standing to appeal a decision on application or appeal. Below, please provide a statement describing your standing to appeal. (Please review the back page to determine if you have standing to appeal.)

APPELLANTS ARE RESIDENTS OF THE IMMEDIATE AREA  
AND ARE PARTIES OF RECORD SUBMITTING COMMENTS / PETITION  
PRIOR TO THE DECISION

**Section B. Basis for Appeal**

If you are appealing a Technical Committee Decision, please fill out items 1, 2, and 3 **only**. If you are appealing a Hearing Examiner's decision on an application, or a Hearing Examiner's decision on an appeal, you only need to fill out item 4 below. Attach additional sheets if necessary.

1. Please state the facts demonstrating how you are adversely affected by the decision (attach additional sheets as necessary):

TREE RETENTION AFFECTS THE CHARACTER OF THIS WOODED  
NEIGHBORHOOD AND STORMWATER ISSUES ARE A SERIOUS CONCERN  
RELEVANT TO FLOODING OF NEIGHBORS  
FOR POINTS 1, 2, AND 3 OF EACH ISSUE, DETAILS ARE  
ATTACHED - FIRST ARE THOSE RELEVANT TO TREE RETENTION  
AND THEN THOSE RELATED TO STORMWATER FOR 1, 2, 3  
FOLLOW

(Staff Use Only)

File No: \_\_\_\_\_

Date Received: \_\_\_\_\_



**CITY OF REDMOND**  
**APPEAL APPLICATION FORM**

2. Please provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria (attach additional sheets as necessary):

*SEE ATTACHED*

3. Please state the specific relief requested (attach additional sheets as necessary):

*SEE ATTACHED*

4. Please provide a written statement of the findings of fact or conclusions (as outlined in the Hearing Examiner's decision) which are being appealed (attach additional sheets as necessary):

*N/A*

Section A. General Information

Name of Appellant: Kim Yates & Randy Brown  
 Address: 13301 NE 75TH STREET  
 City: REDMOND State: WA Zip: 98052 Email: yatesbrown@aol.com  
 Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) 206-778-7477

Section A. General Information

Name of Appellant: SANDRA EISERT  
 Address: 13315 NE 77TH ST.  
 City: REDMOND State: WA Zip: 98052 Email: sandraeisert@gmail.com  
 Phone: (home) 425 702 0770 (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Section A. General Information

CHARLES REICHEL

Name of Appellant: Charles Reichle  
 Address: 13408 NE 75th St  
 City: Redmond State: WA Zip: 98052 Email: KyReichle@hotmail.com  
 Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) 206-953-8877  
KYREICHEL@HOTMAIL.COM

Section A. General Information

JOHN BUCKINGHAM

Name of Appellant: John Buckingham  
 Address: 7605 134th Ave NE  
 City: Redm State: WA Zip: 98052 Email: \_\_\_\_\_  
 Phone: (home) 425-861-9241 (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Section A. General Information

ELIZABETH LIMBACK

Name of Appellant: Elizabeth Limback  
 Address: 13406 AVE 74th Place  
 City: Redmond State: WA Zip: 98052 Email: \_\_\_\_\_  
 Phone: (home) 425-885-9339 (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Section A. General Information

(RICK)  
 Name of Appellant: RODERICK E. SMITH  
 Address: 13303 NE 75th St  
 City: REDMOND State: WA Zip: 98052 Email: RSMITH2@HOTMAIL.COM  
 Phone: (home) 425-885-7223 (work) — (cell) —  
RSMITH2@HOTMAIL.COM

Section A. General Information

Name of Appellant: Leah Ngochie  
 Address: 13316 NE 74th St  
 City: Redmond State: WA Zip: 98052 Email: leahkoala@yahoo.com  
 Phone: (home) 425-556-9423 (work) — (cell) 425-737-3812  
leahkeala@yahoo.com

Section A. General Information

LUIS ULLOA

Name of Appellant: Luis Ulloa  
 Address: 13304 NE 75th St  
 City: Redmond State: WA Zip: 98052 Email: colette\_ulloa@msn.com  
 Phone: (home) (425) 576-0549 (work) — (cell) —  
COLETTE\_ULLOA@MSN.COM

Section A. General Information

PATRICIA K. THOMPSON

Name of Appellant: Patricia K. Thompson  
 Address: 7615-134th Avenue NE  
 City: Redmond State: WA Zip: 98052 Email: KINDENT@aol.com  
 Phone: (home) 425-585-2004 (work) — (cell) —

Section A. General Information

EAN CHHAY

Name of Appellant: Ean Chhay  
 Address: 7718 134th AVE NE  
 City: REDMOND State: WA Zip: 98052 Email: —  
 Phone: (home) 425-885-5347 (work) — (cell) —

Section A. General Information

Name of Appellant: Dennis L. Berry  
 Address: 13416 NE 76th St  
 City: Redmond State: WA Zip: 98052 Email: dennis.Berry6@yahoo.com  
 Phone: (home) 425-883-7554 (work) NA (cell) 425-301-7881  
DENNIS.BERRY6@YAHOO.COM

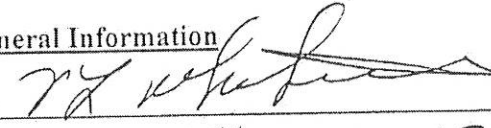
Section A. General Information

Name of Appellant: ANDREW CAMERON  
 Address: 7726 134TH AVE NE  
 City: REDMOND State: WA Zip: 98052 Email: BALUFRR@GMAIL.COM  
 Phone: (home) (206) 818-9171 (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Section A. General Information

Name of Appellant: Touch Lim  
 Address: 7748 134TH AVE NE  
 City: Redmond State: WA Zip: 98052 Email: touch.lim@gmail.com  
 Phone: (home) 425 242-8664 (work) \_\_\_\_\_ (cell) 206 940-6027

Section A. General Information

Name of Appellant:  VIRGIL (LEE) WHITESIDE  
 Address: 7504 134TH AVE NE  
 City: Redmond State: WA Zip: 98052 Email: \_\_\_\_\_  
 Phone: (home) 425-883-8381 (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Section A. General Information

Name of Appellant: JASRAJ DANGE  
 Address: 7738 134TH AVE NE  
 City: REDMOND State: WA Zip: 98052 Email: jasrajd@gmail.com  
 Phone: (home) \_\_\_\_\_ (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Section A. General Information

Name of Appellant: Kevin & Desirée Gwerder  
 Address: 7623 134th Ave NE  
 City: Redmond State: WA Zip: 98052 Email: dreamchsr@aol.com  
 Phone: (home) 425 883 2048 (work) 425-392-6000 (cell) 206 909 3255  
DREAMCHSR@AOL.COM

Section A. General Information

Name of Appellant: ROHAN PHILLIPS  
 Address: 7734 134th AVE NE  
 City: REDMOND State: WA Zip: 98052 Email: RLP136@HOTMAIL.COM  
 Phone: (home) 425-558-7872 (work) \_\_\_\_\_ (cell) \_\_\_\_\_

Section A. General Information

Name of Appellant: Michael & Loucinda Anderson  
 Address: 7515 134th Avenue NE  
 City: Redmond State: Washington Zip: 98052 Email: \_\_\_\_\_  
 Phone: (home) (425) 882-0616 (work) \_\_\_\_\_ (cell) \_\_\_\_\_

(NOTE: City of Redmond wording referenced is indicated in sans serif type)

## **Section B.      Basis for Appeal – Concerning TREE RETENTION**

*If you are appealing a Technical Committee Decision, please fill out items 1, 2, and 3 only. If you are appealing a Hearing Examiner's decision on an application, or a Hearing Examiner's decision on an appeal, you only need to fill out item 4 below. Attach additional sheets if necessary.*

### ***1. Please state the facts demonstrating how you are adversely affected by the decision (attach additional sheets as necessary) (This is the ATTACHMENT):***

As long-time homeowners we have invested our lives, money and time into our neighborhood which we chose to live in specifically because of its wooded character, lawns and individuality. It is not that we do not want or will not accept development in our neighborhood, but rather any development should fit into and enhance our neighborhood and way of life. It is not acceptable that new development changes the character of our neighborhood. Developers do not have the right to enter into our neighborhood, alter the character of it, take their profit and leave. One of the key qualities that make our wooded neighborhood special and unique is the TREES. And the Tree Ordinance is designed to protect the trees we value, specifically heritage and substantial trees.

- LANDMARK TREES & RETENTION RATE: This Tree Removal plan allows the developer to remove all but one of the native evergreen trees from the half-acre site. The plan designates which trees will be cut and others as "Impacted" which "may" be cut. All Landmark trees will be removed. While this developer is proposing to retain 10 trees, 4 of the 10 are defined as "Impacted" which will allow them to be removed at the developer's discretion. This is not a retention rate of 35% as required by code.
- DEFENDING THE TREE ORDINANCE – Some of the trees slated for removal are hundreds of years old, and are some of the largest, if not *the* largest trees in the Grass Lawn Quadrant of the City of Redmond. If the tree ordinance does not protect these trees, then what will it protect?
- PROTECTING THE ENVIRONMENT – Redmond is our home. We live here and want to protect the quality of life and the environment we live in. The character of our neighborhood and our quality of life will be adversely affected if trees are not protected. The trees provide clean air, shade and temperature modification, noise reduction and soil and water retention, in addition to their natural beauty. Replacing large old trees with small nursery specimen trees is inadequate to protect our neighborhood's way of life and the quality, healthy environment where we reside.
- NEIGHBORHOOD IDENTITY – Trees are hallmarks, signature traits of our neighborhood. Losing them, especially on this key entryway to the neighborhood, would have a major negative effect on the character of this unmistakably wooded neighborhood, which is made up of sizable lots each with significant evergreen conifers and other trees. Cutting as many trees as this plan revealed (after the public comment period ended), is stripping our neighborhood of its identity, leaving it with a wall of homes rather than a natural setting. If this becomes the standard acceptable for development in our area, this quality neighborhood will soon be unrecognizable.
- PROPERTY VALUES – Significant value of our property is linked to the quality of our neighborhood which is unmistakably defined by trees, in the same way that other neighborhoods are defined by, for example, lake views.
- EVEN APPLICATION OF THE LAW: When neighbors have requested to remove trees for reasons because they were literally threatening their homes' roofs and foundations, they have been told they could NOT cut the trees because of the Tree Ordinance. But the trees on this property are not even threatening homes and they are slated for removal with no clear plan for the buildings to be added or even the guarantee that buildings will be added. The developer is left to pick and choose what he desires to remove, based on his convenience and his profit.

- PROTECTING THE FUTURE CHARACTER OF THE CITY – This Tree plan is not in accordance with the stated desired outcome for the City of Redmond's future vision of Redmond and it's neighborhoods:

*Excerpts from Our Future Vision for Redmond in 2030 (as published by the City of Redmond)*

Care has been given to preserve elements of the natural environment. Landscaping regulations have ensured preservation of special natural areas and significant trees that define the character of the city.

Redmond in 2030 has maintained a very green character. Citizens benefit from its livability which contributes to the general quality of life. The city is framed within a beautiful natural setting and open spaces, and an abundance of trees continue to define Redmond's physical appearance, including forested hillsides that flank the Sammamish Valley, Lake Sammamish and Bear Creek. Clean air quality not only contributes to a healthy community, it also helps keep the scenic mountain vistas visible from the city. Likewise, reduction in greenhouse gas emissions and particulate air pollutants enhances these benefits. A system of interconnected open spaces provides habitat for a variety of wildlife. The City prides itself for its environmental stewardship, including an emphasis on sustainable land use and development patterns, landscaping that requires little watering, and other techniques to protect and conserve the natural environment while flourishing as a successful urban community.

*2. Please provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria (attach additional sheets as necessary)(This is the ATTACHMENT):*

#### TREE PROTECTION AND PUBLIC NOTIFICATION

##### Five errors were made:

1. Tree Protection Purpose was not met (Article IV 21.72.010, A.1.,2.,6.)
2. Landmark Tree Exceptions without required application (Article IV, RZC 21.72.060, A.2; RZC 21.72.090 A.;B.
3. Site Design Standards are not met (Article IV, RZC 21.72.060, B.1.a,b,c,e,and f.)
4. Public notification was incomplete and failed to disclose tree removal plan.
5. Tree retention requirement of 35% is not being met (RZC 21.72.060)

#### **ERROR #1 TREE PROTECTION PURPOSE WAS NOT MET**

(Article IV 21.72.010, A.1.,2.,6.a,b,c,d,e,f,g,h,i,k &l)

##### ARTICLE IV ENVIRONMENTAL REGULATIONS

##### RZC 21.72 TREE PROTECTION

##### 21.72.010 Purpose

##### A. The purpose of this chapter is to:

1. Avoid the removal of stands of trees and significant trees in order to maintain the quality of Redmond's urban environment;

**ERROR: The Tree removal plan for this development does exactly the opposite. It allows for the removal of the stands of trees and all the significant trees.**

2. Protect stands of trees and significant trees to the maximum extent possible in the design of new buildings, roadways and utilities.

**ERROR: The Tree removal plan removes the trees to accommodate the BUILDING design; It does not modify the design and placement of structures to retain and protect the trees.**

6. Preserve the aesthetic, ecological and economic benefits of forests and tree-covered areas in Redmond, which include:
  - a. Providing varied and rich habitats for wildlife
  - b. Absorbing greenhouse gas emissions
  - c. Moderating the effects of winds and temperatures
  - d. Stabilizing and enriching the soil
  - e. Slowing runoff from precipitation and reducing soil erosion
  - f. Improving air quality
  - g. Improving water quality
  - h. Masking unwanted sound
  - i. Providing visual relief and screening buffers
  - k. Enhancing the economic value of developments
  - l. Providing a valuable asset to the community as a whole

**ERROR: The Tree removal plan removes or allows removal of all but one evergreen tree (Douglas Fir). It only definitively requires the protection of the one Douglas Fir, 3 Bitter Cherry (a weed tree) and one nursery specimen Evergreen Magnolia. The removal of the large native evergreen trees is in exact opposition to the stated goals of RZC 21.72.010 A.6.**

**CONCLUSION:**

**THIS PLAN DOES NOT MEET THE SPIRIT OR REQUIREMENTS OF RZC 21.72.010**

**ERROR #2 LANDMARK TREE EXEMPTION WITHOUT REQUIRED APPLICATION**

(Article IV, RZC 21.72.060, A.1;A.2; RZC 21.72.090, A.; B.1.a,b,c,d,&e;B.4.)

ARTICLE IV ENVIRONMENTAL REGULATIONS

RZC 21.72 TREE PROTECTION

RZC 21.72.060 TREE PROTECTION STANDARDS A.1;A.2

A. Tree Protection, In General

1. In all new developments, including additions to existing non-single-family buildings and parking areas, a minimum of 35 percent of all significant trees shall be retained. Trees that are located within Native Growth Protection Areas, critical areas, and their associated buffers as provided in RZC 21.64, *Critical Areas*, or that have otherwise been designated for protection shall not be removed. Exceptions to this standard shall be requested and reviewed in accordance with RZC 21.72.090, *Exceptions*.

**ERROR: This project's Tree Removal Plan, does not RETAIN 35% of all significant trees. In fact it only retains 6 trees of the 19 identified trees, a 31.6% retention rate. Of which, one tree is an evergreen Douglas Fir, one a nursery specimen (small 8", smallest caliper on the site, non-native) and four trees are Bitter Cherry (weed trees, 8", smallest caliper on the site). Other trees are called out as "impacted" and can be removed at will. The minimum requirement and the spirit of the ordinance is not met.**

2. Landmark Trees. Landmark trees shall not be removed unless an exception has been applied for and granted.

**ERROR: The Landmark tree exception was not applied for in compliance with RZC 21.72.090 and should not have been granted and/or should have been revoked.**

RZC 21.72.090 EXCEPTIONS

- A. **Exceptions Authorized.** Where exceptional conditions exist that prevent full compliance with RZC 21.72.060, *Tree Protection Standards*, and/or RZC 21.72.080, *Tree Replacement*, the applicant may request an exception. A request for any exception shall be submitted in writing by the property owner for consideration by the Administrator, and shall accompany the application for a permit reviewed under this section. The written request shall fully state all substantiating fact and evidence pertinent to the exception request, and include supporting

maps or plans. The administrator may also require the recommendation of a certified arborist in reviewing an exception request.

**ERROR: Exceptional Conditions do not exist that prevent full compliance with RZC 21.72.060 or RZC 21.72.080**

**ERROR: The request did not fully state all substantiating facts and evidence pertinent to the exception request, nor did it include supporting maps or plans. This is fact as the plans for this development are not even drawn at this time. The old plan was significantly changed (Duplexes were not allowed), 5 lots became 3. The single family residential design is not even complete, let alone submitted.**

**The plan that was submitted did not have the tree locations located properly.**

B. Exception Criteria. An exception shall not be granted unless criteria B.1, B.2, B.3 and B.4 of this subsection are satisfied:

1. The exception is necessary because:
  - a. There are special circumstances related to the size, shape, topography, location, or surroundings of the subject property; or
  - b. Strict compliance with the provisions of this code may jeopardize reasonable use of property; or
  - c. Proposed vegetation removal, replacement, and any mitigation measures proposed are consistent with the purpose and intent of the regulations; or
  - d. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity; or
  - e. The strict compliance with the provisions of this code would be in conflict with the increased density of urban centers and result in development that would be inconsistent with the adopted vision for the neighborhood.

**ERROR: NONE of these criteria are evident. The Exception is not necessary as defined by RZC21.72.090 B.1 a,b,c,d,or e.**

4. Proposed tree removal, replacement, and any mitigation proposed are consistent with the purpose and intent of this section.

**ERROR: SEE ERROR #1 TREE PROTECTION PURPOSE WAS NOT MET**

**CONCLUSION:**

- **THIS PROJECT'S TREE REMOVAL PLAN SHOULD BE REJECTED**
- **THIS PROJECT'S LANDMARK TREE EXCEPTION SHOULD BE REVOKED**
- **LANDMARK TREES, SIGNIFICANT TREES, STANDS OF TREES SHOULD BE PRESERVED**

### **ERROR #3 SITE DESIGN STANDARDS ARE NOT MET**

Article IV, RZC 21.72.060, B.1.a, b, c, e, and f.)

Article IV Environmental Regulations, RZC 21.72.060 Tree Protection Standards

B. Site Design Standards. Site improvements shall be designed and constructed to meet the following standards:

1. Site improvements shall be designed to protect trees with the following characteristics, functions, or location, with priority given to protection according to the following items, arranged from most important to least important
  - a. Existing stand of healthy trees
  - b. Trees providing habitat value, such as riparian habitat
  - c. Trees having a significant land stability function
  - d. Trees adjacent to public parks and open
  - e. Trees within the required yard setbacks or around the site perimeter, and
  - f. Trees that have a screening function or provide relief from glare, blight or commercial or industrial harshness.

**ERROR: Currently the Site Design is non-existent. Based on the design the City Staff is working from and by which the decision letter was based, the site improvements were not designed to protect trees at all, but rather the opposite. In the original presented**

design, existing trees are to be removed to accommodate development. There is no accommodation for retention of native trees in the design or protection the stand of healthy trees, or to provide habitat value, provide land stability (water retention,) save trees within setbacks or around the site perimeter, and the screening from sun and noise will be eliminated.

**CONCLUSION: THIS PLAN DOES NOT MEET THE SPIRIT, INTENT, OR REQUIREMENTS OF RZC 21.72.060 B.1.a, b, c, e, or f**

The Design should accommodate the site, not the site accommodate the buildings by cutting down all the trees. This site is easy to accommodate. It is not a heavily wooded forested site. It has significant trees, with exceptional value. There is excellent spacing of the trees. With good design, three homes could be placed on this site with few trees lost.

**ERROR #4 PUBLIC NOTIFICATION WAS INCOMPLETE AND FAILED TO DISCLOSE TREE REMOVAL PLAN.**

(Article VI Review Procedures, RZC 21.76.080 B.3)

**ARTICLE VI REVIEW PROCEEDURES**

**RZC 21.76.080**

**B. Notice of Application**

**3. Mailed Notice.**

a. Mailings shall include a mailed Notice of Application to owners and occupants of property within 500 feet of the project site or 20 property owners, whichever is greater. Mailed notice shall include the following information. See RZC 21.68, *Shoreline Master Program*, for additional requirements for Shoreline Substantial Development Permits, Shoreline Conditional Use Permits and Shoreline Variances.

- i. The date of application and the date of the Notice of Application;
- ii. A description of the proposed project action and a list of the project permits included in the application; and, if applicable, a list of any studies requested under RCW 36.70B.070;
- iii. The identification of other permits not included in the application, to the extent known by the City;
- iv. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing Notice of Application, the location where the application and any studies can be reviewed;
- v. A statement of the limits of the public comment period;
- vi. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
- vii. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
- viii. The date, time, place, and type of meeting, if applicable, and if it is scheduled at the date of notice of the application;
- ix. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation;

- x. A map depicting the boundaries of the project site and, when applicable, a site map showing the proposal;
- xi. A copy of the preliminary tree preservation plan, when applicable;
- xii. Any other information determined appropriate by the City, such as the City's SEPA threshold determination, if complete at the time of issuance of the Notice of Application.

**ERROR: The Mailed notification was incomplete.**

The preliminary tree preservation plan was not provided in the mailed notification.

It was not provided until 8/20/2015, after the decision, and then only to Kim Yates by request and only after discovery it existed. *SEVERAL ADDITIONAL REQUIRED DOCUMENTS WERE ALSO OMITTED FROM THE NOTIFICATION TO THE PUBLIC -- PUBLIC NOTICE OF APPLICATION AND REQUEST FOR PUBLIC COMMENT.*

**ERROR #5 TREE RETENTION REQUIREMENT OF 35% IS NOT BEING MET**

**A. Tree Protection, In General.**

1. In all new developments, including additions to existing non-single-family buildings and parking areas, a minimum of 35 percent of all significant trees shall be retained. Trees that are located within Native Growth Protection Areas, critical areas, and their associated buffers as provided in RZC 21.64, *Critical Areas*, or that have otherwise been designated for protection shall not be removed. Exceptions to this standard shall be requested and reviewed in accordance with RZC 21.72.090, *Exceptions*.
2. Landmark Trees. Landmark trees shall not be removed unless an exception has been applied for and granted.

**ERROR: This project's Tree Removal Plan, does not RETAIN 35% of all significant trees. In fact it only retains 6 trees of the 19 identified trees, a 31.6% retention rate – of which, one tree is an evergreen Douglas Fir, one a nursery specimen (small 8", smallest caliper on the site, non-native) and four trees are Bitter Cherry (weed trees, 8", smallest caliper on the site). Other trees are called out as "impacted" and can be removed at will. The minimum requirement and the spirit of the ordinance is not met. As per Article II Citywide Regulations, RZC 21.32 Landscaping, the directive is to "promote the aesthetic character of the City and its neighborhoods, encouraging the use of native plant species by their retention... and the reduction of erosion and storm water runoff."**

*3. Please state the specific relief requested (attach additional sheets as necessary)  
(This is the ATTACHMENT):*

- Developer should resubmit application for new design development and public notice should be made in accordance with all legal requirements.
- Provide Public Notification (as originally required) and substantive opportunity for Comment and Appeal.
- Landmark Trees, significant trees, stands of trees should be preserved.
- Require that the design as directed by code must accommodate the tree retention requirements
- Reject the current tree removal plan

- Revoke the approved Landmark Tree Exception
  - Retain a minimum of 35% of significant trees
- 

*4. Please provide a written statement of the findings of fact or conclusions (as outlined in the Hearing Examiner's decision) which are being appealed (attach additional sheets as necessary):*

N/A

See following sheets regarding STORMWATER ISSUES

(NOTE: City of Redmond references are indicated in sans serif type)

## **Section B. Basis for Appeal - Concerning STORMWATER ISSUES**

If you are appealing a Technical Committee Decision, please fill out items 1, 2, and 3 **only**. If you are appealing a Hearing Examiner's decision on an application, or a Hearing Examiner's decision on an appeal, you only need to fill out item 4 below. Attach additional sheets if necessary.

*1. Please state the facts demonstrating how you are adversely affected by the decision (attach additional sheets as necessary) (This is the ATTACHMENT):*

- Potential flooding of homes and other property are serious concern, due to lack of planning and infrastructure as required by code/ City of Redmond 2012 Clearing, Grading, and Stormwater Management Technical Notebook. Nine 4-foot dry wells are not enough to handle massively increased hardscape plus the planned loss of most major trees on the property – thus likely causing overflow of the dry wells in winters of heavy rains and especially in the 50-year and 100-year storms which stormwater plans are supposed to address. Since the whole neighborhood is on a downhill slope from this highest-point property, this problem could be magnified from one home to another throughout the area as water flows. Rather than relying on dry wells alone, the project could tie into the City's storm sewer.
- Potential flooding of septic systems, due to lack of planning and infrastructure, as required by code, is an added issue/ City of Redmond 2012 Clearing, Grading, and Stormwater Management Technical Notebook. The majority of homes in the area are on septic systems, many of which are down hill from this property which slopes noticeably to the East and also Northeast. Any water overflow from this sloping grade, especially in years of heavy storms, could affect homes negatively, including possibly even the homes on the site.
- Septic tank/field damage due to flooding from runoff would be a Health Hazard to the neighborhood and to school children. (This property and those surrounding are directly adjacent to Rose Hill Middle School's walk route, which is highly impacted by this plan, since the property to be developed is within one block of the school).
- Relying solely on dry wells to accommodate a serious increase in stormwater runoff creates an unacceptable and unnecessary risk as well as potential costly mitigation.

As development has occurred on Rose Hill, storm water issues began, and have increased in the neighborhood as development has increased. This has impacted many homeowners. Flooding has occurred and homeowner mitigation has cost homeowners tens of thousands. So concerns about stormwater containment are very real, particularly at extended times of heavy storms. This development poses a flooding threat to homes and potential damage to septic systems. Those homes not directly affected by stormwater runoff may be adversely impacted by flooded yards, compromised septic systems, open septic sewage and health concerns.

Testing of this development site, occurring in the past few months, is not an adequate determining document. We have had historic drought. Trees slated to be removed from the site will not take up and utilize water as performed with testing because, according to the Tree Retention Plan, they will no longer exist. Impervious surfaces will cover most of the soils that currently drain water naturally.

Directing water from roofs, and other impervious surfaces into dry wells with no overflow plan is inadequate and poses a threat to the neighborhood.

*2. Please provide a concise statement identifying each alleged error and how the decision has failed to meet the applicable decision criteria (attach additional sheets as necessary):*

#### STORMWATER MANAGEMENT

**ERROR – Submitted drawings are obsolete. Current drawings have not yet been provided. Thus, assumptions for approval X. Conditions of Approval, A. Site specific Conditions of Approval, 3. Public Works – Stormwater/Clearing and Grading of the Technical Committee Short Plat Notice of Decision is premature.**

Particularly of concern is Public Works – Stormwater/Clearing and Grading Site Specific Conditions, Dry Well Infiltration, and Water Quality Control determinations. Because drawings for this project have NOT been submitted, it is of great concern that Site Specific conditions, Dry Well Infiltration, and Water Quality Control have been determined and conditioned based on significant lack of information.

City of Redmond 2012 Clearing, Grading, and Stormwater Management Technical Notebook (as noted below) requires the developer to protect Inhabited Buildings; Address "Real-World" conditions, Conveyance System Emergency Overflow, and Preservation of Natural Drainage Systems and Outfalls.

"Real World" poor maintenance/repair practices, Lack of Conveyance System Emergency Overflow, Lack of overflow and emergency runoff routes, As stated in 2.5.4 requires "Where no conveyance system exists at the adjacent down-gradient property line and the discharge was previously unconcentrated flow or significantly lower concentrated flow, then measures must be taken to prevent down-gradient impacts."

There is no Conveyance system at the adjacent down-gradient property line.

We logically can expect greater flow, due to impervious surfaces, overflow of dry wells during significant storms, lack of trees to uptake and store water, and less pervious surface with deep penetration for water. Poorly prepped landscaped areas, especially with compacted undersoils from construction will also increase potential for uncontrolled stormwater run off.

**ERROR – X. Conditions of Approval, A. Site specific Conditions of Approval, 3 c. Water Quality Control of the Technical Committee Short Plat Notice states that the project creates less than 5,000 square feet of pollution-generating impervious surface. No plan has been submitted, so this cannot be determined at this time.**

**ERROR – There is no Conveyance system on the adjacent down-gradient property line, nor a plan for adjacent down-gradient water management as required; or emergency overflow management. Site testing in a year of significant drought is not good strategic planning for a management system for the future.**

#### CITY OF REDMOND 2012 Clearing, Grading, and Stormwater Management Technical Notebook:

##### 7.2 Prevent Flooding of Inhabited Buildings

Overflow and emergency runoff routes shall be provided. Floodways adjacent to defined channels should accommodate flood flows (to at least the 100-year storm from fully developed upstream conditions). Projects that are located within the floodplain shall submit a Flood

Control Zone Application (Appendix E) prior to submittal of final engineering drawings

#### **7.8 Address "Real-World" Conditions**

Engineering designs should recognize that field conditions, debris, and poor maintenance/repair practices exist which need to be considered so long-term viability is possible.

#### **8.4.10 Conveyance System Emergency Overflow**

Sites shall be designed to prevent flooding of inhabitable buildings in the 100-year, 24-hour storm as determined by the Rational Method. The Stormwater Engineer may require this analysis as part of the design submittal.

#### **2.5.4 Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls**

Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation.

Where no conveyance system exists at the adjacent down-gradient property line and the discharge was previously unconcentrated flow or significantly lower concentrated flow, then measures must be taken to prevent down-gradient impacts.

Drainage easements from downstream property owners may be needed. If offsite easements are needed, they shall be obtained prior to approval of engineering plans.

Where no conveyance system exists at the abutting downstream property line and the natural (existing) discharge is unconcentrated, any runoff concentrated by the proposed project must be discharged as follows:

- a. If the 100-year peak discharge is less than or equal to 0.2 cfs under existing conditions and will remain less than or equal to 0.2 cfs under developed conditions, then the concentrated runoff may be discharged onto a rock pad or to any other system that serves to disperse flows.
- b. If the 100-year peak discharge is less than or equal to 0.5 cfs under existing conditions and will remain less than or equal to 0.5 cfs under developed conditions, then the concentrated runoff may be discharged through a dispersal trench or other dispersal system, provided the applicant can demonstrate that there will be no significant adverse impact to downhill properties or drainage systems.
- c. If the 100-year peak discharge is greater than 0.5 cfs for either existing or developed conditions, or if a significant adverse impact to down-gradient properties or drainage systems is likely, then a conveyance system must be provided to convey the concentrated runoff across the downstream properties to an acceptable discharge point (i.e., an enclosed drainage system or open drainage feature where concentrated runoff can be discharged without significant adverse impact).

### ***3. Please state the specific relief requested (attach additional sheets as necessary)(This is the ATTACHMENT.)***

- Revoke the Technical Committee Short Plat Notice of Decision; require the developer to submit plans for development, and review.
- PROVIDE PUBLIC NOTIFICATION (as originally required) AND SUBSTANTIVE OPPORTUNITY FOR PUBLIC INPUT, COMMENT, AND APPEAL
- Protect down-gradient property owners from water runoff from this project.

- Indemnify down-gradient property owners if City's plan does not work
- Create and install Storm Water Management systems in the Grass Lawn Quadrant of the City as provided to other areas of the City, before or as a part of the significant development expected.

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*4. Please provide a written statement of the findings of fact or conclusions (as outlined in the Hearing Examiner's decision) which are being appealed (attach additional sheets as necessary):*

N/A